Council Meeting
AGENDA

Members Crs K Mack (Chairperson), D Cameron, A Cohn, G Docksey, A Glachan, M King, J Stuchbery, D Thurley and H van de Ven

Staff General Manager

Apologies Nil

Please be advised that the next **Council Meeting** will be held in the **Council Chambers**, AlburyCity Administration Building, Kiewa Street, Albury, on **Monday 6 February 2017,** at **6.00pm**.

CM1. Opening Prayer and Acknowledgement of Original Custodians of Our Land 3
CM2. Recording of Meeting.....3
CM3. Conflict of Interest Declarations received by the Chair and Disclosure of Political Donations.....3
CM4. Apologies 3
CM5. Mayoral Minute 4
CM6. Action Plans.....5
CM6.1. Actions Complete - For Noting Only.....5
CM6.2. Actions Awaiting Response from External Parties 5
CM6.3. Actions in Progress 5
CM6.4. Long Term Issues (more than three months).....6
CM7. Confirmation of Minutes of Previous Meetings.....7
CM7.1. Minutes of the Council Meeting held on Monday 12 December 2016 at 6.00pm.....7
CM7.2. Minutes of the Extraordinary Council Meeting held on Monday 19 December 2016 at 6.00pm 17
CM8. Reports from Council Committees 21
CM8.0. Nil 21
CM9. Reports from Community Forums.....22
CM9.0. Nil 22
CM10. Notices of Motion/Notices of Recission.....23
CM10.0. Nil 23
CM11. Presentations and Deputations 24
CM11.0. Nil 24
CM12. Reports/Minutes of Committees and Working Parties 25
CM12.0. Nil 25
CM13. Documents for Sealing 26
CM14. Officers Reports for Consideration 27
CM14.1. Draft Councillor Payment of Expenses and Provision of Facilities Policy 27
CM14.2. Kerr Road Reconstruction Stage 3 - Contract No. 16/01755 46
CM14.3. Draft Code of Meeting Practice for Councillors Staff and Delegates.....52
CM14.4. Draft Investment Policy and Procedure Review 101
CM15. Officers Reports for Noting 111
CM15.1. Investment Balances - December 2016 111
CM15.2. Pecuniary Interest Disclosures Returns by New Councillors 2016 117
CM16. Delegates Reports for Noting.....118
CM16.0. Nil 118

CM17. Notice of Urgent Business 119
CM18. Confidential Matters.....120
CM18.0. Nil 120

Note *A light meal will be served at 5.15pm, at 'Charlies on Kiewa', for Councillors and staff required to attend the meeting.*

Frank Zaknich
General Manager

2 February 2017

CM1. OPENING PRAYER AND ACKNOWLEDGEMENT OF ORIGINAL CUSTODIANS OF OUR LAND

CM2. RECORDING OF MEETING

CM3. CONFLICT OF INTEREST DECLARATIONS RECEIVED BY THE CHAIR AND DISCLOSURE OF POLITICAL DONATIONS

CM4. APOLOGIES

CM5. MAYORAL MINUTE

CM6. ACTION PLANS

CM6.1. Actions Complete - For Noting Only

Nil

CM6.2. Actions Awaiting Response from External Parties

Nil

CM6.3. Actions in Progress

Item	Item No	Action Required	Responsible Officer	Action Taken
Notice of Motion – Amendment to AlburyCity Code of Meeting Practice	10.1 24 October 2016	Draft Code of Meeting Practice to be amended and placed on public exhibition. Council to consider the adoption or otherwise of the Draft Code of Meeting Practice at the earliest full Council meeting following exhibition.	General Manager	Report to be presented to Council 6 February 2017.
Notice of Motion – Albury Outdoor Basketball Courts	10.2 24 October 2016	A report providing additional information regarding costs and funding estimates for the construction of new basketball courts/upgrade of existing facilities.	Director Community & Recreation	In progress.
Notice of Motion – Development of Recreational Vehicle Parking	10.1 28 November 2016	Report to be provided to Council on possible options and locations for the development of a publicly accessible Recreational Vehicle, caravan and camping (RV) park.	Director Economic Development & Tourism	Background research underway.

Notice of Motion – Development of Family and Domestic Violence Policy	10.2 28 November 2016	1. Council to develop a family and domestic violence policy and procedures in consultation with relevant stakeholders; 2. A report to be prepared for Council on external workplace accreditation of AlburyCity's actions to address domestic and family violence; 3. Council to lobby higher levels of government for increased funding for domestic violence services.	Director Community & Recreation	Report being prepared for consideration by Council in March 2017.
Notice of Urgent Business	1 12 December 2016	Council to write to Local State Member Mr Greg Aplin and the Minister for Health to increase funding for palliative care support in the region.	Director Community & Recreation	Letter to be drafted and sent to the Minister for Health and Local State Member Mr Greg Aplin in February 2017.

CM6.4. Long Term Issues (more than three months)

Nil

CM7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

CM7.1. Minutes of the Council Meeting held on Monday 12 December 2016 at 6.00pm

Please note a correction to item CM14.6 Request for Tender – Supply, Installation and Commissioning of Closed Circuit Television Equipment in Dean Street, Volt Lane Car Park and QEII Square. The resolution is corrected to read excluding GST.

Present	Crs K Mack (Chairperson), D Cameron, A Cohn, G Docksey, A Glachan, M King, J Stuchbery, D Thurley and H van de Ven
Apologies	Nil
Staff	General Manager, Director Engineering, Director Economic Development & Tourism, Director Planning & Environment, Director Community & Recreation, Chief Financial Officer, Group Leader Communications, Team Leader Parks & Recreation, IT Officer, Governance Officer

The Agenda for this meeting and Minutes of Committees included therein form part of these Minutes.

THE MEETING OPENED WITH THE PRAYER & ACKNOWLEDGMENT OF ORIGINAL CUSTODIANS OF OUR LAND

CM 2 RECORDING OF MEETING

The Chairperson advised those present that the meeting is being recorded for administrative purposes.

CM 3 CONFLICT OF INTEREST DECLARATIONS RECEIVED BY THE CHAIR AND DISCLOSURE OF POLITICAL DONATIONS

3.1 Conflict of Interest Declarations

There were no Conflict of Interest Declarations received by the Chairperson.

3.2 Disclosure of Political Donations and Requirements of the *Environmental Planning & Assessment Act 1979*

The General Manager advised those present, of the legislative requirement for Disclosure of Political Donations:

Advice to the Council Meeting

The Environmental Planning and Assessment Act 1979, Section 147 requires a person submitting planning applications or submissions regarding a planning application, to disclose any reportable political donation and/or gifts to any local Councillor or employee of Council. Reportable political donations include those of, or above, $1,000.

The Disclosure Statement forms are available on Council's website or from the Customer Service Centre and must be lodged in accordance with the Act. The forms are also available at the back of the Chamber during meetings.

In dealing with Development Applications, Councillors need to take into account specific matters contained in the Environmental Planning & Assessment Act 1979.

Accordingly, the provisions of Section 79C(1) of that Act are set out in the cover page prior to the Agenda item, which can be used by Councillors as a reference guide of issues to be considered.

The Local Government Act 1993, section 375A requires that a division be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.

Planning decision means a decision made in the exercise of a function of council under the Environmental Planning and Assessment Act 1979 including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 2A of Part 6 of that Act.

Matters appearing in the Planning and Development Committee Meeting minutes which require a planning decision to be made will be dealt with separately and immediately following the motion for

the adoption of the Planning and Development Committee Meeting minutes. In respect to these matters, motions for a planning decision put before council will be considered a division and recorded in accordance with section 375A of the Local Government Act 1993.

There were no Disclosures of Political Donations received by the Chairperson.

CM 4 APOLOGIES

There were no Apologies received by the Chairperson.

CM 5 MAYORAL MINUTE

There was no Mayoral Minute.

CM 6 ACTION PLANS

6.1 Actions Complete – For Noting Only

6.2 Actions Awaiting Response from External Parties

6.3 Actions in Progress

6.4 Long Term Issues (more than three months)

Cr Cameron Moved, Cr Thurley Seconded
That Council receive, note and accept the Actions Complete and Actions in Progress as listed in the Agenda.

CARRIED

CM 7 CONFIRMATION OF THE COUNCIL MINUTES

7.1 Minutes of the Council Meeting held on Monday 28 November 2016 at 6.00pm

Cr Docksey Moved, Cr Cohn Seconded
That the Minutes of the Council Meeting held on Monday 28 November 2016, at 6.00pm, be confirmed.

CARRIED

CM 8 REPORTS FROM COUNCIL COMMITTEES

8.1 Report from the Planning & Development Committee Meeting held on Monday 5 December 2016 at 6.00pm

Cr van de Ven Moved, Cr Thurley Seconded
That the recommendations included in the report from the Planning & Development Committee Meeting held on Monday 5 December 2016, at 6.00pm, be adopted, except items PDC7.1, PDC7.2 and PDC7.3, with such matters being dealt with separately.

CARRIED

PDC7.1 Revised Planning Proposal – Land Rezoning Willowbank Road, East Albury – Status Update – Re-Exhibition

Cr Thurley Moved, Cr van de Ven Seconded
That Council:

1. Endorse the revised Planning Proposal and forward it to the Minister for Planning seeking an Amendment to the Albury Local Environmental Plan 2010 and request that a Gateway Determination be issued, including the delegation of Plan making powers, so as to enable the public exhibition of the revised Planning Proposal pursuant to the Environmental Planning & Assessment Act 1979; and
2. Upon receipt of a Gateway Determination under Section 56 of the Environmental Planning & Assessment Act 1979, Council place the revised Planning Proposal and any supporting material on public exhibition pursuant to any requirements of the Gateway Determination and Section 57 of the Environmental Planning & Assessment Act 1979.

In accordance with s.375A(2) of the Local Government Act 1993, a division was duly called. The following votes of the motion were recorded:

FOR	**AGAINST**
Cr Stuchbery	Nil
Cr Docksey	
Cr Cameron	
Cr Mack	
Cr Cohn	
Cr King	
Cr Glachan	
Cr van de Ven	
Cr Thurley	

Disclosures of Political Donations
There were no Disclosures of Political Donations received by the Chairperson.

CARRIED

PDC7.2 Section 64 Contributions for Proposed Laundromats at 2/365 Wagga Road, Lavington and Shop T3, 617-621 Young Street, Albury

Cr van de Ven Moved, Cr Docksey Seconded

That Council:

a. Receive and note the report regarding Section 64 Developer Charges for two (2) proposed laundromats at Unit 2/365 Wagga Road, Lavington and Shop T3, 617-621 Young Street, Albury;
b. Levy a reduced Developer Charge of $2,000 per machine where the development includes low energy high efficiency washing machines that result in a reduced loading on Council's infrastructure which provides an overall net environmental gain for the community; and
c. Endorse that this Section 64 Developer Charge be valid for a period of 18 months only from the time of Council's resolution.

In accordance with s.375A(2) of the Local Government Act 1993, a division was duly called. The following votes of the motion were recorded:

FOR	**AGAINST**
Cr Stuchbery	Nil
Cr Docksey	
Cr Cameron	
Cr Mack	
Cr Cohn	
Cr King	
Cr Glachan	
Cr van de Ven	
Cr Thurley	

Disclosures of Political Donations

There were no Disclosures of Political Donations received by the Chairperson.

CARRIED

PDC7.3 Development Application 10.2016.34655.1 - 5 Attached Dwellings and Torrens Title Subdivision at 391 David Street South Albury

Cr Thurley Moved, Cr van de Ven Seconded

That Council:

a. Receive and note the contents of this report; and;
b. Grant consent to Development Application 10.2016.34655.1 for Demolition of an existing dwelling, removal of vegetation and erection of five Attached Dwellings and Five lot Torrens Title Subdivision at 391 David Street South Albury subject to the conditions contained in the Draft Determination shown as Attachment 8 to this report.

In accordance with s.375A(2) of the Local Government Act 1993, a division was duly called. The following votes of the motion were recorded:

FOR	AGAINST
Cr Stuchbery	Nil
Cr Docksey	
Cr Cameron	
Cr Mack	
Cr Cohn	
Cr King	
Cr Glachan	
Cr van de Ven	
Cr Thurley	

Disclosures of Political Donations

There were no Disclosures of Political Donations received by the Chairperson.

CARRIED

8.2 Report from the Engineering & Works Committee Meeting held on Monday 5 December 2016 at 6.21pm

Cr van de Ven Moved, Cr Glachan Seconded

That the recommendations included in the report from the Engineering & Works Committee Meeting held on Monday 5 December 2016, at 6.21pm, be adopted.

CARRIED

8.3 Report from the Community & Cultural Committee Meeting held on Monday 5 December 2016 at 6.35pm

Cr Cohn Moved, Cr Thurley Seconded

That the recommendations included in the report from the Community & Cultural Committee Meeting held on Monday 5 December 2016, at 6.35pm, be adopted.

CARRIED

8.4 Report from the Finance & Administration Committee Meeting held on Monday 5 December 2016 at 6.41pm

Cr Thurley Moved, Cr Glachan Seconded

That the recommendations included in the report from the Finance & Administration Committee Meeting held on Monday 5 December 2016, at 6.41pm, be adopted.

CARRIED

CM 9 REPORT FROM THE COMMUNITY FORUM

There was no Community Forum.

CM 10 NOTICES OF MOTION/NOTICES OF RESCISSION

Cr Cohn Moved, Cr Docksey Seconded

1. That video recordings and real time streaming of Council and Committee meetings be made publicly available online;
2. That Council authorises the General Manager to select and purchase the most cost-effective available technology to enable this; and
3. That the AlburyCity Code of Meeting Practice be updated accordingly and placed on public exhibition for the minimum specified period in accordance with Section 361 of the *Local Government Act 1993.*

CARRIED

CM 11 PRESENTATIONS & DEPUTATIONS

There were no Presentations or Deputations.

CM 12 REPORTS/MINUTES OF COMMITTEES & WORKING PARTIES

There were no Reports/Minutes of Committees and Working Parties.

CM 13 DOCUMENTS FOR SEALING

There were no Documents for Sealing.

CM 14 OFFICERS REPORTS FOR CONSIDERATION

14.1 Provision of Security Screening Services at Albury Airport Contract No. 16/00988

Cr Stuchbery Moved, Cr King Seconded

That Council accept the tender from SNP Security for Schedule of Rates Contract No.16/00988, Provision of Security Screening Services at Albury Airport for a five year period with an estimated contract value of $5,513,404.68 (including GST).

