

4 ADVERTISING SERVICES - Councillor Jeff Salvestro-Martin

Note: A confidential Memorandum dated 27 February 2013 was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Salvestro-Martin and Etmekdjian)

Noting the Confidential Advice in the Memorandum – Advertising Contract Renewal dated 27 February 2013, that the Acting General Manager:

- (i) fast track the Communication Strategy review;
- (ii) develop tender documents to allow Council's advertising services to be tendered and contracts issued at the end of the extended contract period, being effective from 1 October 2013;
- (iii) that formulation of the tender be consistent with the memorandum;
- (iv) that consideration also be given to the option of producing a publication to replace the need for advertising in local newspapers and information provided in the City View. That this proposal include the option of sponsorship.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Salvestro-Martin left the meeting at 12.21 am on Wednesday 27 March 2013 and did not return.

LEAVE OF ABSENCE

Councillor Perram and the Mayor, Councillor Petch requested a Leave of Absence from Wednesday 27 March 2013 to Monday 8 April 2013.

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

That Councillor Perram's and the Mayor's, Councillor Petch Leave of Absence from Wednesday 27 March 2013 to Monday 8 April 2013 be approved.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Maggio, Pendleton, Perram, Simon and Yedelian OAM

Against the Motion: Councillor Pickering

EXTRACT FROM MINUTES OF COUNCIL MEETING
NO. 23/12 AT ITS MEETING HELD ON 11 DECEMBER 2012.

MAYORAL MINUTE

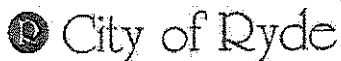
MM21/12 REVIEW OF ORGANISATIONAL STRUCTURE OF COUNCIL

RESOLUTION: (Moved by The Mayor, Councillor Petch and Pendleton)

- (a) That a workshop be held in February 2013 to discuss the merits of Council's current structure and to discuss future restructuring.
- (b) That no further senior staff appointment be effected by the General Manager until after the above workshop is held.

Record of Voting:

For the Motion: Unanimous



Lifestyle and opportunity
@ your doorstep

Mayoral Minute Page 1

**MM21/12 REVIEW OF ORGANISATIONAL STRUCTURE OF
COUNCIL - The Mayor, Councillor Ivan Petch**
File Number: MYR/07/10/15 - BP12/1499

Under the Local Government Act, all Councils are required to conduct a review of the structure of the organisation within twelve months of being elected.

In line with this requirement, I propose that a workshop be held in February 2013 to discuss the merits of Council's current structure and to discuss future restructuring proposals.

Further I propose that until such time as the workshop takes place, that no further senior staff appointments be effected by the General Manager.

RECOMMENDATION:

- (a) That a workshop be held in February 2013 to discuss the merits of Council's current structure and to discuss future restructuring.
- (b) That no further senior staff appointment be effected by the General Manager until after the above workshop is held.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Councillor Ivan Petch
The Mayor

EXTRACT FROM MINUTES OF COUNCIL MEETING
NO. 8/13 AT ITS MEETING HELD ON 23 April 2013.

MM10/13 RECRUITMENT OF A GENERAL MANAGER

RESOLUTION: (Moved by The Mayor, Councillor Petch and Councillor LJ)

- (a) That a Committee comprising the whole of Council be formed to manage the recruitment process for the position of General Manager and determine the preferred candidate.
- (b) That the Manager Human Resources be delegated authority to facilitate the invitation of Expressions of Interest / Quotations from a broad range of recruitment firms to provide professional assistance to the recruitment process.
- (c) That following receipt of the Expressions of Interest / Quotations, the Manager Human Resources provide a summary report and a copy of all submissions to the Committee.
- (d) That Council endorse the Confidential Attachment outlining the draft recruitment timeframe for the process.

Record of Voting:

For the Motion: Unanimous

**MM10/13 RECRUITMENT OF A GENERAL MANAGER - The Mayor,
Councillor Ivan Petch**

File Number: GRP/09/3/10 - BP13/583

Following the resignation of John Neish as General Manager and in accordance with Section 336 of the Local Government 1993 (NSW) on February 11 2013 Council resolved to appoint an acting General Manager. The Local Government Act precludes such a temporary appointment exceeding a twelve month period.

The purpose of this Mayoral Minute is to commence the recruitment process to ensure Council is able to complete the process of appointing a new General Manager within this statutory timeframe.

In keeping with the custom and practice of our Council, I propose that a committee be formed of all Councillors to be responsible for the recruitment process and to determine the preferred candidate.

This Mayoral Minute also recommends that Expressions of Interest/ Quotations be invited from a broad range of recruitment firms to provide professional assistance to the recruitment process. Upon receipt of this information a report would be submitted to the committee to determine which firm should be engaged.

RECOMMENDATION:

- (a) That a committee comprising the whole of Council be formed to manage the recruitment process for the position of General Manager and determine the preferred candidate.
- (b) That the Manager Human Resources be delegated authority to facilitate the invitation of Expressions of Interest/ Quotations from a broad range of recruitment firms to provide professional assistance to the recruitment process.
- (c) That following receipt of the Expressions of Interest/ Quotations the Manager Human Resources provide a summary report and a copy of all submissions to the Committee.
- (d) That Council endorse the Confidential Attachment outlining the draft recruitment timeframe for the process.

ATTACHMENTS

- 1 Draft timetable for recruitment of General Manager - CONFIDENTIAL

Report Prepared By:

Councillor Ivan Petch
The Mayor

Council, dated 25 June 2013, submitted on 23 April 2013.

Confidential: Proposed Recruitment timeframe for General Manager

16 April	Workshop
23 April	Council resolution to commence recruitment process and nominate the selection panel
30 April	Expression of Interest (EOI) released for recruitment consultant
7 May	EOI closes
14 May	Recruitment consultant appointed
21 May	Workshop with Councillors on process, advertising pack, criteria and mayoral message to the candidate
28 May	Advertising commences
	4 weeks
25 June	Applications close
MID YEAR COUNCIL RECESS	
26 June to 16 July	
16 July	Consultants assessment of candidates provided to Councillors
23 July	Council workshop to finalise shortlist
(24 July)	Short Listed Applicants notified
30 July	Interviews held with Selection Panel (note no Council meeting this week)
	(NB: date of potential interviews to be nominated in ad pack to ensure availability of applicants)
6 August	Second interviews (if required)
	Or
	Preferred applicant negotiation during this week
13 August	Appointment ratified by Council
14 August	Applicant Notified
11 Sept or 25 Sept	Potential Commencement Date, given a 4-6 week notice period

ITEM 1 (continued)**ATTACHMENT 1**

Note: A letter from Dr. Francesco Giacobbe OAM, Senator of the Republic of Italy dated 21 April 2013 was tabled and is ON FILE.

RESOLUTION: (Moved by The Mayor, Councillor Petch and Councillor Etmekdjian)

- (a) That Council welcome George Imperatura, the Mayor of Martone to its meeting.
- (b) That Council continue its friendly relationship with the Locride region of Calabria as expressed in the current Friendship Agreement.

Record of Voting:

For the Motion: Unanimous

PRESENTATION OF PLAQUE

The Mayor, Councillor Petch presented the Mayor of Martone, George Imperatura with a plaque from the City of Ryde.

The Mayor of Martone, George Imperatura presented the Mayor, Councillor Petch with a plaque from the City of Martone (Comune Di Martone).

MM9/13 METROPOLITAN MAYORS' ASSOCIATION

RESOLUTION: (Moved by The Mayor, Councillor Petch and Councillor Pendleton)

- 1. That Council support the formation and membership of a Sydney Metropolitan Mayors' Association and advise Canterbury City Council of this decision.
- 2. That all Sydney metropolitan Councils be encouraged to support the formation of the MMA.
- 3. Subject to receipt of responses from metropolitan Councils, another meeting of interested Mayors be arranged to progress the proposal.

Record of Voting:

For the Motion: Unanimous

MM10/13 RECRUITMENT OF A GENERAL MANAGER

RESOLUTION: (Moved by The Mayor, Councillor Petch and Councillor Li)

- (a) That a Committee comprising the whole of Council be formed to manage the recruitment process for the position of General Manager and determine the preferred candidate.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That the Manager Human Resources be delegated authority to facilitate the invitation of Expressions of Interest / Quotations from a broad range of recruitment firms to provide professional assistance to the recruitment process.
- (c) That following receipt of the Expressions of Interest / Quotations, the Manager Human Resources provide a summary report and a copy of all submissions to the Committee.
- (d) That Council endorse the Confidential Attachment outlining the draft recruitment timeframe for the process.

Record of Voting:

For the Motion: Unanimous

MM11/13 CONFIRMATION OF COUNCIL'S ORGANISATIONAL STRUCTURE

Note: Councillor Pickering left the meeting at 7.59pm and was not present for voting on this Item.

RESOLUTION: (Moved by The Mayor, Councillor Petch and Councillor Etmekdjian)

- (a) That Council confirm the current four division organisational structure as appropriate for the organisation, and that the structure be further reviewed following the appointment of the new General Manager.
- (b) That Council request the Acting General Manager to commence the recruitment process for the Group Manager Public Works, at a time appropriate to align with the timeframe for the General Manager's recruitment.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Pickering returned to the meeting at 8.02pm.

MM12/13 REFUGEE WELCOME ZONE

RESOLUTION: (Moved by The Mayor, Councillor Petch and Councillor Etmekdjian)

That the City of Ryde be declared a Refugee Welcome Zone.

Record of Voting:

For the Motion: Unanimous

**MM17/13 SELECTION AND APPOINTMENT OF RECRUITER -
GENERAL MANAGER'S POSITION - The Mayor Ivan Petch**
File Number: MYR/07/10/20 - BP13/860

At its meeting held 23 April 2013, Council resolved as follows:

- (a) *That a Committee comprising the whole of Council be formed to manage the recruitment process for the position of General Manager and determine the preferred candidate.*
- (b) *That the Manager Human Resources be delegated authority to facilitate the invitation of Expressions of Interest / Quotations from a broad range of recruitment firms to provide professional assistance to the recruitment process.*
- (c) *That following receipt of the Expressions of Interest / Quotations, the Manager Human Resources provide a summary report and a copy of all submissions to the Committee.*
- (d) *That Council endorse the Confidential Attachment outlining the draft recruitment timeframe for the process.*

A chronology of events since the adoption by Council of this resolution is provided as follows:

- 1. 23 April 2013 - Council adopts the above resolution
- 2. 1 May 2013 - EOI documents for selection of recruitment firm placed on Tenderlink
- 3. 7 May 2013 - EOI closes with 11 submissions received
- 4. 8 May 2013 - Councillors asked to sign a confidentiality agreement and conflict of interest document
- 5. 8 May 2013 - Councillors receive submissions and instructions re criteria, weighting and scoring of firms
- 6. 16 May 2013 - Councillor workshop held to score submissions from recruitment firms (three Councillors in attendance)
- 7. Request and reminders sent to Councillors seeking the return of scoring sheets by 20th May. (As at 6th June only six score sheets returned)
- 8. 24 May 2013 - John Schanz and Melissa Attia meet with Mayor to discuss next step in process given limited response by Councillors.
- 9. Agreement reached with Mayor to invite top three firms to make a presentation to the selection committee. This is set down for Thursday 13 June 2013.

Council, dated 11 June 2013, submitted on 11 June 2013.

MM17/13 (continued)

It is proposed that the top three firms make a presentation to the selection committee on 13 June 2013. Following the presentations on 13th June 2013, the selection committee will vote to determine the recruitment provider to be appointed.

Due to the limited response to date by Councillors with regard to the selection process, I recommend that membership of the selection committee be amended.

I recommend that the selection committee to manage the recruitment process for the position of General Manager and determine the preferred candidate comprise:

- The Mayor,
- Deputy Mayor and
- The Chairs of Council's committees, ie Cllr Simon as Chair of Planning and Environment Committee and Cllr Perram as Chair of the Works Committee.

RECOMMENDATION:

That the selection committee to manage the recruitment process for the position of General Manager and determine the preferred candidate comprise the Mayor, Deputy Mayor and the Chairs of both the Planning and Environment Committee and the Works Committee.

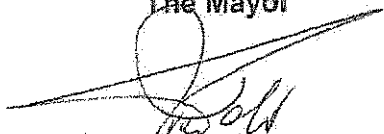
That the top three recruitment providers address the newly formed committee on 13th June 2013.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Ivan Petch
The Mayor



**EXTRACT FROM MINUTES OF COUNCIL MEETING
NO. 12/13 AT ITS MEETING HELD ON 11 JUNE 2013**

MAYORAL MINUTES

MM17/13 SELECTION AND APPOINTMENT OF RECRUITER - GENERAL MANAGER'S POSITION

MOTION: (Moved by The Mayor, Councillor Petch and Councillor Salvestro-Martin)

That the selection committee to manage the recruitment process for the position of General Manager and determine the preferred candidate comprise the Mayor, Deputy Mayor and the Chairs of both the Planning and Environment Committee and the Works Committee.

That the top three recruitment providers address the newly formed committee on 13th June 2013.

AMENDMENT: (Moved by Councillors Chung and Pickering)

That the selection committee to manage the recruitment process for the position of General Manager and determine the preferred candidate comprise the Mayor and all Councillors.

That the top three recruitment providers address the newly formed committee on 13th June 2013.

On being put to the Meeting, the voting on the Amendment was four (4) votes For and seven (7) votes Against. The Amendment was LOST. A further Amendment was then put.

Record of Voting:

For the Amendment: Councillors Chung, Etmekdjian, Pickering and Yedellian OAM.

Against the Amendment: The Mayor, Councillor Petch and Councillors Laxale, Li, Pendleton, Perram, Salvestro-Martin and Simon.

FURTHER AMENDMENT: (Moved by Councillors Etmekdjian and Pickering)

That the selection committee to manage the recruitment process for the position of General Manager and determine the preferred candidate comprise the Mayor and at least the six (6) Councillors that completed the scoring of submissions.

That the top three recruitment providers address the newly formed committee on 13th June 2013.

On being put to the meeting, the voting on the Amendment was four (4) votes For and seven (7) votes Against. The Amendment was LOST. The Motion was then put and CARRIED.

Record of Voting:

For the Amendment: Councillors Chung, Etmekdjian, Pickering and Yedellian OAM.

Against the Amendment: The Mayor, Councillor Petch and Councillors Laxale, Li, Pendleton, Perram, Salvestro-Martin and Simon.

RESOLUTION: (Moved by The Mayor, Councillor Petch and Councillor Salvestro-Martin)

That the selection committee to manage the recruitment process for the position of General Manager and determine the preferred candidate comprise the Mayor, Deputy Mayor and the Chairs of both the Planning and Environment Committee and the Works Committee.

That the top three recruitment providers address the newly formed committee on 13th June 2013.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Etmekdjian, Laxale, Li, Pendleton, Perram, Salvestro-Martin and Simon.

Against the Motion: Councillors Chung, Pickering and Yedellian OAM

**MM17/13 SELECTION AND APPOINTMENT OF RECRUITER -
GENERAL MANAGER'S POSITION - The Mayor Ivan Petch**
File Number: MYR/07/10/20 - BP13/860

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Council, dated 25 June 2013, submitted on 11 June 2013.

MM17/13 (continued)

It is proposed that the top three firms make a presentation to the selection committee on 13 June 2013. Following the presentations on 13th June 2013, the selection committee will vote to determine the recruitment provider to be appointed.

Due to the limited response to date by Councillors with regard to the selection process, I recommend that membership of the selection committee be amended.

I recommend that the selection committee to manage the recruitment process for the position of General Manager and determine the preferred candidate comprise:

- The Mayor,
- Deputy Mayor and
- The Chairs of Council's committees, ie Cllr Simon as Chair of Planning and Environment Committee and Cllr Perram as Chair of the Works Committee.

RECOMMENDATION:

That the selection committee to manage the recruitment process for the position of General Manager and determine the preferred candidate comprise the Mayor, Deputy Mayor and the Chairs of both the Planning and Environment Committee and the Works Committee.

That the top three recruitment providers address the newly formed committee on 13th June 2013.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Ivan Petch
The Mayor

Policy For the Interface and Day to Day Oversight of the General Manager by the Mayor

Scope

This policy governs the appropriate interface between the Mayor of the City of Ryde and the General Manager in keeping with the Director General's Guidelines for the Appointment and Oversight of the General Manager and other related policies and guidelines.

The relationship between the General Manager and the Mayor of the City of Ryde is a critical interface required to ensure that the Mayor's role in day to day management of the General Manager is transparent and appropriately delegated by Council. Constructive professional relationships between the Mayor and the General Manager are essential to enable the effective executive management of the Council.

Purpose

The aim of the policy is to strengthen the executive management of the Council by detailing the relationship, the appropriate interface and the day to day oversight by the Mayor of the City of Ryde of the General Manager relating to:-

1. The General Manager's Appointment
2. Management of the General Manager's performance
3. Audit of the General Manager's Accountabilities
4. The General Manager's Leave Applications
5. The General Manager's Expense Claims
6. Gifts and Benefits
7. Presiding at Council Meetings
8. Conducting Meetings with Ministers and Members of Parliament
9. Conducting Meetings with constituents and those wishing to make representations to the Mayor
10. Public Relations Management
11. Civic events, ceremonies and forums
12. Managing Complaints
13. Training and Development
14. Updating relevant information

This policy aims to ensure that there is a clear understanding between the General Manager and the Mayor of the day. It will ensure that expectations and transparency of the interface between the Mayor and General Manager is consistently applied to strengthen and maintain a positive working relationship between both parties.

Guidelines / Procedures

This policy is drafted to ensure compliance with appropriate legislative requirements, existing Council policies and is supported by the attached Guidelines.

City of Ryde Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor		
Owner: Governance Unit	Accountability: Mayor and Councillor Support Service	
Trim Reference: D12/34947	Review date: Every four years following the election	Endorsed: Council

References - Legislation

- The Local Government Act 1993
- Division of Local Government – Guidelines for the Appointment and Oversight of General Managers
- City of Ryde Code of Conduct
- City of Ryde Code of Meeting Practice
- City of Ryde Media Policy
- City of Ryde Expenses Relating to The General Manager and Senior Staff
- City of Ryde Corporate Credit Card Policy
- City of Ryde Gifts and Benefits Policy
- Anti Corruption Safeguards and the NSW Planning System – ICAC 2012
- Public Interest Disclosures Act 1994
- City of Ryde Public Interest Disclosures Internal Reporting Policy
- Council's Policy on Ethical Lobbying

This policy is supported by the Guidelines attached below

Review Process and Endorsement

This Policy should be reviewed each term of Council and endorsed by the Council.

City of Ryde Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor		
Owner: Governance Unit	Accountability: Mayor and Councillor Support Service	
Trim Reference: D12/34947	Review date: Every four years following the election	Endorsed: Council

**Guidelines For the Interface and Day to Day
Oversight of the General Manager by the
Mayor**

1. The General Manager's Appointment

The Mayor will establish and chair a selection panel for the purpose of selecting the General Manager in accordance with the Guidelines for the Appointment and Oversight of General Managers.

2. Management of the General Manager's Performance

The General Manager's performance management process will be conducted annually in accordance with the Guidelines for the Appointment and Oversight of General Managers.

The Mayor will chair the Performance Review Panel and oversee the appointment of an external facilitator to assist with the process of performance appraisal and the development of performance plans.

3. Audit of the General Manager's Accountabilities

As a member of the City of Ryde Audit Committee, the Mayor will participate in setting the priorities and the program of the audit of Council's operations, to ensure independent oversight of the risk and compliance environment of the General Manager's accountabilities.

The Mayor will also be briefed annually by Council's external auditors to ensure robust financial reporting is in place.

4. The General Manager's Leave Applications

The Mayor will be the approval authority for all leave applications made by the General Manager in accordance with Council's leave policies.

5. The General Manager's Expense Claims

The Mayor will be the approval authority for all expense claims relating to the General Manager's out of pocket expenses and use of Council's Corporate Credit Card in keeping with the General Manager's Terms of Engagement, Council's Policy on Expenses Relating to the General Manager and Senior Staff and Council's Corporate Credit Card Policy.

City of Ryde Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor		
Owner: Governance Unit	Accountability: Mayor and Councillor Support Service	
Trim Reference: D12/34947	Review date: Every four years following the election	Endorsed: Council

6. Gifts and Benefits

The Mayor or Council's Manager, Risk and Audit will be the acknowledging authority for all Gifts and Benefits Disclosure Forms completed by the General Manager in keeping with the General Manager's Terms of Engagement and Council's Gifts and Benefits Policy.

7. Presiding at Council Meetings

▪ *Setting the Agenda for Council or Committee Meetings*

Under Section 266 of the Local Government Act, the Mayor presides at meetings of the Council. Clause 240 of the Local Government (General) Regulation 2005 stipulates that the General Manager must cause the agenda for a meeting of Council or a Committee of the Council to be prepared as soon as practicable before the meeting.

Once the agenda has been set, the General Manager or his/her nominee will meet with the Mayor to discuss the matters on the agenda of either a Council or Committee meeting prior to the meeting being convened. To ensure that the independence of advice to the Council is maintained, the Mayor cannot direct the General Manager or his/her staff to either prepare or remove reports set on an existing or future agenda.

▪ *Calling Extraordinary or Special Meetings*

In accordance with Council's Code of Meeting Practice, the Mayor or General Manager may call an extraordinary or special meeting of the Council on any matter or matters considered necessary. The Mayor, in consultation with the General Manager, shall determine the time and place of an extraordinary or special meeting in accordance with Council's Code of Meeting Practice.

8. Conducting Meetings with Ministers and Members of Parliament

The Mayor will from time to time have reason to meet with Ministers and Members of Parliament to discuss issues of importance to the City of Ryde and the implementation of its Community Strategic Plan and Council resolutions.

As per Council's resolution of 22 November 2011, the General Manager and/or his/her nominee will accompany the Mayor to any meeting with a State Minister or Member of Parliament at which Council business will be discussed. This will ensure appropriate briefings can be given relating to Council's policies, operational matters or strategic impacts relating to the discussions and to ensure that the follow up of agreed actions at the meeting will take place.

City of Ryde Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor		
Owner: Governance Unit	Accountability: Mayor and Councillor Support Service	
Trim Reference: D12/34947	Review date: Every four years following the election	Endorsed: Council

9. Conducting Meetings with Constituents and those wishing to make representations to the Mayor

It is acknowledged that the Mayor will meet with constituents relating to a range of matters and may request the presence of the General Manager.

▪ General Matters

From time to time the Mayor will request that the General Manager attend meetings with constituents or other parties. Adequate notice (where practicable, no less than three working days) and background information will be given to the General Manager to ensure that the General Manager is able to prepare for the meeting in advance. Meetings will be held in the Mayoral suite during business hours and secretarial support will be provided for meetings that occur to ensure that records are kept detailing the agenda and minutes of the meeting.

▪ Matters relating to Complaints

The Mayor may receive complaints about the level of service provided by the Council's staff. These complaints will be referred to the General Manager prior to any meeting between the complainant, the Mayor and the General Manager taking place. This will ensure that appropriate preparations can be made and will be dealt with in accordance with the Council's Complaints and Compliments Management Policy. Meetings will be convened as outlined above in General Matters.

Should the complaint relate to a development matter the same procedure will be followed as outlined below.

▪ Matters relating to Proposed Development Matters (either Planning Proposals or proposed major Development Applications).

No meetings will take place with any developer or their representative unless a detailed agenda item is prepared prior to the meeting. Council's Ethical Lobbying Policy will apply to meetings attended by those lobbying on behalf of their client. At such meetings the Group Manager Environment and Planning (or his/her nominee) will also be in attendance at the meetings. Meetings will be convened as outlined above in General Matters and will be minuted by the Mayor's secretary or an appropriate planning staff member.

It is inappropriate for the Mayor to attempt to influence the independent advice of planning staff on any planning proposal or development assessment report. No meetings will be held on matters where a development application assessment process is already underway, to ensure there can be no perception of inappropriate influence.

10. Public Relations Management

The General Manager will ensure that the Mayor is provided with adequate resources to meet his/her requirements for public relations management. Public relations management relates to the provision of advice and preparation of:-

City of Ryde Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor		
Owner: Governance Unit	Accountability: Mayor and Councillor Support Service	
Trim Reference: D12/34947	Review date: Every four years following the election	Endorsed: Council

- press releases
- issues management
- speeches
- Council publications
- opinion pieces for journals etc

In accordance with Council's Media Policy, both the Mayor and the General Manager can make comments to the media on policy matters. When doing so, the Mayor and General Manager will communicate with members of the press through Council's media advisor to ensure consistency of message. All articles and speeches etc relating to or quoting the Mayor, will be approved by the Mayor prior to their release.

The General Manager will comment on administrative issues in accordance with the Media Policy.

The General Manager will ensure that Council staff provides necessary public relations support for all non political issues relating to Council's operations and the adopted resolutions of Council. Should the Mayor wish to make commentary that in the opinion of the General Manager is of a political nature and not relating to matters of Council policy, business or resolution etc, Council's media staff will not be used to draft or place such statements.

11. Civic events, Ceremonies Conferences and Forums

It is acknowledged that both the Mayor and the General Manager will represent Council at Civic Events, Ceremonies and professional forums etc. When both the Mayor and General Manager are speaking at an event the Mayor will always speak first. Media staff will coordinate the content of each speech to ensure consistency of message and avoid duplication.

When the General Manager is speaking at a forum or conference, he/she will advise the Mayor of the topic of address. The Mayor will respect the independence of the content and the format of the presentation to enable the General Manager to provide his/her professional views. The General Manager must make it clear when doing so if they are not the views of Council or its policies.

When speaking about the City of Ryde Council, Council's policies and views will always be clearly stated by the Mayor and General Manager.