CARRIED

14.2 Earthworks and Plant Hire Panel Contract No. 16/01228

Cr Thurley Moved, Cr Stuchbery Seconded

That Council accept the following tenders for the schedule of rates Contract No. 16/01228 – Albury Waste Management Centre – Earthworks and Plant Hire Panel Contract over a three year period, commencing 1 January 2017:

a. A.P Delaney & Co;
b. Hutchinson Civil;
c. Walshs Wodonga Pty Ltd;
d. Hurst Earthmoving Pty Ltd; and
e. Porter Plant.

CARRIED

14.3 Footpath Construction - Mitchell Park Estate Contract No. 16/01489

Cr Cohn Moved, Cr Stuchbery Seconded

That Council accepts the tender from Mitchell Constructions Pty Ltd for Contract No. 16/01489 – Footpath Construction Mitchell Park Estate, Thurgoona, in the lump sum amount of $376,044.24 including GST.

CARRIED

14.4 Draft Monument Hill Master Plan

Cr Docksey Moved, Cr Cohn Seconded

That Council:

a. Receive and note the contents of this report;
b. Endorse the draft Monument Hill Master Plan;
c. Place the draft Monument Hill Master Plan on public exhibition of a minimum of 28 days; and
d. Receive a further report at the conclusion of the public exhibition period outlining the submissions received and any proposed amendments to the draft Monument Hill Master Plan.

CARRIED

14.5 Construction of Albury Botanic Gardens Perimeter Fence - Contract No. 16/00739

Cr Docksey Moved, Cr Stuchbery Seconded

That Council accept the tender from Reid Construction for Contract No. 16/00739 Construction of Albury Botanic Gardens Perimeter Fence in the lump sum amount of $304,361 (including GST).

CARRIED

14.6 Request for Tender – Supply, Installation and Commissioning of Closed Circuit Television Equipment in Dean Street, Volt Lane Car Park and QEII Square

Cr Cameron Moved, Cr Docksey Seconded

That Council accept the tender from Coffs Harbour City Council, operating as City Smart Solutions for Contract No.16/01628 for the supply, installation and commissioning of CCTV equipment in Dean Street, Volt Lane Car Park and QEII Square in the lump sum amount of $483,912.26 (excluding GST).

CARRIED

14.7 Statement of Business Ethics Review

Cr Thurley Moved, Cr Glachan Seconded

That Council:

1. adopt the draft revised Statement of Business Ethics;
2. place the draft revised Statement of Business Ethics on public exhibition; and
3. adopt the exhibited revised Statement of Business Ethics if no public submissions are received.

CARRIED

14.8 Contract Management Policy Review

Cr Thurley Moved, Cr Cameron Seconded

That Council:

1. adopt the draft revised Contract Management Policy;
2. place the draft revised Contract Management Policy on public exhibition; and
3. adopt the exhibited revised Contract Management Policy if no public submissions are received.

CARRIED

14.9 Procurement and Tendering Policy Review

Cr Thurley Moved, Cr Cameron Seconded

That Council:

a. adopt the draft revised Procurement Policy;
b. place the draft revised Procurement Policy on public exhibition; and
c. adopt the exhibited revised Procurement Policy if no further public submissions are received.

CARRIED

CM 15 OFFICERS REPORTS FOR NOTING

15.1 Investment Balances - November 2016

Cr Glachan Moved, Cr Cameron Seconded
That Council receive, note and accept the Investment Balances Report for the month of November 2016.

CARRIED

CM 16 DELEGATES REPORTS FOR NOTING

There were no Delegates Reports for Noting.

CM 17 NOTICE OF URGENT BUSINESS

NUB 1 Cr Thurley presented Council with the book 'I Care for Palliative Care' after attending the launch on Wednesday 7 December. It was requested that Council write to Local State Member Mr Greg Aplin and the Minister for Health to increase funding for palliative care support in the region.

CM 18 CONFIDENTIAL ITEMS

There were no Confidential Items.

CM7.2. Minutes of the Extraordinary Council Meeting held on Monday 19 December 2016 at 6.00pm

Present Crs K Mack (Chairperson), D Cameron, A Cohn, G Docksey, A Glachan, M King, J Stuchbery, D Thurley and H van de Ven

Apologies Nil

Staff General Manager, Director Engineering, Director Community & Recreation, Acting Director Planning & Environment, Chief Financial Officer, Executive Assistant to General Manager, IT Officer, Governance Officer

The Agenda for this meeting included therein form part of these Minutes.

THE MEETING OPENED WITH THE PRAYER & ACKNOWLEDGMENT OF ORIGINAL CUSTODIANS OF OUR LAND

ECM 2 RECORDING OF MEETING

The Chairperson advised those present that the meeting is being recorded for administrative purposes.

ECM 3 CONFLICT OF INTEREST DECLARATIONS RECEIVED BY THE CHAIR

3.1 Conflict of Interest Declarations

There were no Conflict of Interest Declarations received by the Chairperson.

3.2 Disclosure of Political Donations and Requirements of the *Environmental Planning & Assessment Act 1979*

The General Manager advised those present, of the legislative requirement for Disclosure of Political Donations:

Advice to the Council Meeting

The Environmental Planning and Assessment Act 1979, Section 147 requires a person submitting planning applications or submissions regarding a planning application, to disclose any reportable political donation and/or gifts to any local Councillor or employee of Council. Reportable political donations include those of, or above, $1,000.

The Disclosure Statement forms are available on Council's website or from the Customer Service Centre and must be lodged in accordance with the Act. The forms are also available at the back of the Chamber during meetings.

In dealing with Development Applications, Councillors need to take into account specific matters contained in the Environmental Planning & Assessment Act 1979.

Accordingly, the provisions of Section 79C(1) of that Act are set out in the cover page prior to the Agenda item, which can be used by Councillors as a reference guide of issues to be considered.

The Local Government Act 1993, section 375A requires that a division be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.

Planning decision means a decision made in the exercise of a function of council under the Environmental Planning and Assessment Act 1979 including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 2A of Part 6 of that Act.

Matters appearing in the Planning and Development Committee Meeting minutes which require a planning decision to be made will be dealt with separately and immediately following the motion for the adoption of the Planning and Development Committee Meeting minutes. In respect to these matters, motions for a planning decision put before council will be considered a division and recorded in accordance with section 375A of the Local Government Act 1993.

There were no Disclosures of Political Donations received by the Chairperson.

ECM 4 APOLOGIES

There were no Apologies received by the Chairperson.

ECM 5 NOTICES OF MOTION / NOTICES OF RESCISSION

5.1 Notice of Rescission - Provision of Security Screening Services at Albury Airport Contract No. 16/00988

Cr van de Ven Moved, Cr Thurley Seconded

That Council suspend Standing Orders at 6.03pm to allow for discussion of this item in Council as a whole.

CARRIED

Cr van de Ven Moved, Cr Docksey Seconded

That Council resume Standing Orders at 6.24pm.

CARRIED

Cr van de Ven Moved, Cr Docksey Seconded

That:

We the undersigned hereby wish Council to RESCIND the following motion, passed by Council at the meeting on 12 December 2016.

That the Motion:

That Council accept the tender from SNP Security for Schedule of Rates Contract No.16/00988, Provision of Security Screening Services at Albury Airport for a five year period with an estimated contract value of $5,513,404.68 (including GST).

Notice of Motion to be moved if rescission motion is successful:

That Council accept the tender from MSS Security Pty Ltd for Schedule of Rates Contract No. 16/00988, Provision of Security Screening Services at Albury Airport for a five year period with an estimated contract value of $5,140,066.60 (including GST).

Cr Henk van de Ven
Cr Graham Docksey
Cr Alice Glachan

The Motion was Put. **LOST**

Cr Docksey, Cr Glachan, Cr Thurley and Cr van de Ven requested that their vote for the Rescission Motion be recorded.

The meeting closed at 6.27pm.

CM8. REPORTS FROM COUNCIL COMMITTEES

CM8.0. Nil

CM9. REPORTS FROM COMMUNITY FORUMS

CM9.0. Nil

CM10. NOTICES OF MOTION/NOTICES OF RECISSION

CM10.0. Nil

CM11. PRESENTATIONS AND DEPUTATIONS

CM11.0. Nil

CM12. REPORTS/MINUTES OF COMMITTEES AND WORKING PARTIES

CM12.0. Nil

CM13. DOCUMENTS FOR SEALING

Recommendation

That Council authorises its Seal to be affixed to the document outlined below, in the presence of two signatories authorised to affix the Seal pursuant to Regulation 400 of the Local Government (General) Regulation 2005 and the Use of the Council Seal Policy:

A. AlburyCity Council Licence to Albury Little Athletics Centre incorporated of Alexandra Park Athletics Track commencing 1 October 2016 for five years.

CM14. OFFICERS REPORTS FOR CONSIDERATION

CM14.1. Draft Councillor Payment of Expenses and Provision of Facilities Policy

DATE	12 January 2017	**FIL REFERENCE**	FIL16/01755
CONFIDENTIAL	No		
FURTHER ENQUIRIES TO	Alexandra Digby Executive Support	**PHONE**	6023 8755

Purpose of Report

To present the revised *Draft* Councillors Payment of Expenses and Provision of Facilities Policy for adoption following public exhibition.

Background

In accordance with Section 252 of the *Local Government Act 1993* (the Act), Council is required to adopt a policy concerning the payment of expenses and provision of facilities to Councillors in relation to discharging functions of civic office. Following recent amendments to the Act, the policy is no longer required to be reviewed annually but is to be reviewed and adopted within 12 months of each term of a council.

Section 253 of the Act requires Council to give public notice of any intended amendments and allow 28 days for public submissions prior to adopting this policy.

The *draft* Councillors Payment of Expenses and Provision of Facilities Policy was considered by Council at the meeting on 28 November 2016, with Council resolving to:

a. Adopt the *draft* Councillors Payment of Expenses and Provision of Facilities Policy;
b. Place the *draft* Policy on public exhibition for 28 days and consider any submissions; and
c. Return the Policy to Council for further consideration of any submissions prior to adoption.

Issues

The *draft* Policy was publicly exhibited from Wednesday 30 November 2016 to Tuesday 3 January 2017 and no submissions were received. Accordingly, the *draft* Policy is now presented for adoption by Council.

In accordance with Section 253 (1) of the Act, any further changes to the *draft* Policy of a substantial nature will require a further public exhibition period. In this regard, detail on what constitutes a substantial or not substantial change is provided in the Office of Local Government (OLG) *Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW October 2009.*

In general, minor changes to policy wording or monetary amounts of less than 5% are considered to be minor, however, any changes to the scope or standard of the provision of facilities or monetary amounts in excess of 5% would be considered to be substantial.

The proposed changes identified in the *draft* policy include;

- **1.1 Policy Review** – updated to reflect the requirement for the policy to be reviewed within the first 12 months of each term of Council and not every 12 months. Removal of the requirement to forward the updated policy and details of any submissions and associated considerations to the Office of Local Government – also as a result of recent amendments to the Act.
- **4.2 Travel** – alignment of all travel provisions to the one area of the policy to ensure clarity and to remove some previous duplication.
- **5 Insurances and Councillor Obligations** – updated to reflect the current provisions of AlburyCity's relevant insurance policies.
- **7.1 Provision of Equipment and Facilities for Councillors**
  - Inclusion of a monthly data provision of 5GB on both Council supplied tablet and smartphones. This amount is considered appropriate in order to undertake all Council related business and was determined having regard to an analysis of the previous 12 months data usage. This will also allow the removal of the provision regarding re-imbursement of personal internet connections (formerly 4.6 Communications Costs and Expenses).
  - Inclusion of a monthly call cost provision for Council supplied smart phones. Again, this is considered an appropriate amount in order to undertake all council related business and was determined having regard to an analysis of the previous 12 months usage.
  - Inclusion of a provision for a monthly allowance where a Councillor elects to provide their own mobile phone. In this regard, the device will only be able to be used for phone calls as Council's IT security platforms do not allow access to Council systems on private devices.
- **7.3 Access to IT Assistance and Support** – inclusion of a provision relating to IT support where required for dealing with issues/problems relating to Council supplied devices or programs.
- **8 Advisory Services of a Conduct Reviewer** – updated to clarify that the term of Council's Conduct Reviewer will now align with the term of the policy (ie; the term of the Council). The Conduct Reviewer will be determined when Council receives the report on Code of Conduct statistics.
- **9 Acquisition and Returning of Facilities and Equipment by Councillors** – updated to provide clarification regarding procedures for the purchase/return of devices when Councillors cease their civic duties.
- **Attachment 1** – updated to reflect the revised provisions and associated monetary amounts.
- General administrative updates to enhance the structure of the policy and also clarify specific provisions flowing from changes to both the Act and the policy.

In addition to the original amendments proposed (outlined above) clarification has recently been sought regarding the application of clause **4.8 Executive Membership.** As a result, a review of this section has been undertaken to more accurately reflect the intent of the clause, with respect to expenses associated with Councillors being an executive member of a local government related group or association.

In this regard, changes have been made to clause 4.8 for the purpose of ensuring enhanced clarity regarding the application of this provision and also reflecting appropriate support for Councillors performing such roles. These changes do not alter the scope or standard of facilities provided. Accordingly they are considered to be not substantial and on this basis further public exhibition of the policy in accordance with Section 253 (1) of the Act would not be required.

Subsequent to the proposed changes to clause 4.8 identified above, AlburyCity has recently received a submission from the Murray Darling Association (MDA) regarding expenses associated with Cr Thurley undertaking his role as National President of the MDA. This submission fits with the proposed changes to clause 4.8 of the policy.

The *draft* Policy with the all of the amendments referred to above shown in red type is provided in Attachment 1 to this report.

Risk

- Business Risk – the revision of the Councillors Payment of Expenses and Provision of Facilities Policy is mandatory to ensure compliance with the Act and to assist Councillors to effectively undertake civic duties and responsibilities.

Community Engagement

In accordance with the requirements of the Act, Council placed the *draft* Policy on public exhibition from Wednesday 30 November 2016 until Tuesday 3 January 2017, allowing the public in excess of 28 days to make submissions. No submissions were received.

Options

1. Adopt the *Draft* Councillors Payment of Expenses and Provision of Facilities Policy as attached to this report; or
2. Adopt the *Draft* Councillors Payment of Expenses and Provision of Facilities Policy without the proposed changes to clause 4.8. This would subsequently require Council to deal with the request from the MDA as a separate matter.
3. Make further changes to the *Draft* policy and pending the nature of these changes, place it on public exhibition for 28 days and consider any submissions received prior to returning the policy to Council for adoption.

Conclusion

The Councillors Payment of Expenses and Provision of Facilities Policy is required to be reviewed within 12 months of each term of Council. This includes a public exhibition process to allow for the making of submissions.

The Policy has been reviewed with a number of amendments proposed to ensure the policy remains contemporary and reflects the necessary requirements for Councillors to exercise their role effectively. These proposed amendments also ensure that the policy meets the provisions of the Act, the Regulation and any relevant guidelines issued under Section 23A, specifically, the OLG *Guidelines for the payment of expenses and provision of facilities for Mayors and Councillors in NSW.*

In addition to the original amendments proposed, changes have been made to clause 4.8 Executive Membership for the purpose of ensuring enhanced clarity regarding the application of this provision.

On the basis that no submissions were received following public exhibition of Council's *draft* Councillors Payment of Expenses and Provision of Facilities Policy, the *draft* Policy is now presented for adoption.

Recommendation
That Council:

1. Adopt the R*evised Draft* Councillors Payment of Expenses and Provision of Facilities Policy - Attachment 1; and
2. Place the policy in the Public Policy Register and on the AlburyCity website.

- **Attachments**
  1. *Revised Draft* Councillors Payment of Expenses and Provision of Facilities Policy

POLICY NAME	Councillors Payment of Expenses and Provision of Facilities Policy
DIRECTORATE	Executive Services – Executive Support

PURPOSE

The purpose of this policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by Councillors related to their Council duties. For the purpose of this policy, the word Councillor or Councillors is taken to mean the Mayor, the Deputy Mayor and/or other Councillors unless otherwise explicitly stated.

The policy also ensures that the facilities provided to assist Councillors to carry out their civic duties are reasonable.

SCOPE

The policy applies to all Councillors. It also applies to Administrators of Council where appropriate.

The policy does not address the setting and payment of Councillors annual fees as this is a matter for the Local Government Remuneration Tribunal.

CONTENT

1. Introduction

1.1 ~~Reporting requirements~~Policy Review

~~By 30 November each year~~ Within the first 12 months of each term , Council must adopt this policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to Councillors in relation to discharging the functions of civic office. Council may amend the policy at any time under section 252 of the *Local Government Act 1993* (the Act).

Council must give public notice of its intention to adopt or amend the policy allowing at least 28 days for the making of public submissions. Before adopting or amending the policy, Council must consider any submissions made during the notice period and make any appropriate changes to the draft policy or amendment.

Council need not give public notice of a proposed amendment to the policy if it considers the proposed amendment is not substantial.

~~Within 28 days after adopting the policy or making an amendment to the policy for which public notice is required, Council must forward the amended policy to the Office of Local Government together with:~~

~~a. details of all submissions received;~~

~~b. a statement setting out, for each submission, Council's response to the submission and the reasons for the Council response; and~~

~~c. a copy of the public notice.~~

Council must comply with the above ~~reporting~~ requirements when proposing to adopt ~~the~~ a policy in accordance with Section 252 (1) of the Act ~~each year~~ even if Council proposes to adopt a policy that is the same as the existing policy.

1.2 Reporting Requirements

Council's annual report includes a website link to this policy.

The annual report is to include the following information:

a. details (including the purpose) of overseas visits undertaken during the year by Councillors, Council staff or other persons while representing the Council (including visits sponsored by other organisations);

b. details of the total cost during t he year of the payment of expenses and the provision of facilities to Councillors in relation to their civic functions (as paid by the Council, reimbursed to the Councillors or r econciled with the Councillors). Separate details are to be included for the total cost of each of the following:

   i. provision during the year of dedicated equipment allocated to Councillors~~,~~ such as tablet computers, mobile telephones (including equi pment and internet access costs);
   ii. telephone costs from mobile telephones provided by the Council;
   iii. attendance of Councillors at conferences and seminars, and any spouse/partner/accompanying person expenses paid;
   iv. training of Councillors and the provision of skill development for Councillors;
   v. interstate visits undertaken during the year by Co uncillors while representing the Council, including the cost of transport, accommodation and other out -of-pocket travelling expenses. Travel to surrounding Councils in Victoria would be considered local travel;
   vi. overseas visits undertaken during the year b y Councillors while representing the Council, including the cost of transport, accommodation and other out -of-pocket travelling expenses;
   vii. expenses of any spouse, partner or other approved person who accompanied a Councillor in the performance of his or her civic functions, being expenses payable in accordance with the *Guidelines for payment of expenses and provision of facilities for Mayors and Councillors in NSW* prepared by the Chief Executive (Office of Local Government); and
   viii. expenses involved in the prov ision of care for a child of, or an immediate family member of a Councillor, to allow the Councillor to undertake his or her civic functions; and
   ix. any other significant expenses.

c. Councillor attendance at section 355 Committee meetings and Council meetings.

~~1.2~~1.3 Legislative Provisions

This policy is made in accordance with sections 23A, 252 to 254 of the Act, together with clause 403 of the *Local Government (General) Regulation 2005.*

The Act includes requirements that Council must review and adopt a policy ~~annually~~ within the first 12 months of each term of Council for the payment of expenses and the provision of facilities for the Mayor, the Deputy Mayor and Councillors. Section 252(3) prevents a Council from paying any expenses or providing any facilities o therwise than in accordance with the provisions set out in this policy.

Provision under the Regulation includes those under Clause 403 which disallows the payment of a general expense allowance , and for a vehicle to be made availa ble for the exclusive use of a Councillor other than the Mayor.

~~1.3~~1.4 Reference Documents

- *Local Government Act 1993* – Sections 23A, 252-254.
- *Local Government (General) Regulation 2005* – Clause 217, Clause 403.
- *Local Government (State) Award 2014*

~~1.4~~1.5 Relevant Government Policy

- OLG (forme rly DLG) *Guidelines for payment of expenses and provision of facilities for Mayors and Councillors in NSW* – October 2009.
- Relevant ICAC Publications including 'No Excuse for Misuse'.
- OLG (formerly DLG) Circular 05/08 'Legal Assistance for Councillors and C ouncil Employees'.

~~1.5~~1.6 Relevant Council Policy/Registers

- Delegations of Authority.
- Code of Conduct
- Councillors Gift Register – all gifts must be reported to the Executive Support Team for inclusion in the Councillors Gift Register. For further information re fer to AlburyCity Code of Conduct.

2. Approval Arrangements

Councillor a ttendance at conferences will be approved jointly by the Mayor and the General Manager based on the following criteria:

- benefit of conference to the Council and community;
- appropriateness of attendance by Councillors;
- costs involved in attendance at the conference, including travel; and
- the number of Councillors (if any) to attend.

If approval is sought by the Mayor, then approval may be given jointly by the Deputy Mayor or another Councillor and the General Manager.

The Executive Support Team will provide information about forthcoming conferences relevant to local government to all Councillors. The Mayor, Deputy Mayor and **two** other Councillors (**4** Council **voting** delegates in total) will represent Council at the annual Local Government NSW Conference.

Each Councillor who attends a conference is to provide a separate report to Council for noting, however, no report is required for Local Government NSW annual conferences. Executive Support Staff will provide a report to Council every six months (in the months of February and July) on conference attendance by Councillors. This report will include conference name, dates, Councillors attending, costs of the conference, accommodation and travel.

Travel and accommodation for Councillors for Council approved business will be arranged, and wherever possible payment made, by the Executive Support Team. Council will book accommodation at the conference/function venue where possible, or reasonably close to the venue.

Expenses incurred outside this policy will only be approved by Council resolution (with the individual Councillor the subject of the expenses to be excluded from the vote).

Disputed reimbursements or payments are to be reviewed by a full Council Meeting that is open to the public.

Reimbursement of reasonable expenses to Councillors is to be approved by the Mayor or General Manager in accordance with this policy.

Reimbursement of reasonable expenses to the Mayor is to be approved by the General Manager in accordance with this policy.

Reimbursement should be sought within two weeks of incurring the expenses.

Refer to Attachment 1 of this policy - 'Monetary Limits for Expenses'.

3. Payment of Expenses

Allowances and reimbursements are for actual expenses incurred upon the presentation of official receipts and the completion of the ~~authorised claim form,~~ Reimbursement of Expenses form (Attachment 2 of this policy). This policy does not include provision for general expense allowances. Consideration will be given by the Mayor and the Deputy Mayor to the payment of reasonable expenses associated with the special requirements of Councillors such as disability and access needs to allow performance of normal civic duties.

~~3.1 Travel~~

~~a. Council will pay actual travelling expenses incurred (airfares, hire car and fuel) and accommodation expenses that are associated with travelling to and from, and during Council approved conferences, seminars, training or business of the Council.~~

~~b. Council will p ay actual costs incurred for meals and other incidental expenses when travelling to and from, and during Council approved conferences, seminars, training or business of the Council, subject to the production of satisfactory documentary evidence.~~

~~c. All Councillors are issued with a Cab Charge card for payment of ta xi fares for approved Council conferences, seminars, training or business of the Council.~~

~~d. Council will pay to Councillors, allowances for personal vehicle kilometres travelled to official Council business outside of the Albury local government area, in accordance with the rates set out in Clause 15 (x) of the Local Government (State) Award 2014.~~

~~3.2 Private Overseas Travel~~

~~Councillors travelling overseas at their own expense are eligible for reimbursement of internet access costs for Council related matters only, up to the maximum monthly amount as specified under "Communication Costs and Expense " section of this policy. For telephone calls, Councillors will be reimbursed for communication costs associated with Council business only.~~

~~Councillors shall seek IT advice pri or to travel , if it is intended to seek reimbursement. International roaming is not available on Council supplied communications and IT equipment.~~

~~3.3~~3.1 **Reimbursement and Reconciliation of Expenses**

When requested by a Councillor, payment in advance can be made for the cost of service associated with their civic duty. The payment will be reconciled against the actual expense incurred. This reconciliation must be completed within two weeks of the completion of the civic duty. For Councillors, the payment in advan ce request is to be presented to the Mayor for approval. The Mayor's payment in advance request is to be presented to the General Manager.

Reasonable out of pocket or incidental expenses associated with attending conferences, seminars or training courses, that Councillors incur may be reimbursed upon the presentation of official receipts and the completion of the necessary claim forms to the Mayor. The Mayor's claim forms are to be presented to the General Manager.

Incidental expenses could reasonably inc lude refreshments, laund ry and dry cleaning, newspapers and parking fees. In addition, the cost of meals not included in the registration fees for conferences or similar functions may be reimbursed after reconciliation. All advanced payments are required to be reconciled with substantiating documentation.

~~3.4~~3.2 Spouse and Partner Expenses

Spouse and partners~~'~~ expenses at conferences will not be reimbursed.

However, there may be limited instances where certain costs incurred by the Councillor on behalf of their spouse, partner or accompanying person are properly those of the Councillor in the performance of his or her functions (hence they are properly incurred by, and reimbursable to the Councillor). An example of this is an accompanying person providing carer support to the Councillor.

Refer to Attachment 1 of this policy - 'Monetary Limits for Expenses'.

4. Specific Expenses for the Mayor and Councillors

4.1 General Travel Arrangements

All travel by Councillors should be undertaken by utilising the most direct r oute and the most practicable and economical mode of transport, subject to any personal medical considerations.

Overseas travel must be approved by a meeting of the full Council prior to a Councillor undertaking the trip. The report to Council should indi cate the purpose of the trip and expected benefits, the duration, itinerary and approximate costs of each proposed visit.

Upon returning from the trip, Councillors or an accompanying member of staff will provide a detailed written report to Council.

4.2 Travel

a. Council will pay actual travelling expenses incurred (airfares, hire car and fuel) and accommodation expenses that are associated with travelling to and from, and during Council approved conferences, seminars, training or business of the Council.
b. Council will pay actual costs incurred for meals and other incidental expenses when travelling to and from, and during Council approved conferences, seminars, training or business of the Council, subject to the production of satisfactory documentary evidence.
c. All Councillors are issued with a Cab Charge card for payment of taxi fares for approved Council conferences, seminars, training or business of the Council.
d. Council will provide a vehicle for Councillor use on authorised, official Council business.
e. Council will pay to Councillors, allowances for personal vehicle kilometres travelled to official Council business outside of the Albury local government area, in accordance with the rates set out in Clause 15 (x) of the Local Government (State) Award 2014.
f. The driver is personally responsible for all traffic or parking fines incurred while travelling in private or Council vehicles on Council business.

Formatted: Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 1.01 cm + Indent at: 1.64 cm, Tab stops: Not at 2 cm

Formatted: Indent: Left: 1 cm, Hanging: 0.75 cm, Numbered + Level: 2 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 2.91 cm + Indent at: 3.54 cm

~~**4.2 Travel Arrangements and Expenses**~~

~~Arrangements for the use of a private vehicle and provisions for the use of public transport, hire cars; travel using a Council vehicle and associated other costs such as parking and road tolls can be made. Upon request, Council will provide a vehicle for Councillor use on authorised, official Council business. The driver is pers onally responsible for all traffic or parking fines incurred while travelling in private or Council vehicles on Council business.~~

4.3 ~~Educational~~ Professional Development Expenses

Council will pay for training and short courses specifically related to the ro le of a Councillor. Council will not pay for any expenses related to formal education, for example, TAFE or university courses where this does not relate to the role of a Councillor . All Councillor requests are to be presented to the Mayor and Deputy Mayor for approval, or to the General Manager for the Mayor.

4.4 Attendance at Dinners and other Non-Council Functions

Consideration may be given at a full Council Meeting to meeting the cost of Councillors attendance at dinners and other non -Council functions wh ich provide briefings to Councillors from key members of the community, politicians and business. Approval to meet expenses should only be given when the function is relevant to the Council's interest. Only the cost of the service provided should be met.

No payment should be reimbursed for any component of a ticket that is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, or some other private benefit. An additional payment to a registered charity may be acceptable as part of the cost of the function.

The cost of attending fundraising activities of political parties will not be met.

4.5 Civic Duty Related to Matters of a Community or Charitable Nature

When Councillor's spouses/partners are invited guests within the local government area or a neighbouring local government area and the Mayor or Council is invited to host a table at a dinner or similar event, for fundraising, community or charitable purposes, attendance costs for Councillors and their spouses/partners will be paid by Council. Individual Councillor Requests for specific events must be approved by the Mayor and the Deputy Mayor.