12. Managing Complaints

All complaints about the General Manager's conduct will be referred to the Mayor and will be managed in accordance with Council's Complaints Management Policy, Council's Code of Conduct and if necessary, the Public Interest Disclosures Act 1994 and Council's Public Interest Disclosures Internal Reporting Policy. The Mayor may seek the independent assistance of the Internal Auditor, external experts and Council's General Counsel should she/he so require, undertaking investigations or seeking advice. The procurement of external experts will be managed by Council's Internal Auditor.

City of Ryde Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor		
Owner: Governance Unit	Accountability: Mayor and Councillor Support Service	
Trim Reference: D12/34947	Review date: Every four years following the election	Endorsed: Council

All Code of Conduct complaints about the Mayor will be referred to the General Manager and will be managed in accordance with the Council's Code of Conduct and if necessary the Public Interest Disclosures Act 1994 and Council's Public Interest Disclosures Internal Reporting Policy.

All Code of Conduct complaints relating to Councillors made by the General Manager will be made to the Mayor and in accordance with Council's Code of Conduct and any relevant industrial relations legislation. The Mayor may seek the assistance of Council's Internal Auditor, external experts, Council's General Counsel should he/she so require, to undertake investigations or seek advice. The procurement of external experts will be managed by Council's Internal Auditor.

13. Training and Development

It is recognised that the General Manager is required to keep abreast of local government issues industry best practice and to keep his/her knowledge and skills relevant. To this end, the General Manager will attend industry seminars conferences and forums such as those provided by the Local Government Managers' Association, the Chief Officers' Group of Australasia, the Local Government and Shires Association conference and the National General Assembly of Local Government.

When deemed that attendance of an industry forum/conference is appropriate, the General Manager will seek the Mayor's approval to attend.

Should the General Manager seek to attend formal training relating to advancing his/her knowledge and skills and in accordance with Council's policy on Tertiary Education etc, the General Manager will seek the Mayor's approval to do so.

14. Updating Relevant Information

Both the Mayor and General Manager will use their best endeavours to keep each other apprised of relevant issues relating to Council's operations and the local government industry. Whilst this should take place on an 'as needs' basis, a more formal regular update meeting may take place between the Mayor and the General Manager and his/her executive team as agreed by both parties.

City of Ryde Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor		
Owner: Governance Unit	Accountability: Mayor and Councillor Support Service	
Trim Reference: D12/34947	Review date: Every four years following the election	Endorsed: Council

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DOCUMENT COVER

Distribution	Internal/Operational Only
Group	Corporate Services
Document Name	Internet Code of Practice Policy
Location on Intranet	Information Systems
TRIM Document Number	
Policy Number (if applicable)	6.1
Document Owner	Information Systems
Approval Authority	General Manager
Approval Date	
Checked by Document Controller and Date	Peter Wardrop
Number of Pages (not including this page)	2
Format	Microsoft Word 2003

Policy 6.1 — INTERNET CODE OF PRACTICE**NSW ICAC
EXHIBIT**

Contact Officer: Manager Information Systems
 Released: 01 July 2007
 Version: 1.1
 Next Review: 30 August 2009
 Associated Policies: 6.2, 6.5, 6.8, 6.9

Overview

Use of the City of Ryde Council (CoR) network to access the Internet services, including electronic mail and the World Wide Web, is governed by the following Code of Practice (the Code). This Code is intended to encourage responsible action and to reflect a respect for the ability of its adherence to exercise good judgement. However, a person (the user) accessing the Internet services can expect sanctions if they act irresponsibly and disregard their obligations to other users and CoR as the provider of their Internet access. Failure to abide by the Code may result in suspension of an Internet account or loss of account, disciplinary action and, if necessary, a report to the relevant law enforcement authority.

Policy Description

- 6.1.1 CoR Management (executives and senior managers) may provide its staff and invited guests with Internet services at its discretion. An Internet and/or an email account would be established in the individual's personal name (the user) where the user has executed appropriate CoR documentation and approved by their immediate executive or Group Manager designate.
- 6.1.2 The Internet Code of Practice is intended to operate within and be consistent with CoR policies in the areas of:
- Employee code of conduct;
 - Freedom of information;
 - Discrimination and harassment;
 - Racism; and
 - Sexual harassment grievances.
- Authorised Access**
- 6.1.3 Subject to any relevant legislation or policy, persons other than CoR staff may be provided with Internet access by CoR if approved by the Manager Information Systems.
- 6.1.4 CoR staff are not permitted to gain access to the Internet other than through an authorised account in their name and all users accessing the Internet must be linked to such an authorised account. Internet accounts cannot be transferred or in any other way made available for the use of person other than the account holder.
- 6.1.5 It is the responsibility of the network account holder to protect their password and not divulge it to another person. Should the user know or suspect their Internet services account has been used by another person, the account holder must immediately notify the IT service desk/call centre or centralised IT administration services unit.
- 6.1.6 Internet users must not endeavour to access any service through the Internet without the explicit permission of the service owners unless there are no restrictions on access or they could not reasonably be expected to know that they do not have appropriate authorisation. Users must not knowingly obtain unauthorised access to information or damage, delete, insert or otherwise alter data without permission. To do so may be a criminal offence.
- Official Representation of CoR**
- 6.1.7 Where the user is representing the views of or is stating the 'official' view of CoR must include the user's name and position within CoR.
- Compliance with Law**
- 6.1.8 Users must not use the CoR network in breach of the law or to commit an offence. Legal sanctions for improper use of the Internet may apply.

- Discrimination, Harassment, Bullying and Defamation***
6.1.9 Conventions of workplace behaviour should be observed and users must not use the CoR network to discriminate, harass, vilify, bully, abuse or otherwise seek to offend other users and must not slander or defame any individual or organisation.
- Illicit Material***
6.1.10 Users must not use the CoR network to access, store or transfer illegal material and must not transfer material that is likely to cause offence to potential recipients.
- Copyright***
6.1.11 Users must not copy material on the Internet or make available through the Internet in breach of copyright.
- Network Sharing***
6.1.12 Users should use hot-links to stored documents instead of transmitting large documents across the CoR network.
- Electronic Mail***
6.1.13 Electronic mail is a facility of the Internet service provided through the CoR network for CoR business activities and users should be aware that electronic messages are documents of CoR for the purposes of the Freedom of Information Act.
- Commercial Use***
6.1.14 The use of CoR provided Internet access is for CoR business activities and use for commercial purposes, including the carrying of advertising or commercial logos is expressed forbidden unless authorised by executive management.
- Monitoring and Reporting***
6.1.15 CoR maintains a record of the internet path of all sites for a period of up to 13 months, visited by a user for management reporting purposes.

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DOCUMENT COVER

Distribution	Internal/Operational Only
Group	Corporate Services
Document Name	Email Policy
Location on Intranet	Information Systems
TRIM Document Number	
Policy Number (if applicable)	6.2
Document Owner	Information Systems
Approval Authority	General Manager
Approval Date	
Checked by Document Controller and Date	Peter Wardrop
Number of Pages (not including this page)	2
Format	Microsoft Word 2003

Policy 6.2 — EMAIL

Contact Officer: Manager Information Systems
Released: 20 April 2008
Version: 1.1
Next Review: 30 November 2009
Associated Policies: 6.1, 6.5, 6.8, 6.9.

Overview

The purpose of this policy is to outline CoR's position on email addresses and email services, and provide details of corporate and staff responsibilities in ensuring official email sent to an official email address is received.

Email accounts may be established and maintained at the discretion of CoR management for staff, specific business process and bulk email groups. A specific business process email account may be established to support a dedicated business purpose without using a personal name. Bulk email groups are established for the convenience of bulk emailing normally for committees and common interest groups.

Policy Description

- 6.2.1 The official CoR email address is @ryde.nsw.gov.au and will be used by CoR for the delivery of all official CoR email.
- Staff Email Format**
- 6.2.2 All staff will be issued with an email account in their personal name consisting of the first character of their first given name and the full last name/surname without spaces or separators. Each staff member with an email account must be unique for security identification and processing purposes. Where there are multiple matching email names, a numeric character will be added to the end of surname to deliver the unique identification principle. A staff email address format will consist of the staff member's name as indicated above followed by the CoR address detailed in section 6.2.1. The full address contains no spaces and in lower alpha character case. For example, staff member John Anthony Smith would have an email address of jsmith@ryde.nsw.gov.au.
- 6.2.4 An email initiated/sent from a staff member's account will contain the sender's/staff member's account name.
- Specific Business Process Email Format**
- 6.2.5 A Manager of a Service Unit may authorise the establishment of a business process account which will be in a format of a business title or process and will be accessed/processed by an individual staff member. For example, enquiries@ryde.nsw.gov.au would be accessible by John Smith.
- 6.2.6 An email initiated/sent from a business process account will contain the sender's/business process account name but not a personal name.
- 6.2.7 It is the responsibility of the Manager of the Service Unit who authorised the business process email account to maintain the processing and business need of the account.
- Bulk Email Group Format**
- 6.2.8 A Manager of a Service Unit may authorise the establishment of a bulk email group listing which will be in a name representing the group or common interest name but contains a hidden list of individual email addressees which constitutes the group. Despatch of a bulk email group results in a separate email sent to each constituent in that group listing.
- 6.2.9 An email initiated/sent from a bulk email group account will contain the bulk email group name only as the group constituents names are masked/hidden from the sender and receiver of the email.
- 6.2.10 It is the responsibility of the Manager of the Service Unit who authorised the bulk email group account to maintain the accuracy of the individual addresses which constitute the email group and the business need of the account.
- Email Account Conditions**
- 6.2.11 Emails received matching a CoR email account will be delivered to the relevant email account subject to any filtering imposed by CoR in accordance with its corporate and legal responsibilities.

- 6.2.12 Inward and outward destined emails will be filtered automatically by best practice monitoring software at CoR. Filtering covers email content and attachments.
- 6.2.13 Subject to the **filtering criteria**, an email may be quarantined and thereby not sent or posted to its destined email account where the email breaches CoR standards, viruses, or State or Federal laws. A system automated email message will be sent to the sender or intended receiver where an email is quarantined.
- 6.2.14 The intended receiver of a quarantined email has the option to request the email release by contacting the IT HelpService Desk. Manager Information Systems has sole discretion on the release of quarantined emails. Quarantined emails and their attachments will be held for five (5) calendar days and then deleted. In addition, quarantined email volumes will be reported to CoR management for statistical purposes.
- 6.2.15 Emails with a size greater than five (5) megabytes may be held depending on system usage and capacity at peak business times and sent during low usage times or after-business hours to ensure maximum network performance. Should there be an urgent business impact requirement for the email to be sent/received immediately, contact the IT HelpService Desk for its release.
- 6.2.16 Email accounts and their content are maintained on a CoR network computer server and subject to maximum account size of 200 megabytes. Where an account exceeds the account limit, the account owner will be advised by an automated system email to reduce their stored email record volumes.
- 6.2.17 A staff member may only be allocated one (1) email account. Account names must be in the legal name of the staff member which excludes the use of alias names.
- 6.2.18 Manager Information Systems may revoke or cancel an email account where the account is inappropriately used.
- Disclaimer**
- 6.2.19 All emails being transmitted from CoR will contain a corporate disclaimer at the foot of the email and will be automatically inserted in an email by the CoR email systems server.
- 6.2.20 The disclaimer clause format will consist of:
"This e-mail, together with any attachments, is intended for the named recipient/s only.

If you have received this message in error, you are asked to inform the sender as quickly as possible and delete this message and any copies of this message from your computer system network. Any form of disclosure, modification, distribution and/or publication of this e-mail message is prohibited. Unless stated otherwise, this e-mail represents only the views of the Sender and not the views of the City of Ryde Council".
- Record Retention and Ownership of Data**
- 6.2.21 CoR will maintain an enterprise record of all emails for a period of up to 13 months initiated and received by a user including attachments for management reporting purposes. The email content and its attachments are the property of CoR unless expressly approved by the General Manager of CoR.



Code of Conduct – Charter of Respect

Policy

This Charter relates to the Code of Conduct. It exists to strengthen the working relationship between Councillors and Council's Senior Management Team.

As a Councillor of the City of Ryde, I will:-

- Read reports and maintain confidentiality (as required) when making decisions
- Evaluate and constructively challenge our performance
- Strategically set the City's future direction and set clear priorities
- Professionally deal with staff and create a non threatening culture by;
 1. Debating the issue without denigrating staff (play the ball not the person)
 2. Respecting that staff are bound by Council's policies and procedures
 3. Telling us what is required not how to do it
- Expect responses within realistic timeframes and utilise the helpdesk for my requests
- Commit to representing the aspirations and needs of our Community whilst acting with dignity
- Trust the staff to give their best apolitical advice but feel free to change it.

*As a member of the **Executive Team** of the City of Ryde I will be :-*

- Receptive and responsive to Community concerns and Council's decisions
- Ethical and apolitical in carrying out my duties
- Supportive of Councillor requests and requirements
- Professional in managing and optimising Council's resources and knowledge
- Equal in my interactions with and treatment of all Councillors
- Communicating in a frank, honest, clear and consistent way with Councillors and represent their views clearly to staff
- Timely in all of our communications, responses and actions (within our recourse limitations)

NOTE

Receptive – includes using a range of market research and consultative methodologies, analysing the results and being guided by them

Ethical – includes honest and without prejudice or political bias, fair/impartial/independent

Professional – includes being efficient, effective, accurate, keeping our expertise up to date, being financially and commercially sound and focussed on reporting against and improving our performance across our key performance indicators.

Charter of Respect - Code of Conduct		
Owner: Governance Unit	Accountability: Mayoral and Councillors Support Service	Issue: Date
Trim Reference: D10/63786	Policy: Code of Conduct	Page 1 of 1

2 MOTIONS PUT WITHOUT DEBATE

RESOLUTION: (Moved by O'Donnell and Perram)

That the Items be considered in seriatim.

Record of Voting:

For the Motion: The Mayor, Councillor Butterworth and Councillors Campbell, Etmekdjian, Li, Maggio, Perram, Petch, Pickering and Yedelian OAM

Against the Motion: Councillors O'Donnell, Tagg and Salvestro-Martin.

3 CHARTER OF RESPECT

Motion: (Moved by Councillors Tagg and Perram)

- (a) That Council adopt the Draft Code of RESPECT, between Councillors and the Executive Team as an initial basis in working together.
- (b) That the Draft Code of RESPECT be referred to a Councillor Workshop for further discussion/refinement before being referred back to Council for formal adoption and inclusion in Council's Code of Conduct.
- (c) That Council endorse a follow up workshop being scheduled in six (6) months time to monitor the progress and implementation of the Draft Charter and the other agreed actions from the Workshop.
- (d) That a further Councillor workshop be scheduled in the near future to discuss the development of Council's Strategic Plan and the methodology on how it will be delivered on the ground that will also include the development of key performance indicators and customer satisfaction surveys.

Record of Voting:

For the Motion: The Mayor, Councillor Butterworth and Councillors Campbell, Etmekdjian, Li, O'Donnell, Perram, Salvestro-Martin, Tagg and Yedelian OAM

Against the Motion: Councillor Maggio

4 REGISTERS - State Environmental Planning Policy No. 1

RESOLUTION: (Moved by Councillors Salvestro-Martin and Tagg)

That the report of the Manager Assessment dated 4 June 2010 on REGISTERS - State Environmental Planning Policy No. 1 be endorsed by Council.

Record of Voting:

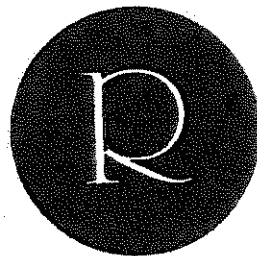
For the Motion: Unanimous.

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DOCUMENT COVER

Group	Corporate Services
Document Name (& Number if applicable)	Gifts and Benefits Policy
DRMS File Name & Number	D10/30830
Policy Number (if applicable)	N/A
Document Owner	Manager - Governance
Approval Authority	Roy Newsome
Approval Date	tba
Checked by Document Controller Date	
Number of Pages (not including this page)	6
Format	Word
Date Adopted	Adopted by Committee of Whole 1 July 2003
Status	Final

GIFTS AND BENEFITS POLICY



CITY OF RYDE

July 2010

1 INTRODUCTION

This Gifts and Benefits Policy is based upon the Managing Gifts and Benefits in the Public Sector Toolkit issued by the Independent Commission Against Corruption.

2 APPLICATION

This policy shall apply to all Councillors and employees of the City of Ryde.

This policy, including the amounts/frequencies specified in clauses 4 and 5, may be varied by resolution of the Council.

This policy is to be applied in conjunction with provisions in Council's Code of Conduct.

3 OBJECTIVE OF POLICY

The objective of this policy is to:

- clearly define the behaviour required of Councillors and employees in relation to gifts and benefits.
- provide a transparent and accountable process for gift acceptance that promotes public confidence in the City of Ryde.

Any gift accepted shall be subject to the provisions of this policy.

4 DEFINITIONS

Benefit:

A non-tangible item of value (eg: preferential treatment or access to confidential information) that one person or organisation confers on another.

Gift:

A gift is an item of value (eg: gift voucher, entertainment, hospitality, travel, commodity, property etc) which one person or organisation presents to another. In the business context, gifts can have different meanings and purposes. The purpose of the gift, to a certain extent, affects how it should be managed.

Gift of influence:

A gift that is intended to generally ingratiate the giver with the recipient for favourable treatment in the future.

Gift of gratitude:

A gift offered to an individual or agency in appreciation of performing specific tasks or for exemplary performance of duties. Gifts to staff who speak at official functions would be considered gifts of gratitude.

Token gift:

A Gift that is offered in business situations to an agency or public official representing an agency. Such gifts are often small office or business accessories that contain the company logo. They are usually products that are mass-produced and not given as a personal gift.

In addition, Council's Code of Conduct considers a token gift as one of the following:

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

Ceremonial gift:

An official gift from one agency to another agency. Such gifts are often provided to a host agency when conducting official business with delegates from another organisation. Although these gifts may sometimes be offered to express gratitude, the gratitude usually extends to the work of several people in the agency, and therefore the gift is considered to be for the agency, not a particular individual.

Nominal value:

The monetary limit of acceptable gifts that confirm to industry/societal norms. For the purpose of this policy nominal value is \$25 or less.

The types of gifts that would be considered of nominal value are:

- inexpensive pens or stationery;
- a box of chocolates;
- flowers; and
- a modest bottle of wine.

Note this is an increase from \$15 but is in accordance with the ICAC recommendation of between \$25 and \$50

Non-Gifts:

The following are not defined as a gift for the purpose of this policy:

- any gift that is offered but not accepted,
- any discounted product or service if the discount is reasonable and generally available or capable of being negotiated by others not connected with the organisation,
- any meal or other hospitality received at a function related to the role of the Councillor or employee, a function where the Councillor or employee is officially representing the organisation, or where the appropriate fee for the function has been paid,
- any prize received in a raffle, competition or other game of chance or skill,
- any gift, benefit or hospitality received in relation to membership of any industrial or professional organisation, club or other association or body,
- any gift, benefit or hospitality received by a relative or associate of a Councillor or employee if the Councillor or employee did not know about it.

5 RECEIPT OF GIFTS

Staff and Councillors 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.

Staff and Councillors 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.

Key considerations for employees and Councillors in respect of the Policy are:

- 5.1 Soliciting personal gifts or benefits is prohibited.
- 5.2 If an employee or Councillor becomes aware of another staff member or Councillor soliciting gifts or benefits they should report it immediately to the General Manager and/or the Mayor.
- 5.3 Accepting gifts where a reasonable person could consider that there may be influence applied as a result of accepting the gift is prohibited.
- 5.4 Where it is suspected that a gift has been offered for the purposes of influencing an employee's or Councillor's behaviour in their official capacity, the gift must be declined and it should be reported immediately to the relevant Group Manager, the General Manager and/or the Mayor.
- 5.5 Accepting gifts of money is prohibited.

- 5.6 Employees and Councillors should not accept gifts that appear to be more than of a token nature. This policy acknowledges that this is not always practicable and provides guidelines below. Gifts that are accepted and are of more than a token nature will become the property of the City of Ryde.
- 5.7 Employees and Councillors should not accept more than two gifts in a six month period from the same person regardless of their value.
- 5.8 Should an employee or Councillor receive a gift or prize as the result of entering a competition while engaging in official duties the gift or prize will become the property of the City of Ryde.
- 5.9 Any gifts or benefits received as a result of a purchase incentive scheme will be the property of the City of Ryde. For example, where purchasing over a certain amount from a supplier results in a gift, this gift will be the property of the City of Ryde.

It is best not to accept a gift or benefit offered that is more than of a token nature. These guidelines acknowledge that this is not always possible and set out points of consideration with regard to gifts and benefits for employees and Councillors.

- (a) When deciding whether to accept or decline a gift consideration should be given to not only the value of the gift but also the intent of the gift or benefit being offered.
- (b) Culture or tradition should never be used as an excuse to accept inappropriate gifts and benefits.
- (c) Christmas and other cultural or religious occasions do not represent exceptions to this policy.
- (d) On occasion an inappropriate gift may be accepted inadvertently. For example:
 - the gift is wrapped and not opened in the presence of the gift giver:
 - the gift is accepted for cultural, protocol or other reasons and returning it would be inappropriate.
 - anonymous gifts received through the mail or left without a return address.
 - the gift is received in a public forum and attempts to refuse or return it would cause significant embarrassment.

These gifts will become the property of the City of Ryde.

- (e) Where possible, any frequent flyer points accrued as a result of Council purchasing tickets will be used to reduce future costs to Council.

6 DISPOSAL OF GIFTS

The disposal of gifts will be dictated by the nature of the gift. The gift receiver can nominate or suggest a disposal method on the Gifts and Benefits Disclosure Form, however the General Manager will determine the action to be taken.

In determining this action the following will be considered:

- 6.1 Gifts received from visiting delegations or gifts personalised to the City of Ryde will be kept at the City of Ryde and displayed or stored appropriately.
- 6.2 Perishable gifts such as flowers can be displayed in public areas such as customer service counters etc.
- 6.3 Perishable food items may be shared amongst staff in the work location.
- 6.4 The City of Ryde will nominate a charity to which surrendered gifts will be donated.
- 6.5 Gifts that can be used for work purposes may be shared amongst staff to use in the workplace.
- 6.6 Where a reasonable person could consider that there may be influence applied as a result of accepting the gift it will be returned.

The decision regarding disposal of a gift will be noted on the Gifts and Benefits Disclosure Forum.

7 GIFTS REGISTER AND FORMS

The details of all gifts received shall be entered into the Gifts Register by the immediate completion of a Gifts and Benefits Disclosure form by the employee or Councillor. This includes gifts of a token nature.

The Gifts Register will be available for public inspection.

The General Manager shall review all entries made by employees in the Gifts Register and determine any action that may be considered appropriate in relation to any such entry. Such action may include the giving of advice or counselling, removal of the employee from a decision making, regulatory or purchasing role or a direction that the gift be returned.

A Councillor may refer any entry in the Gifts Register to a Council Meeting for review by the Council.

Procedure

1. All Councillors or employees who have received a gift or benefit must complete a Gifts and Benefits Disclosure Form.
2. The form is then referred to the Group Manager for noting and signing in the case of employees. In the case of Councillors and Group Managers it is forwarded to the General Manager for noting and signing. In the case of the General Manager, the form is to be forwarded to the Manager, Risk and Audit/Mayor for noting and signing.
3. The Group Manager is then to review and determine action.
4. The completed and endorsed form is then sent to the Governance Unit to be recorded and to advise the employee or Councillor of the outcome.

8 BRIBES

The Code of Conduct states that a bribe or other improper inducement must not be sought or accepted.

If an employee or Councillor is offered a bribe, the incident must immediately be reported to the General Manager and/or the Mayor. The ICAC, and where relevant, the police must be informed immediately.

9 BREACHES OF THIS POLICY

Each Councillor and employee of the City of Ryde is obliged to comply with this policy.

Sanctions may be applied if this policy is breached.

Any person may report an alleged breach of this policy by a Councillor or an employee (other than the General Manager) to the General Manager in writing.

Any person may report an alleged breach of this policy by a Councillor or the General Manager to the Mayor in writing.

The General Manager or Mayor, as appropriate, shall investigate any report received and take such action as is considered necessary.

If this policy has been breached, such action may include counselling, censure motions, disciplinary action (including termination of employment), the laying of charges and the taking of civil action.

10 DISCLOSURES

This policy does not remove any other obligations under the Local Government Act, any other legislation, or relevant codes and policies regarding the disclosure of any interests.

Policy review dates:

July 2003

July 2008 (reviewed with Code of Conduct)

May 2010 (reviewed using ICAC Managing Gifts and Benefits in the Public Sector as recommended by the Better Practice Review)



Gifts and Benefits Council Policy

Scope

This policy shall apply to all Councillors and employees and delegates of the City of Ryde.

This policy is to be applied in conjunction with provisions in Council's Code of Conduct.

Purpose

The objective of this policy is to:

- clearly define the behaviour required of Councillors and employees in relation to gifts and benefits.
- provide a transparent and accountable process for gift acceptance that promotes public confidence in the City of Ryde.

Any gift accepted shall be subject to the provisions of this policy.

General

Councillors and staff 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.

Councillors and staff 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.