~~**4.6 Communications Costs and Expenses**~~

~~Council will reimburse the costs associated with a broadband Internet connection to a maximum of $60 per month upon presentation of an invoice from the provider . This does not include telephone line rental costs. To be eligible for the reimbursement Councillors must have Wi Fi access installed to minimise data costs for t he Council supplied tablet computer. Council can supply an ADSL Wi-Fi modem on request.~~

Formatted: Strikethrough

~~4.7~~4.6 Printer Expenses

Council will print Council related documents on request on Council's economical laser printers and forward to Councillors. A printer is also provided in the Councillor Office.

~~4.8~~4.7 Care and Other Related Expenses

Council will pay carer expenses when a Councillor is required to attend meetings, seminars, training and conferences of the Council, where such attendance is in the course of the Councillor performing their civic duties. This includes childcare expenses and the care of the elderly, disabled and/or sick immediate family members of Councillors.

Consideration will be given to payment of other related expenses associated with the special requirements of Councillors, such as disability and access needs, to allow them to perform their normal civic duties and responsibilities.

Councillors reimbursement requests for carer expenses are to be provided to the Mayor, or to the General Manager for the Mayor.

~~4.9~~4.8 Executive Membership

Council expects that expenses incurred ~~will pay expenses over and above the amount reimbursed~~ as a result of a Councillor being an executive member of a local government related group or association are met by that entity.

Council will pay expenses directly incurred by the Councillor over and above the amount paid for by the entity in accordance with this policy. ~~Such payments will only be made when adopted by Council.~~

5. Insurances and Councillor Obligations

Council maintains insurance policies which extend benefits to Councillors where they are engaged in or on any activity directly or indirectly connected with Council including travelling to and from such activity. These insurances are:

5.1 Personal Accident Insurance

This insurance provides some conditional coverage for Councillors and their accompanying partners for:

- personal accident ~~and sickness (including~~ (specifically provisions for lump sum payments and weekly benefits);
- payment of indirect medical related expenses not covered by Medicare or private health;
- payment of additional expenses such as cancellation and curtailment fees; and
- travel (domestic and overseas) including general loss of personal and business property, overseas medical expenses and other incidental travel related issues.

5.2 Motor Vehicle Insurance

This insurance provides some conditional coverage for damage to privately owned vehicles whilst being used on authorised and official Council business. The cover offered is on the following basis:

- the cover ap plies to vehicles owned by Councillors and their spouses only and not registered to any other entity;
- in all cases , claims for damage involving personal vehicles must first be lodged on the owner's personal motor vehicle insurance policy; and
- ~~no benefits a re payable under this policy for vehicles registered to any entity other than the Councillor or their spouse, that is, company registered vehicles are not covered; and~~
- the benefits payable under this policy are capped at not more than $~~35~~75,000 for ~~all loss and damage resulting from the use of~~ the privately owned vehicle.~~.~~

5.3 Councillors Liability

This insurance provides some conditional coverage for Councillors against claims they have committed a wrongful act resulting in harm or damage to a third party wh en acting in good faith in the course of their duties for Council.

This includes personal financial loss associated with defamation proceedings, the costs of attending formal statutory inquiries (such as the Independent Commission Against Corruption) and general claims or prosecutions of breach of duty or corruption, legal defence costs, the costs of properly investigating any allegations as well as the financial cost of any judgement or settlement made against the insured person.

Councillors shall notify the General Manager as soon as reasonably practicable of any intention to make a claim or incur any legal or other expenses under Council's insurance policies.

6. Legal Expenses and Obligations

The reasonable legal expenses of a Councillor may only be met for legal proceedings being taken against a Councillor in defending an action arising from the performance in good faith of a function under the Act or any other Act (as per section 731 of the Act) or defending an action of defamation, provided that the outcome of the legal proceedings is favourable to the Councillor.

Reasonable legal costs ~~may~~ will also be available for an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including:

i. Local Government Pecuniary Interest and Disciplinary Tribunal
ii. Independent Commission Against Corruption
iii. Office of the NSW Ombudsman
iv. Office of Local Government, Department of Premier and Cabinet
v. NSW Police Force
vi. Director of Public Prosecutions
vii. Council's Conduct Review Committee/Reviewer.

In addition, legal costs ~~must~~ may only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a Councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

In the event of any dispute as to whether specific expenses are covered by this policy, a decision will be made by Council, in its absolute discretion, by resolution of Council (with the individual Councillor the subject of the expenses to be excluded from the vote).

Any reimbursement of costs to a Councillor will be capped at the amount specified in the Councillors liability insurance policy and the claim approved by the insurer. Should any costs be incurred in excess of these amounts Council may, in its absolute discretion, approve payment by resolution of Council (with the individual Councillor the subject of the expenses to be excluded from the vote).

Council will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstance.

Council will not meet the costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Legal costs will not be met for legal proceedings that do not involve a Councillor performing their role as Councillor.

Where doubt arises in relation to any of these points of the policy, the Council may seek its own legal advice.

Councillors shall inform the Mayor and General Manager of their intention to lodge a claim for expenses relating to legal expenses.

7. Provision of Facilities

Council facilities, equipment and services are not to be used to produce election material or for any other political purposes. Councillors should not obtain more than incidental private benefit from the provision of equipment and facilities. Travel bonuses such as 'frequent flyer' schemes or any other loyalty programs are not to be used while on Council business. Any benefits obtained whilst on Council business remain the property of AlburyCity and are not to be used in private circumstances.

In situations where private use (beyond an incidental amount) of facilities occurs, Council will establish a suitable rate for the reconciliation and reimbursement by Councillors of that private use.

7.1 Provision of Equipment and Facilities for Councillors

Council provides:

a. Councillors with access to an office adjoining the Council Chambers, which contains office furniture, a telephone (for local and national calls only), computer, printer, fax machine and photocopier.

b. Councillors with a tablet computer in accordance with Council's IT platform standards and appropriate monthly data allowance in order to undertake Council business . Costs of any data usage over this limit will be required to be met by the relevant Councillor.

~~c. Information Technology training if requested~~.

c. A smart phone, if requested , in accordance with Council's IT platform standards and appropriate monthly data and call allowance in order to undertake Council business. Costs of any data and call usage over this limit will be requi red to be met by the relevant Councillor. Where a Councillor chooses to use their own mobile phone, the Councillor will be provided with an additional monthly allowance to cover call costs.

~~d. A Smart phone, if requested , in accordance with Council's IT standards, for Council business use only if requested. Council will pay the usage costs.~~

~~e.~~d. Business cards and Councillor letterhead, if requested.

~~f.~~e. Vehicle parking in the basement for the use of Councillors.

~~g.~~f. Meals on evenings of Council and Committee meetings, Community Forums and Councillor Workshops.

g. Appropriate protective clothing and equipment when Councillors are required to go onto work sites as part of their civic duty.

h. Councillors travelling overseas at their own expense are eligible for reimbursement of internet access costs for Council related matters only, up to an amount equivalent to the monthly data allowance. For telephone calls, Councillors will be reimbursed for communication costs associated with Council business only. Councillors shall seek IT advice prior to travel, if it is intended to seek reimbursement. International roaming is not available on Council supplied communications and IT equipment.

Formatted: Strikethrough

Formatted: Indent: Left: 1.01 cm, No bullets or numbering, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers, Tab stops: Not at 2 cm

Formatted: Indent: Left: 1 cm, Hanging: 1 cm, Tab stops: Not at 4.63 cm

7.2 Provision of Additional Equipment and Facilities for the Mayor

Council will provide for the Mayor:

a. an office in the Council administration building;
b. secretarial support, including telephone and reception duties, word processing, organisation of receptions including catering, preparation of speeches, media releases and correspondence;
c. a Mayoral reception suite for the purposes of conducting civic receptions for visiting dignitaries. The suite contains office furniture, a television and electronic recording media;
d. an executive-style vehicle for use associated with approved Council business. The vehicle may also be used by the Mayor for private purposes. In this regard, any such private use will be in accordance with AlburyCity's Motor Vehicle Policy and Motor Vehicle Private Lease Back Terms and Conditions. Private use other than incidental private use will be determined by recorded log book and provided to Council's Governance section each month or as required. The cost of any private fuel will be reimbursed to Council by the Mayor directly or by way of reduction in the monthly Mayoral allowance. Other Councillors may use the Mayoral vehicle while on approved Council business. A dedicated vehicle parking space in the basement is provided for the Mayoral vehicle;
e. ceremonial clothing including Mayoral robes, and chains of office;

f. a corporate credit card to be used only for Council-related business to a maximum value of $5000; and
g. airport lounge membership.

The Deputy Mayor is entitled to an additional fee when acting in the office of the Mayor. The fee will be the equivalent daily rate payable to the Mayor and will be deducted from the Mayor's annual fee.

7.3 Access to IT Assistance and Support

In the case of Councillors requiring assistance or support within business hours, contact should be made with the General Manager or Executive Support team to arrange assistance. Outside normal business hours, contact should be made with the General Manager. Assistance will be provided remotely where possible, however may require a device to be brought into the Council office.

~~7.3~~7.4 Private Use of Equipment and Facilities

In accordance with the Code of Conduct, Council equipment and facilities must not be used for private purposes unless lawfully authorised by the Mayor (for Councillors) or the Council (for the Mayor) and proper payment is made where appropriate. An appropriate commercial rate will be determined depending on the equipment being used.

It is acknowledged that incidental use of Council equipment and facilities may occur from time to time. Such incidental private use is not subject to compensatory payment.

The interest of a Councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel and other expenses incurred on election matters is not appropriate. Council letterhead, Council crest and logo and other information that could give the impression it is official Council material must not be used for these purposes.

8. Advisory Services of a Conduct Reviewer

There may be times when Councillors would benefit from obtaining independent, confidential advice about Code of Conduct issues, particularly in regard to conflicts of interest. Councillors can access the informal advisory service of the nominated Conduct Reviewer by telephone. Council will select this nominated Conduct Reviewer ~~annually~~ for the term of the Council from the Council's Panel of Conduct Reviewers.

Councillors will not need to seek approval of the Mayor or General Manager to use the service. To provide a transparent audit trail the invoice to Council will note the name of the Councillor. The content will not be noted.

When the annual Code of Conduct statistics report is provided to Council the number of times this advisory service had been used will be reported to Council along with the cost. The service will be provided at the reviewer's advertised hourly rates, or pro rata where applicable.

Formatted: Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 1.01 cm + Indent at: 1.64 cm

Formatted: Indent: Left: 1.64 cm

Formatted: Indent: Left: 1 cm

Formatted: Indent: Left: 1.64 cm

9. Acquisition and Returning of Facilities and Equipment by Councillors

Upon completion of their term, when on extended leave of absence or at the cessation of their civic duties, all Council provided equipment is to be returned by Councillors, and access to the Councillor facilities will no longer be available.

Councillors have the option to purchase Council IT equipment previously allocated to them at the cessation of their duties. – This will be at a fair market price determined by the General Manager. Any devices purchased or returned will be wiped to Council's security standards. ~~This will be at a fair market price.~~

Where the residual value on a particular piece of equipment is determined to be zero, the equipment may be retained by the Councillor for no cost at the cessation of their duties. Any ongoing costs incurred in using such equipment will be met by the Councillor.

Upon the election of a new Mayor, the outgoing Mayor will retain access to all the nominated equipment and facilities applicable for Councillors. All Mayoral equipment is to be returned to Council and access to the Mayoral facilities will no longer be available.

AUTHORISATION

Status	**Committee**	15 October 2012; 19 August 2013; 21 October 2013 , 13 October 2014, 21 November 2016
	Manex	14 August 2012, 19 August 2014, 11 August 2015
	Council	26 November 2012 ; 28 October 2013 , 25 August 2014, 27 October 2014 , 24 August 2015, 26 October 2015
Owner	Executive Services – Executive Support	
Review	This policy will be reviewed to cater for legislative or Council changes.	
History	Revised by Council on 28 September 2009, annual review in accordance with the Local Government Act. Revised by Council on 28 June 2010, annual review in accordance with the LG Act. Revised after public exhibition late 2010, adopted Council Meeting November 2010. Revised after public exhibition and adopted by Council September 2011. Reimbursement of Expenses Form is an attachment to this Policy. Revised after public exhibition and adopted by Council 26 November 2012. Placed on public exhibition prior to adoption by Council on 28 October 2013 Placed on public exhibition prior to adoption by Council on 27 October 2014.	
Last issued October 2015	**Review** October 2016	
TRIM REFERENCE DOC13/98837[v3]		

See Attachments following this page.

ATTACHMENT 1

MONETARY LIMITS FOR REIMBURSEMENT

Section Name	Expense Type	At Cost	Limit Amount	Comment
Conferences *Including Travel and accommodation	Registration Costs	Actual	Costs of conferences will be detailed in 6 monthly Conference reports presented to Council	*All conference attendance approved by Mayor and Deputy Mayor.* *Conference report to be provided to Council for noting.*
Travel	Air travel Rail travel Taxi Bus Parking	Actual	Within reason	*Travel arrangements must be approved by the Mayor.* *See Details for travel arrangements also General travel arrangements*
Accommodation	Actual up to daily limit	Actual up to daily limit	1. $300 per night 2. $250 per night 3. $200 per night	*1. State Capital Cities and Canberra* *2. Regional Cities (eg. Orange, Bathurst, Wollongong).* *3. Country.*
Accompanying person expenses	Carer or spouse acting as carer	Actual	Reimbursement request to be approved by the Mayor. The General Manager to approve for the Mayor.	*See Care and Other Related Expenses*
Attendance at dinners and other non-Council functions	Cost of service provided	Actual	None	*No payment shall be reimbursed for any component of a ticket which is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, or some other private benefit.*

Section Name	Expense Type	Reimbursement	Limit Amount	Comment
Care and Other Related Expenses	Personal care or child care expenses up to four hours	Actual	$80	*See Care and Other Related Expenses* *To cover a four hour engagement of a babysitter or carer when a Councillor is required to attend any Council, Committee Meeting of Council.*
Spouse and Partner Expenses	spouse/partner expenses		None/some limited instances	*See Spouse and Partner Expenses*
Out of Pocket Expenses	Offered by Council for the development of skills and provision of information appropriate to the role of Councillor	Actual up to daily limit.	$100 per day	*Expenses in this category may include:* • *Reasonable telephone, facsimile or internet usage* • *Newspapers* • *Tolls* • *Reasonable refreshments* • *Meals not included in registration fees for conference.*
Use of Private Motor Vehicle	Payment	Per km allowance as defined in *Clause 15(x) of the Local Government (State) Award 2014.*	Under 2.5 litre 0. 68p.km. Over 2.5 litre 0. 78p.km.	*See Payment of Kilometres Clause*
Legal assistance for Mayor and Councillors	Cost of Service provided	As determined by Council Resolution	Determined by Council	*See Legal Expenses and Obligations*
Tablet Computer	Cost of Service Provided	Monthly data allowance	5GB	*To cover normal Council business use.*
Council Smart Phone	Cost of Service Provided	Monthly data allowance Monthly call allowance	5GB $50	*To cover normal Council business use.*
Use of Private Mobile Phone	~~Cost of Service provided~~Allowance	~~Council related business~~Monthly allowance	~~Council related business.~~$50	*~~See Communications Costs and Expenses~~Covers use of call costs on private mobile phone for normal Council business.*
~~Internet Access~~			~~$60 cap per month (on presentation of an invoice from the provider)~~	*~~To be eligible must have access to Wi Fi at home residence to reduce data cost for the Council supplied tablet computer.~~*

ATTACHMENT 2
REIMBURSEMENT OF EXPENSES FORM

Please use this form for amounts over $50
Use Petty Cash Reimbursement form for smaller amounts
(*Save to your desktop or print out hard copy prior to completion)*

Claimant Name		
Address		
Purpose of Expense		
Master/Sub/Activity (*Ledger No/Projects/Jobs*)		
EXPENSES INCURRED		
Fares (*Bus, Taxi, Ferry, Train etc*)		
Car allowance	Km's	@$
	Driving 2.5 Litre or less @ **.68c** per KM Driving 2.5 Litre or above **@.78c** per KM	
Accommodation *Other expenses (meals, parking etc)*		
PAYMENT DETAILS		
DIRECT DEPOSIT		
BSB		
Account		
Account Name		
Email Address (*for remittance advice purposes)*		
	Total amount of claim $	
Signature of claimant		**Date**
Claim approved		**Date**

Note: Please return this form to Finance (Accounts Payable - located on the 2nd Floor). Please ensure that all relevant paperwork is attached to this **approved** *Reimbursement of Expenses Form*.

CM14.2. Kerr Road Reconstruction Stage 3 - Contract No. 16/01755

DATE	17 January 2017	**FIL REFERENCE**	FIL16/01755
CONFIDENTIAL	No		
FURTHER ENQUIRIES TO	Alan Kay Engineering	**PHONE**	6023 8707

Purpose of Report

To recommend a preferred contractor for the reconstruction of Kerr Road Stage 3, through a qualitative and quantitative assessment.

Background

Kerr Road is in poor condition and requires a full reconstruction. It also forms critical infrastructure as part of Council's Local Environmental Plan (2010) and the Thurgoona/Wirlinga Precinct Structure Plan, being a key access avenue to the city's growth area.

As part of Council's ongoing commitment to improving the standard and safety of Council's road network, Kerr Road has been identified for reconstruction.

The scope of the works included in this contract is summarised below:

- Construction of 7780m^2 of new pavement;
- 1300 metres of kerb and guttering;
- 770 metres of piped drainage;
- 440 metres of retaining walls;
- 740 metres of paved pathways; and
- Landscaping and three passive recreation stops.

Tenders were invited for Contract No.16/01755 – Kerr Road Reconstruction Stage 3, and advertised in the Border Mail, Sydney Morning Herald and on Tenderlink. Tenders closed at 12 noon on Tuesday 13 December 2016.

The contract duration is 12 weeks and will be completed in the 2016/17 financial year.

Council's budget allocation for the project is $2,152,137 including GST.

A location plan is attached for information.

Tender Evaluation

At the close of tenders, four submissions were received from the following companies:

- Excell Gray Bruni Pty Ltd (Wodonga);
- A P Delaney & Co Pty Ltd (Albury);
- Cartwright Civil Contracting Pty Ltd (Wodonga); and
- Hurst Earthmoving Pty Ltd (Albury).

All tenders were evaluated in accordance with Council's procurement policy and guidelines. The assessment panel for the tender comprised Procurement & Contract Management Coordinator – Gerard Coyle, Team Leader Design – Ian Redman, and Engineering Designer – Alan Kay.

The selection process must provide the best value for money when evaluated against the applicable assessment criteria. Best value does not necessarily mean 'lowest price'; it involves a comparative analysis of the benefits of the submission versus the cost of the procurement. Some of the benefits of a submission that are considered include resourcing and availability, performance history, planning and programming, work health and safety record, quality of work and experience. Consideration may also be given to items external to the contract such as additional contract management requirements during the course of the contract.

Conformity Check

A conformity assessment was undertaken to ensure all submissions received were in accordance with the contract documentation and specification.

Tenderer	Pricing Details	Supporting Information	WHS Documentation	Comment
Excell Gray Bruni Pty Ltd	✓	✓	✓	Fully Complies
Cartwright Civil Contracting Pty Ltd	✓	✓	✓	Fully Complies
Hurst Earthmoving Pty Ltd	✓	✓	✓	Fully Complies
A P Delaney & Co Pty Ltd	✓	✓	✓	Fully Complies

As indicated above, all submissions were assessed as conforming tenders. All companies are WHS registered with Council.

Qualitative Assessment

A qualitative assessment considered a range of issues including:

- Resources - availability and ability to complete projects within timeframes;
- Performance capability - referee checks and comments;
- Methodology proposed - includes program of works, reporting and recording systems, management of traffic;
- Management systems - quality assurance/systems/programs/procedures; and
- Relevant experience - experience and reputation in carrying out similar projects.

Tenderer	Resources (Max 20)	Performance (Max 20)	Methodology (Max 20)	Management Systems (Max 20)	Experience (Max 20)	Total (max 100)
Excell Gray Bruni Pty Ltd	14	18	18	18	20	88
Cartwright Civil Contracting Pty Ltd	18	16	14	14	16	78
Hurst Earthmoving Pty Ltd	16	16	14	14	18	78
A P Delaney & Co Pty Ltd	16	18	16	16	18	84

Excell Gray Bruni Pty Ltd is a locally based company and has undertaken a number of similar projects throughout Victoria and New South Wales. Recently the company has completed Diggers Road Reconstruction, Logic Rail Hub Earthworks and Thomas Mitchell Drive Wodonga Reconstruction. Their current commitments include Havelock Street Extension Wodonga (expected to be completed in March 2017), Albury Racecourse (expected to be completed in February 2017) and Mann Central Wodonga (expected to be completed in October 2017).

Referee information indicated that the company typically completed projects to a high standard before the date of practical completion. The company has good coordination procedures and manage their suppliers and subcontractors to a high standard.

Overall, Excell Gray Bruni Pty Ltd's standard of works and procedures have been to a high standard on similar projects for AlburyCity (Kerr Road Reconstruction Stage 1 and 2 and the Wagga Road Beautification Project). The company has extensive experience on similar projects.

The company has submitted a proposed methodology and works program indicating a contract period of 11 weeks. The company has submitted an extensive range of their Management Systems including Safe Work Method Statements, Environmental Management System, Occupational Health & Safety Management System, and Quality Management System.

Cartwright Civil Contracting Pty Ltd is a locally based company and has undertaken a number of similar projects in Victoria and New South Wales. Recently the company has completed Racecourse Road Stage 2, various stages of Somerset Rise, RACV Resort Stage 1, and Wirlinga Rise Stage 2. Their current commitments include Kerr 4, North Ridge, and Iluka Views subdivisions.

Referee information indicated the company completed projects to a high standard and within the allocated time frames.

Overall Cartwright Civil Contracting Pty Ltd's standard of works and procedures have met the requirements on similar projects for AlburyCity (Racecourse Road Stage 2). The company has submitted a proposed methodology and works program indicating a contract period of 17 weeks.

Hurst Earthmoving Pty Ltd is a locally based company and has undertaken a number of similar projects in New South Wales. Recently the company has completed Racecourse Road Stage 1, various stages of Murray Park Estate Thurgoona, and Pomegranate Estate Jindera. Their current commitments include Pomegranate Estate Jindera (expected to be completed in March 2017) and Centaur Road Estate (expected to be completed in January 2017).

Referee information indicated the company completed projects to the required standard and within the allocated time frames.

Overall Hurst Earthmoving Pty Ltd's standard of works and procedures have met the requirements on similar projects for AlburyCity (Racecourse Road Stage 1). The company has submitted a proposed methodology and works program indicating a contract period of 17 weeks.

A P Delaney & Co Pty Ltd is a locally based company and has undertaken a number of similar projects in Victoria and New South Wales. Recently the company has completed Pearce Street Reconstruction, BP Service Station Logic Barnawartha, Woolshed Estate Thurgoona Stage 1 and various stages of White Box Rise Estate Wodonga. Their current commitments include Nexus Industrial Subdivision (expected to be completed in May 2017), and White Box Rise Subdivision Stage 23 and 24 (expected to be completed in March 2017).

Referee information indicated the company completed projects to a very high standard and typically completed projects within the allocated time frames.

A P Delaney & Co Pty Ltd's work and procedures have met high standards on similar projects for AlburyCity (Glenmorus Gardens Road Extension). The company has indicated a contract period of 16 weeks. The company listed an extensive amount of equipment available and robust management systems.

From the information provided, all companies demonstrate the required management systems, experience, construction plant, resources and availability to provide AlburyCity with a quality product.

Quantitative Assessment

Tenderer	Tendered Price (Including GST)	Rating (Max. 100)
Excell Gray Bruni Pty Ltd	$1,837,401.17	100
Cartwright Civil Contracting Pty Ltd	$1,882,757.77	98
Hurst Earthmoving Pty Ltd	$2,174,686.58	84
A P Delaney & Co Pty Ltd	$2,293,500.00	80

The budget allocation for the project is $2,152,137 including GST. Two of the submissions were within the budget provision.

As detailed above, the submission from Excell Gray Bruni Pty Ltd was the most favourable, being $45K or 2% more favourable than Cartwright Civil Contracting, $337K or 18% more favourable than Hurst Earthmoving Pty Ltd, and $456K or 25% more favourable than A P Delaney & Co Pty Ltd.

Summary

The scoring for the qualitative and quantitative assessment is summarised in the following table:

Tenderer	Quantitative Assessment Score	Qualitative Assessment Score
Excell Gray Bruni Pty Ltd	100	88
Cartwright Civil Contracting Pty Ltd	98	78
Hurst Earthmoving Pty Ltd	84	78
A P Delaney & Co Pty Ltd	80	84

From the qualitative assessment, all companies have the required management systems, experience, resources and availability to successfully undertake this project.

From a quantitative perspective the submission from Excell Gray Bruni Pty Ltd was the most advantageous being between $45K and $456K more favourable than the other submissions.

Therefore based on the qualitative and quantitative assessment, it is deemed that the submission from Excell Gray Bruni Pty Ltd provides the best value to deliver this project.

Conclusion

Council invited tenders for the Kerr Road Reconstruction Stage 3, and received four submissions. Tender submissions were received for this project from Excell Gray Bruni, A P Delaney & Co Pty Ltd, Cartwright Civil Contracting Pty Ltd, and Hurst Earthmoving Pty Ltd.

The scope of the contract includes approximately 7780m^2 of new pavement, 1300 metres of kerb and guttering, 770 metres of piped drainage, 440 metres of retaining walls, 740 metres of paved pathways, landscaping and three passive recreation stops and line marking.

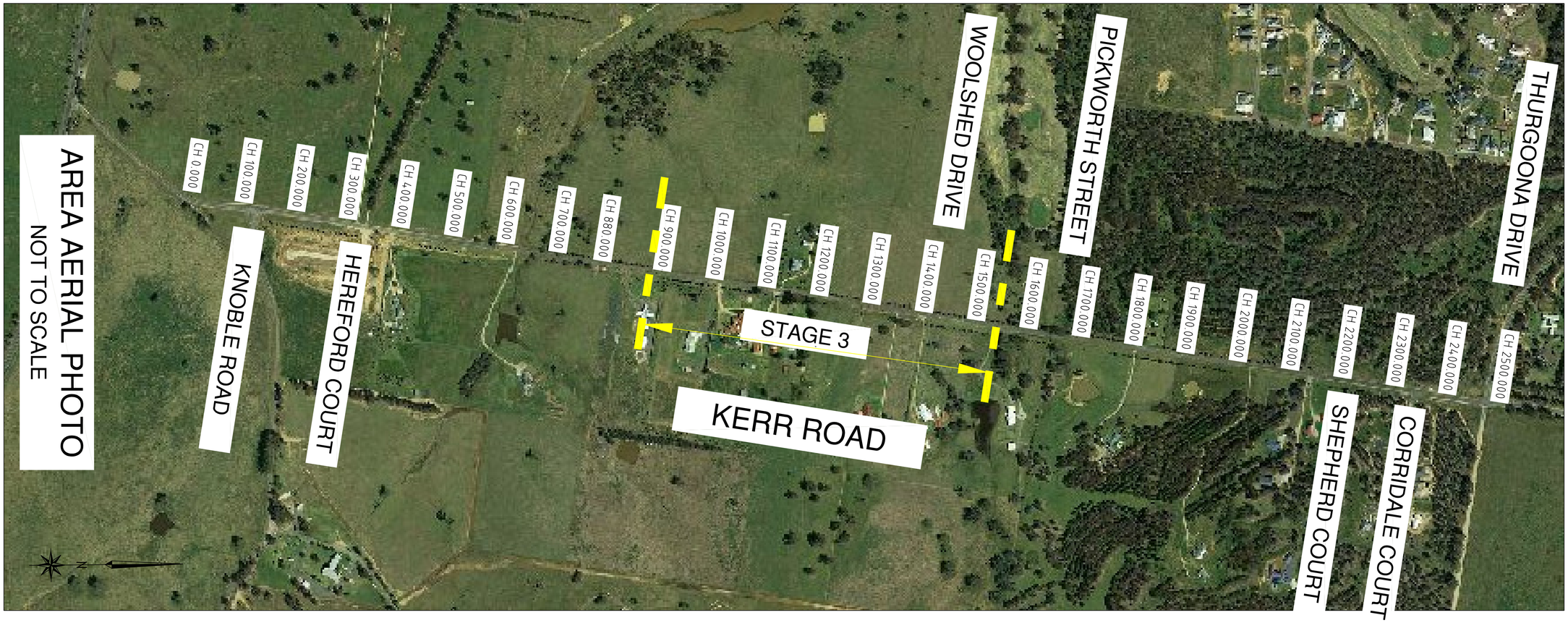
A quantitative and qualitative assessment indicated that Excell Gray Bruni Pty Ltd was the most favourable submission. Their tendered price of $1,837,401.17 including GST is within the budget allocation of $2,152,137 including GST.