Key considerations for Councillors and employees in respect of the Policy are:

- 1 Soliciting personal gifts or benefits is prohibited.
- 2 If a Councillor or employee becomes aware of another Councillor or staff member soliciting gifts or benefits they should report it immediately to the General Manager and/or the Mayor.
- 3 Accepting gifts where a reasonable person could consider that there may be influence applied as a result of accepting the gift is prohibited.
- 4 Where it is suspected that a gift has been offered for the purposes of influencing an employee's or Councillor's behaviour in their official capacity, the gift must be declined and it should be reported immediately to the relevant Group Manager, the General Manager and/or the Mayor.
- 5 Accepting gifts of money is prohibited.
- 6 Councillors and employees should not accept gifts that appear to be more than of a token nature or of more than a nominal value. This policy acknowledges that this is

Gifts and Benefits - Policy		
Owner: Governance Unit	Accountability: Governance framework (including registers) development	Policy Number: CSG003
Trim Reference: D10/67476	Review date: December 2012	Endorsed: 28/9/10 and COUNCIL



Gifts and Benefits Council Policy

not always practicable and provides guidelines below. Gifts that are accepted and are of more than a token nature will become the property of the City of Ryde.

- 7 Councillors and employees should not accept more than two gifts in a six month period from the same person regardless of their value.
- 8 Should a Councillor or employee receive a gift or prize as the result of entering a competition while engaging in official duties the gift or prize will become the property of the City of Ryde.
- 9 Any gifts or benefits received as a result of a purchase incentive scheme will be the property of the City of Ryde. For example, where purchasing over a certain amount from a supplier results in a gift, this gift will be the property of the City of Ryde.

It is best not to accept a gift or benefit offered that is more than of a token nature. The attached Procedures acknowledge that this is not always possible and set out points of consideration with regard to gifts and benefits for employees and Councillors.

The related Procedures details steps to be taken with regard to the disposal of gifts, the registering of gifts and breaches of this policy.

References - Legislation

This policy does not remove any other obligations under the Local Government Act, any other legislation, or relevant codes and policies regarding the disclosure of any interests.

This Gifts and Benefits Policy is based upon the Managing Gifts and Benefits in the Public Sector Toolkit issued by the Independent Commission Against Corruption.

Review Process and Endorsement

This policy, including the amounts and frequencies specified in the procedures, may be varied by resolution of the Council. This Policy should be reviewed as required but at least every four years following the conduct of the Local Government elections.

Related Documents

Number	Title
1.	Procedures (includes definitions and workflow)
2.	Form

Gifts and Benefits - Policy		
Owner: Governance Unit	Accountability: Governance framework (including registers) development	Policy Number: CSG003
Trim Reference: D10/67476	Review date: December 2012	Endorsed: 28/9/10 and COUNCIL



Gifts and Benefits - Procedure

Related Policy

This procedure relates to Council's Gifts and Benefits Policy.

Definitions:

Benefit: A non-tangible item of value (eg: preferential treatment or access to confidential information) that one person or organisation confers on another.

Gift: A gift is an item of value (eg: gift voucher, entertainment, hospitality, travel, commodity, property etc) which one person or organisation presents to another. In the business context, gifts can have different meanings and purposes. The purpose of the gift, to a certain extent, affects how it should be managed.

Gift of influence: A gift that is intended to generally ingratiate the giver with the recipient for favourable treatment in the future.

Gift of gratitude: A gift offered to an individual or agency in appreciation of performing specific tasks or for exemplary performance of duties. Gifts to staff who speak at official functions would be considered gifts of gratitude.

Token gift or benefit: A Gift that is offered in business situations to an agency or public official representing an agency. Such gifts are often small office or business accessories that contain the company logo. They are usually products that are mass-produced and not given as a personal gift.

In addition, Council's Code of Conduct considers a token gift as one of the following:

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

Ceremonial gift: An official gift from one agency to another agency. Such gifts are often provided to a host agency when conducting official business with delegates from another organisation. Although these gifts may sometimes be offered to express gratitude, the gratitude usually extends to the work of several people in the agency, and therefore the gift is considered to be for the agency, not a particular individual.

Nominal value: The monetary limit of acceptable gifts that confirm to industry/societal norms. For the purpose of this policy nominal value is \$25 or less.

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Gifts and Benefits - Procedure

The types of gifts that would be considered of nominal value are:

- inexpensive pens or stationery;
- a box of chocolates;
- flowers; and
- a modest bottle of wine.

Non-Gifts: The following are not defined as a gift for the purpose of this policy:

- any gift that is offered but not accepted.
- any discounted product or service if the discount is reasonable and generally available or capable of being negotiated by others not connected with the organisation,
- any meal or other hospitality received at a function related to the role of the Councillor or employee, a function where the Councillor or employee is officially representing the organisation, or where the appropriate fee for the function has been paid,
- any gift, benefit or hospitality received in relation to membership of any industrial or professional organisation, club or other association or body,
- any gift, benefit or hospitality received by a relative or associate of a Councillor or employee if the Councillor or employee did not know about it.

Receipt of gifts

Councillors and staff 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.

Councillors and staff 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.

Key considerations for employees and Councillors in respect of the Policy are:

- 1 Soliciting personal gifts or benefits is prohibited.
- 2 If a Councillor or employee becomes aware of another Councillor or employee soliciting gifts or benefits they should report it immediately to the General Manager and/or the Mayor.
- 3 Accepting gifts where a reasonable person could consider that there may be influence applied as a result of accepting the gift is prohibited.
- 4 Where it is suspected that a gift has been offered for the purposes of influencing a Councillor's or employee's behaviour in their official capacity, the gift must be declined and it should be reported immediately to the relevant Group Manager, the General Manager and/or the Mayor.

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Gifts and Benefits - Procedure

- 5 Accepting gifts of money is prohibited.
- 6 Councillors and employees should not accept gifts that appear to be more than of a token nature or of more than a nominal value. This policy acknowledges that this is not always practicable and provides guidelines below. Gifts that are accepted and are of more than a token nature will become the property of the City of Ryde.
- 7 Councillors and employees should not accept more than two gifts in a six month period from the same person regardless of their value.
- 8 Should a Councillor or employee receive a gift or prize as the result of entering a competition while engaging in official duties the gift or prize will become the property of the City of Ryde.
- 9 Any gifts or benefits received as a result of a purchase incentive scheme will be the property of the City of Ryde. For example, where purchasing over a certain amount from a supplier results in a gift, this gift will be the property of the City of Ryde.

Accepting Gifts

It is best not to accept a gift or benefit offered that is more than of a token nature. These guidelines acknowledge that this is not always possible and set out points of consideration with regard to gifts and benefits for Councillors and employees.

- (a) When deciding whether to accept or decline a gift consideration should be given to not only the value of the gift but also the intent of the gift or benefit being offered.
- (b) Culture or tradition should never be used as an excuse to accept inappropriate gifts and benefits.
- (c) Christmas and other cultural or religious occasions do not represent exceptions to this policy.
- (d) On occasion an inappropriate gift may be accepted inadvertently. For example:
 - the gift is wrapped and not opened in the presence of the gift giver;
 - the gift is accepted for cultural, protocol or other reasons and returning it would be inappropriate.
 - anonymous gifts received through the mail or left without a return address.
 - the gift is received in a public forum and attempts to refuse or return it would cause significant embarrassment.

These gifts will become the property of the City of Ryde.

- (e) Where possible, any frequent flyer points accrued as a result of Council purchasing tickets will remain the property of City of Ryde and will be used to reduce future costs to Council.

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Gifts and Benefits - Procedure

Disposal of Gifts

The disposal of gifts will be dictated by the nature of the gift. The gift receiver can nominate or suggest a disposal method on the Gifts and Benefits Disclosure Form, however the General Manager or Mayor (as appropriate) will determine the action to be taken.

In determining this action the following will be considered:

- 6.1 Gifts received from visiting delegations or gifts personalised to the City of Ryde will be kept at the City of Ryde and displayed or stored appropriately.
- 6.2 Perishable gifts such as flowers can be displayed in public areas such as customer service counters, libraries etc.
- 6.3 Perishable food items may be shared amongst staff in the work location.
- 6.4 The City of Ryde will nominate a charity or charities to which surrendered gifts will be donated.
- 6.5 Gifts that can be used for work purposes may be shared amongst staff to use in the workplace.
- 6.6 Where a reasonable person could consider that there may be influence applied as a result of accepting the gift it will be returned.

The decision regarding disposal of a gift will be noted on the Gifts and Benefits Disclosure Form.

Gift Register and forms

The details of all gifts received shall be entered into the Gifts Register by the immediate completion of a Gifts and Benefits Disclosure form by the employee or Councillor. This includes gifts of a token nature.

The Gifts Register will be available for public inspection.

The General Manager shall review all entries made by employees in the Gifts Register and determine any action that may be considered appropriate in relation to any such entry. Such action may include the giving of advice or counselling, removal of the employee from a decision making, regulatory or purchasing role or a direction that the gift be returned.

A Councillor may refer any entry in the Gifts Register to a Council Meeting for review by the Council.

Procedure

1. All Councillors or employees who have received a gift or benefit must complete a Gifts and Benefits Disclosure Form.

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Gifts and Benefits - Procedure

2. The form is then referred to the Group Manager for noting and signing in the case of employees. In the case of Councillors and Group Managers it is forwarded to the General Manager for noting and signing. In the case of the General Manager, the form is to be forwarded to the Manager, Risk and Audit or the Mayor for noting and signing.
3. The Group Manager, General Manager, Manager Risk and Audit or the Mayor (as set out above) is then to review and determine action.
4. The completed and endorsed form is then sent to the Governance Unit to be recorded and, where appropriate, to advise the employee or Councillor of the outcome.

Bribes

The Code of Conduct clearly states that a bribe or other improper inducement must not be sought or accepted.

If a Councillor or employee is offered a bribe, the incident must immediately be reported to the General Manager and/or the Mayor. The ICAC, and where relevant, the police must be informed immediately.

Breaches of this Policy

Each Councillor and employee of the City of Ryde is obliged to comply with this policy.

Sanctions may be applied if this policy is breached.

Any person may report an alleged breach of this policy by a Councillor or an employee (other than the General Manager) to the General Manager in writing.

Any person may report an alleged breach of this policy by a Councillor or the General Manager to the Mayor in writing.

The General Manager or Mayor, as appropriate, shall investigate any report received and take such action as is considered necessary.

If this policy has been breached, such action may include counselling, censure motions, disciplinary action (including termination of employment), the laying of charges and the taking of civil action.

Attachments

Title
Form
Workflow

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Gifts and Benefits - FORM

Gifts & Benefits Declaration Form



City of Ryde

1. Details of the Gift, Benefit or Hospitality

Date Gift offered or received:

 / /

Description of the Gift or Benefit:

Estimated value:

\$

2. Where was the gift given or offered to?

Name of Recipient:

Position:

Organisation:

Reason the gift was offered or given:

3. What action was taken?

☐ Gift Refused

Note:

☐ Gift Accepted

For Gifts of value which are accepted: Why could the gift or benefit not be reasonably refused or returned?

Note:

What is the intended use for the gift or benefit? (see over)

4. Declaration made by

Name:

Signature:

Position:

5. Authorised Manager

Authorised Manager:

Signature:

Position:

6. Other

Trim Reference:

Notes:

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Gifts and Benefits - FORM

What is the intended use for the gift or benefit?

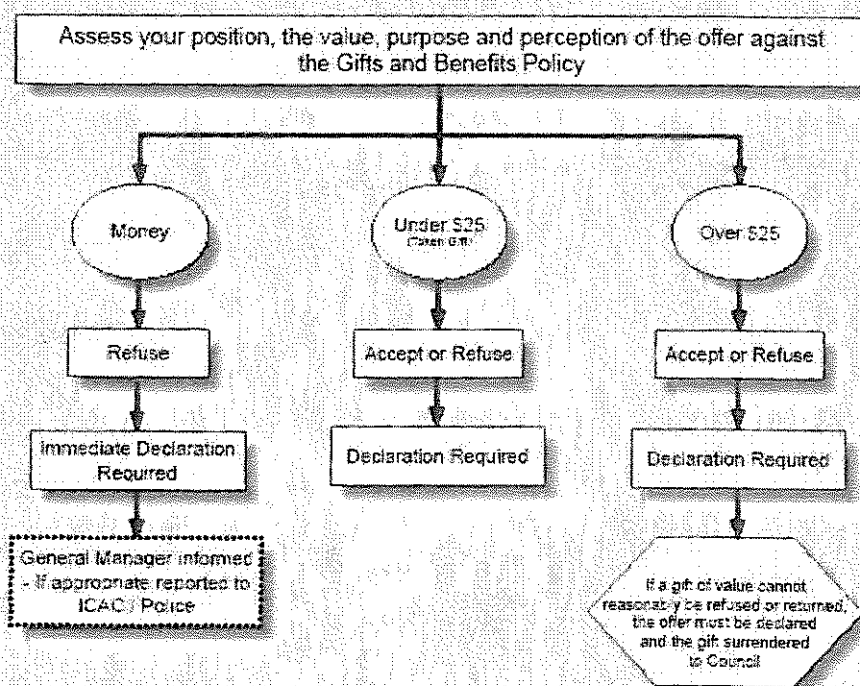
1. Gifts received from visiting delegations or gifts personalised to the City of Ryde will be kept at the City of Ryde and displayed or stored appropriately.
2. Perishable gifts such as flowers can be displayed in public areas such as customer service counters etc.
3. Perishable food items may be shared amongst staff in the work location.
4. The City of Ryde will nominate a charity to which surrendered gifts will be donated.
5. Gifts that can be used work purposes may be shared amongst staff to use in the workplace
6. Where a reasonable

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Gifts and Benefits - Workflow

Procedures for the Declaration of Gifts and Benefits



All declarations must be recorded in the Gifts and Benefits Register as soon as practicable and no later than two weeks of offering, accepting or declining the gift or benefit.

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Division of Local Government
Department of Premier and Cabinet

GUIDELINES FOR THE APPOINTMENT & OVERSIGHT OF GENERAL MANAGERS

July 2011

These are Director General's Guidelines issued pursuant to
section 23A of the *Local Government Act 1993*.

NSW ICAC EXHIBIT

1551

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DEFINITIONS

Code of Meeting Practice means a code of meeting procedure complying with requirements set out in the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*

GIPA means the *Government Information (Public Access) Act 2009*

Integrated Planning and Reporting:

Integrated Planning and Reporting Guidelines means the Guidelines issued by the Division of Local Government in 2009

Community Strategic Plan as prescribed under the *Local Government Act 1993*

Delivery Program as prescribed under the *Local Government Act 1993*

Operational Plan as prescribed under the *Local Government Act 1993*

Resourcing Strategy as prescribed under the *Local Government Act 1993*

LGSA means the Local Government and Shires Associations of NSW

LGMA means Local Government Managers Australia (NSW)

Model Code of Conduct means the Model Code of Conduct for Local Councils in NSW prescribed by the *Local Government Act 1993*

Ministerial Investment Order means any investment order approved by the Minister for Local Government under the *Local Government Act 1993*

Quarterly Budget Review Statements means the draft Guidelines issued by the Division of Local Government in October 2010

Senior Staff means senior staff as defined by the *Local Government Act 1993*

Standard Contract means the standard form of contract for the employment of the general manager approved by the Director General (or delegate) pursuant to section 338(4) of the *Local Government Act 1993*

Statutory and Other Offices Remuneration Tribunal means the Statutory and Other Offices Remuneration Tribunal (SOORT) as constituted under the *Statutory and Other Offices Remuneration Act 1975*

The Act means the *Local Government Act 1993*

The Regulation means the *Local Government (General) Regulation 2005*

PURPOSE

The purpose of these Guidelines is to assist councillors to be aware of their obligations under the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation) when recruiting, appointing, reappointing and overseeing general managers. It provides a summary of the essential matters that must be addressed by councils when engaging in these processes.

These Guidelines are issued under section 23A of the *Local Government Act 1993* and must be taken into consideration by council's governing body when exercising council functions related to the recruitment, oversight and performance management of general managers.

These Guidelines should be read in conjunction with the following:

- Provisions of the Act and the Regulation 2005
- Local Government General Managers Performance Management Guidelines – LGSA & LGMA
- Practice Note 5: Recruitment of General Managers and Senior Staff – DLG
- The standard form of contract for the employment of the general manager

Any references to sections are references to sections of the Act. Where there are any inconsistencies between these Guidelines and the documents above (with the exception of the Act and Regulation 2005), the Guidelines prevail.

INTRODUCTION

The position of general manager is pivotal in a council. It is the interface between the governing body comprised of elected councillors, which sets the strategy and monitors the performance of the council, and the administrative body of the council, headed by the general manager, which implements the decisions of the governing body. The relationship between the general manager and the councillors is of utmost importance for good governance and a well functioning council.

The Act requires all councils' governing bodies to appoint a person to be general manager (section 334). The Guidelines provide a guide and checklist for councillors to refer to when considering:

- the recruitment and appointment of general managers
- re-appointment of general managers or ending contracts
- conducting performance reviews of general managers, and
- engaging in the day to day oversight of general managers.

They are designed to promote a consistent approach across NSW councils to the recruitment, appointment, and oversight of general managers.

There are appendices to the Guidelines which do not form part of the Guidelines.

These Guidelines were prepared with the assistance of the Local Government and Shires Associations of NSW (LGSA) and the Local Government Managers Association (NSW) (LGMA).

A. STAFFING OF COUNCIL

1. Organisation structure

A council should have sufficient and appropriately qualified staff for the efficient and effective delivery of its functions.

The Act requires the governing body of council to determine an organisation structure, the senior staff positions within that structure and the resources to be allocated towards the employment of staff (s332).

When considering the most appropriate organisation structure for council to adopt, the governing body of council needs to consider what human resources are necessary to successfully achieve the goals articulated in the council's Community Strategic Plan, Delivery Program and Resourcing Strategy. For this reason, a Workforce Strategy is an essential component of a council's Resourcing Strategy. A council's organisation structure should align with its Workforce Strategy and be designed to support its Delivery Program and the achievement of its Community Strategic Plan.

The governing body of council must approve and adopt their organisation structure by council resolution. Councils must review and re-determine the council's organisation structure within 12 months of an ordinary election.

Councils may review and re-determine the council's organisation structure at any other time. Generally a council should consider reviewing its organisation structure in the event of a significant change to its Community Strategic Plan, Delivery Program or Resourcing Strategy.

Councillors are entitled to access the council's organisation structure when required and upon request to the general manager.

2. Appointment of Staff

The only staff position that is appointed by the governing body of council is that of the general manager. The position of general manager is a senior staff position (s334).

The general manager is responsible for the appointment of all other staff (including senior staff) in accordance with the organisation structure and resources approved by the council's governing body (s335(2)).

However, the general manager may only appoint or dismiss senior staff after consultation with the governing body of council (s337).

B. RECRUITMENT AND SELECTION

1. *Requirements of the Local Government Act 1993*

As with the appointment of all council staff, the council must ensure that the appointment of the general manager is made using merit selection principles (section 349).

Recruitment using merit selection is a competitive process where the applicant who demonstrates that they have the best qualifications and experience relevant to the position is appointed.

Equal Employment Opportunity principles also apply to the recruitment of general managers (sections 349 and 344).

The recruitment process must be open and transparent, but the confidentiality of individual applicants must be maintained. A failure to maintain appropriate confidentiality may constitute a breach of the Act and/or Privacy legislation.

2. *The pre-interview phase*

The council's governing body is responsible for recruiting the general manager.

The governing body of council should delegate the task of recruitment to a selection panel and approve the recruitment process. The panel will report back to the governing body of council on the process and recommend the most meritorious applicant for appointment by the council.

The selection panel should consist of at least the mayor, the deputy mayor, another councillor and, ideally, a suitably qualified person independent of the council. The LGSA and the LGMA can be contacted for assistance to identify suitable independent recruitment committee members and recruitment consultants. The selection panel membership should remain the same throughout the entire recruitment process.

Selection panels must have at least one male and one female member (other than in exceptional circumstances).

The council's governing body should delegate to one person (generally the mayor) the task of ensuring:

- the selection panel is established
- the general manager position description is current and evaluated in terms of salary to reflect the responsibilities of the position
- the proposed salary range reflects the responsibilities and duties of the position
- the position is advertised according to the requirements of the Act
- information packages are prepared
- applicants selected for interview are notified.

The mayor, or another person independent of council staff, should be the contact person for the position and should maintain confidentiality with respect to contact by potential applicants.

3. Interview Phase

Interviews should be held as soon as possible after candidates are short listed.

Questions should be designed to reflect the selection criteria of the position and elicit the suitability of the candidate for the position.

Interviews should be kept confidential.

All written references must be checked.

A selection panel must delegate the task of contacting referees to one panel member. Other panel members should not contact referees.

If contact with someone other than a nominated referee is required, the applicant's permission is to be sought.

At least 2 referees must be contacted and asked questions about the candidate relevant to the selection criteria.

Where tertiary qualifications are relied on they should be produced for inspection and if necessary for verification.

Appropriate background checks must be undertaken, for example bankruptcy checks. For more guidance on better practice recruitment background checks, councils are referred to the Australian Standard AS 4811-2006 *Employment Screening* and ICAC publications, which can be found on the ICAC website at <http://www.icac.nsw.gov.au>.

4. Selection Panel Report

The selection panel is responsible for preparing a report to the council's governing body that:

- outlines the selection process
- recommends the most meritorious applicant with reasons
- recommends an eligibility list if appropriate
- recommends that no appointment is made if the outcome of interviews is that there are no suitable applicants.

This report should be confidential and reported to a closed meeting of council.

The council's governing body must by resolution approve the position of the general manager being offered to the successful candidate before that position is actually offered to that candidate.

5. Finalising the appointment

The mayor makes the offer of employment after the governing body of council has resolved to appoint the successful candidate. The initial offer can be made by telephone.

Conditions such as term of the contract (1-5 years) and remuneration package (within the range approved by the governing body of council) can be discussed by phone, but must be confirmed in writing.

The Standard Contract for the Employment of General Managers as approved by the Chief Executive of the Division of Local Government must be used. The Standard Contract (Annexure 3 of these Guidelines) is available in the 'Information for Councils', 'Directory of Policy Advice for Councils' section of the Division's website at <http://www.dlg.nsw.gov.au>.

The terms of the Standard Contract must not be varied. Only the term and the schedules to the Standard Contract can be individualised.

General managers must be employed for 1 – 5 years.

The contract governs:

- the duties and functions of general managers
- performance agreements
- the process for renewal of employment contracts
- termination of employment and termination payments
- salary increases
- leave entitlements.

It should be noted that the Chief Executive of the Division of Local Government cannot approve individual variations to the standard terms of the contract.

Those candidates who are placed on the eligibility list and unsuccessful applicants should be advised of the outcome of the recruitment process before the successful applicant's details are made public.

6. Record keeping

Councils should keep and store all records created as part of the recruitment process including the advertisement, position description, selection criteria, questions asked at interview, interview panel notes, selection panel reports and notes of any discussions with the selected candidate. These records are required to be stored and disposed of in accordance with the *State Records Act 1998*.

C. ROLE OF THE GENERAL MANAGER

Councillors comprise the governing body of a council and make decisions by passing resolutions. It is the general manager's role to implement council decisions and carry out functions imposed by legislation. A council's governing body monitors the implementation of its decisions via reports by the general manager to council meetings.

1. *Key duties of all general managers*

The general manager is generally responsible for the effective and efficient operation of the council's organisation and for ensuring the implementation of the council's decisions without undue delay. The general manager carries out all their functions within the guidelines and policy framework approved by the council.

The general manager also has a role to play in assisting the governing body of council develop its strategic direction. The general manager is responsible for guiding the preparation of the Community Strategic Plan and the council's response to it via the Delivery Program. The general manager is responsible for implementing the Delivery Program and will report to the governing body of council on its progress and conduct regular updates and reviews.

The general manager is responsible for recruiting and appointing staff within the organisation structure determined by the governing body of council. This must be in accordance with the budget approved by the council's governing body and be for the purpose of carrying out the council's statutory functions and implementing council's Community Strategic Plan, Delivery Program and Operational Plan.

The general manager must consult with the governing body of council before appointing or dismissing senior staff. The general manager must report to the council at least annually on the contractual conditions of senior staff (cl.217 of the Regulation).

The general manager is responsible for performance management of staff, including staff discipline and dismissal.

The general manager is also responsible for ensuring councillors are provided with information and the advice they require in order to make informed decisions and to carry out their civic duties.

The governing body of council may direct the general manager to provide councillors with advice or a recommendation, but cannot direct as to the content of that advice or recommendation.

Generally, requests by councillors for assistance or information should go through the general manager, except where he or she has authorised another council officer to undertake this role. The Guidelines for the Model Code of Conduct contemplate that a council should develop a policy to provide guidance on interactions between council officials. This policy should be agreed to by both the council's governing body and the general manager.

Councillors could reasonably expect general managers will report routinely on significant industrial issues and/or litigation affecting the council, particularly those that impact on the council's budget or organisation structure.

The general manager should ensure that the council meeting business papers are sufficient to enable the council to make informed decisions, as well as to allow councillors to properly monitor and review the operations of the council. This will assist councils in ensuring that they are complying with any relevant statutory obligations, keeping within the budget approved by the council and achieving the strategic goals set by the council in its Delivery Program and Operational Plan.

Councillors should receive a number of financial reports during the year, including the Quarterly Budget Review Statements included in the Code of Accounting Practice and Financial Reporting and which are referred to in the draft Quarterly Budget Review Statements Guidelines, reports required by the Regulation and any legislation. In addition, the council should receive at least quarterly a report about any significant litigation affecting the council.

Councillors should also receive reports, at least half yearly, on progress towards implementation of the Community Strategic Plan and Delivery Program (see clause 203 of the Regulation or page 20 of the Integrated Planning and Reporting Guidelines).

Clause 10 of the Model Code of Conduct sets out the obligations on general managers and council staff to provide councillors with information in order for councillors to carry out their civic functions.

Councillors have a right to sufficient information to make informed decisions. Applications for information under the *Government Information (Public Access) Act 2009* (GIPAA) are available to everyone including councillors.

2. Duties delegated to general managers

A governing body of council may delegate certain functions to the general manager. A delegation of a council function must be made by a council resolution (Chapter 12 Part 3 ss 377-381 of the Act).