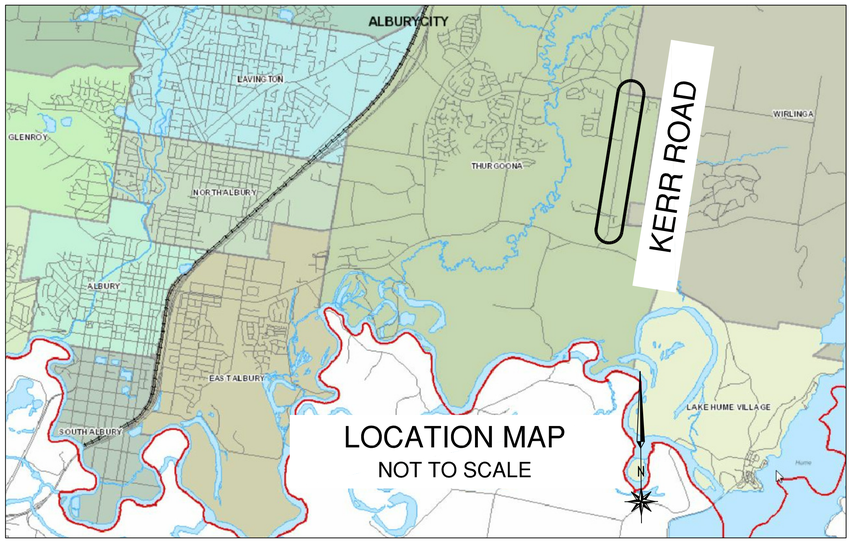
Recommendation
That Council accepts the tender from Excell Gray Bruni Pty Ltd for Contract No.16/01755 – Kerr Road Reconstruction Stage 3, in the lump sum amount of $1,837,401.17 including GST.

- **Attachments**
  1. Location Plan

KERR ROAD RECONSTRUCTION

STAGE 3 - CHAINAGE 890 TO CH 1540





			SURVEY AHK & TC	DESIGNED ALAN KAY	PASSED ...../...../.....	AlburyCity	LEDGER No.
			FIELD BOOK / LEVEL BOOK	CHECKED	TEAM LEADER - DESIGN	KERR ROAD	FILE No. / No. of Sheets 01 / Sheet No. 01
			DATUM AHD	DRAWN ALAN KAY	APPROVED ...../...../.....	RECONSTRUCTION	DRAWING NUMBER / REV.
			GRID MGA	CHECKED	GROUP LEADER - SERVICES	CHAINAGE 890 TO CHAINAGE 1540	
DATE	AMENDMENT	INIT.	SCALE AS SHOWN			LOCATION MAP AND AREA AERIAL PHOTO OF SITE	
	REVISIONS						

CM14.3. Draft Code of Meeting Practice for Councillors Staff and Delegates

DATE	30 January 2017	**FIL REFERENCE**	FIL16/03166
CONFIDENTIAL	No		
FURTHER ENQUIRIES TO	Alexandra Digby Executive Support	**PHONE**	6023 8755

Purpose of Report

To present the Draft Code of Meeting Practice for Councillors Staff and Delegates (Draft Code) for adoption following public exhibition.

Background

The *Local Government Act 1993* and the *Local Government (General) Regulation 2005* set out the basic procedure that must be followed at Council meetings. A council may choose to adopt a Meeting Code that covers the relevant provisions that are consistent with the Act or the Regulation (Section 360(2) of the Act). The Office of Local Government (OLG) has also published a Meetings Practice Note to assist councils with the preparation of a Code of Meeting Practice with the aim of working towards a best practice approach in this area.

AlburyCity's Code of meeting Practice should be regularly reviewed to ensure it remains current and complies with all relevant provisions of the Act.

The *Local Government Act 1993* (s.361) requires that before adopting a Code of Meeting Practice, Council must:

- Prepare a draft code and place it on public exhibition for no less than 28 days; and
- Allow a period of no less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to Council.

The Code of Meeting Practice was considered by Council at the meeting on 24 October 2016, with the following being adopted:

1. That Council resolves that the General Manager is to have prepared a draft Code of Meeting practice and the draft code is to be placed on public exhibition for the minimum specified period in accordance with Section 361 of the *Local Government Act 1993*;
2. In accordance with Section 362 of the *Local Government Act 1993*, after public exhibition and consideration of any submissions received Council will consider the adoption or otherwise of the Draft Code of Meeting Practice at the earliest possible full Council meeting following exhibition of the code in accordance with Section 361 of the *Local Government Act 1993*; and
3. That the draft code shall be the current adopted code except as modified as follows:

a. Delete 4 (xiii) and replace with:

(xiii)

1. Councillor Workshops will be held when called by the Mayor or when requested by two or more Councillors.
2. Councillor Workshops will have an Agenda. The General Manager shall consult with the Mayor as to the items on the agenda.
3. The public and media may be excluded from workshops for items that meet the requirements of S10A of the *Local Government Act 1993*.
4. The Mayor or acting Mayor will chair Councillor Workshops. In their absence the Councillors will elect a councillor to chair the Workshop.
5. All provisions of Council's Code of Meeting Practice apply to Council Workshops. In accordance with clause 37, order is to be maintained at the Workshop.
6. There is no obligation on Councillors to attend Workshops.

b. Delete 4(xiv) and replace with:

(xiv)

1. Council decisions are not made at workshops nor are they to be used to endorse the actions of staff.
2. Workshop reports are to contain information but no recommendations. The Chairperson will allow questions but will not allow detailed discussion of matters raised in reports.

Further to this, at the Council meeting on 12 December 2016 Council resolved:

1. That video recordings and real time streaming of Council and Committee meetings be made publicly available online;
2. That Council authorises the General Manager to select and purchase the most cost-effective available technology to enable this; and
3. That the AlburyCity Code of Meeting Practice be updated accordingly and placed on public exhibition for the minimum specified period in accordance with Section 361 of the *Local Government Act 1993*.

Issues

As a result of the Council resolutions above, relevant changes were made to the current Code of Meeting Practice for Councillors, Staff and Delegates. The Draft Code was then placed on public exhibition from Friday 11 November 2016 to Friday 27 January 2017 and no submissions were received. Accordingly, the Draft Code is now presented for adoption by Council.

In accordance with Section 362 of the Act, any further changes to the Draft Code of a substantial nature may require a further public exhibition period.

The Draft Code reflects the recent Council resolutions and also meets all current provisions of legislation. In addition, it is consistent with the Practice Note issued by the OLG as well as advice from AlburyCity's Conduct Advisor, Kath Roach.

These changes are indicated in the Draft Code with strikethrough for text removed and in red type where additions or changes have been made.

The key changes are as follows:

- Update to clause 4 (xiii) and (xiv) to reflect Council's resolution of 24 October 2016; and
- Inclusion of clause 65 to enable the recording and webcasting of meetings consistent with Council's resolution on 12 December 2016.

Some reformatting and minor editing changes have also been made to the Draft Code.

In regard to the recording and webcasting of meetings, a procedure is currently being developed to cover all aspects of this process and will be referred to the Finance and Administration Committee meeting once completed.

In regard to the timeframe for implementation for the recording and webcasting of meetings, the equipment is due to arrive mid-February with installation to take place by late February. This will be followed by testing, trials and staff training throughout March. Accordingly, it is anticipated that the recording and webcasting will commence at the 27 March Council Meeting. It should be noted, however, that all dates are subject to supply and installation as well as successful trial outcomes.

Risk

- Business Risk – the Draft Code is required to ensure compliance with all current provisions of the *Local Government Act 1993* and Regulations and other legislation, and to encourage better practice and good governance principles.

Community Engagement

In accordance with the requirements of the Act, Council placed the Draft Code on public exhibition from Friday 11 November 2016 to Friday 27 January 2017, allowing the public in excess of 28 days to make submissions. No submissions were received.

Options

1. Adopt the *Draft* Code of Meeting Practice for Councillors, Staff and Delegates as attached; or
2. Adopt the current Code of Meeting Practice for Councillors, Staff and Delegates.

Conclusion

The Draft Code was placed on public exhibition in accordance with the Act with no submissions received. The Draft Code contains a number of amendments to reflect recent Council resolutions and also ensure compliance with all current legislative provisions. The changes also include minor administrative updates.

Recommendation
That Council:

1. Adopt the Draft Code of Meeting Practice for Councillors, Staff and Delegates as attached;
2. Include the AlburyCity Code of Meeting Practice for Councillors, Staff and Delegates in the Public Policy Register; and
3. Place the document on the AlburyCity website.

- **Attachments**
  1. Draft Code of Meeting Practice for Councillors Staff and Delegates.

DRAFT REVISED CODE OF MEETING PRACTICE FOR COUNCILLORS, STAFF AND DELEGATES

(Reference: DOC16/251124)

Prepared by Executive Services

Proposed revisions as adopted by Council ~~24 October 2016~~12 December 2016

TABLE OF CONTENTS

Page

INTRODUCTION 5

PART 1 – PRELIMINARY 6

1. Citation 6
2. Definitions 6
3. Act and Regulation 7

PART 2 – CONVENING AND ATTENDANCE AT COUNCIL MEETINGS 8

4. Frequency of meetings of the Council 8
5. Extraordinary meetings 10
6. Notice of Council and Committee meetings 11
7. Quorum 12
8. What happens when a quorum is not present 12
9. Presence at Council meetings 13

PART 3 – PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS..... 14

10. Chairperson of Council meetings 14
11. Chairperson to have precedence 14
12. Chairperson's duty with respect to motions 15
13. Minutes 15
14. Order of business 15
15. Agenda for Council meetings 16
16. Giving notice of business 16
17. Agenda for Extraordinary Meeting 17
18. Mayoral Minutes 18
19. Report of an Office of Local Government representative to be tabled at Council meeting 18
20. Notice of motion 18
21. Motions to be seconded 19
22. How subsequent amendments may be moved 19
23. Motions of dissent 19
24. Petitions may be presented to the Council 19
25. Questions may be put to Councillors and Council employees 20
26. Mode of address 20
27. Limitation as to number of speeches 20
28. Motions put with no or limited debate 21
29. Voting at Council meetings 21
30. Representations by members of the public - closure of part of meeting 22
31. Resolutions passed at closed meetings to be made public 22

32. Decisions of the Council 22
33. Rescinding or altering resolutions 22
34. Motions of adjournment 23
35. Committee of the Whole 24

PART 4 – KEEPING ORDER AT MEETINGS 25

36. Questions of order 25
37. Acts of disorder 25
38. How disorder at a meeting may be dealt with 26
39. Power to remove persons from meeting after expulsion resolution 27

PART 5 – COUNCIL COMMITTEES 28

40. Council may appoint Committees under Clause 260 of the Regulation 28
41. Functions of Committees 28
42. Notice of Committee meetings to be given 28
43. Non-members entitled to attend Committee meetings 28
44. Meeting Procedure in Committees 28
45. Committees to keep minutes 29
46. Chairperson of Committees 29
47. Absence from Committee meetings 29
48. Reports of Committees 30
49. Disorder in Committee meetings 30
50. Committee may expel certain persons from its meetings 30
51. Council may appoint Committees under Section 355(b) and 376(2) of the Act 31

PART 6 – PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS 32

52. Pecuniary interest 32
53. Persons who have a pecuniary interest 32
54. Interests that need not be declared 32
55. Disclosure and participation in meetings 34
56. Disclosures to be recorded 35
57. Non-Pecuniary Conflict of Interest 35

PART 7 – MEDIA AND PUBLIC 36

58. Public Notice of meetings 36
59. Attendance at meetings of the Council 36
60. Public access to correspondence and reports 37

PART 8 – MISCELLANEOUS 39

61. Information relating to proceedings at closed meetings not to be disclosed 39
62. Inspection of the minutes of the Council or a Committee 39
63. Access to records 40

64. Recording of any meeting of the Council, a Committee of the Council, Councillor Workshop or Community Forum is prohibited without prior permission 40
65. Recording and webcasting by Council of Council and Committee meetings and audio recording of Community Forums 41
66. Certain circumstances do not invalidate Council decisions 42
67. Amendment of Code 42
68. Notice of urgent business 43
69. General order of business for Council and Committee meetings 43

INTRODUCTION

As part of their Charter, Councils are to involve Councillors, Council staff, members of the public and others in the development, improvement and co-ordination of local government (section 8 of the *Local Government Act 1993*). How meetings are managed is an important part of achieving this goal.

Meeting procedures contribute to good public decision-making and increase Council's transparency and accountability to its community.

The AlburyCity Code of Meeting Practice has been prepared in accordance with the *Local Government Act 1993;* the Local Government (General) Regulation 2005; the Office of Local Government's Model Code of Conduct for Local Councils in NSW, March 2013; the Office of Local Government's Meetings Practice Note - August 2009; and Council's adopted Code of Meeting Practice 2013.

PART 1 – PRELIMINARY

1. Citation

This Code may be cited as the 'AlburyCity Code of Meeting Practice'.

2. Definitions

Except as provided in this Code, expressions are defined in the dictionary at the end of the *Local Government Act 1993*.

In this Code:

(a) **Amendment,** in relation to an original motion, means a motion moving an amendment to that motion.

(b) **Chairperson,**

- in relation to a meeting of the Council – means the person presiding at the meeting as provided by clause 10; and
- in relation to a meeting of a Committee – means the person presiding at the meeting as provided by clause 46.

(c) Clause, refers to a Clause within this Code.

(d) **Committee,** means a Committee appointed or elected by the Council in accordance with clause 40(a) or the Council when it has resolved itself into a Committee of the Whole.

(e) Committee of the Whole, means all Councillors present at a Council or Committee meeting.

(f) **Delegate,** means a Councillor or other person approved by Council to represent AlburyCity at a meeting or conference; or as a community representative on a Council advisory committee.

(g) **'Negatived',** – A motion 'negatived' is a motion lost.

(h) **Record,** means a document (including any written or printed material) or object (including a sound recording, video recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee of the Council and, in particular, includes the minutes of meetings of the Council or of a Committee of the Council.