A governing body of council cannot delegate the functions set out in section 377(1) of the Act.

A council's governing body may not delegate the adoption of a Code of Meeting Practice, a Code of Conduct, or the endorsement of Community Strategic Plans, Resourcing Strategies, Delivery Programs and Operational Plans.

Each governing body of council must review its delegation of functions during the first 12 months of each term of office (s.380). To assist with this review, it is recommended that, within the first 6 months of the new term, the governing body of council reviews what functions have been delegated and to whom they have been delegated to determine if the delegation and the policies guiding those delegated decisions have been working effectively.

It should be noted that the general manager may sub-delegate a function delegated to him/her by the governing body of council (s378). However, the general manager still retains responsibility to ensure that any sub-delegated function is carried out appropriately.

Where functions are delegated to the general manager to perform on behalf of a governing body of council, it is important for the governing body of council to ensure there are policies in place to guide the decision making. The governing body of council should keep policies guiding the delegated decisions under regular review.

For example, where media liaison is delegated to the general manager, the governing body of council should adopt a media policy to guide statements to the media.

It is important that council's governing body ensure that proper records are kept of applications that are determined under delegation and that there is regular reporting on the implementation of delegated functions. This is essential so that council's governing body can be provided with assurance that the delegated function is being undertaken in accordance with any relevant council policies and regulatory framework, eg, development application decisions.

The council's internal audit function is another important internal control to ensure that delegated functions are complying with relevant policy and legislation. A well designed internal audit program should give council independent assurance that council's internal controls are working effectively.

Where authority to make a decision is delegated this does not remove a council's authority to make a decision.

Matters that fall outside the terms of a council policy, delegation, or day to day management (section 335), should be referred to the governing body of council for a decision.

D. DAY-TO-DAY OVERSIGHT AND LIAISON WITH THE GENERAL MANAGER

Council's governing body is required to monitor and review the performance of the general manager as discussed in Section C, above. However, a council's governing body should delegate to the mayor the role of day-to-day oversight of and liaison with the general manager.

The mayor's role in the day-to-day management of the general manager should include:

- approving leave
- approving expenses incurred
- managing complaints about the general manager.

The council's governing body should ensure there are adequate and appropriate policies in place to guide the mayor in the day-to-day oversight of and liaison with the general manager and keep those policies under regular review.

Some of the key policies the governing body of council should have in place relate to:

- leave
- travel
- credit cards
- purchasing and procurement
- expenses and facilities
- petty cash
- financial and non-financial delegations of authority.

The governing body of council should also ensure there are adequate policies in place with respect to expenditure of council funds, as well as adequate reporting requirements in relation to that expenditure.

The council's governing body should satisfy itself that any policy governing the conferral of a benefit on the general manager, such as use of a motor vehicle, allows the actual dollar value of that benefit to be quantified so it can be accurately reflected in the general manager's salary package in Schedule C to the Standard Contract.

Within 6 months of the date of these Guidelines, council's governing body should check to ensure these key policies are in place. They should then be kept under regular review.

E. PERFORMANCE MANAGEMENT

1. General manager performance management framework

The general manager is made accountable to their council principally through their contract of employment.

The role of the governing body is to oversee the general manager's performance in accordance with the Standard Contract.

The performance of the general manager must be reviewed at least annually against the agreed performance criteria for the position. Council may also choose to undertake more frequent interim reviews of the general manager's performance.

The agreed performance criteria are set out in an agreement that is signed within three months of the commencement of the contract. Development of the performance agreement is discussed below.

2. Establishing the framework for performance management

The council's governing body is to establish a performance review panel and delegate the task of performance reviews of the general manager to this panel. The extent of the delegation should be clear.

It is recommended that the whole process of performance management be delegated to the performance review panel, including discussions about performance, any actions that should be taken and the determination of the new performance agreement.

Performance review panels should comprise the mayor, the deputy mayor, another councillor nominated by council and a councillor nominated by the general manager. The council's governing body may also consider including an independent observer on the panel. Panel members should be trained in the performance management of general managers.

The role of the review panel includes:

- conducting performance reviews
- reporting the findings and recommendations of those reviews to council
- development of the performance agreement.

The governing body of council and the general manager may agree on the involvement of an external facilitator to assist with the process of performance appraisal and the development of new performance plans. This person should be selected by the governing body of council or the performance review panel. The LGSA and the LGMA can be contacted for assistance to identify suitable independent facilitators to assist in the performance management process.

All councillors not on the panel can contribute to the process by providing feedback to the mayor on the general manager's performance.

All councillors should be notified of relevant dates in the performance review cycle and be kept advised of the panel's findings and recommendations.

The panel should report back to the governing body of council in a closed session the findings and recommendations of its performance review as soon as practicable following any performance review. This should not be an opportunity to debate the results or re-enact the performance review of the general manager. The general manager should not be present when the matter is considered.

The performance management report of any council staff member, including the general manager, should not be released to the public and should be retained on the appropriate confidential council employment file. Release of such personal information to other than the Performance Review Panel, the general manager and the councillors in confidence may be a breach of privacy legislation.

3. *Establishing the performance agreement*

The performance agreement is the most important component of successful performance management. The performance agreement should include clearly defined and measurable performance indicators against which the general manager's performance can be measured.

As one of the general manager's key responsibilities is to oversee the implementation of council's strategic direction, it is important to align the general manager's performance criteria to the goals contained in the council's Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational Plan.

The performance agreement should also include the general manager's personal contribution to the council's key achievements and the general manager's core capabilities, including leadership qualities.

The performance agreement should contain but not be limited to key indicators that measure how well the general manager has met the council's expectations with respect to:

- service delivery targets from the council's Delivery Program and Operational Plan;
- budget compliance;
- organisational capability;
- timeliness and accuracy of information and advice to councillors;
- timely implementation of council resolutions;
- management of organisational risks;
- leadership etc.

4. *Performance Review Process*

The Standard Contract requires that the performance of the general manager must be formally reviewed at least annually. The governing body of council may also undertake interim performance reviews as appropriate.

The assessment should include:

- self assessment by the general manager
- assessment by the review panel of the general manager's performance against the performance agreement.

The performance review meeting should be scheduled with sufficient notice to all parties and in accordance with clauses 7.6 and 7.7 of the Standard Contract.

The meeting should concentrate on constructive dialogue about the general manager's performance against all sections of the agreed performance plan.

The meeting should identify any areas of concern and agree actions to address those concerns.

In undertaking any performance review, care must be taken to ensure that the review is conducted fairly and in accordance with the principles of natural justice and that the laws and principles of anti-discrimination are complied with. The

appointment by a council, in agreement with the general manager, of an external facilitator (see above) to advise on the process should assist council in complying with these laws and principles.

The council's governing body must advise the general manager, in writing, in clear terms, the outcome of any performance review.

The new performance agreement for the next period should be prepared as soon as possible after the completion of the previous period. The agreement should be presented to the governing body of council for discussion in a closed meeting together with the outcomes of the previous review period.

5. *Contract Renewal or Separation*

It is important that any decision by the governing body of council to renew a contract for the general manager and the term of that contract be reported back to an open meeting of council, together with the total amount of any salary package agreed to.

Termination of a contract on the basis of poor performance can only occur where there has been a formal review undertaken against the signed performance agreement where performance difficulties were identified and have not subsequently been remedied. For further discussion on separation or renewal of general managers' contracts, see section F, below.

6. *Reward and Remuneration*

An annual increase in the salary package, equivalent to the latest percentage increase in remuneration for senior executive office holders as determined by the Statutory and Other Offices Remuneration Tribunal, is available to the general manager under the Standard Contract on each anniversary of the contract.

Discretionary increases to the general manager's total remuneration package under the provisions of the Standard Contract may only occur after a formal review of the general manager's performance has been undertaken by the governing body of council and the governing body of council resolves to grant such a discretionary increase because of better than satisfactory performance.

Discretionary increases are intended to be an incentive for general managers to perform at their maximum throughout the life of the contract. Discretionary increases are also intended to encourage contracts of the maximum duration.

Any discretionary increases should be modest and in line with community expectations.

All discretionary increases in remuneration, together with the reasons for the increase, must be reported to an open meeting of council.

F. SEPARATION OR RENEWAL

1. *Termination of a general manager's employment*

The Standard Contract for general managers sets out how a general manager's contract can be terminated before its expiry date by either the governing body of council or the general manager (clause 10 of the Standard Contract).

Termination can be by agreement of both parties. The general manager may terminate the contract by giving 4 weeks written notice to the governing body of council.

A governing body of council may terminate the contract by giving 4 weeks written notice where the general manager has become incapacitated for 12 weeks or more, has exhausted their sick leave and the duration of the incapacity is either indefinite or for a period that would make it unreasonable for the contract to be continued.

Termination of a contract on the basis of poor performance may only occur where there has been a formal review undertaken against the signed performance agreement, where performance difficulties have been identified and have not been remedied as agreed. In these instances, the council must give the general manager either 13 weeks written notice of termination or termination payment in lieu of notice calculated in accordance with Schedule C of the Standard Contract.

A governing body of council may terminate the general manager's contract at any time by giving the general manager 38 weeks written notice or pay the general manager a lump sum of 38 weeks remuneration in accordance with Schedule C of the Standard Contract. If there are less than 38 weeks left to run in the term of the general manager's contract, a council can pay out the balance of the contract in lieu of notice.

In the circumstances set out at 10.4 of the Standard Contract, a council may summarily dismiss a general manager. The remuneration arrangements under these circumstances are set out in clause 11.4 of the Standard Contract.

Section 336 (2) of the Act sets out other circumstances where a general manager's appointment is automatically terminated.

2. *Suspension of General Manager*

The governing body of council may suspend the general manager. However, great caution should be exercised when considering such a course of action and it would be appropriate for a governing body of council to seek and be guided by expert advice from a person or organisation that is suitably qualified and experienced in such matters. The governing body may authorise the Mayor to obtain such expert advice.

Suspension should be on full pay for a clearly defined period.

Any decision to suspend a general manager should be taken by a governing body of council at a closed council meeting, having first carefully considered any independent expert advice obtained on the specific matter.

It would not be appropriate to seek advice from council human resources staff on the issue of suspending the general manager.

The principals of natural justice and procedural fairness apply to any decision to suspend a general manager, ie, the general manager must be advised of the circumstances leading to the suspension, the reasons for the suspension, the period of the suspension and be given a right to respond to the decision to suspend.

3. *Dispute resolution*

The Standard Contract contains a dispute resolution clause at clause 17.

These provisions are designed to encourage councils and general managers to attempt to negotiate agreement on disputes where they arise.

The governing body of council should ideally resolve to delegate this function to the mayor or a panel of 3 councillors including the mayor.

If the dispute involves the mayor then the deputy mayor should take the mayor's place. If there is no deputy mayor then the governing body should resolve to appoint another councillor to take the mayor's place.

The governing body of council and general manager should agree on an independent mediator to mediate the dispute. The LGSA and LGMA can provide assistance to their members to identify a suitable mediator.

The Standard Contract allows the Chief Executive of the Division of Local Government to appoint a mediator where the parties cannot agree on one.

4. *Renewing a general manager's contract*

Clause 5 of the Standard Contract describes how a general manager's appointment may be renewed.

The terms of the new contract, and in particular the schedules to the new contract, should be set out in the letter of offer. Before offering a new contract, the council should carefully review the terms of the schedules to the new contract.

The governing body of council should ensure that the performance management terms of the new contract adequately reflect its expectations as to the general manager's performance.

The governing body of council should also have regard to the previous performance reviews conducted under previous contracts.

The process of deciding whether or not to offer a general manager a new contract should be that:

- a performance review is conducted
- findings and recommendations are reported to a closed council meeting in the absence of the general manager
- the closed meeting considers and decides whether or not to offer a new contract and on what terms as set out in the schedules to the contract
- the general manager is then advised of the governing body of council's decision in confidence by the mayor.

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Details of the decision to offer a new contract and a salary package should be reported to an open council meeting.

Appendix 1 - Performance Management Timelines

Timeline	Activity	Responsibility
At commencement of each new council	Provide induction training on performance management of the general manager	Council
Within 3 months of the commencement date of the contract	A performance agreement setting out agreed performance criteria must be signed between the general manager and the council	Council or council panel General Manager
Within 2 months of the signing of the performance agreement	The general manager must prepare and submit to council an action plan which sets out how the performance criteria are to be met	General Manager
21 days notice (before annual review)	The general manager gives the council written notice that an annual performance review is due	General Manager
At least 10 days notice	The council must give the general manager written notice that any performance review is to be conducted	Council or council panel
After 6 months	The council may also decide, with the agreement of the general manager, to provide interim feedback to the general manager midway through the annual review period	Council or council panel General Manager
Prior to the annual review	Ensure all councillors on the Review Panel have been trained in performance management of general managers	Council
Prior to the annual performance review	The general manager may submit to council a self assessment of his/her performance	General Manager
Annually	The general manager's performance must be reviewed having regard to the performance criteria in the agreement	Council or council panel General Manager
Annually	The performance agreement must be reviewed and varied by agreement	Council or council panel General Manager
Within 6 weeks of the conclusion of the performance review	Council will prepare and send to the general manager a written statement with council's conclusions on the general manager's performance during the performance review period	Council or council panel
As soon as possible after receipt of the statement	The general manager and the council will agree on any variation to the performance agreement for the next period of review	Council or council panel General Manager

Appendix 2 - Stages of performance management

STAGE	ACTION	PROCESS
1. Developing performance agreement	<ul style="list-style-type: none"> ▪ Examine the position description and contract ▪ List all position responsibilities from the position description ▪ Identify stakeholder expectations ▪ List the key strategic objectives from the Service Delivery and Operational Plans ▪ Develop performance measures (identify indicators - set standards) 	<ul style="list-style-type: none"> ▪ Good planning ▪ Direct and effective communication ▪ Open negotiation ▪ Joint goal setting
2. Action planning	<ul style="list-style-type: none"> ▪ Develop specific strategies to meet strategic objectives ▪ Identify resources ▪ Delegate tasks (eg, put these delegated tasks into the performance agreements for other senior staff) 	<ul style="list-style-type: none"> ▪ Detailed analysis ▪ Two way communication ▪ Detailed documentation
3. Monitoring progress (feedback half way through the review period)	<ul style="list-style-type: none"> ▪ Assess performance ▪ Give constructive feedback ▪ Adjust priorities and reset performance measures if appropriate 	<ul style="list-style-type: none"> ▪ Communication ▪ Avoid bias ▪ Counselling ▪ Coaching ▪ Joint problem solving
4. Annual	<ul style="list-style-type: none"> ▪ Assess performance against measures ▪ Give constructive feedback ▪ Identify poor performance and necessary corrective action ▪ Identify outstanding performance and show appreciation 	<ul style="list-style-type: none"> ▪ Evaluation of the reasons behind performance being as assessed ▪ Open, straightforward communication (as bias free as possible) ▪ negotiation ▪ Counselling, support, training ▪ Documenting ▪ Decision making
5. Developing revised agreement	See stage 1	See Stage 1

Appendix 3 – Standard Contract of Employment

**STANDARD CONTRACT OF
EMPLOYMENT**

for

**GENERAL MANAGERS OF LOCAL
COUNCILS IN NEW SOUTH WALES**

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Contract of Employment

This Contract of Employment is made on

Date

between

Name of Council

[Referred to in this contract as "Council"]

Address

and

Name of Employee

[Referred to in this contract as "the employee"]

Address

1 Position

The position to which this contract applies is that of General Manager.

Note: A person who has held civic office in relation to Council must not be appointed to any paid position on the staff of Council within 6 months after ceasing to hold the office: section 354 of the Act.

2 Term

Subject to the terms and conditions in this contract, Council will employ the employee for a term of:

[Length of term]

Note: The term of this contract must not be less than 12 months or more than 5 years (including any option for renewal): section 338 of the Act.

commencing on [date]

and terminating on [date]

3 Definitions

3.1 In this contract, unless otherwise stated or indicated:

the Act means the *Local Government Act 1993*.

Code of conduct means the document within the meaning of section 440 of the Act adopted by Council and which incorporates the provisions of the model code.

Commencement date means the date that this contract commences as specified in clause 2.

Confidential information means any and all confidential information, data, reports, operations, dealings, records, materials, plans, statistics, finances or other agreements and things (other than that which is already in the public domain), whether written or oral and of whatever type or nature relating to property, assets, liabilities, finances, dealings or functions of Council or any undertaking from time to time carried out by Council.

Director-General means the Director-General of the New South Wales Department of Local Government.

Equal employment opportunity management plan means the document a council must prepare under Part 4 of Chapter 11 of the Act.

Minister means the New South Wales Minister for Local Government.

Model code means the Model Code of Conduct for Local Councils in NSW prescribed by the Regulation.

Month means a calendar month.

Performance agreement means the agreement referred to in clause 7.

Performance criteria means the criteria to which a performance review is to have regard.

Performance review means a review of the employee's performance conducted in accordance with the procedures under clause 7.

the position means the position referred to in clause 1.

the Regulation means the *Local Government (General) Regulation 2005*.

Senior executive office holder (New South Wales Public Service) means the holder of a senior executive position within the meaning of the *Public Sector Employment and Management Act 2002*.

Statutory and Other Officers Remuneration Tribunal means the Statutory and Other Officers Tribunal constituted under the *Statutory and Other Officers Remuneration Act 1975*.

Termination date means the date that this contract terminates as specified in clause 2.

3.2 Expressions in this contract corresponding with expressions that are defined in the Act have those meanings.

4 Contract operation and application

- 4.1 This contract constitutes a contract of employment for the purposes of section 338 of the Act, and governs the employment of the employee while in the position.
- 4.2 A reference in this contract to any Act or regulation, or any provision of any Act or regulation, includes a reference to subsequent amendments of that Act, regulation or provision.
- 4.3 A reference to a Schedule to this contract refers to a Schedule as may be varied in accordance with this contract, and applies whether or not the Schedule has been physically attached to this contract.
- 4.4 Where the mayor or any other person is lawfully authorised to act as Council or Council's delegate for the purpose of this contract, this contract will be construed as if:
- (a) any reference to Council includes a reference to that authorised person, and
 - (b) any reference to a requirement for Council's approval includes a reference to a requirement for that authorised person's written approval,
- 4.5 Any staff entitlement under a lawful policy of Council as adopted by Council from time to time and that is set out in Schedule A will apply to the employee unless this contract makes express provision to the contrary. Schedule A may be varied from time to time by agreement between the employee and Council, such agreement not to be unreasonably withheld.

Note: Only those policies that create entitlements are to be set out in Schedule A. Schedule A policies are distinct from those which create a *duty or function* as referred to in subclause 6.1.4 and which are *not* required to be set out in Schedule A.

- 4.6 Subject to clauses 7 and 13, the terms of this contract, as varied from time to time in accordance with this contract, represent the entire terms of all agreements between the employee and Council and replace all other representations, understandings or arrangements made between the employee and Council that relate to the employment of the employee in the position.

Note: The contract authorises the making of agreements that are linked to the contract. Clause 7 requires the parties to sign a performance agreement. Clause 13 allows either party to require the other to sign a confidentiality agreement for the purpose of protecting intellectual property.

5. Renewal of appointment

- 5.1 At least 9 months before the termination date (or 6 months if the term of employment is for less than 3 years) the employee will apply to Council in writing if seeking re-appointment to the position.
- 5.2 At least 6 months before the termination date (or 3 months if the term of employment is for less than 3 years) Council will respond to the employee's application referred to in subclause 5.1 by notifying the employee in writing of its decision to either offer the employee a new contract of employment (and on what terms) or decline the employee's application for re-appointment.
- 5.3 At least 3 months before the termination date (or 1 month if the term of employment is for less than 3 years) the employee will notify Council in writing of the employee's decision to either accept or decline any offer made by Council under subclause 5.2.
- 5.4 In the event the employee accepts an offer by Council to enter into a new contract of employment, a new contract of employment will be signed.

6. Duties and functions

- 6.1 The employee will:
 - 6.1.1 to the best of their ability, meet the performance criteria set out in the performance agreement as varied from time to time,
 - 6.1.2 carry out the duties and functions imposed by the Act and Regulation, or any other Act and associated regulations, which include but are not limited to:
 - (a) the efficient and effective operation of Council's organisation,
 - (b) implementing, without undue delay, the decisions of Council,
 - (c) exercising such of the functions of Council as are delegated by Council to the employee,
 - (d) appointing staff in accordance with an organisation structure and resources approved by Council,
 - (e) directing and dismissing staff,
 - (f) implementing Council's equal employment opportunity management plan,

- (g) consulting with Council prior to the appointment or dismissal of senior staff,
- (h) reporting to Council, at least once annually, on the contractual conditions of senior staff,
- (i) giving immediate notice to Council on becoming bankrupt or making a composition, arrangement or assignment for the benefit of the employee's creditors and providing Council, within the time specified by Council with any further information concerning the cause of the bankruptcy or of the making of the composition, arrangement or assignment,
- (j) subject to subclause 6.2.3, providing advice and recommendations to Council or the mayor if directed to do so,
- (k) not engaging, for remuneration, in private employment or contract work outside the service of Council without the approval of Council,
- (l) not approving, where appropriate, any member of Council staff from engaging, for remuneration, in private employment or contract work outside the service of Council that relates to the business of Council or that might conflict with the staff member's Council duties,
- (m) acting honestly and exercising a reasonable degree of care and diligence in carrying out the employee's duties and functions,
- (n) complying with the provisions of the code of conduct,
- (o) preparing and submitting written returns of interest and disclosing pecuniary interests in accordance with the Act and the Regulation,

Note: Sections 335, 337, 339, 341, 352, 353, 439, 440 and 445 of the Act.

- 6.1.3 carry out the duties and functions set out in Schedule B as varied from time to time by agreement between the employee and Council, such agreement not to be unreasonably withheld,

Note: Schedule B may include additional duties and functions, for example, those related to special projects.

- 6.1.4 carry out the duties and functions set out in the policies of Council as adopted by Council from time to time during the term of this contract,

- 6.1.5 observe and carry out all lawful directions given by Council, in relation to the performance of the employee's duties and functions under this contract,
- 6.1.6 work such reasonable hours as are necessary to carry out the duties and functions of the position and the employee's obligations under this contract,
- 6.1.7 obtain the approval of the Council for any absences from the business of Council,
- 6.1.8 promote ethical work practices and maintain a culture of integrity and professionalism where Council staff members treat each other, members of the public, customers and service providers with respect and fairness,
- 6.1.9 facilitate Council staff awareness of the procedures for making protected disclosures and of the protection provided by the *Protected Disclosures Act 1994*,
- 6.1.10 take all reasonable steps to ensure that actions and policies of Council accord with the strategic intent of Council,
- 6.1.11 take all reasonable steps to maximise compliance with relevant legislative requirements,
- 6.1.12 maintain effective corporate and human resource planning,
- 6.1.13 maintain the Council staff performance management system,
- 6.1.14 maintain satisfactory operation of Council's internal controls, reporting systems (including protected disclosures), grievance procedures, the documentation of decision-making and sound financial management,
- 6.1.15 develop procedures to ensure the code of conduct is periodically reviewed so that it is in accordance with the Act and Regulation and adequately reflects specific organisational values and requirements,
- 6.1.16 promote and facilitate compliance with the code of conduct ensuring that each councillor and Council staff member is familiar with its provisions, and
- 6.1.17 report to Council on any overseas travel taken by the employee or any Council staff member where that travel is funded in whole or in part by Council.

6.2 Council:

- 6.2.1 will provide adequate resources to enable the employee to carry out the duties and functions specified in subclause 6.1 and Schedule B,
- 6.2.2 will provide the employee with reasonable opportunities to participate in professional development initiatives relevant to the duties and functions under this contract subject to the operational needs of Council, and
- 6.2.3 will not direct the employee as to the content of any advice or recommendation made by the employee.

Note: section 352 of the Act.

7. Performance agreement and review

- 7.1 Within 3 months after the commencement date, the employee and Council will sign a performance agreement setting out agreed performance criteria.
- 7.2 In the event that the employee and Council are unable to agree on the performance criteria, Council will determine such performance criteria that are reasonable and consistent with the employee's duties and functions under clause 6 and in Schedule B.
- 7.3 The performance agreement may be varied from time to time during the term of this contract by agreement between the employee and Council, such agreement not to be unreasonably withheld.
- 7.4 Within 2 months after signing or varying the performance agreement, the employee will prepare and submit to Council an action plan which sets out how the performance criteria are to be met.
- 7.5 Council will ensure that the employee's performance is reviewed (and, where appropriate, the performance agreement varied) at least annually. Any such review is to have regard to the performance criteria.

Note: Council may review the employee's performance every 6 months or more frequently if necessary.

- 7.6 The employee will give Council 21 days' written notice that an annual performance review in accordance with subclause 7.5 is due.
- 7.7 Council will give the employee at least 10 days notice in writing that any performance review is to be conducted.

- 7.8 The structure and process of the performance review is at the discretion of Council following consultation with the employee.
- 7.9 The employee may prepare and submit to Council an assessment of the employee's own performance prior to a performance review.
- 7.10 Within 6 weeks from the conclusion of a performance review, Council will prepare and send to the employee a written statement that sets out:
- (a) Council's conclusions about the employee's performance during the performance review period,
 - (b) any proposal by Council to vary the performance criteria as a consequence of a performance review, and
 - (c) any directions or recommendations made by Council to the employee in relation to the employee's future performance of the duties of the position.
- 7.11 The employee and Council will, as soon as possible after the employee receives the written statement referred to in subclause 7.10, attempt to come to agreement on any proposal by Council to vary the performance criteria and on any recommendations by Council as to the future performance of the duties of the position by the employee.
- 7.11 Subject to the employee being available and willing to attend a performance review, Council undertakes that if a performance review is not held in accordance with this clause, this will not operate to the prejudice of the employee unless the employee is responsible for the failure to hold the performance review.