(i) **Relative,** in relation to a person, means any of the following:

(a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person;

(b) the spouse or the de facto partner of the person or of a person referred to in paragraph (i)(a).

(j) **The Act,** means the *Local Government Act 1993*.

(k) **The Code,** means the AlburyCity Code of Meeting Practice; and the Regulation means the Local Government (General) Regulation 2005.

3. Act and Regulation

(a) This Code is made pursuant to section 360(2) of the Act.

(b) It incorporates relevant provisions of the Act and the Regulation.

(c) In the event of any inconsistency between the Code and the Act or the Regulation, the Act or the Regulation (as the case may be) shall prevail to the extent of the inconsistency.

PART 2 – CONVENING AND ATTENDANCE AT COUNCIL MEETINGS

4. Frequency of meetings of the Council

(a) The Council is required to meet at least 10 times each year, each time in a different month. It is up to the Council to decide when and where to conduct the meeting.

(b) The Council's meeting cycle is as follows:

(i) The Planning & Development Committee, Engineering & Works Committee, Community & Cultural Committee and Finance & Administration Committee will consider matters and make recommendations to Council.

The Mayor is an ex-officio member of each Committee, and there is no limit on the number of Councillors on each Committee.

(ii) **The Planning & Development Committee** to consider matters associated with:

- Building regulations;
- Development Applications;
- Economic development;
- Enforcement and compliance policy;
- Strategic land use planning;
- Regional development; and
- Tourism.

(iii) **The Engineering & Works Committee** to consider matters associated with:

- Airport, landfill and cemetery/crematorium;
- Asset management;
- Emergency services;
- Major construction projects;
- Roads, bridges, buildings, footpaths and drainage;
- Traffic management and parking;
- Fleet management;
- Floodplain management;
- Waste management; and
- Water and sewerage.

(iv) **The Community & Cultural Committee** to consider matters associated with:

- Community, cultural and youth services;
- Community development;
- Community health;
- Community safety;
- Events;
- Natural resources management; and
- Parks, sport and recreation.

(v) **The Finance & Administration Committee** to consider matters associated with:

- Council Plan, Finance Plan and budgets;
- Organisational performance and audit;
- Policy development and review including communications and branding, governance, human resources, information management, risk management, procurement and sustainability; and
- Strategic corporate planning.

(vi) All provisions of Council's Code of Meeting Practice apply to these Committees.

(vii) The Chairperson of each Committee and the Committee Members shall be resolved by the Council at the annual meeting when Councillor Representation on Committees is determined.

(viii) Committee Meetings and Meetings of the Council are generally held in the AlburyCity Council Chambers, 553 Kiewa Street, Albury, at 6.00pm.

(ix) 1st Monday will be, if required, a Community Forum ~~and/or Councillor Workshop~~.

(x) 2nd Monday of the month will be, if required, the Planning & Development Committee Meeting followed by the Engineering & Works Committee Meeting.

(xi) 3rd Monday of the month will be, if required, the Community & Cultural Committee Meeting followed by the Finance & Administration Committee Meeting.

(xii) Community Forums will have an Agenda. In accordance with the Agenda, members of the public may address the Councillors and the Chairperson may invite questions. In accordance with clause 37, order is to be maintained at the meeting.

(xiii) 4th Monday will be a Council Meeting.

(xiv) Council meetings shall conclude at 11.00pm and extensions of time (in fifteen minute periods) shall only be granted by resolution.

(xv) The Council may, by resolution, vary the time, date and place of Ordinary Meetings should circumstances exist which would prevent the Ordinary Meetings of the Council being held in accordance with subclause (b).

~~(xii)~~

~~(xiii)~~(xvi) ~~Councillor Workshops will have an Agenda. The public and media do not have attendance entitlements at workshops. There is no obligation on Councillors to attend workshops.~~

(c) Councillor Workshop

(i) Councillor Workshops will be held when called by the Mayor or when requested by two or more Councillors.

(ii) Councillor Workshops will have an Agenda. The General Manager shall consult with the Mayor or Councillors who have called for the Workshop as to the items on the agenda.

(iii) The public and media shall be excluded from workshops for items that meet the requirements of S10A of the Local Government Act 1993.

(iv) The Mayor or acting Mayor will chair Councillor Workshops and in their absence the Councillors will elect a Councillor to chair the Workshop.

(v) All provisions of Council's Code of Meeting Practice apply to Councillor Workshops. In accordance with clause 37, order is to be maintained at the Workshop.

(vi) There is no obligation on Councillors to attend Workshops.

~~(xiv) Council decisions are not made at workshops. Workshop reports contain information but no recommendations.~~

(vii) Council decisions are not made at workshops nor are they to be used to endorse the actions of staff.

(viii) Workshop reports are to contain information but no recommendations. The Chairperson will allow questions but will not allow detailed discussion of matters raised in reports.

~~(xv) 4th Monday will be a Council Meeting.~~

~~(xvi) Council meetings shall conclude at 11.00pm and extensions of time (in fifteen minute periods) shall only be granted by resolution.~~

~~(c) The Council may, by resolution, vary the time, date and place of Ordinary Meetings should circumstances exist which would prevent the Ordinary Meetings of the Council being held in accordance with subclause (b).~~

5. Extraordinary meetings

(a) The Mayor may call Extraordinary Meetings of the Council.

(b) If the Mayor receives a request in writing signed by at least two Councillors, the Mayor must call an Extraordinary Meeting of the Council to be held as soon as practicable but in any event within eight working days after the receipt of the requests made. (The Mayor can be one of the two Councillors who submit the written request.)

(c) If the Mayor fails, within four working days of receipt of a request pursuant to subclause (b), to give a direction to the General Manager for the sending of Notices to Councillors for an Extraordinary Meeting to be held within the period specified in subclause (b), the General Manager must send a notice to each Councillor specifying that the Meeting will be held on the eighth working day following the date of receipt of the request.

(d) For the purpose of subclause (b) and (c), a working day is a day that is not a Saturday, Sunday or public holiday.

(e) Extraordinary Meetings will be held as and when required.

6. Notice of Council and Committee meetings

(a) The General Manager of the Council must send to each Councillor, at least three days before each meeting of Council, a notice specifying the time, place and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.

(b) The notice must be published in the local newspaper indicating the time and place of the meeting.

(c) Notice of less than three days may be given of an Extraordinary Meeting called in an emergency, but in no case shall notice of less than one day be given.

(d) Public notice must be given on the time and place of Extraordinary Council and Committee Meetings but this does not have to be by publication in a local newspaper.

(e) Subclauses (a) and (b) do not apply to the consideration of business at a meeting if the business:

(i) is already before, or directly relates to a matter that is already before, the Council; or

(ii) is the election of a Chairperson to preside at the meeting as provided by clause 10; or

(iii) is a matter or topic put to the meeting by the Chairperson in accordance with clause 14; or

(iv) is a motion for the adoption of recommendations of a Committee of the Council.

(f) Despite subclauses (a) and (b), business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:

(i) a motion is passed to have the business transacted at the meeting; and

(ii) either:

- all the Councillors (disregarding any casual vacancies) are present at the meeting; or
- the business proposed to be brought forward is ruled by the Chairperson to be of sufficient urgency to warrant consideration at that meeting.

Such a motion can be moved without notice.

(g) Despite clause 27 relating to the limitation as to the number of speeches, only the mover referred to in subclause (f) can speak to the motion before it is put.

7. Quorum

The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office for the time being and are not suspended from office.

8. What happens when a quorum is not present

(a) A meeting of the Council must be adjourned if a quorum is not present:

(i) within half an hour after the time designated for the holding of the meeting; or

(ii) at any time during the meeting.

(b) In either case, the meeting must be adjourned to a time, date and place fixed:

(i) by the Chairperson; or

(ii) in his or her absence - by the majority of the Councillors present; or

(iii) failing that, by the General Manager.

(c) The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

9. Presence at Council meetings

a. A Councillor cannot participate in a meeting of the Council unless personally present at the meeting.

b. A Councillor requesting leave of absence from a meeting of a council does not need to make the application in person and the council may grant such leave in the absence of that Councillor.

c. Leave of absence for three or more consecutive meetings may only be granted by a Council resolution.

d. Leave of absence will not unreasonably be withheld.

e. Acceptance of an apology by the Council is taken as granting leave of absence.

f. If a Councillor is absent, with or without leave of the Council, from ordinary meetings of the Council for any period of more than three months, the Council must not pay any annual fee, or part of an annual fee, to that Councillor that relates to the period of absence that is in excess of three months.

g. A member (other than the Mayor) ceases to be a member of a Committee if the member:

   (i) has been absent from three consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences, or

   (ii) has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absences.

   (iii) Subclause (g) does not apply in respect of a Committee that consists of all of the members of the council.

PART 3 – PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

10. Chairperson of Council meetings

(a) The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor presides at meetings of the Council.

(b) If the Mayor and the Deputy Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.

(c) If no Chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a Chairperson to preside at the meeting.

(d) The election must be conducted by a show of hands.

(i) by the General Manager or, in his or her absence, an employee of the Council designated by the General Manager to conduct the election; or

(ii) if neither of them is present at the meeting or there is no General Manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.

(e) If, at an election of a Chairperson, two or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the Chairperson is to be the candidate whose name is chosen by lot drawn by the General Manager or his nominee.

(f) For the purpose of subclause (e), the person conducting the election must:

(i) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and

(ii) then fold the slips so as to prevent the names being seen, mix the slips and draw one of the slips at random.

(g) The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson.

11. Chairperson to have precedence

(a) When the Chairperson rises or speaks during a meeting of the Council:

(i) any Councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat; and

(ii) every Councillor present must be silent to enable the Chairperson to be heard without interruption.

12. Chairperson's duty with respect to motions

(a) It is the duty of the Chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.

(b) The Chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.

(c) Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected.

13. Minutes

(a) The Council must ensure that full and accurate minutes are kept of proceedings of the Council.

(b) The General Manager must ensure that the following matters are recorded in the Council minutes:

(i) Details of each motion moved at a Council meeting and any of the amendments moved to it,

(ii) The NAMES of the MOVER and the SECONDER of the motion or amendment,

(iii) Whether the motion or amendment is CARRIED or LOST.

(c) The correctness of the minutes of every preceding meeting, including Extraordinary Meeting, not previously confirmed must be dealt with at every ordinary meeting of the Council, in order that such minutes may be confirmed.

(d) A motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

(e) Minutes may be confirmed at an Extraordinary Meeting of the Council.

(f) The minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at that subsequent meeting.

14. Order of business

(a) At a meeting of the Council (other than an Extraordinary Meeting), the general order of business is (except as provided by this Code) such as the Council has fixed by resolution passed at any previous meeting or, if no such resolution has been passed, in accordance with this Code.

(b) The order of business fixed under subclause (a) may be altered if a motion to that effect is carried. Such a motion can be moved without notice.

(c) Despite clause 27, only the mover of a motion referred to in subclause (b) may speak to the motion before it is put.

15. Agenda for Council meetings

(a) The General Manager must ensure that the agenda paper for a meeting of the Council states:

(i) all matters to be dealt with arising out of the proceedings of former meetings of the Council; and

(ii) if the Mayor (or the Deputy Mayor if acting for the Mayor) is the Chairperson - any matter or topic that the Chairperson proposes, at the time when the agenda is prepared, to put to the meeting; and

(iii) the business proposed to be transacted at the meeting.

(iv) any business of which due notice has been given.

(b) The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion, to the next meeting of the Council.

(c) Certain matters, because of their confidential nature, may be considered in closed meetings. Parts of Council meetings may be closed to the public to discuss the type of matters referred to in section 10A(2) of the Act. Although Council decides whether the public is to be excluded from part of a meeting, the General Manager must indicate on the agenda (without details) that an item of business is likely to be discussed in a closed part of the meeting. The agenda item is to indicate the reason the item will be dealt with in the closed part of the meeting.

(d) The General Manager must cause the agenda for a meeting of the Council to be prepared as soon as practicable before the meeting.

(e) Nothing in this clause limits the powers of the Chairperson under clause 18.

16. Giving notice of business

(a) The Council must not transact business at a meeting of the Council:

(i) unless a Councillor has given notice of the business in writing by noon of the Wednesday immediately preceding the meeting; and

(ii) unless notice of business has been sent to the Councillors at least three days before the meeting, or in the event of an Extraordinary Meeting called in an emergency, at least one day.

(b) Subclause (a) does not apply to the consideration of business at a meeting if the business:

(i) is already before, or directly relates to a matter that is already before, the Council; or

(ii) is the election of a Chairperson to preside at the meeting as provided by clause 10(c); or

(iii) is a matter or topic put to the meeting by the Chairperson in accordance with clause 18 (a Mayoral Minute); or

(iv) is a motion for the adoption of recommendations of a Committee of the Council.

(c) Despite subclause (a), business may be transacted at a meeting of the Council even though due notice of the business has not been given to Councillors. However, this can happen only if:

(i) a motion is passed to have the business transacted at the meeting; and

(ii) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency or is considered to be of great urgency by a majority of Councillors present at the meeting. Voting to be by show of hands.

Such a motion can be moved without notice.

(d) Despite clause 27, only the mover of a motion referred to in subclause (b) can speak to the motion before it is put.

17. Agenda for Extraordinary Meeting

(a) The General Manager must ensure that the agenda for an Extraordinary Meeting of the Council deals only with the matters stated in the notice of the meeting.

(b) Despite subclause (a), business may be transacted at an Extraordinary Meeting of the Council even though due notice of the business has not been given to the Councillors.

However, this can happen only if:

(i) a motion is passed to have the business transacted at the meeting; and

(ii) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency or is considered to be of great urgency by a majority of Councillors present at the meeting.

(iii) Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of:

(c) Despite clause 27 relating to limitations as to number of speeches, only the mover of a motion referred to in subclause (b) can speak to the motion before it is put.

18. Mayoral Minutes

(a) If the Mayor (or the Deputy Mayor, if acting for the Mayor) is the Chairperson at a meeting of a Council, the Chairperson is, by minute signed by the Chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.

(b) Such a minute, when put to the meeting, takes precedence over all business on the Council's business paper for the meeting. The Chairperson (but only if the Chairperson is the Mayor, or the Deputy Mayor, if acting for the Mayor) may move the adoption of the minute without the motion being seconded.

(c) A recommendation made in a minute of the Chairperson (being the Mayor, or Deputy Mayor if acting for the Mayor) or in a report made by a Council employee is, in so far as adopted by the Council, a resolution of the Council.