8. Remuneration

- 8.1 Council will provide the employee with the total remuneration package set out in Schedule C.
- 8.2 The total remuneration package includes salary, compulsory employer superannuation contributions and other benefits including any fringe benefits tax payable on such benefits.

Note: Compulsory employer superannuation contributions are those contributions required under the *Superannuation Guarantee Charge Act 1992* of the Commonwealth and any contributions required to be paid for an employee under a superannuation arrangement entered into by Council for that employee. See Schedule C.

- 8.3 Council may, on only one occasion during each year of this contract, approve an increase in the total remuneration package where the employee's performance has been assessed in accordance with a performance review as being of a better than satisfactory standard.
- 8.4 Any increase in remuneration approved under subclause 8.3 will not be paid as a lump sum.
- 8.5 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 Officers Remuneration Tribunal.

Note: When making determinations referred to in subclause 8.5, the Tribunal takes into account key national economic indicators and movements in public sector remuneration across Australia, market conditions, the Consumer Price Index and wages growth as measured by the Wage Cost Index. Tribunal determinations are published in the Government Gazette and are available at www.remtribunals.nsw.gov.au. The Premier's Department issues periodic Memoranda summarising the Tribunals determinations. These Memoranda are available at www.premiers.nsw.gov.au.

- 8.6 The structure of the total remuneration package may be varied from time to time during the term of this contract by agreement between the employee and Council, such agreement not to be unreasonably withheld.
- 8.7 The total remuneration package, as varied from time to time, remunerates the employee for all work undertaken by the employee while in the position. No other remuneration, benefit, overtime or allowances other than those to which the employee may be entitled under this contract will be paid to the employee during the term of this contract.

9. Leave

9.1 General

- 9.1.1 Council will pay remuneration calculated in accordance with Schedule C to the employee proceeding on paid leave under this clause.
- 9.1.2 On the termination of this contract, and if the employee is not re-appointed to the position under clause 5 or appointed to any other position in Council's organisation structure, the Council will pay:
- (a) to the employee in the case of annual leave, or

- (b) to the employee or new employer council in the case of long service leave,

accrued but unused leave entitlements calculated at the monetary value of the total remuneration package as specified in Schedule C.

- 9.1.3 If the employee is re-appointed to the position under clause 5 or appointed to any other position in Council's organisation structure within 3 months after the termination of this contract, the employee will be taken to have continuing service with Council for the purpose of determining the employee's entitlement to annual leave, long service leave and sick leave.

- 9.1.4 Any leave accrued with Council standing to the credit of the employee immediately prior to entering into this contract will be taken to be leave for the purposes of this contract.

9.2 Annual leave

The employee is entitled to four weeks paid annual leave during each year of employment under this contract to be taken as agreed between the employee and Council.

9.3 Long service leave

- 9.3.1 The employee's entitlement to long service leave is to be calculated by the same method that applies to a non-senior member of Council staff.
- 9.3.2 Long service leave is transferable between councils in New South Wales in the same manner that applies to a non-senior member of Council staff.

9.4 Sick leave

- 9.4.1 The employee is entitled to 15 days paid sick leave during each year of employment under this contract provided that:
 - (a) Council is satisfied that the sickness is such that it justifies time off, and
 - (b) satisfactory proof of illness to justify payment is provided to Council for absences in excess of two days.
- 9.4.2 Sick leave will accumulate from year to year of employment under this contract so that any balance of leave not taken in any one year may be taken in a subsequent year.

9.4.3 Council may require the employee to attend a doctor nominated by Council at Council's cost.

9.4.4 Accrued but unused sick leave will not be paid out on the termination of this contract.

9.5 Parental leave

9.5.1 Parental leave includes supporting parent's leave, maternity leave, paternity leave and adoption leave.

9.5.2 The employee is entitled to the same parental leave that a non-senior member of Council staff would be entitled.

9.6 Carer's leave

The employee is entitled to the same carer's leave that a non-senior member of Council staff would be entitled.

9.7 Concessional leave

The employee is entitled to the same concessional leave that a non-senior member of Council staff would be entitled.

9.8 Special leave

Council may grant special leave, with or without pay, to the employee for a period as determined by Council to cover any specific matter approved by Council.

10 Termination

10.1 General

On termination of this contract for any reason the employee will immediately return to Council all property of Council in the employee's possession including intellectual property and confidential information and will not keep or make any copies of such property and information.

10.2 Termination date

The employment of the employee under this contract terminates on the termination date.

10.3 Termination by either the employee or Council

This contract may be terminated before the termination date by way of any of the following:

10.3.1 written agreement between the employee and Council,

10.3.2 the employee giving 4 weeks' written notice to Council,

10.3.3 Council giving 4 weeks' written notice to the employee, or alternatively by termination payment under subclause 11.1, where:

- (a) the employee has been incapacitated for a period of not less than 12 weeks and the employee's entitlement to sick leave has been exhausted, and
- (b) the duration of the employee's incapacity remains indefinite or is likely to be for a period that would make it unreasonable for the contract to be continued,

10.3.4 Council giving 13 weeks' written notice to the employee, or alternatively, by termination payment under subclause 11.2 where Council:

- (a) has conducted a performance review, and
- (b) concluded that the employee has not substantially met the performance criteria or the terms of the performance agreement,

10.3.5 Council giving 38 weeks' written notice to the employee, or alternatively, by termination payment under subclause 11.3.

10.4 Summary dismissal

10.4.1 Council may terminate this contract at any time and without notice if the employee commits any act that would entitle an employer to summarily dismiss the employee. Such acts include but are not limited to:

- (a) serious or persistent breach of any of the terms of this contract,

- (b) serious and willful disobedience of any reasonable and lawful instruction or direction given by Council,
- (c) serious and willful misconduct, dishonesty, insubordination or neglect in the discharge of the employee's duties and functions under this contract,
- (d) failure to comply with any law or Council policy concerning sexual harassment or racial or religious vilification,
- (e) commission of a crime, resulting in conviction and sentencing (whether or not by way of periodic detention), which affects the employee's ability to perform the employee's duties and functions satisfactorily, or in the opinion of Council brings Council into disrepute,
- (f) absence from the business of Council without Council approval for a period of 3 or more consecutive business days.

10.4.2 This contract is terminated immediately without notice if the employee becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit.

11 Termination payments

- 11.1 On termination of this contract under subclause 10.3.3, where written notice has not been given, Council will pay the employee a monetary amount equivalent to 4 weeks' remuneration calculated in accordance with Schedule C.
- 11.2 On termination of this contract under subclause 10.3.4, where written notice has not been given, Council will pay the employee a monetary amount equivalent to 13 weeks' remuneration calculated in accordance with Schedule C.
- 11.3 On termination of this contract under subclause 10.3.5, where written notice has not been given, Council will pay the employee a monetary amount equivalent to 38 weeks' remuneration calculated in accordance with Schedule C, or the remuneration which the employee would have received if the employee had been employed by Council to the termination date, whichever is the lesser.
- 11.4 On termination of this contract under subclause 10.3.1, 10.3.2, 10.4.1 or 10.4.2, Council will pay the employee remuneration up to and including the

date of termination calculated in accordance with Schedule C and any other payment to which the employee is entitled under this contract.

12 Expenses and credit cards

In addition to any duties or entitlements that may be set out in any relevant policies of Council as adopted by Council from time to time, the employee will:

- 12.1 keep such records of expenses, travel and motor vehicle use as required by Council from time to time,
- 12.2 be reimbursed by Council for expenses properly incurred on Council business, subject to Council's prior approval to this expense being incurred,
- 12.3 only use any credit card provided by Council for expenses incurred on Council business, and
- 12.4 return any credit card provided by Council on request from Council.

13 Intellectual property

- 13.1 Any literary work, computer program, invention, design, patent, copyright, trademark, improvement or idea developed by the employee in the course of employment under this contract is the sole property of Council and Council will unless otherwise agreed have the exclusive right to use, adapt, patent and otherwise register it.
- 13.2 The employee will immediately disclose to Council any literary work, computer program, invention, design, patent, copyright, trademark, improvement or idea developed by the employee after the commencement date to enable Council to ascertain whether it was discovered, developed or produced wholly outside and wholly unconnected with the course of employment under this contract.
- 13.3 To protect disclosures made in accordance with subclause 13.2, Council or the employee may require a confidentiality agreement to be signed prior to, during or immediately after discussion of the intellectual property being considered.

Note: IP Australia, the Commonwealth Government intellectual property agency, has developed a Confidentiality Agreement Generator for the purpose of preparing intellectual property confidentiality agreements. It is available at <http://www.ipaustralia.gov.au/smartstart/cag.htm>.

- 13.4 The employee assigns to Council by way of future assignment all copyright, design, design right and other property rights (if any) in respect to any literary work, computer program, invention, design, patent, copyright, trademark, improvement or idea developed by the employee in the course of employment under this contract.
- 13.5 At the request and expense of Council the employee will complete all necessary deeds and documents and take all action necessary to vest in Council any literary work, computer program, invention, design, patent, copyright, trademark, improvement or idea developed by the employee in the course of employment under this contract and obtain for Council the full benefit of all patent, trademark, copyright and other forms of protection throughout the world.

14 Confidential Information

The employee will not divulge any confidential information about Council either during or after the term of their employment under this contract.

15 Waiver

The failure of either the employee or Council to enforce at any time any provision of this contract or any right under this contract or to exercise any election in this contract will in no way be considered to be a waiver of such provision, right or election and will not affect the validity of this contract.

16 Inconsistency and severance

- 16.1 Each provision of this contract will be read and construed independently of the other provisions so that if one or more are held to be invalid for any reason, then the remaining provisions will be held to be valid.
- 16.2 If a provision of this document is found to be void or unenforceable but would be valid if some part were deleted, the provision will apply with such modification as may be necessary to make it valid and effective.

17 Dispute resolution

- 17.1 In relation to any matter under this contract that may be in dispute, either the employee or Council may:

- (a) give written notice to each other of the particulars of any matter in dispute, and
- (b) within 14 days of receiving a notice specified in subclause 17.1(a), a meeting will be convened between Council (along with any nominated representative of Council) and the employee (along with any nominated representative of the employee) in an attempt to resolve the dispute.

17.2 The employee and Council will attempt to resolve the dispute at the workplace level.

17.3 Upon failure to resolve the dispute at the workplace level, the employee and Council will:

- (a) refer the dispute to an independent mediator as agreed by the employee and Council, or otherwise as appointed by the Director-General,
- (b) agree to participate in any mediation process in good faith, with such mediation to operate in a manner as agreed by the employee and Council, and
- (c) acknowledge the right of either the employee or Council to appoint, in writing, another person to act on their behalf in relation to any mediation process.

17.4 The cost of the mediation service will be met by Council.

17.5 The employee and Council will each be responsible for meeting the cost of any advisor or nominated representative used by them.

18 Service of notices and communications

18.1 Any communication, including notices, relating to this contract will be in writing and served on the employee or Council at their last known residential or business address in accordance with subclause 18.2.

18.2 Any written communication including notices relating to this contract is taken to be served:

- (a) when delivered or served in person, immediately,
- (b) where served by express post at an address within New South Wales in the Express Post Network, on the next business day after it is posted,

- (c) where served by post otherwise in the ordinary course of postage, as set down in Australia Post's delivery standards, and
- (d) where sent by facsimile, within standard business hours otherwise on the next business day after it is sent.

19 Variations

- 19.1 Where this contract provides that its terms may be varied, that variation will be by agreement in writing signed by the employee and Council.

Note: See clauses 4.5, 6.1.3, 7.3, 8.6 and 19.2.

- 19.2 Where the Director-General approves an amended or substitution standard form of contract for the employment of the general manager of a council, the provisions of this contract may be varied by agreement between the employee and Council to the extent that they are consistent with the provisions of that amended or substitution standard form of contract.

Note: See section 338 of the Act.

20 Other terms and conditions

- 20.1 The employee and Council acknowledge that they have sought or had the opportunity to seek their own legal and financial advice prior to entering this contract.
- 20.2 In accordance with section 731 of the Act, nothing in this contract gives rise to any action, liability, claim or demand against the Minister, the Director-General or any person acting under their direction.

21 Signed by the employee and Council

COUNCIL:

The Seal of

[Council name]

[Seal]

affixed by authority of a resolution of Council.

Signed
by Council

Date

Name of signatory
in full [printed]

Office held [printed]

Signed by Witness

Name of Witness
in full [printed]

THE EMPLOYEE:

Signed
by the employee

Date

Name of employee
in full [printed]

Signed by Witness

Name of Witness
in full [printed]

Schedule A – Council policies

Note: This Schedule may be varied during the term of this contract in accordance with subclauses 4.5 and 19.1 of this contract.

This Schedule operates on and from

Date _____

For the purposes of subclause 4.5 of this contract, the following policies apply to the employee:

Signed by Council _____

Signed by the employee _____

Schedule B - Duties and functions

Note: This Schedule may be varied during the term of this contract in accordance with subclauses 6.1.3 and 19.1 of this contract.

This Schedule operates on and from

Date _____

In addition to the duties and functions specified in clause 6 of this contract, the employee will carry out the following duties and functions:

Signed by Council _____

Signed by the employee _____

Schedule C - Remuneration

Note: This Schedule may be varied during the term of this contract in accordance with subclauses 8.7 and 19.1 of this contract.

This Schedule operates on and from

Date _____

The Annual Total Remuneration Package is as follows:

\$ _____

The Total Remuneration Package is comprised of:

ANNUAL REMUNERATION	\$

The employee agrees and acknowledges that deductions under subclause 8.2 of this contract are made principally for the benefit of the employee and that the Council relies on that statement in providing the non-cash benefits requested by the employee.

In the case of an employee who is a member of a defined benefit division of the Local Government Superannuation Scheme (or equivalent) compulsory employer superannuation contributions are the long term or "notional" employer contribution, as advised by the Actuary for the Local Government Superannuation Scheme from time to time.

The employee's superable salary will be the amount of the total remuneration package less the amount of compulsory superannuation contributions.

Signed by Council _____

Signed by the employee _____



Code of Conduct Council Policy

Scope

This Code of Conduct is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code.

For the purposes of section 440 of the Act, the Code of Conduct comprises all Parts of this document, related procedures and guidelines. In essence, Council's Code of Conduct is the Model Code of Conduct issued by the Department of Local Government with some additional features.

The Code is made in four Parts: Context, Standards of Conduct and Procedures. The fourth part is the City of Ryde Charter of Respect.

- Part 1: Context, establishes the purpose and principles that are used to interpret the standards in the Code. This Part does not constitute separate enforceable standards of conduct.
- Part 2: Standards of Conduct, set out the conduct obligations required of council officials. These are the enforceable standards of conduct.
- Part 3: Procedures, contains the complaint handling procedures, complaint assessment criteria and the operating guidelines for the conduct review committee/reviewer. This Part should be used to guide the management of complaints about breaches of the Code.
- Part 4: Charter of Respect, exists to strengthen the working relationship between Councillors and Council's Senior Management Team. These are the enforceable standards of conduct.

Purpose

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

The Code of Conduct assists 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)
- act in a way that enhances public confidence in the integrity of local government.

Guidelines / Procedures

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

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of council's code of conduct in carrying

out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind. Council contractors and volunteers will also be required to observe the relevant provisions of council's code of conduct.

Failure by a councillor to comply with Part 2, the standards of conduct, and/or Part 4, the Charter of Respect, of council's code of conduct constitutes misbehaviour. The *Local Government Act 1993* provides for suspension of councillors from civic office for up to six months for proven misbehaviour. For further information on misbehaviour refer to *Reporting Breaches* in the Guidelines and *Complaint Handling Procedures and Sanctions*.

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

References - Legislation

This Code of Conduct is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code.

Review Process and Endorsement

Council must, within 12 months after each ordinary election, review its adopted code and make such adjustments as it considers appropriate.

Attachments

Title

- Part 1 - Definitions – Code of Conduct
 - Guideline – Key Principles
 - Guideline – Guide to Ethical Decision Making
- Part 2 - Standards of Conduct - Procedure
 - General Conduct Obligations*
 - Conflicts of Interest*
 - Personal Benefit*
 - Relationship between Council Officials*
 - Access to Information and Council Resources*
 - Reporting Breaches*
- Part 3 - Complaint Handling - Procedure
 - Complaint Handling Procedures and Sanctions*
 - Complaint Assessment Criteria*
 - Conduct Review Committee/Reviewer Operating Guidelines*
- Part 4 - Charter of Respect

Code of Conduct		
Owner: Governance Unit	Accountability: Governance Framework	Policy Number: CSG002
Trim Reference: D/68701	Review date: Annual	Endorsed: 27/9/11 - COUNCIL



Definitions – Code of Conduct

City of Ryde

Lifestyle and opportunity @ your doorstep

In the Code of Conduct the following definitions apply:

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

The term "you" used in the Code of Conduct refers to council officials.

Definitions – Code of Conduct		
Owner: Governance Unit	Accountability: Governance Framework	Policy Number: CSG002
Trim Reference: D/68701	Review date: Annual	Endorsed: 27/9/11 - COUNCIL



Key Principles – Code of Conduct - Guideline

Related Policy

This Guideline relates to the Code of Conduct.

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

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

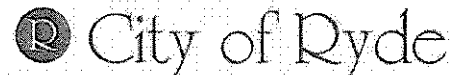
You should make decisions on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. *This means fairness to all; impartial assessment; merit selection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

ACCOUNTABILITY

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

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.*



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.*

Key Principles – Code of Conduct – Guideline		
Owner: Governance Unit	Accountability: Governance Framework	Policy Number: CSG002
Trim Reference: D/68701	Review date: Annual	Endorsed: 27/9/11 - COUNCIL



Ethical Decision Making – Code of Conduct - Guideline

Related Policy

This Guideline relates to the Code of Conduct.

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?

Political donations and conflict of interests

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

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.

Ethical Decision Making – Code of Conduct Guideline		
Owner: Governance Unit	Accountability: Governance Framework	Policy Number: CSG002
Trim Reference: D/68701	Review date: Annual	Endorsed: 27/9/11 - COUNCIL



Standards of Conduct - City of Ryde

Code of Conduct - Procedure

Lifestyle and opportunity @ your doorstep

Related Policy

These Standards of Conduct relate to the Code of Conduct. These are the enforceable standards of conduct.

Failure by a councillor to comply with these standards of conduct, of council's code of conduct constitutes misbehaviour and may constitute a substantial breach for the purposes of section 9 of the ICAC Act 1988. The Local Government Act 1993 provides for suspension of councillors from civic office for up to six months for proven misbehaviour. For further information on misbehaviour refer to Reporting Breaches and Complaint Handling Procedures and Sanctions in these Standards and the related procedures.

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

Standards of Conduct

1. General Conduct Obligations

General conduct

- 1.1. 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*)
- 1.2. 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*)
- 1.3. You must treat others with respect at all times.
- 1.4. Where you are a councillor and have been found in breach of the code of conduct, you must comply with any council resolution requiring you to take action as a result of that breach.

Fairness and equity

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

- 1.6. You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

- 1.7. You must not harass, bully, discriminate against, or support others who harass, bully or discriminate against colleagues or members of the public. This includes, but is not limited to harassment, bullying or 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.

Any person who causes, instructs, induces, aids or knowingly permits another person to engage in bullying, harassment or discrimination in the workplace shall be deemed to have committed the act and shall also be treated accordingly. (Reference: Council's Anti Discrimination, Bullying and Harassment Policy)

Development decisions

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

Lobbying

- 1.10. If you are being lobbied about the making of a decision you should (Reference: Ethical Lobbying Policy):

- (a) observe the provisions of the relevant Council policies;
- (b) be alert to the motives and interests of those who seek to lobby;
- (c) be aware of which person, organisation or company a lobbyist is representing;
- (d) avoid saying or doing anything which could be viewed as granting a lobbyist preferential treatment;
- (e) be alert that Lobbyists may attempt to encourage decision makers to consider matters which are irrelevant to the merits of the decision under consideration;
- (f) keep records of all meetings with Lobbyists, and if possible have another person attend the meetings or take notes;
- (g) only hold meetings with Lobbyists in appropriate locations, such as the Council offices.

Drugs and Alcohol

- 1.11 The City of Ryde recognises that the use of alcohol and other drugs in the workplace may impact on the effectiveness of Council Officials in the performance of their duties to the health, safety and welfare of themselves and others.

The City of Ryde will not tolerate unsafe and unacceptable behaviour resulting from alcohol or other drug misuse. Council officials should declare any consumption of alcohol, drugs or medications which may impair their ability to safely perform their duties. (Reference: Council's Alcohol and Other Drugs policy)

Health, wellbeing and safety

- 1.12 The City of Ryde is committed to providing a workplace that is safe and without risk to health or the welfare of all employees, contractors and members of the public in our workplaces, and the effective rehabilitation of injured employees.

Council officials should take accountability and responsibility for the health, safety and welfare of other Council officials. (Reference: Council's OHS Policy Statement)

- 1.13 On 21 September 2010, City of Ryde adopted the following Statement for Gender Equity:

"We will work towards increasing the representation of women in local government, both as elected members and senior managers and professionals."

We will undertake ongoing reviews of policies and practices to remove barriers to women's participation and to engender safe, supportive working and decision-making environments that encourage and value a wide range of views"

2. Conflicts of Interest

- 2.1. 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.
- 2.2. 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.
- 2.3. 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.
- 2.4. Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

- 2.5. 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)
- 2.6. 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)
- 2.7. Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
 - a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (section 449)
 - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (section 451)
 - c) designated persons immediately declare, in writing, any pecuniary interest. (section 459)
- 2.8. 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.
- 2.9. Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

What is a non-pecuniary conflict of interests?

- 2.10. 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.
- 2.11. The matter of a report to council from the conduct review committee/reviewer relates to the public duty of a councillor or the general manager. Therefore, there is no requirement for councillors or the general manager to disclose a conflict of interests in such a matter.
- 2.12. The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

- 2.13. Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.
- 2.14. If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 13.
- 2.15. How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.
- 2.16. 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.
- 2.17. If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:
- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
 - b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply
- 2.18. If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.
- 2.19. If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.

- 2.20. Despite clause 17(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 17(b) above.

Political donations exceeding \$1,000

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

- 2.22. Councillors should take all reasonable steps to ascertain the source of any political contributions that directly benefit their election campaigns. For example, councillors should have reasonable knowledge of contributions received by them or their "official agent" (within the meaning of the *Election Funding Act 1981*) that directly benefit their election campaign.

- 2.23. Where a councillor or the councillor's "official agent" has received "political contributions" or "political donations", as the case may be, within the meaning of the *Election Funding Act 1981* exceeding \$1,000 which directly benefit their campaign:

- a) from a political or campaign donor or related entity in the previous four years; and
- b) where the political or campaign donor or related entity has a matter before council,

then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 17(b).

- 2.24. Councillors should note that political contributions below \$1,000, or political contributions to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.

- 2.25. If a councillor has received a donation of the kind referred to in clause 23, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff or appointing another person or body to make the decision in accordance with the law (see clause 20 above).

Other business or employment

- 2.26. If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (section 353) (Reference: Council's Secondary Employment Disclosure Form for staff)

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

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

Personal dealings with council

- 2.28. You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment in relation to any matter

in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

Political support and community participation

- 2.29. Staff must ensure that any participation in party political activities does not conflict with their primary duty as an employee to serve the Council in a politically neutral manner.
- 2.30. If employees become aware that a conflict of interest has arisen or might arise due to their participation in party political activities they should inform their Group Manager or the General Manager immediately and take adequate steps to manage that conflict in accordance with the Code.

Sponsorship

- 2.31. Any sponsorship arrangements made must not limit Council's ability to carry out its functions fully and impartially.
- 2.32. All sponsorship arrangements must be made in accordance with Council's Sponsorship Policy.

Council officials and future employment

- 2.33. Councillors and employees should not use their position to obtain opportunities for future employment.
- 2.34. You must not allow yourself or your work to be influenced by plans for, or offers of, employment outside Council.

Former Council Officials

- 2.35. You must be careful in your dealings with former Council officials and make sure that you do not give them, or appear to give them, favourable treatment or access to information.
- 2.36. Former Council officials must not use, or take advantage of confidential information obtained in the course of the official duties that may lead to gain or profit. At the end of your involvement with Council you must return all Council property, documents or items and not make public or otherwise use any confidential information gained as a consequence of your involvement with Council

3. 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. (Reference: Council's Gifts and Benefits Policy)

Token gifts and benefits

- 3.1. Generally speaking, token gifts and benefits include:
- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i) the discussion of official business
 - ii) council work related events such as training, education sessions, workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.
 - b) invitations to and attendance at local social, cultural or sporting events



- c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
- d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers

Gifts and benefits of value

- 3.2. Notwithstanding clause 1, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

Gifts and benefits

3.3. You must not:

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

- 3.4. Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical. This must be done in accordance with Council's Gifts and Benefits Policy.

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

- 3.6. You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Improper and undue influence

- 3.7. 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.

- 3.8. 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.

Relationship Between Council Officials

Obligations of councillors and administrators

- 4.1. Each council is a body corporate. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and

controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to industrial relations policy.

4.2. Councillors or administrators must not:

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

Councillors or administrators:

- a) can expect all staff to be courteous to councillors at all times.
- b) may mix in the same social circles, or have associations through sporting, business or family interests with staff. General social interaction and conversation in these situations is acceptable.
- c) can contact the General Manager regarding Council matters, Group Managers regarding Council matters specific to their area of business or the dedicated Councillor HelpDesk for any issue or request.

Obligations of staff

4.3. 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.

4.4. Members of staff of council must:

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

Obligations during meetings

4.5. You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the *Local Government (General) Regulation 2005* during council and committee meetings.

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4.6. You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

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

- a) Councillors and administrators approaching staff and staff organisations to discuss individual staff matters and not broader industrial policy issues.
- b) Council staff approaching councillors and administrators to discuss individual staff matters and not broader industrial policy issues.
- c) Council staff refusing to give information that is available to other councillors to a particular councillor.
- d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
- e) Councillors and administrators being overbearing or threatening to council staff.
- f) Councillors and administrators making personal attacks on council staff in a public forum.
- g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
- h) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
- i) Council staff meeting with developers alone AND outside office hours to discuss development applications or proposals.
- 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.

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

Public Comment

4.9. The Mayor or General Manager will generally be the spokesperson on Council business or matters before the Council. Only staff with specific delegations are authorised to make public comment about Council business or matters before Council. Any comment is to be made in accordance with Council's associated Policies, **(Reference: Council's Media Policy)**

5. Access to Information and Council Resources

Councillor and administrator access to information

5.1. The general manager, public officer and Information Access 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 and Regulation.

- 5.2. The general manager must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 5.3. 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.
- 5.4. 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.
- 5.5. Councillors and administrators who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

Councillors and administrators to properly examine and consider information

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

Refusal of access to documents

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

Use of certain council information

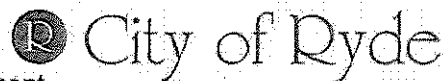
- 5.8. In regard to information obtained in your capacity as a council official, you must:
 - a) only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other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

Use and security of confidential information

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

Personal information

- 5.11. When dealing with personal information you must comply with:
 - a) the Privacy and Personal Information Protection Act 1998,
 - b) the Health Records and Information Privacy Act 2002,
 - c) the Information Protection Principles and Health Privacy Principles,



- d) council's privacy management plan,
- e) the Privacy Code of Practice for Local Government
- f) Government Information (Public Access) Act and Regulation

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Use of council resources

- 5.12. You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate. (Reference: Council's Use of Assets and Facilities Policy and the Mobile Telephone Use Policy for staff)
- 5.13. 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.
- 5.14. 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.
- 5.15. 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.
- 5.16. The interests of a councillor in their re-election is considered to be a private interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. You must not use council letterhead, council crests and other information that could give the appearance it is official council material for these purposes.
- 5.17. You must not convert any property of the council to your own use unless properly authorised.
- 5.18. 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.

Councillor access to council buildings

- 5.19. 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.
- 5.20. 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.
- 5.21. 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.

6. Reporting Breaches

- 6.1. Any person, whether or not a council official, may make a complaint alleging a breach of the code of conduct.

- 6.2. For the purposes of Chapter 14, Part 1, Division 3 of the Act, failure by a councillor to comply with an applicable requirement of this code of conduct constitutes misbehaviour. (section 440F)

Protected disclosures

- 6.3. The Public Interest Disclosures Act 1994 aims to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration and serious and substantial waste in the public sector. (Reference: Public Interest Disclosures – Internal Reporting Policy)
- 6.4. The purpose of that Act is to ensure that public officials who wish to make disclosures under the legislation receive protection from reprisals, and that matters raised in the disclosures are properly investigated.¹
- 6.5. If a complaint under this code is or could be a protected disclosure, you must ensure that in dealing with the complaint, you comply with the confidentiality provisions of the Public Interest Disclosures Act set out in section 22:

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

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

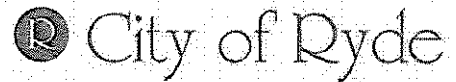
Reporting breaches of the code of conduct

- 6.6. You should report suspected breaches of the code of conduct by councillors, members of staff of council (excluding the general manager) or delegates to the general manager in writing.
- 6.7. Where you believe that the general manager has breached the code of conduct, you should report the matter to the Mayor in writing.
- 6.8. Where you believe that an administrator has breached the code of conduct, you should report the matter to the Minister for Local Government in writing.
- 6.9. Councillors should not make allegations of suspected breaches of the code at council meetings or in other public forums.

References

- Council's Sponsorship Policy
- Council's Gifts and Benefits Policy
- Ethical Lobbying Policy
- Public Interest Disclosures Internal Reporting Policy

¹ Protected Disclosures Guidelines, 5th Edition, NSW Ombudsman, May 2004, Annexure 2.



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- Local Government Act 1993
- ICAC Act 1988
- Council's EEO Management Plan
- Election Funding Act 1981
- Local Government (General) Regulation 2005
- Government Information (Public Access) Act 2009 and Regulation 2009
- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002
- Privacy Code of Practice for Local Government
- Public Interest Disclosures Act 1994 (and Council's Internal Reporting Policy)
- Council's Alcohol and Other Drugs policy

Standards of Conduct – Code of Conduct - Procedure		
Owner: Governance Unit	Accountability: Governance Framework	Policy Number: CSG002
Trim Reference: D11/68701	Review date: Annual	Endorsed: 27/9/11 - COUNCIL



Complaint Handling Procedure – Code of Conduct

Related Policy

These procedures relate to the Code of Conduct. They contain the complaint handling procedures, complaint assessment criteria and the operating guidelines for the conduct review committee/reviewer.

These procedures should be used to guide the management of complaints about breaches of the Code.

Complaint Handling Procedures and Sanctions

1. Complaints about the conduct of councillors, members of staff of council, members of council committees and delegates of council should be addressed in writing to the general manager.
2. Complaints about the conduct of the general manager should be addressed in writing to the Mayor.

Complaint handling procedures – staff, delegate and council committee member conduct (excluding the general manager)

3. The general manager is responsible for making enquiries, or causing enquiries to be made, into complaints alleging breach of the code of conduct regarding members of staff of council, delegates of council and/or members of council committees (other than councillors), and will determine such matters.
4. Where the general manager has determined not to enquire into the matter, the general manager will give the complainant the reason/s in writing as provided in clause 1 of the Complaint Assessment Criteria of this Procedure, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith.
5. Enquiries made into staff conduct that might give rise to disciplinary action must occur in accordance with the relevant industrial instrument and make provision for procedural fairness including the right of an employee to be represented by their union.
6. Sanctions for staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.
7. Sanctions for delegates and/or members of council committees depend on the severity, scale and importance of the breach and may include:
 - a) censure
 - b) requiring the person to apologise to any person adversely affected by the breach
 - c) counselling
 - d) prosecution for any breach of the law
 - e) removing or restricting the person's delegation
 - f) removing the person from membership of the relevant council committee
 - g) revising any of council's policies, procedures and/or the code of conduct.

Complaint handling procedures – councillor conduct

8. The general manager is responsible for assessing complaints, made under the Reporting Breaches section of the Standards of Conduct, alleging breaches of the code of conduct by councillors, in accordance with the Complaint Assessment Criteria of this Procedure, in order to determine whether to refer the matter to the conduct review committee/reviewer.
9. The general manager must determine either to:
 - a) take no further action and give the complainant the reason/s in writing as provided in the Complaint Assessment Criteria of this Procedure, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
 - b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
 - c) discontinue the assessment in the circumstances where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing, or
 - d) refer the matter to the conduct review committee/reviewer.

Complaint handling procedures – general manager conduct

10. The Mayor is responsible for assessing complaints, made under the Reporting Breaches section of the Standards of Conduct, alleging breaches of the code of conduct by the general manager, in accordance with the assessment criteria provided in the Complaint Assessment Criteria of this Procedure, in order to determine whether to refer the matter to the conduct review committee/reviewer.
11. The Mayor must determine either to:
 - a) take no further action and give the complainant the reason/s in writing as provided in the Complaint Assessment Criteria of this Procedure, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
 - b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
 - c) discontinue the assessment in the circumstances where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing, or
 - d) refer the matter to the conduct review committee/reviewer.

Conduct review committee/reviewer

12. Council must resolve to appoint persons independent of council to comprise the members of a conduct review committee and/or to act as sole conduct reviewers.
13. The members of the conduct review committee and/or the persons acting as sole conduct reviewers should be appropriately qualified persons of high standing in the community. These persons do not need to be residents of the local government area of the council that has appointed them.
14. The conduct review committee, members of such committee and sole conduct reviewers may act in that role for more than one council.

15. The general manager, or in the case of complaints about the general manager, the Mayor, will undertake the following functions in relation to the conduct review committee/reviewer:
 - provide procedural advice when requested
 - ensure adequate resources are provided, including providing secretariat support
 - attend meetings of the conduct review committee if so requested by the committee, and then in an advisory capacity only
 - provide advice about council processes if requested to do so but not so as to take part in the decision making process
 - if attending the conduct review committee meeting to provide advice, must not be present at, or in sight of, the meeting when a decision is taken.
16. Where a matter is to be considered by the conduct review committee/reviewer, then in each case, the general manager, or Mayor in the case of complaints about the general manager, acting in their capacity as advisor, will either convene a conduct review committee and select its members from those appointed by council or alternatively select a sole conduct reviewer from those appointed by council.
17. The conduct review committee/reviewer will operate in accordance with the operating guidelines set out in the Conduct Review Committee/Reviewer Operative Guidelines of this procedure.
18. The conduct review committee/reviewer operating guidelines are the minimum requirements for the operation of conduct review committees/reviewers. Council may supplement the guidelines, but any additional provisions should not be inconsistent with the guidelines.
19. The conduct review committee/reviewer is responsible for making enquiries into complaints made under the Reporting Breaches section of the Standards of Conduct alleging breaches of the code of conduct by councillors and/or the general manager and must determine either to:
 - a) not make enquiries into the complaint and give the complainant the reason/s in writing as provided the Complaint Assessment Criteria of this Procedure, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
 - b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, making recommendations to the general manager, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
 - c) make enquiries into the complaint, or
 - d) engage another appropriately qualified person to make enquiries into the complaint, or
 - e) not make enquiries or discontinue making enquiries where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing. Despite any other provision of this code, this will constitute finalisation of such matters and no further action is required.
20. Where the conduct review committee/reviewer conducts enquiries or causes enquiries to be conducted, the conduct review committee/reviewer must make findings on whether, in its view, the conduct referred to it comprises a breach of the code of conduct.

21. Where the conduct review committee/reviewer makes findings, the conduct review committee/reviewer may recommend that council take any actions provided for in this code of conduct that it considers reasonable in the circumstances.
22. Where the conduct review committee/reviewer makes findings, the conduct review committee/reviewer will report its findings, and the reasons for those findings, in writing to the council, the complainant and the person subject of the complaint.
23. The conduct review committee/reviewer will report its findings and any recommendations to council only when it has completed its deliberations.

Sanctions

24. Before a council can impose a sanction it must make a determination that a councillor or the general manager has breached the code of conduct.
25. Where the council finds that a councillor or general manager has breached the code, it may decide by resolution to:
 - a) censure the councillor for misbehaviour in accordance with section 440G of the Act
 - b) require the councillor or general manager to apologise to any person adversely affected by the breach
 - c) counsel the councillor or general manager
 - d) make public findings of inappropriate conduct
 - e) prosecute for any breach of law.

Councillor misbehaviour

26. Under section 440G a council may by resolution at a meeting formally censure a councillor for misbehaviour.
27. Under section 440H, the process for the suspension of a councillor from civic office can be initiated by a request made by council to the Director General of the Department of Local Government.
28. The first ground on which a councillor may be suspended from civic office is where the councillor's behaviour has been disruptive over a period, involving more than one incident of misbehaviour during that period, and the pattern of behaviour during that period is of such a sufficiently serious nature as to warrant the councillor's suspension.
29. Council cannot request suspension on this ground unless during the period concerned the councillor has been:
 - formally censured for incidents of misbehaviour on two or more occasions, or
 - expelled from a meeting of the council or a committee of the council for an incident of misbehaviour on at least one occasion.
30. The second ground on which a councillor may be suspended from civic office is where the councillor's behaviour has involved one incident of misbehaviour that is of such a sufficiently serious nature as to warrant the councillor's suspension.
31. Council cannot request suspension on this ground unless the councillor has been:
 - formally censured for the incident of misbehaviour concerned, or
 - expelled from a meeting of the council or a committee of the council for the incident of misbehaviour concerned.

32. Under section 440H, the process for the suspension of a councillor can also be initiated by the Department of Local Government, the Independent Commission Against Corruption or the NSW Ombudsman.

Reporting on complaints

33. The general manager must report annually to council on code of conduct complaints. This report should include, as a minimum, a summary of the:
- a) number of complaints received,
 - b) nature of the issues raised by complainants, and
 - c) outcomes of complaints.

Complaint Assessment Criteria

1. The general manager or Mayor, in the case of a complaint about the general manager, will assess a complaint alleging a breach of the code of conduct to determine if the matter should be referred to the conduct review committee/reviewer. In assessing the complaint, the general manager and Mayor will have regard to the following grounds:
 - a) whether there is any prima facie evidence of a breach of the code of conduct
 - b) whether the subject matter of the complaint relates to conduct that is associated with the carrying out of the functions of civic office or duties as general manager
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the conduct the subject of the complaint could reasonably constitute a breach of the code of conduct
 - e) whether the complaint raises issues that require investigation by another person or body, such as referring the matter to the Department of Local Government, the NSW Ombudsman, the Independent Commission Against Corruption or the NSW Police
 - f) whether there is an alternative and satisfactory means of redress
 - g) how much time has elapsed since the events the subject of the complaint took place
 - h) how serious the complaint is and the significance it has for council
 - i) whether the complaint is one of a series indicating a pattern of conduct.
2. Complaints that are assessed as not having sufficient grounds to warrant referral to the conduct review committee/reviewer or that are to be referred to a more appropriate person or body can be finalised by the general manager or the Mayor, in the case of complaints about the general manager.
3. If a matter is referred to the conduct review committee/reviewer, then the conduct review committee/reviewer should use the above criteria in clause 1 for its initial assessment of the complaint and determination of the course to follow in dealing with the complaint.

Conduct Review Committee/Reviewer Operating Guidelines

1. *Jurisdiction of the conduct review committee/reviewer*

The complaint handling function of the conduct review committee/reviewer is limited to consideration of, making enquiries into and reporting on complaints made under the Reporting Breaches section of the Standards of Conduct, about councillors and/or the general manager.

Complaints regarding pecuniary interest matters should be reported to the Director General of the Department of Local Government and will not be dealt with by the conduct review committee/reviewer.

Sole reviewers and members of the conduct review committee are subject to the provisions of this code of conduct.

2. *Role of the general manager and Mayor*

The general manager, or in the case of complaints about the general manager, the Mayor, will undertake the following functions in relation to the conduct review committee/reviewer:

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

Where the general manager, or in the case of complaints about the general manager, the Mayor, is unable to act as advisor to the conduct review committee/reviewer due to a conflict of interests in relation to a complaint, they are to nominate a senior council officer or councillor (in the case of complaints about the general manager) to perform this role.

3. *Composition of the conduct review committee*

Where council has a conduct review committee it will comprise three or more appropriately qualified persons of high standing in the community who are independent of the council, convened and selected as provided in clause 16 of the Complaint Handling Procedures and Sanctions.

In the circumstances where a member of the conduct review committee cannot participate in a matter, the general manager, or Mayor in the case of complaints about the general manager, should select another person as provided in clause 16 of the Complaint Handling Procedures and Sanctions.

The chairperson is to be elected by the members of the conduct review committee.

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

4. *Quorum of the conduct review committee*

A quorum for a meeting of the conduct review committee is the majority of the members of the conduct review committee.

If a quorum is not present at a meeting of the conduct review committee it must be adjourned to a time and date that is specified.

Business is not to be conducted at any meeting of the conduct review committee unless a quorum is present.

Business may be conducted by video-conference or teleconference.

5. *Voting of the conduct review committee*

Each member of the conduct review committee shall be entitled to one vote in respect of any matter. In the event of equality of votes being cast, the chairperson shall have the casting vote.

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

In relation to any procedural matters relating to the operation of the conduct review committee, the ruling of the chairperson shall be final.

6. *Procedures of the conduct review committee/reviewer*

The general manager or Mayor, in the case of a complaint about the general manager, will be responsible for convening the initial meeting of the conduct review committee when there is a complaint to be referred to it.

The conduct review committee/reviewer will conduct business in the absence of the public.

The conduct review committee/reviewer will keep proper records of deliberations.

The conduct review committee shall determine the procedures governing the conduct of its meetings provided such procedures are consistent with these operating guidelines.

7. *Procedural fairness*

In conducting enquiries, the conduct review committee/reviewer or the person engaged to do so should follow the rules of procedural fairness and must -

- a) provide the person the subject of the complaint with a reasonable opportunity to respond to the substance of the allegation
- b) provide the person the subject of the complaint with an opportunity to place before the conduct review committee/reviewer or person undertaking the enquiry any information the person considers relevant to the enquiry
- c) provide the person the subject of the complaint with an opportunity to address the conduct review committee/reviewer in person
- d) hear all parties to a matter and consider submissions before deciding the substance of any complaint
- e) make reasonable enquiries before making any recommendations
- f) act fairly and without prejudice or bias
- g) ensure that no person decides a case in which they have a conflict of interests
- h) conduct the enquiries without undue delay.²

Where the person the subject of the complaint declines or fails to take the opportunity provided to respond to the substance of the allegation against them, the conduct review committee/reviewer should proceed to finalise the matter.

² NSW Ombudsman, Investigating complaints, A manual for investigators, June 2004.

8. *Complaint handling procedures*

In addition to complying with these operating guidelines, the conduct review committee/reviewer will ensure it deals with all complaints in accordance with the provisions of the Complaint Handling Procedures and Sanctions.

All persons who are the subject of complaints that are referred to the conduct review committee/reviewer will receive written information about the process being undertaken to deal with the matter.

The conduct review committee/reviewer will only deal with matters that are referred to it by the general manager or the Mayor.

Where the conduct review committee/reviewer determines to make enquiries into the matter, such enquiries should be made without undue delay.

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

9. *Findings and recommendations of the conduct review committee/reviewer*

Where the conduct review committee/reviewer determines, in its view that the conduct referred to it comprises a breach of this code of conduct it may, in its report to the council, make recommendations, that the council take any of the following actions:

- a) censure the councillor for misbehaviour
- b) require the councillor or general manager to apologise to any person adversely affected by the breach
- c) counsel the councillor or general manager
- d) make public findings of inappropriate conduct
- e) prosecute for any breach of the law
- f) revise any of council's policies, procedures and/or the code of conduct.

Before making any such recommendations, the conduct review committee/reviewer shall have regard to the following:

- a) the seriousness of the breach
- b) whether the breach can be easily remedied or rectified
- c) whether the subject has remedied or rectified their conduct
- d) whether the subject has expressed contrition
- e) whether the breach is technical or trivial only
- f) whether the breach represents repeated conduct
- g) the age, physical or mental health or special infirmity of the subject
- h) the degree of reckless intention or negligence of the subject
- i) the extent to which the breach has affected other parties or the council as a whole
- j) the harm or potential harm to the reputation of local government and of the council arising from the conduct
- k) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
- l) whether an educative approach would be more appropriate than a punitive approach
- m) the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action
- n) what action or remedy would be in the public interest

- o) where to comply with a councillor's obligations under this code of conduct would have had the effect of depriving the council of a quorum or otherwise compromise the capacity of council to exercise its functions

10. *Amendment of the operating guidelines*

The conduct review committee/reviewer guidelines may be added to and any additional requirements may be further amended or repealed by resolution of the council.

Complaint Handling Procedure - Code of Conduct - Procedure		
Owner: Governance Unit	Accountability: Governance Framework	Policy Number: CSG002
Trim Reference: D11/68701	Review date: Annual	Endorsed: 27/9/11 - COUNCIL



Code of Conduct – Charter of Respect



City of Ryde

Lifestyle and opportunity @ your doorstep

Related Policy

This Charter relates to the Code of Conduct. It exists to strengthen the working relationship between Councillors and Council's Senior Management Team. These are the enforceable standards of conduct.

Failure by a councillor to comply with these standards of conduct, of council's code of conduct constitutes misbehaviour and may constitute a substantial breach for the purposes of section 9 of the ICAC Act 1988. The Local Government Act 1993 provides for suspension of councillors from civic office for up to six months for proven misbehaviour. For further information on misbehaviour refer to Reporting Breaches and Complaint Handling Procedures and Sanctions in these Standards and the related procedures.

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

As a Councillor of the City of Ryde, I will:-

- Read reports and maintain confidentiality (as required) when making decisions
- Evaluate and constructively challenge our performance
- Strategically set the City's future direction and set clear priorities
- Professionally deal with staff and create a non threatening culture by:
 1. Debating the issue without denigrating staff (play the ball not the person)
 2. Respecting that staff are bound by Council's policies and procedures
 3. Telling us what is required not how to do it
- Expect responses within realistic timeframes and utilise the helpdesk for my requests
- Commit to representing the aspirations and needs of our Community whilst acting with dignity
- Trust the staff to give their best apolitical advice but feel free to change it.

As a member of the Executive Team of the City of Ryde I will be:-

- Receptive and responsive to Community concerns and Council's decisions
- Ethical and apolitical in carrying out my duties
- Supportive of Councillor requests and requirements
- Professional in managing and optimising Council's resources and knowledge
- Equal in my interactions with and treatment of all Councillors
- Communicating in a frank, honest, clear and consistent way with Councillors and represent their views clearly to staff
- Timely in all of our communications, responses and actions (within our recourse limitations)

NOTE

Receptive – includes using a range of market research and consultative methodologies, analysing the results and being guided by them

Ethical – includes honest and without prejudice or political bias, fair/impartial/independent

Professional – includes being efficient, effective, accurate, keeping our expertise up to date, being financially and commercially sound and focussed on reporting against and improving our performance across our key performance indicators.

Charter of Respect - Code of Conduct		
Owner: Governance Unit	Accountability: Governance Framework	Policy Number: CSG002
Trim Reference: D11/68701	Review date: Annual	Endorsed: 27/9/11 - COUNCIL

Record of Voting:

For the Motion: Unanimous

5 CODE OF MEETING PRACTICE

RESOLUTION: (Moved by Councillors Petch and O'Donnell)

- (a) That Council adopt the draft Code of Meeting Practice as attached to this report, for public exhibition for a period of not less than 28 days.
- (b) That a copy of the draft Code of Meeting Practice be provided to the Division of Local Government for comment.
- (c) That public submissions be invited on the draft Code of Meeting Practice and that these submissions be accepted for a period of not less than 42 days.
- (d) That once the public submission period has closed a further report be provided to Council to consider adoption of the draft Code of Meeting Practice.

Record of Voting:

For the Motion: Unanimous

Note: This Item was recommitted later in the meeting.

6 CODE OF CONDUCT POLICY AND ANNUAL REPORT

RESOLUTION: (Moved by Councillors Petch and O'Donnell)

- (a) That Council note the General Manager's report on Code of Conduct complaints received for the period October 2010 to September 2011.
- (b) That Council adopted the draft Code of Conduct as **ATTACHED**.

Record of Voting:

For the Motion: Unanimous

RECOMMITTAL OF ITEM

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM)

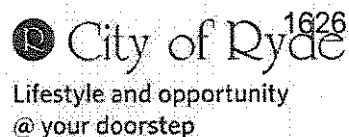
That Item 5: Code of Meeting Practice be recommitted.

Record of Voting:

For the Motion: Unanimous

NSW ICAC EXHIBIT

City of Ryde Code of Conduct 2013 POLICY



Scope

This Code of Conduct is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code.

For the purposes of section 440 of the Act, the City of Ryde Code of Conduct is in three Parts:

- **Part 1: Policy** - defines and describes the purpose of the Code, and the principles and values that are used to interpret the Standards in the Code. This Part does not constitute separate enforceable standards of conduct.
- **Part 2: Standards of Conduct** - set out the conduct obligations required of all council officials. The City of Ryde Charter of Respect is included and exists to strengthen the working relationship between Councillors and Council's Senior Management Team. This Part contains the enforceable Standards of Conduct.
- **Part 3: Complaints Procedure** - contains the methods to make a complaint, and the operating guidelines for the conduct review committee/reviewer. This Part should be used to guide the management of complaints about breaches of the Code.

City of Ryde's Code of Conduct – 2013, is the Model Code of Conduct and Procedures, as issued by the Division of Local Government in December 2012, with some additions.

The City of Ryde Code of Conduct commences 1 March 2013.

Purpose

The City of Ryde Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Code is prescribed by regulation. It is the personal responsibility of Council Officials to comply with the standards in the Code and regularly review their personal circumstances with this in mind.

Council Officials are defined in the Code as including "Councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council".

Failure by a Councillor to comply with the standards of conduct prescribed under this Code constitutes misconduct for the purposes of the Local Government Act 1993. 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.

Code of Conduct 2013 – City of Ryde - Policy		
Owner: Governance Service Unit	Accountability: Manager Governance	Policy Number: # Provided by Governance
Trim Reference: D13/7229	Review date: 1 March 2014	Endorsed: Council – 19 February 2013

City of Ryde Code of Conduct 2013 POLICY

Key Principles and Values

The Code of Conduct is based on a number of key principles and values. They underpin, and thus can inform and guide Council Officers' understanding of the Standards of Conduct.

They may be used as an aid to interpret and apply the Standards of Conduct, but do not themselves constitute separate enforceable standards of conduct.

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.	Accountability You are accountable to the public for your decisions and actions and should consider issues on their merits, taking into account the views of others. <i>This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.</i>
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. <i>This means making decisions because they benefit the public, not because they benefit the decision maker.</i>	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. <i>This means promoting public duty to others in the council and outside, by your own ethical behaviour.</i>
Impartiality You should make decisions on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. <i>This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of council's resources; considering only relevant matters.</i>	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. <i>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.</i>
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. <i>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.</i>	Respect You must treat others with respect at all times. <i>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.</i>

Code of Conduct 2013 – City of Ryde - Policy		
Owner: Governance Service Unit	Accountability: Manager Governance	Policy Number: # Provided by Governance
Trim Reference: D13/7229	Review date: 1 March 2014	Endorsed: Council – 19 February 2013

City of Ryde Code of Conduct 2013 POLICY

Questions to Guide Council Officials

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

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with City of Ryde policy, objectives and Code of Conduct
- Does the decision or conduct reflect City of Ryde Values of *Safety, Teamwork, Ethics and Professionalism*
- 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?

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

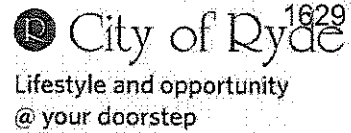
- Do you have a personal interest in a matter you are officially involved with?
- Is it likely you could be influenced by a personal interest in carrying out your public duty?
- Would a reasonable person believe you could be so influenced?
- What would be the public perception of whether or not you have 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?

Seeking advice

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 NSW Ombudsman's Office, and the Independent Commission Against Corruption.

Code of Conduct 2013 – City of Ryde - Policy		
Owner: Governance Service Unit	Accountability: Manager Governance	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D13/7229	Review date: 1 March 2014	Endorsed: Council – 19 February 2013

City of Ryde Code of Conduct 2013 POLICY



Review Process and Endorsement

This Policy should be reviewed annually.

Council must, within 12 months after each ordinary election, review its adopted Code of Conduct, and make such adjustments as it considers appropriate.

Attachments

<i>Title</i>	<i>Trim Reference</i>
Code of Conduct 2013 – Standards of Conduct	D13/7214
Code of Conduct 2013 – Complaints Procedure	D13/7212

Code of Conduct 2013 – City of Ryde - Policy		
Owner: Governance Service Unit	Accountability: Manager Governance	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D13/7229	Review date: 1 March 2014	Endorsed: Council – 19 February 2013

Quality Certification

Assessment of a Dual Occupancy (attached), Single Dwelling House, Alterations & Additions to a Dwelling House and ancillary development

BC No:	BC2013/0003
Date Plans Rec'd	17 January 2013
Address:	29 Vimiera Road, Eastwood
Proposal:	Building Certificate for unauthorised building works to existing dwelling including a first floor addition, extensions to the rear of the dwelling and demolition.
Constraints Identified:	Nil

COMPLIANCE CHECK

RYDE LEP 2010	PROPOSAL	COMPLIANCE
4.3(2) Height • 9.5m overall	6.83m	Yes
4.4(2) & 4.4A(1) FSR • 0.5:1	0.25:1	Yes

DCP 2010	PROPOSED	COMPLIANCE
Part 3.3 – Dwelling Houses and Dual Occupancy (attached)		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is considered not to be consistent with the desired future character of the low density residential area due to the design and siting of the alterations and additions, particularly the box shaped first floor addition extending towards the northern boundary.	No
Dwelling Houses		
<ul style="list-style-type: none"> - To have a landscaped setting which includes significant deep soil areas at front and rear. - Maximum 2 storeys. - Dwellings to address street 	<p>No change proposed to front or rear gardens.</p> <p>Part 1, part 2 storeys. Original dwelling is considered to present to Vimiera Street. New building works are orientated towards Vimiera Street however present a significant bulk and</p>	<p>Yes</p> <p>Yes Yes/No</p>

Environment² & Planning

DCP 2010	PROPOSED	COMPLIANCE
- Garage/carports not visually prominent features.	scale to the streetscape. Existing detached garage demolished. New carport created as a result of the raised floor added as part of the building works.	Yes
Alterations and Additions		
- Design of finished building appears as integrated whole.	Design of the alterations and additions/building works do not appear as an integrated whole and do not compliment the original dwelling. Design, form, scale and materiality are all considered to inappropriate given the design style of the existing dwelling house.	No
- Development to improve amenity and liveability of dwelling and site.	The alterations and additions/building works will improve the liability and amenity of the site through increasing the floor space and	Yes
Public Domain Amenity		
<ul style="list-style-type: none"> • Streetscape 		
- Front doors and windows are to face the street. Side entries to be clearly apparent.	No change proposed to front doors. New windows have been installed as part of the building works which face the street.	Yes
- Single storey entrance porticos.	No change proposed to the entrance portico	Yes
- Articulated street facades.	The building works present a new street façade that has no articulation. It is considered this adds significantly to the overall bulk and scale of the dwelling and creates an inconsistent streetscape character. See Photograph 1 in Attachment attached to this report.	No
- Corner buildings to address both frontages	Not on corner	N/A
<ul style="list-style-type: none"> • Public Views and Vistas 		
- A view corridor is to be provided along at least one side allotment boundary where	No water views	N/A

Environment³ & Planning

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> there is an existing or potential view to the water from the street. Landscaping is not to restrict views. - Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. - Fence 70% open where height is >900mm 		
<ul style="list-style-type: none"> • Pedestrian & Vehicle Safety - Car parking located to accommodate sightlines to footpath & road. - Fencing that blocks sight line is to be splayed. 	<p>New car parking spaces are considered to allow for sightlines to the footpath and road.</p> <p>No change proposed to front fencing.</p>	<p>Yes</p> <p>N/A</p>
Site Configuration		
<ul style="list-style-type: none"> • Deep Soil Areas - 35% of site area min. - Min 8x8m deep soil area in backyard. - Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls). 	<p>No change to deep soil areas.</p> <p>As above.</p> <p>As above.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> • Topography & Excavation Within building footprint: <ul style="list-style-type: none"> - Max cut: 1.2m - Max fill: 900mm Outside building footprint: <ul style="list-style-type: none"> - Max cut: 900mm - Max fill: 500mm - No fill between side of building and boundary or close to rear boundary - Max ht retaining wall 900mm 	<p>No cut or fill undertaken as part of the alterations and additions.</p> <p>As above.</p> <p>No retaining walls as part of the alterations and additions.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Floor Space Ratio		
<ul style="list-style-type: none"> - Ground floor - First floor - Outbuildings (incl covered pergolas, sheds etc) - Total (Gross Floor Area) - Less 36m² (double) or 18m² 	<p>165.24m²</p> <p>87.12m²</p> <p>9m²</p> <p>291.36m²</p> <p>255.36m²</p>	

Environment⁴ & Planning

DCP 2010	PROPOSED	COMPLIANCE
<p>(single) allowance for parking FSR (max 0.5:1)</p> <p>Note: Excludes wall thicknesses, lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.</p>	0.25:1	Yes
<p>Height</p> <p>- 2 storeys maximum (storey) incl basement elevated greater than 1.2m above EGL).</p> <p>- 1 storey maximum above attached garage incl semi-basement or at-grade garages.</p> <p>Wall plate (Ceiling Height)</p> <p>- 7.5m max above FGL or</p> <p>- 8m max to top of parapet.</p> <p>NB:</p> <p>TOW = Top of Wall</p> <p>EGL = Existing Ground Level</p> <p>FGL = Finished Ground Level</p> <p>- 9.5m Overall Height</p> <p>NB: EGL – Existing ground Level</p>	<p>TOW RL: 69.33</p> <p>FGL below (lowest point): RL:65.73</p> <p>TOW Height (max)= 3.6</p> <p>Max point of dwelling RL:70.63</p> <p>EGL below ridge (lowest point) RL: 63.80</p> <p>Overall Height (max)= 6.83m</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>- Habitable rooms to have 2.4m floor to ceiling height (min).</p>	2.8m min room height	Yes
Setbacks		
<p>• Side</p> <p>○ Single storey dwelling</p> <p>- 900mm to wall, includes balconies etc.</p> <p>○ First floor addition</p> <p>- 1500mm to wall, includes balconies etc.</p>	<p>Council has advised that site inspections revealed the side setbacks comply with relevant DCP controls.</p> <p>Council has advised that site inspections revealed the side setbacks comply with relevant DCP controls.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>• Front</p> <p>- 6m to façade (generally)</p>	The building works are setback from the boundary	Yes

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Garage setback 1m from the dwelling facade 	approximately 9.5m Existing garage demolished. No garage proposed as part of the building works.	Yes
<ul style="list-style-type: none"> - Wall above is to align with outside face of garage below. 	As above.	Yes
<ul style="list-style-type: none"> - Front setback free of ancillary elements e.g. RWT, A/C 	No ancillary elements as part of the building works.	Yes
<ul style="list-style-type: none"> • Rear - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. 	Building works are setback a minimum 8.5m from the rear boundary.	Yes
Car Parking & Access		
<ul style="list-style-type: none"> • General - Dwelling: 2 spaces max, 1 space min. 	1 space proposed.	Yes
<ul style="list-style-type: none"> - Where possible access off secondary street frontages or laneways is preferable. 	No change to access.	N/A
<ul style="list-style-type: none"> - Max 6m wide or 50% of frontage, whichever is less. 	Width of entry to the carport is calculated at 3.5m.	Yes
<ul style="list-style-type: none"> - Behind building facade. 	Behind facade	Yes
<ul style="list-style-type: none"> • Garages 	Existing garage demolished as part of the building works.	N/A
<ul style="list-style-type: none"> • Carports - Sides 1/3 open (definition in BCA) 	All sides of the new carport are open with the exception of the side adjoining the dwelling.	Yes
<ul style="list-style-type: none"> - Design and materials compatible with dwelling. 	Description: New carport has been created as result of the raised first floor wing to the north eastern side of the dwelling. See photograph 1 in Attachment below.	Yes
<ul style="list-style-type: none"> • Parking Space Sizes (AS) Double garages: 5.4m w (min) 	9.2m	Yes
<ul style="list-style-type: none"> - Internal length: 5.4m (min) 	10.72m	Yes
<ul style="list-style-type: none"> • Driveways - Extent of driveways minimised 	No change to driveway hardstand area as part of the building works.	N/A
Landscaping		
<ul style="list-style-type: none"> • Trees & Landscaping 	No changes to any trees or landscaping as part of the building works	N/A

Environment⁶ & Planning

DCP 2010	PROPOSED	COMPLIANCE
Dwelling Amenity		
<ul style="list-style-type: none"> • Daylight and Sunlight Access - Living areas to face north where orientation makes this possible. - Increase side setback for side living areas (4m preferred) where north is the side boundary. 	<p>New rumpus and living rooms created as part of the building works have a northerly orientation.</p> <p>Northern side setback has been reduced from approximately 10.5m to 1.5m as result of the building works.</p>	<p>Yes</p> <p>No</p>
<p><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> - Subject dwelling north facing windows are to receive at least 3 hrs of sunlight to a portion of their surface between 9am and 3pm on June 21. - Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. 	<p>According to the shadow diagrams submitted the subject dwelling will receive at least 3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21.</p> <p>According to the shadow diagrams submitted the subject dwellings private open space will receive at least 2 hours sunlight between 9am and 3pm on June 21.</p>	<p>Yes</p> <p>Yes</p>
<p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. 	<p>According to the shadow diagrams submitted, the neighbouring properties adjoining principal ground level open space will receive as least 2 hours sunlight to at least 50% of its area between 9am and 3pm on June 21.</p> <p>According to the shadow diagrams submitted, the neighbouring property at 27 Vimiera Road will not receive the minimum 3 hours sunlight to a portion of their adjoining north facing windows between 9am and 3pm on June 21. It is unclear from the survey whether these are living room windows however</p>	<p>Yes</p> <p>No</p>

Environment⁷ & Planning

DCP 2010	PROPOSED	COMPLIANCE
	it is noted that the building works are considered not to impact these windows in terms of overshadowing due to the pitch of the existing dwelling already significantly overshadowing the subject windows.	
<ul style="list-style-type: none"> • Visual Privacy 		
- Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling.	Windows of living areas, balconies and outdoor living areas have generally been orientated to the front and rear of dwelling.	Yes
- Windows of living, dining, family etc. placed so there are no close or direct views to adjoining dwelling or open space.	Windows have been generally placed so as not to allow any close or direct views to the adjoining dwellings and private open space.	Yes
- Side windows offset from adjoining windows.	Side windows have been offset from adjoining windows.	Yes
- Terraces, balconies etc. are not to overlook neighbouring dwellings/private open space.	Balcony to the rear of the upper floor addition is not considered to overlook neighbouring dwellings /private open space.	N/A
<ul style="list-style-type: none"> • View Sharing 		
- The siting of development is to provide for view sharing.	No views identified.	N/A
<ul style="list-style-type: none"> • Cross Ventilation 		
- Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.	Design layout of new building works is considered to allow for satisfactory cross ventilation.	Yes
External Building Elements		
<ul style="list-style-type: none"> • Roof 		
- Articulated.	Flat roof proposed.	N/A
- 450mm eaves overhang minimum.	0mm overhang, flat roof proposed.	N/A
- Not to be trafficable Terrace.	None provided	Yes
- Skylights to be minimised and placed symmetrically.	None proposed.	Yes
- Front roof plane is not to have both dormer windows and skylights.	None proposed	Yes
Fencing		

Environment⁸ & Planning

DCP 2010	PROPOSED	COMPLIANCE
• Front/return:	No fencing undertaken as part of the building works.	N/A
Part 7.2 – Waste Minimisation & Management		
Submission of a Waste Management Plan	The applicant has not submitted a Waste Management	No
Part 8.2 – Stormwater Management		
• Stormwater		
- Drainage is to be piped in accordance with Part 8.2 – Stormwater Management.	Drainage plans submitted and referred to Development Engineer for comment.	Yes
Part 9.2 – Access for People with Disabilities		
Accessible path required from the street to the front door, where the level of land permits.	No change to accessibility.	N/A
Part 9.4 – Fencing		
• Front & Return Fences		
- Front and return fences that exceed 1m in height are to be 50% open.	No front or return fencing undertaken as part of the building works.	Yes
Part 9.6 – Tree Preservation		
Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s) is not possible in order to provide adequate clearance between the tree(s) and the proposed building and the driveway.	No changes to any trees or landscaping as part of the building works	N/A

BASIX	PROPOSAL	COMPLIANCE
All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list) BASIX Cert A153901_02 dated 13 February 2013		Yes
• RWT 5000L	N/A	N/A
• Swimming Pool	None proposed	N/A
• Thermal Comfort Commitments: - Construction - TCC – Glazing.	To comply	Yes Yes
• HWS Gas Instantaneous 5 star.	N/A	N/A
• Natural Lighting	No bathroom or kitchen work undertaken as part of building	N/A

Environment⁹ & Planning

BASIX	PROPOSAL	COMPLIANCE
- kitchen - bathrooms ()	works.	
Water Target 40	N/A	N/A
Energy Target 40	N/A	N/A
Correct description of property/proposal on 1 st page of Certificate.	Correct details shown	Yes

DEMOLITION	PROPOSAL	COMPLIANCE
• Plan showing all structures to be removed.	Plan submitted	Yes
• Demolition Work Plan	No plan submitted	No
• Waste Management Plan	No plan submitted	No

Summary of Issues/Non compliances:

Non-Compliances – Justified

- Neighbouring adjoining windows do not receive the minimum amount of required sunlight.

Non-Compliances - Not justified

- Development not considered to be consistent with the desired future character of the low density residential areas.
- Design of the finished building does not appear as an integrated whole.
- New front building façade presents no articulation to the street.
- No waste management/minimisation plan submitted.

Certification

I certify that all of the above issues have been accurately and professionally examined by me.

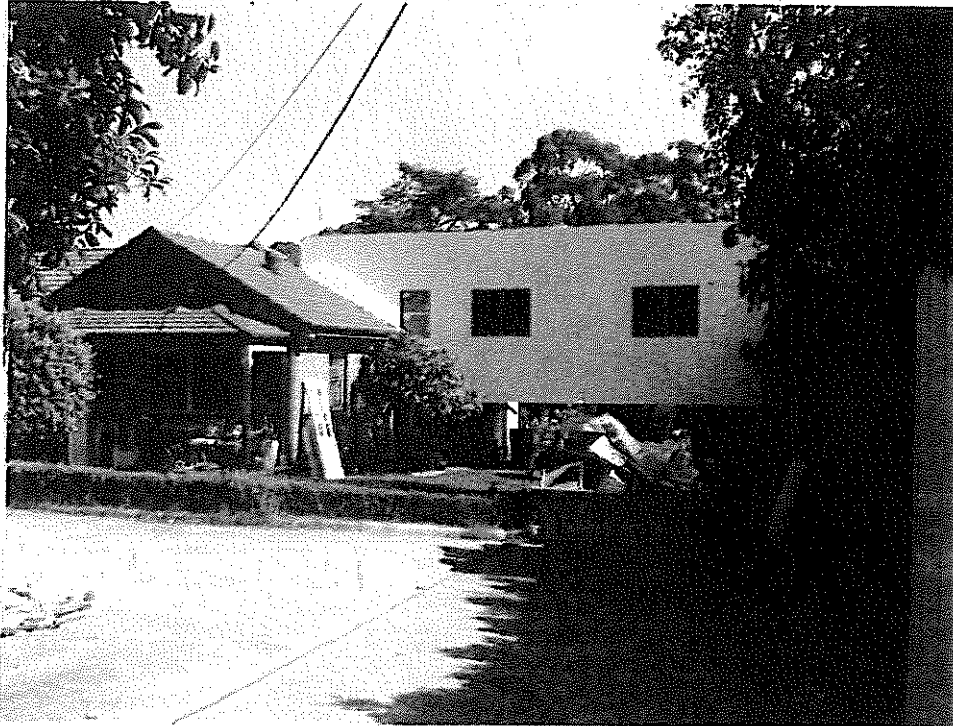
Name: Ben Tesoriero

Signature: 

Date: 15 April 2013

Environment¹⁰ & Planning

ATTACHMENT 1 – Site Photos



Photograph 2 – Subject dwelling showing new street façade with minimal articulation.

Planning and Environment Committee
MINUTES OF MEETING NO. 9/13

Meeting Date: Tuesday 4 June 2013
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 5.05pm

Councillors Present: Councillors Pendleton (Chairperson), Chung, Salvestro-Martin and The Mayor, Councillor Petch.

Note: The Mayor, Councillor Petch arrived at the meeting at 5.39pm and was present for consideration for Item 2 only. He left the meeting at 5.47pm and did not return.

In the absence of Councillor Simon, the Deputy Chairperson – Councillor Pendleton chaired the meeting.

Apologies: Councillor Maggio.

Leave of Absence: Councillors Simon and Yedelian OAM.

Staff Present: Group Manager – Environment and Planning, Service Unit Manager – Assessment, Service Unit Manager – Environmental Health and Building, Team Leader – Fast Track Team, Executive Officer – Assessment, Team Leader – Fast Track Team, Assessment Officer, Consultant Town Planner (Creative Planning Solutions), Team Leader – Building Compliance, Section Manager - Governance and Councillor Support Coordinator.

DISCLOSURES OF INTEREST

Councillor Chung disclosed a Less than Significant Non-Pecuniary interest in Item 3 - 52A Pellisier Road, Putney - LDA2013/0012, for the reason that he is familiar with an objector.

Councillor Salvestro-Martin disclosed a Less than Significant Non-Pecuniary Interest in Item 3 - 52A Pellisier Road, Putney - LDA2013/0012, for the reason that a speaker on the matter is known to him.

The Mayor, Councillor Petch disclosed a Significant Non-Pecuniary interest in Item 3 - 52A Pellisier Road, Putney - LDA2013/0012, for the reason that he is a neighbour and knows both the applicant and objector in the matter.

1 CONFIRMATION OF MINUTES - Meeting held on 21 May 2013

Note: The Mayor, Councillor Petch was not present for consideration of this Item.

RESOLUTION: (Moved by Councillors Chung and Salvestro-Martin)

That the Minutes of the Planning and Environment Committee 8/13, held on Tuesday 21 May 2013, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

2 29 VIMIERA ROAD, EASTWOOD - LOT 10 DP 4574. Building Certificate Application for unauthorised building works to the existing dwelling, including a first floor addition, extensions to the rear of the dwelling and demolition. BC2013/0003.

Note: Ian Mooney (objector), George Raymond (objector on behalf of himself and Derek and Lina Raymond), Lachlan Roots (objector) and Stefano Laface (applicant on behalf of Pyramid Consulting) addressed the Committee in relation to this Item.

Note: Correspondence was tabled by George Raymond and a copy is ON FILE.

ADJOURNMENT

RESOLUTION: (Moved by Councillors Chung and Salvestro-Martin)

That the Planning and Environment Committee Meeting adjourn for five (5) minutes, the time being 5.42pm.

Record of Voting:

For the Motion: Unanimous

In accordance with Clause 4.2.5 of the Code of Meeting Practice, The Chairperson, Councillor Pendleton adjourned the meeting to Tuesday, 4 June 2013, to reconvene at 5.47pm in Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde, the time being 5.42pm.

The following Councillors were present:

The Mayor, Councillor Petch and Councillors Pendleton, Chung and Salvestro-Martin.

MEETING RECONVENED

The Meeting reconvened at 5.47pm on Tuesday, 4 June 2013 in Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

The Mayor, Councillor Petch and Councillors Pendleton, Chung and Salvestro-Martin.

Apologies: Councillor Maggio.

Leave of Absence: Councillors Simon and Yedellian OAM.

Staff Present: Group Manager – Environment and Planning, Service Unit Manager – Assessment, Service Unit Manager – Environmental Health and Building, Team Leader – Fast Track Team, Executive Officer – Assessment, Team Leader – Fast Track Team, Assessment Officer, Consultant Town Planner (Creative Planning Solutions), Team Leader – Building Compliance, Section Manager - Governance and Councillor Support Coordinator.

RECOMMENDATION: (Moved by Councillors Salvestro-Martin and Chung)

- (a) That BC2013/0003 at 29 Vimiera Road, Eastwood being LOT 10 DP 4574 be refused for the following reasons:
1. The alterations and additions result in a dwelling which is inconsistent with the desired future character for the R2 Low Density Residential zone, and in particular the character of the streetscape in the immediate area.
 2. The alterations and additions create a significant visual impact to the streetscape and public domain with a poor design outcome in terms of form, massing, integration and materiality.
 3. The alterations and additions do not integrate with the form or character of the existing dwelling house on site.
 4. In the circumstances of the case, approval of the development is not in the public interest.
 5. The applicant has not demonstrated full compliance with the requirements of the National Construction Code Series - Building Code of Australia (BCA).
 6. The roof water is not suitably discharged into an approved drainage system as required by the BCA. Documentary evidence has not been submitted demonstrating that the proposed drainage system complies with the Council's Development Control Plan 2010 (DCP).

(b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on 11 JUNE 2013 as substantive changes were made to the published recommendation

3 52A PELLISIER ROAD, PUTNEY. LOT 2 DP 859984. Development Application for alterations and first floor additions to the existing dwelling, and new swimming pool. LDA2013/0012.

Note: Kylie and Tony Gillies (objectors), Norm Fletcher (objector on behalf of Annette Marsh), Annette Marsh (objector), Gary Dilles (objector), Stewart Macpherson (objector), George Rofail (applicant) and Michael Yousef (on behalf of the applicant) addressed the Committee in relation to this Item.

Note: Councillor Chung disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is familiar with an objector.

Note: Councillor Salvestro-Martin disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that a speaker on the matter is known to him.

Note: The Mayor, Councillor Petch disclosed a Significant Non-Pecuniary interest in this Item for the reason that he is a neighbour and knows both the applicant and objector in the matter. He left the meeting at 5.47pm and was not present for consideration or voting on this Item.

Note: Photographs provided by Annette Marsh were tabled and a copy is ON FILE.

Note: Correspondence provided by George Rofail was tabled and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Chung and Salvestro-Martin)

- (a) That LDA2013/0012 at 52A Pellisier Road, Putney be deferred to enable the applicant to submit amended plans that provide a more skilful design that improves view sharing opportunities for neighbours and relocates the pool further away from the dwelling and lowers the pool coping height.
- (b) That upon receipt of the amended plans required in part A, the plans are renotified to neighbours and all previous objectors.
If no further objections are received, then the application can be determined by the Group Manager Environment and Planning. If further objections are received, then a further report will be prepared for the consideration of the Planning and Environment Committee.
- (c) That the people who made submissions be advised of Council's decision.

Meeting Date: Tuesday 11 June 2013
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

Councillors Present: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Note: Councillor Yedelian OAM left the meeting at 11.12pm during the consideration of Item 10 – Renewal of Contract - Community of Interest Network (My Place).

Note: Councillor Pickering left the meeting at 11.12pm during the consideration of Item 10 – Renewal of Contract - Community of Interest Network (My Place).

Apologies: Nil.

Absent: Councillor Maggio.

Staff Present: Acting General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Acting Group Manager - Public Works, General Counsel, Section Manager – Community Engagement & Social Media, Manager – Customer Service and Governance and Councillor Support Coordinator.

PRAYER

Reverend Mal York of the West Ryde Anglican Church was present and offered prayer prior to the commencement of the meeting.

LEAVE OF ABSENCE

Councillor Etmekdjian requested a Leave of Absence for the period of 1 July 2013 to 29 July 2013.

Councillor Li requested a Leave of Absence for 18 June 2013.

Councillor Yedelian OAM requested a Leave of Absence for 18 June 2013.

RESOLUTION: (Moved by Councillors Simon and Li)

That Council approve Councillor Etmekdjian's Leave of Absence for the period of 1 July 2013 to 29 July 2013, Councillor Li's Leave of Absence for 18 June 2013 and Councillor Yedelian's Leave of Absence for 18 June 2013.

Record of Voting:

For the Motion: Unanimous

Minutes of the Council Meeting No. 12/13, dated 11 June 2013.

DISCLOSURES OF INTEREST

Councillor Perram declared a Less than Significant Non-Pecuniary Interest in Item 2(2) of the Report of the Planning and Environment Committee Meeting 9/13 held on 4 June 2013 – 29 Vimiera Road, Eastwood - LOT 10 DP 4574 for the reason that he understands that the Applicant's Lawyer is the same Lawyer that he has been using for another matter.

The Mayor, Councillor Petch declared a Significant Non-Pecuniary Interest in Item 2(2) of the Report of the Planning and Environment Committee Meeting 9/13 held on 4 June 2013 – 29 Vimiera Road, Eastwood - LOT 10 DP 4574 for the reason that the Applicants and Objectors are known to him. He did not participate in consideration of this Item.

The Mayor, Councillor Petch declared a Significant Non-Pecuniary Interest in Item 2(3) of the Report of the Planning and Environment Committee Meeting 9/13 held on 4 June 2013 – 52a Pellisier Road, Putney – LOT 2 DP 859984 for the reason that the Applicants and Objectors are known to him. He did not participate in consideration of this Item.

Councillor Li declared a Significant Non-Pecuniary Interest in Item 2(2) of the Report of the Planning and Environment Committee Meeting 9/13 held on 4 June 2013 – 29 Vimiera Road, Eastwood - LOT 10 DP 4574 for the reason that on 4 June 2013, he became aware that the applicant is represented by the same Solicitor who is also representing defendant Councillors in unrelated Supreme Court Proceedings. He did not participate in consideration of this Item.

Councillor Salvestro-Martin declared a Less than Significant Non-Pecuniary Interest in Item 2(2) of the Report of the Planning and Environment Committee Meeting 9/13 held on 4 June 2013 – 29 Vimiera Road, Eastwood - LOT 10 DP 4574 for the reason that the party is known to him. He did not participate in consideration of this Item.

Councillor Chung declared a Less than Significant Non-Pecuniary Interest in Item 2(3) of the Report of the Planning and Environment Committee Meeting 9/13 held on 4 June 2013 – 52a Pellisier Road, Putney – LOT 2 DP 859984 for the reason that he is familiar with an objector.

ELECTION OF CHAIRPERSON

As a result of the Mayor, Councillor Petch declaring a Significant Non-Pecuniary Interest in Item 2(2) - 29 Vimiera Road, Eastwood and Item 2(3) - 52a Pellisier Road, Putney and the Deputy Mayor, Councillor Li declaring a Significant Non-Pecuniary Interest in, and being absent for, Item 2(2) – 29 Vimiera Road, Eastwood of the Report of the Planning and Environment Committee Meeting 9/13, Council was required to undertake an election of a Chairperson for when these matters were considered by Council.

RESOLUTION: (Moved by The Mayor, Councillor Petch and Councillor Pendleton)

That Councillor Perram assume the Chair for Item 2(2) – 29 Vimiera Road, Eastwood - LOT 10 DP 4574 and Item 2(3) - 52a Pellisier Road, Putney – LOT 2 DP 859984.

Record of Voting:

For the Motion: Unanimous

Minutes of the Council Meeting No. 12/13, dated 11 June 2013.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

No addresses were made to Council on Items listed on the Agenda.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following persons addressed the Council on Items not listed on the Agenda:

Rodney Stern	"To present documents that clearly show that a parking ticket (and court fine) were improperly administered."
Peter Peploe	City of Ryde Enforcement

MATTER OF URGENCY

Councillor Salvestro-Martin advised that he wished to raise a Matter of Urgency regarding parking fines incurred by Mr Stern and Mr Peploe.

The Mayor, Councillor Petch accepted this Item as an Urgent Item.

RESOLUTION: (Moved by Councillors Salvestro-Martin and Etmekdjian)

That Council consider a Matter of Urgency regarding parking fines incurred by Mr Stern and Mr Peploe, the time being 7.51pm.

Record of Voting:

For the Motion: Unanimous

MATTER OF URGENCY – INVESTIGATION OF FINES

RESOLUTION: (Councillors Salvestro-Martin and Etmekdjian)

- (a) That the City of Ryde independently investigate the fines incurred by Mr Stern and Mr Peploe as detailed at tonight's meeting.
- (b) That Council makes representations to the State Debt Recovery Office to hold the fines in abeyance whilst Council's investigation is undertaken.
- (c) That the result of the investigation be reported back to Council.

Record of Voting:

For the Motion: Unanimous

MAYORAL MINUTES**MM17/13 SELECTION AND APPOINTMENT OF RECRUITER - GENERAL
MANAGER'S POSITION**

MOTION: (Moved by The Mayor, Councillor Petch and Councillor Salvestro-Martin)

That the selection committee to manage the recruitment process for the position of General Manager and determine the preferred candidate comprise the Mayor, Deputy Mayor and the Chairs of both the Planning and Environment Committee and the Works Committee.

That the top three recruitment providers address the newly formed committee on 13th June 2013.

AMENDMENT: (Moved by Councillors Chung and Pickering)

That the selection committee to manage the recruitment process for the position of General Manager and determine the preferred candidate comprise the Mayor and all Councillors.

That the top three recruitment providers address the newly formed committee on 13th June 2013.

On being put to the Meeting, the voting on the Amendment was four (4) votes For and seven (7) votes Against. The Amendment was LOST. A further Amendment was then put.

Record of Voting:

For the Amendment: Councillors Chung, Etmekdjian, Pickering and Yedelian OAM.

Against the Amendment: The Mayor, Councillor Petch and Councillors Laxale, Li, Pendleton, Perram, Salvestro-Martin and Simon.

FURTHER AMENDMENT: (Moved by Councillors Etmekdjian and Pickering)

That the selection committee to manage the recruitment process for the position of General Manager and determine the preferred candidate comprise the Mayor and at least the six (6) Councillors that completed the scoring of submissions.

That the top three recruitment providers address the newly formed committee on 13th June 2013.

On being put to the meeting, the voting on the Amendment was four (4) votes For and seven (7) votes Against. The Amendment was LOST. The Motion was then put and CARRIED.

Record of Voting:

For the Amendment: Councillors Chung, Etmekdjian, Pickering and Yedelian OAM.

Against the Amendment: The Mayor, Councillor Petch and Councillors Laxale, Li, Pendleton, Perram, Salvestro-Martin and Simon.

RESOLUTION: (Moved by The Mayor, Councillor Petch and Councillor Salvestro-Martin)

That the selection committee to manage the recruitment process for the position of General Manager and determine the preferred candidate comprise the Mayor, Deputy Mayor and the Chairs of both the Planning and Environment Committee and the Works Committee.

That the top three recruitment providers address the newly formed committee on 13th June 2013.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Etmekdjian, Laxale, Li, Pendleton, Perram, Salvestro-Martin and Simon

Against the Motion: Councillors Chung, Pickering and Yedelian OAM

MATTER OF URGENCY

Councillor Perram advised that he wished to raise a Matter of Urgency regarding the May Capital Works Update report to be reported at the next meeting of the Works and Community Committee.

The Mayor, Councillor Petch accepted this Item as an Urgent Item.

RESOLUTION: (Moved by Councillors Perram and Laxale)

That Council consider a Matter of Urgency regarding the May Capital Works Update report to be reported at the next meeting of the Works and Community Committee, the time being 8.34pm.

Record of Voting:

For the Motion: Unanimous

MATTER OF URGENCY – MAY CAPITAL WORKS UPDATE

RESOLUTION: (Moved by Councillors Perram and Laxale)

That the May Capital Works Update report be reported at the next meeting of the Works and Community Committee.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 28 May 2013

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

That the Minutes of the Council Meeting 11/13, held on 28 May 2013 be confirmed.

Record of Voting:

For the Motion: Unanimous

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 9/13 held on 4 June 2013

Note: Councillor Salvestro-Martin raised an issue in relation to the Report of the Planning and Environment Committee Meeting 9/13 held on 4 June 2013 on page 38, which incorrectly indicates that he had disclosed a Less than Significant Non-pecuniary Interest in Item 2(3) of the Report of the Planning and Environment Committee Meeting 9/13 held on 4 June 2013 – 52a Pellisier Road, Putney – LOT 2 DP 859984, when in fact it was disclosed in relation to Item 2(2) – 29 Vimiera Road, Eastwood – LOT 10 DP 4574. The minutes of the Planning and Environment Committee Meeting 9/13 will be amended to reflect this change.

RESOLUTION: (Moved by Councillors Pendleton and Salvestro-Martin)

That Council determine Items 2, 3, 4 and 5 of the Planning and Environment Committee report, noting that Item 1 was dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

2 29 VIMIERA ROAD, EASTWOOD - LOT 10 DP 4574. Building Certificate Application for unauthorised building works to the existing dwelling, including a first floor addition, extensions to the rear of the dwelling and demolition. BC2013/0003.

Note: The Mayor, Councillor Petch declared a Significant Non-Pecuniary Interest in this Item for the reason that the Applicants and Objectors are known to him and did not participate in consideration of this matter.

Note: Councillor Salvestro-Martin declared a Less than Significant Non-Pecuniary Interest in this Item for the reason that the party is known to him and did not participate in consideration of this matter.

Note: Councillor Li declared a Significant Non-Pecuniary Interest in this Item for the reason that on 4 June 2013, he became aware that the Applicant is represented by the same Solicitor that is also representing defendant Councillor's in unrelated Supreme Court Proceedings and did not participate in consideration of this matter.

Note: Councillor Perram declared a Less than Significant Non-Pecuniary Interest in this Item for the reason that he understands that the applicant's lawyer is the same lawyer that he has been using for another matter.

Note: The Mayor, Councillor Petch and Councillors Li and Salvestro-Martin left the meeting at 8.42pm and were not present for consideration or voting on this Item.

CHAIRPERSON

Councillor Perram assumed the Chair in accordance with Council's resolution earlier in the meeting as detailed in these minutes.

RESOLUTION: (Moved by Councillors Laxale and Pickering)

(a) That BC2013/0003 at 29 Vimiera Road, Eastwood being LOT 10 DP 4574 be refused for the following reasons:

1. The alterations and additions result in a dwelling which is inconsistent with the desired future character for the R2 Low Density Residential zone, and in particular the character of the streetscape in the immediate area.
2. The alterations and additions create a significant visual impact to the streetscape and public domain with a poor design outcome in terms of form, massing, integration and materiality.
3. The alterations and additions do not integrate with the form or character of the existing dwelling house on site.
4. In the circumstances of the case, approval of the development is not in the public interest.
5. The applicant has not demonstrated full compliance with the requirements of the National Construction Code Series - Building Code of Australia (BCA).
6. The roof water is not suitably discharged into an approved drainage system as required by the BCA. Documentary evidence has not been submitted demonstrating that the proposed drainage system complies with the Council's Development Control Plan 2010 (DCP).

- (b) In light of the Building Certificate application being refused in Part (a) above, the applicant is encouraged to demolish parts of the unauthorised structure (namely the area containing bedrooms 3,4, and 5 and rumpus room) that are visible from Vimiera Road. A building certificate may be issued on the single storey portion of the unauthorised development that comprises the living area subject to a new building application being lodged together with a development application being lodged (and approved) for additions and alterations to the existing dwelling that are consistent with the immediate character of Vimiera Road and integrates with the existing dwelling.
- (c) That Council pursue demolition of the unapproved structure.
- (d) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

Note: Councillors Li and Salvestro-Martin returned to the meeting at 9.02pm.

3 52A PELLISIER ROAD, PUTNEY. LOT 2 DP 859984. Development Application for alterations and first floor additions to the existing dwelling, and new swimming pool. LDA2013/0012.

Note: The Mayor, Councillor Petch declared a Significant Non-Pecuniary Interest in this Item for the reason that the applicants and objectors are known to him and did not participate in consideration of this Item.

Note: Councillor Chung declared a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is familiar with an objector.

MOTION: (Moved by Councillors Pendleton and Chung)

- (a) That LDA2013/0012 at 52A Pellisier Road, Putney be deferred to enable the applicant to submit amended plans that provide a more skilful design that improves view sharing opportunities for neighbours and relocates the pool further away from the dwelling and lowers the pool coping height.
- (b) That upon receipt of the amended plans required in part A, the plans are renotified to neighbours and all previous objectors.
If no further objections are received, then the application can be determined by the Group Manager Environment and Planning. If further objections are received, then a further report will be prepared for the consideration of the Planning and Environment Committee.
- (c) That the people who made submissions be advised of Council's decision.

On being put to the meeting the motion was LOST there being four (4) votes for and six (6) votes against.

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DOCUMENT COVER

Distribution	Internal/Operational Only
Group	Corporate Services
Document Name	Use of Assets & Facilities Policy
Location on Intranet	Information Systems
TRIM Document Number	
Policy Number (if applicable)	6.8
Document Owner	Information Systems
Approval Authority	General Manager
Approval Date	
Checked by Document Controller and Date	Peter Wardrop
Number of Pages (not including this page)	3
Format	Microsoft Word 2003

Policy 6.8 — USE OF ASSETS AND FACILITIES

Contact Officer: Manager Information Systems
Released: 30 July 2007
Version: 1.1
Next Review: 30 November 2009
Associated Policies: 2.1, 2.3, 6.1, 6.2, 6.11, 6.12, 6.21

Overview

This policy provides guidelines for the proper use of the City of Ryde Council (CoR) owned information and communications technology (IT) facilities and devices (including internet, intranet and email facilities) by CoR employees which are defined as permanent, temporary and seconded staff; contractors and consultants; volunteers and work experience placements and other external bodies who are authorised by CoR to use its IT facilities and devices.

The meaning of CoR IT facilities and devices are those owned, leased or utilised by CoR that are located in its premises, office, mobile or home based environment covering computers, including palm and handheld devices; telephones including mobiles; removable media; digital or analogue recorders (including DVD and video); cameras; photocopiers; facsimile machines; printers; scanners; the internet, intranet and external email and fee-based web services.

IT facilities and devices (including internet and email) are important sources of information and means of communication that can enhance workflow, increase productivity and assist CoR employees to provide an efficient and effective service.

Employees are accountable for the use of these technologies and such use must be able to withstand public scrutiny and/or disclosure.

The provision of CoR IT facilities and devices are for officially approved purposes. Limited personal use is permissible in keeping with CoR's commitment to the development of a responsive and flexible workforce, in which there is recognition of family and community responsibilities and their impact on work.

Policy Description

- 6.8.1 General principles include:
- use of IT facilities and devices must be able to withstand public scrutiny and/or disclosure;
 - IT facilities and devices are provided for authorised purposes only; employees are accountable for their use;
 - use of IT facilities and devices should not defame, harass, abuse or otherwise offend other users, individuals or organisations;
 - IT devices and facilities are to be used in a safe, secure, ethical and efficient manner;
 - employees found to be intentionally accessing, downloading, copying, storing or distributing pornography using CoR IT facilities and devices will be dismissed subject to the outcomes and determinations of natural justice processes;
 - employees may be disciplined for IT misuse in respect of material which is offensive or inappropriate;
 - CoR reserves the right to monitor employees' activity/use on any CoR IT facilities and devices (including email, internet and telephone use) to determine unauthorised use;
 - use of IT facilities and devices needs to comply with all applicable laws, regulations and information standards, including copyright, privacy and security; and
 - employees must acknowledge their responsibilities and accountabilities outlined in this policy through the completion of an agreement before they are allowed to access the CoR network.
- 6.8.2 Authorised use of IT facilities and devices can be for official, professional or personal purposes as detailed in this policy.
- Official Use of IT Facilities and Devices**
- 6.8.3 IT facilities and devices are provided for work-related purposes and to access or disseminate work-related information.

Professional Use of IT Facilities and Devices

6.8.4 Professional use is made in an employee's own time or during work hours at the discretion of senior management, provided such use does not interfere with the activities of their business unit or affect the productivity of other employees. Examples of professional use include;

- using the internet for professional development including approved study, research or professional forums;
- limited use of computer, email and other IT facilities to support study; and
- limited support for employees to engage with professional associations.

Personal Use of IT Facilities and Devices

6.8.5 Reasonable personal use of IT facilities and devices is allowed provided that the use occurs during the employee's non-work time and does not include uses that;

- require substantial expenditure of time;
- interfere with staff performing their normal business function or duties;
- are for private business, personal gain or profit;
- impede the efficiency of the internet or email services;
- clog mailboxes with large numbers of messages; and
- would violate or breach any State or Federal legislation and regulation and/or CoR's Employee Code of Conduct.

6.8.6 Examples of personal use include but not limited to:

- accessing public telephone directories such as Telstra White and Yellow Pages;
- limited personal emails and internet searches that are not unauthorised, unlawful or criminal;
- completing or submitting a job application;
- using a printer or photocopier to print out a few pages of personal information;
- making occasional brief local telephone calls;
- bank and credit union sites, to conduct personal pay transactions; and
- using web mail.

6.8.6 An indication of excessive internet use would be a user's account exceeding its download limit.

6.8.7 Time spent on personal use of IT facilities and devices cannot be counted when accruing accumulated leave or other entitlements.

Unauthorised Use

6.8.8 Examples of unauthorised use is categorised into criminal, unlawful and unauthorised.

Unauthorised Use – Criminal Intent

6.8.9 Criminal use includes but is not limited to:

- downloading, storing or distributing child pornography;
- breach of copyright such as unlicensed copying of a computer program;
- intercepting, attempting to steal or alter data (hacking), unlawfully accessing, altering or falsifying electronic documents or programs;
- activities such as illegal gambling, fraud, stalking and unauthorised recording or those activities that are defamatory in nature;
- loading or help someone load a virus, worm or Trojan horse onto any IT resource;
- sending a threatening email; and
- use that vilifies persons on the basis of their race or religion.

Unauthorised Use - Unlawful

6.8.10 Unlawful use includes but is not limited to:

- infringement of any unlicensed copyright or other intellectual property right owned by any person;
- use of a mobile phone without hands free functionality, whilst driving;
- sending unsolicited commercial electronic messages (spamming); and
- forwarding inappropriate jokes and graphics, particularly any material of a sexually explicit, racist, defamatory or offensive behaviour.

Unauthorised Use - Inappropriate

6.8.11 Inappropriate use includes but is not limited to:

- downloading, copying, storing or distributing pornography;
- downloading, copying, storing or distributing audio and video files for personal use;
- taking inappropriate or pornographic pictures with mobile phone cameras;
- using IT facilities and devices to conduct personal business for personal gain or profit;

- using fee-based or subscription services or stock trading;
- gambling online or accessing dating services online;
- downloading material such as chain letters or letters relating to pyramid schemes; and
- creating or maintaining unauthorised websites.

Conditions and Constraints of Use

6.8.12 Employees are expected to understand the risk and impact in using CoR's IT facilities and devices in relation to:

- data confidentiality;
- copyright laws;
- information security;
- privacy of emails;
- disciplinary process regarding breaches of this policy;
- reporting of security incidents; and
- system monitoring and reporting.

Unsolicited Paper Mail, emails and Telephone Calls

6.8.13 It is an employee's responsibility to take action if they regularly receive inappropriate communication from a particular source/s. Depending on the circumstances, an employee should take the following actions:

- inform your supervisor of the receipt of inappropriate communication;
- inform the sender by email that they must not forward any further inappropriate transmissions (in the case of spam email messages from an unknown source this is not recommended instead delete the email); and/or
- report the matter in accordance with IT Security Incident Reporting Policy upon which Information Systems management may make the necessary arrangements to block all further email transmissions from that sender.

Meeting Date: Tuesday 12 March 2013
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm
(Please note this meeting was not completed on Tuesday, 12 March 2013 and was reconvened on Tuesday, 19 March 2013 as detailed in these Minutes)

Councillors Present: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Apologies: Nil.

Staff Present: Acting General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Acting Group Manager - Public Works, Manager – Communications and Media, Service Unit Manager – Urban Planning, Service Unit Manager – Customer Service and Governance, Service Unit Manager – Environmental Health & Building, Service Unit Manager – Environment, Team Leader – Building Compliance, Section Manager – Community Engagement and Social Media and Section Manager – Governance.

PRAYER

Pastor Dean Moore of the Ryde Baptist Church was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in Item 2(5) of the Report of the Planning and Environment Committee Meeting 3/13 held on 5 March 2013 – Unauthorised Development 29 Vimiera Road Eastwood for the reason that he is aware of the applicant involved in charity community events – as an East Ward Councillor and Cox's Road Master Plan.

Councillor Laxale disclosed a Significant Non-Pecuniary Interest in Notice of Motion 1 – Deferred Notice of Motion: Legal Costs for the Supreme Court Injunction for the reason that he has a relationship with defendant, former Councillor Butterworth.

Councillor Li disclosed a Pecuniary Interest in Notice of Motion 1 – Deferred Notice of Motion: Legal Costs for the Supreme Court Injunction and Item 8 – Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors for the reason that he is a defendant in legal proceedings.

Councillor Simon disclosed a Significant Non-Pecuniary Interest in Notice of Motion 1 – Deferred Notice of Motion: Legal Costs for the Supreme Court Injunction for the reason that he has a personal relationship with defendants, specifically former Councillor Michael Butterworth.

Councillor Salvestro-Martin disclosed a Pecuniary Interest in Notice of Motion 1 – Deferred Notice of Motion: Legal Costs for the Supreme Court Injunction and Item 8 – Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors for the reason that he is a listed party in legal proceedings.

Councillor Perram disclosed a Pecuniary Interest in Notice of Motion 1 – Deferred Notice of Motion: Legal Costs for the Supreme Court Injunction and Item 8 – Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors for the reason that he is a defendant in incomplete Court proceedings where costs have to be determined.

The Mayor, Councillor Petch disclosed a Pecuniary Interest in Notice of Motion 1 – Deferred Notice of Motion: Legal Costs for the Supreme Court Injunction for the reason that he is a defendant in these legal proceedings.

The Mayor, Councillor Petch disclosed a Pecuniary Interest in Item 8 – Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors for the reason that he is a defendant in a legal matter.

The Mayor, Councillor Petch disclosed a Less than Significant Non-Pecuniary Interest in Item 2(5) of the Report of the Planning and Environment Committee Meeting 3/13 held on 5 March 2013 – Unauthorised Development 29 Vimiera Road Eastwood for the reason that he knows the person named in the action.

TABLING OF PETITIONS

No Petitions were tabled.

MATTER OF URGENCY

Councillor Salvestro-Martin requested to raise a Matter of Urgency in order to table a letter dated 12 March 2013 received from the Refugee Council of Australia.

The Mayor, Councillor Petch accepted this as an urgent item.

RESOLUTION: (Moved by The Mayor, Councillor Petch and Councillor Li)

That Council consider a Matter of Urgency regarding the tabling of a letter dated 12 March 2013 received from the Refugee Council of Australia, the time being 7.49pm.

RESOLUTION: (Moved by the Mayor, Councillor Petch and Councillor Yedelian OAM)

That Councillor Perram's Leave of Absence for the period from Saturday, 16 March 2013 to Saturday, 23 March 2013 be approved.

Record of Voting:

For the Motion: Unanimous

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Chung and Pendleton)

That Council now consider Item 2(5) of the Planning and Environment Committee Meeting 3/13 held on 5 March 2013 – Unauthorised Development 29 Vimiera Road, Eastwood, the time being 11.10pm.

Record of Voting:

For the Motion: Unanimous

CLOSED SESSION

**ITEM 2(5) OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 3/13
HELD ON 5 MARCH 2013 – UNAUTHORISED DEVELOPMENT 29 VIMIERA
ROAD, EASTWOOD**

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

That the Council resolve into Closed Session to consider the above matter.

Record of Voting:

For the Motion: Unanimous

Note: The Council closed the meeting at 11.11pm. The public and media left the chamber.

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 3/13 held on 5 March 2013

5 UNAUTHORISED DEVELOPMENT 29 VIMIERA ROAD EASTWOOD

Note: Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is aware of the applicant involved in charity community events – as an East Ward Councillor and Cox's Road Master Plan.

Note: The Mayor, Councillor Petch disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he knows the person named in the action.

Note: Ian Mooney, Stephen Raymond, Derek Raymond (representing Lina Raymond), Belle O'Keefe and Lachlan Roots addressed the meeting in relation to this Item.

RECOMMENDATION: (Moved by Councillors Chung and Laxale)

- (a) That Council prosecute Alramon Pty Limited in the Local Court via a Court Attendance Notice for failing to cease unauthorised construction work at No. 29 Vimiera Road, Eastwood when directed by Council staff.
- (b) That Council prosecute Alramon Pty Limited in the Local Court via a Court Attendance Notice for carrying out unauthorised development at No. 29 Vimiera Road, Eastwood; and
- (c) That a further report be forwarded to Council for consideration on the merits of the building certificate application for the unauthorised work.
- (d) That if the building certificate is not issued, then Council note its intent to pursue the demolition of the unapproved structure.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Simon and Yedelian OAM

Against the Motion: Councillor Salvestro-Martin

OPEN SESSION

RESOLUTION: (Moved by Councillors Pickering and Simon)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 11.25pm.

RESOLUTION: (Moved by Councillors Pickering and Simon)

That the recommendations of Items considered in Closed Session be received and adopted as resolutions of Council without any alteration or amendment thereto.

Record of Voting:

For the Motion: Unanimous

ADJOURNMENT

The Mayor, Councillor Petch adjourned this meeting to Tuesday, 19 March 2013, to commence at 7.30pm in the Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde, the time being 11.27pm.

The following Councillors were present: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

MEETING RECONVENED

The Meeting reconvened at 7.30pm on Tuesday, 19 March 2013 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Pickering, Salvestro-Martin and Yedelian OAM.

Note: Councillor Pickering was removed from the meeting at 10.07pm as a result of an Act of Disorder, as detailed in these Minutes and did not return. He was not present for consideration or voting on Precis of Correspondence 2, Notice of Motion 1, Notice of Motion 2, Notice of Motion 3, Notice of Motion 4, Notice of Motion 5, Notice of Motion 6, Notice of Motion 7, Notice of Motion 8, Notice of Motion 11 and Item 8.

Note: Councillor Li left the meeting at 10.53pm and did not return. He was not present for consideration or voting on Item 8.