19. Report of an Office of Local Government representative to be tabled at Council meeting

(a) When a report of the Office of Local Government representative has been presented to a meeting of the Council in accordance with section 433 of the Act, the Council must ensure that the report:

(i) is laid on the table at that meeting; and

(ii) is subsequently available for the information of Councillors and members of the public at all reasonable times.

20. Notice of motion

(a) In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the Council:

(i) any other Councillor may move the motion at the meeting; or

(ii) the Chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.

(b) It is possible to advise the Council of an intention to put forward a motion that relates to a motion currently before the Council. However, the chairperson cannot accept the new motion until the first motion is decided.

21. Motions to be seconded

(a) A motion or an amendment cannot be debated unless or until it has been seconded. However, the mover of a motion may be allowed by the Chairperson to speak to the motion before calling for the motion to be seconded. This clause is subject to clauses 18(b) and 27(e).

22. How subsequent amendments may be moved

(a) If an amendment has been accepted or rejected, a further amendment can be moved to the motion in its original or amended form (as the case may be), and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.

(b) It is permissible to debate the motion and an amendment concurrently.

(c) It is permissible during the debate on an amendment for a further amendment to be foreshadowed. However, any such foreshadowed amendment shall not be moved and debated until the amendment is dealt with.

(d) Any amendment to a motion must not alter the motion to the extent that it effectively reverses the motion.

23. Motions of dissent

(a) A Councillor can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.

(b) If a motion of dissent is carried, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the business paper and proceed with it in due course.

(c) Despite clause 27, only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply. It is then a matter for Councillors to decide by majority vote whether to carry the motion of dissent.

(d) A motion of dissent does not require a seconder.

24. Petitions may be presented to the Council

(a) A Councillor may present a petition to the Council.

(b) The Chairperson must not permit discussion on the petition.

(c) The petition will be referred to the General Manager for appropriate action or referral to a future meeting of the Council.

25. Questions may be put to Councillors and Council employees

(a) A Councillor:

(i) may, through the Chairperson, put a question to another Councillor; and

(ii) may, through the Chairperson and the General Manager, put a question to a Council employee.

(b) However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.

(c) Any such question shall be put directly, succinctly, and without argument. The Chairperson shall at all times reserve the right to require the Councillor to submit the question in writing. The Chairperson shall also reserve the right to direct that the response in relation to such question be reported in writing to a future meeting of the Council.

(d) The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause.

(e) Nothing in this clause affects questions being asked, with the leave of the Chairperson, relevant to any matter under discussion at a meeting.

26. Mode of address

Councillors shall at all times address other Councillors by their official designation, for example, "Mr. Mayor", “Madam Mayor” or "Councillor Brown", as the case may be.

27. Limitation as to number of speeches

(a) A Councillor who, during a debate at a meeting of the Council, moves an original motion has the right of general reply to all observations that are made by Councillors during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.

(b) A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to the motion.

(c) A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment and for longer

than five minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

(d) Despite subclauses (a) and (b), a Councillor may move that a motion or an amendment be now put:

(i) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or

(ii) if at least two Councillors have spoken in favour of the motion or amendment and at least two Councillors have spoken against it.

(e) The Chairperson must immediately put to the vote, without debate, a motion moved under subclause (d). A seconder is not required for such a motion.

(f) If a motion that is the original motion or an amendment be put is passed, the Chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause (a).

(g) If a motion that the original motion or an amendment be put is rejected, the Chairperson must allow the debate on the original motion or amendment to be resumed.

28. Motions put with no or limited debate

(a) When a motion has been moved and seconded, the Chairperson shall ask if the motion is to be opposed. If no opposition is indicated, then the Chairperson may put the motion, provided no Councillor exercises his or her right to speak under clause 27(b).

(b) If a motion is opposed, then the Mover shall speak first. Other speakers shall follow, and shall alternate for and against the motion. When that cycle of debate cannot proceed, the Chairperson may put the motion, provided no Councillor exercises his or her right to speak under clause 27(b).

29. Voting at Council meetings

(a) Each Councillor is entitled to one vote.

(b) However, the Chairperson has, in the event of an equality of votes, a second or casting vote.

(c) A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion. This subclause does not apply to a Councillor who does not vote because he or she has a pecuniary interest in the subject matter of the motion.

(d) If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.

(e) The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two Councillors rise and demand a division.

(f) When a division on a motion is demanded, the Chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the Council's minutes.

(g) Voting at a Council Meeting including voting in an election at such a meeting is to be by open voting (such as on the voices or by show of hands). The Council will resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is in accordance with Schedule 7 of the Local Government (General) Regulation 2005.

30. Representations by members of the public - closure of part of meeting

(a) A representation at a Council Meeting by a member of the public as to whether part of a meeting should be closed to the public can only be made for a fixed period immediately after the motion to close part of the meeting is moved and seconded.

(b) The period allowed in subclause (a) shall be fixed by Council resolution when the matter is under consideration, having due regard to the different types of matters to be discussed or received and discussed at the closed part of the meeting.

31. Resolutions passed at closed meetings to be made public

If a Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.

32. Decisions of the Council

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

33. Rescinding or altering resolutions

(a) A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with clause 16.

(b) If it is proposed to move a further motion in the event that a rescission motion is carried, the required notice must also be given of the proposed further motion.

(c) If a notice of motion to rescind or alter a resolution is given:

(i) at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission or alteration has been dealt with; or

(ii) at any time after the meeting at which the resolution is carried, no further action to carry the resolution into effect may be taken after receipt of the notice of motion until the motion of rescission or alteration has been dealt with.

(d) In the case of a motion of alteration, subclause (c) applies only to the extent that the resolution of Council would be affected by the motion of alteration, if it is carried.

(e) If a motion has been negatived by the Council, a motion having the same effect must not be considered unless notice of it has been given in accordance with clause 16.

(f) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by the Council, must be signed by at least three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.

(g) A notice of motion to alter or rescind a resolution must be lodged in the following manner:

(i) In circumstances where the resolution of the Council has been carried, then the notice of motion to alter or rescind the resolution can be lodged at the Council meeting at which the resolution was carried; or

(ii) If a notice of motion to rescind a resolution relates to a Development Application it must be lodged with the General Manager by 5:00pm the next working day after the meeting at which the resolution was carried (to ensure compliance with clauses 102 (1) and (3) of the Environmental Planning and Assessment Regulation 2000).

(iii) In all other circumstances, the notice of motion to alter or rescind the resolution must be lodged with the General Manager within three months.

(h) If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within three (3) months. This subclause may not be evaded by substituting a motion differently worded, but is in principle, the same.

(i) A motion to which this clause applies may be moved on the report of a Committee of the Council and any such report must be recorded in the minutes.

(j) The provisions of this clause concerning negatived motions do not apply to motions of adjournment.

34. Motions of adjournment

(a) Debate shall not be permitted on any motion for adjournment of a Council meeting.

(b) If a motion for adjournment is negatived, the business of the meeting shall proceed, and it shall not be in order for any Councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being negatived.

(c) A motion for adjournment may specify the time, date and place of the adjourned meeting; however, if a motion for adjournment is carried but does not specify the time, date and place of the adjourned meeting, the Chairperson shall make a determination with respect to whichever of these has not been specified. An adjourned meeting is a continuation of the same meeting, not a new meeting.

35. Committee of the Whole

(a) During the course of a Council meeting, Council may resolve itself into a Committee of the Whole to consider any matter before the Council. That part of the Council meeting then becomes a committee meeting.

(b) All the provisions of this Code relating to meetings of the Council extend to and govern the proceedings of a Committee of the Whole, except the provision limiting the number and duration of speeches.

(c) To move into a Committee of the Whole, Council requires a motion to be moved and seconded; a subsequent motion is required to be moved and seconded to resume the Council meeting. The motions shall be recorded in the Minutes of the Council meeting.

(d) The Committee of the Whole may not pass a Council resolution. It makes recommendations to Council. Once the Council meeting has resumed Council considers any recommendations made by the Committee.

(e) AlburyCity has traditionally referred to the Committee of the Whole meeting procedures as “Standing Orders”.

PART 4 – KEEPING ORDER AT MEETINGS

36. Questions of order

(a) The Chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the Chairperson, it is necessary to do so.

(b) A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the Chairperson to the matter.

(c) The Chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.

(d) The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

37. Acts of disorder

(a) Councillor

(i) A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a Committee of the Council:

(1) contravenes the Act, any regulation in force under the Act, Council's Code of Conduct or this Code; or

(2) assaults or threatens to assault another Councillor or person present at the meeting; or

(3) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee, or addresses or attempts to address the Council or Committee on such a motion, amendment or matter; or

(4) insults or makes personal reflections on or imputes improper motives to any other Councillor or person; or

(5) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into contempt; or

(6) reads at length from any correspondence, report or other document, without the leave of the Council.

(ii) The Chairperson may require a Councillor:

- to apologise without reservation for an act of disorder referred to in clause 37(i) (1) or (2); or

- to withdraw a motion or an amendment referred to in clause 37(i)(3) and, where appropriate, to apologise without reservation; or
- to retract and apologise without reservation for an act of disorder referred to in clause 37(i)(4) or (5).
- to cease immediately in the case of a breach of clause 37(i)(6).

(iii) A Councillor may, as provided by clause 59(d), be expelled from a meeting of the Council or Committee of the Council for having failed to comply with a requirement under subclause (ii). The expulsion of a Councillor from the meeting by reason of subclause (ii) does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

(b) Members of the Public

(i) A member of the public commits an act of disorder if that person, at a meeting of the Council or a Committee of the Council:

- contravenes the Act, any regulation in force under the Act or this Code; or
- assaults or threatens to assault another person or Councillor present at the meeting; or
- Addresses or attempts to address the Council or Committee on any matter, without the leave of Council; or
- insults or makes personal reflections on or imputes improper motives to any Councillor or person; or
- says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into contempt; or
- reads at length from any correspondence, report or other document, without the leave of the Council or Committee.

38. How disorder at a meeting may be dealt with

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

(b) A member of the public may, as provided by clause 59(d) be expelled from a meeting of the Council or Committee of the Council for engaging in or having engaged in disorderly conduct at the meeting.

(c) A Councillor may, as provided by subclause (b), be expelled from a meeting of the Council or Committee of the Council for engaging in or having engaged in disorderly conduct at the meeting.

39. Power to remove persons from meeting after expulsion resolution

If a Councillor or a member of the public fails to leave the place where a meeting of the Council or Committee of the Council is being held:

(a) Immediately after the Council or Committee of the Council has passed a resolution expelling the Councillor or member from the meeting; or

(b) where the Council or Committee of the Council has authorised the person presiding at the meeting to exercise the power of expulsion, immediately after being directed by the person presiding to leave the meeting,

a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member from that place, and, if necessary, restrain the Councillor or member from re-entering that place.

PART 5 – COUNCIL COMMITTEES

40. Council may appoint Committees under Clause 260 of the Regulation

(a) The Council may appoint or elect such Committees by resolution as it considers necessary.

(b) Such a Committee is to consist of the Mayor and such number of Councillors of the Council as the Council decides.

(c) The quorum for a meeting of such a Committee is to be:

(i) the number of members as the Council decides; or

(ii) if the Council has not decided a number - a majority of the members of the Committee.

41. Functions of Committees

The Council must specify the functions of each of its Committees when the Committee is appointed or elected, but may from time to time amend those functions.

42. Notice of Committee meetings to be given

(a) The General Manager of the Council must send to each Councillor, at least three days before each meeting of the Committee, a notice specifying:

(i) the time and place at which and the date on which the meeting is to be held; and

(ii) the business proposed to be transacted at the meeting.

(b) However, notice of less than three days may be given of a Committee meeting called in an emergency.

(c) The provisions of clause 15 (b) to (e) apply to the agendas of Committee meetings in the same manner as they apply to the agendas of meetings of the Council.

43. Non-members entitled to attend Committee meetings

A Councillor who is not a member of a Committee of the Council is entitled to attend and speak at, but is not entitled to put business on the Committee's Agenda, move or second a motion at the meeting or vote.

44. Meeting Procedure in Committees

(a) Each Committee of the Council may regulate its own meeting procedure.

(b) Without limiting clause 45(a), a Committee of the Council may decide that, whenever the voting on a motion put to a meeting of the Committee is equal, the Chairperson of the Committee is to have a casting vote as well as an original vote.

(c) Voting at a Committee meeting is to be by open means, by a show of hands.

45. Committees to keep minutes

(a) Each Committee of a council must ensure that full and accurate minutes of the proceedings of its meetings are kept.

(b) As soon as the minutes of an earlier meeting of a Committee of the council have been confirmed at a later meeting of the Committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.

46. Chairperson of Committees

(a) The Chairperson of each Committee of the Council, must be:

(i) the Mayor; or

(ii) if the Mayor does not wish to be the Chairperson of a Committee - a member of the Committee elected by the Council; or

(iii) if the Council does not elect such a member - a member of the Committee elected by the Committee.

(b) The Council may elect a member of a Committee of the Council as Deputy Chairperson of the Committee. If the Council does not elect a Deputy Chairperson of such a Committee, the Committee may elect a Deputy Chairperson.

(c) If neither the Chairperson nor the Deputy Chairperson of a Committee of the Council is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be acting Chairperson of the Committee.

(d) The Chairperson is to preside at a meeting of a Committee of the Council. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the acting Chairperson is to preside at the meeting.

(e) The procedure for the election of Chairperson is in accordance with clause 10 (c) to (g).

(f) The Mayor is, by virtue of holding that office, a member of each Committee of the Council.

47. Absence from Committee meetings

(a) A member ceases to be a member of a Committee if the member (other than the Mayor);

(i) has been absent from three (3) consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences; or

(ii) has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absences.

(b) Subclause (a) does not apply if all of the members of the Council are members of the Committee.

Note: The expression "year" means the period beginning 1 July and ending the following 30 June. See the Dictionary to the Act.

48. Reports of Committees

(a) If in a report of a Committee of the Council distinct recommendations are made, the decision of the Council may be made separately on each recommendation.

(b) The recommendations of a Committee of the Council are, in so far as adopted by the Council, resolutions of the Council.

(c) If a Committee of a Council makes a recommendation to Council, during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must:

(i) make the recommendation to Council public as soon as practicable after the meeting or part of the meeting has ended; and

(ii) report the recommendation to Council to the next meeting of the council.

49. Disorder in Committee meetings

The provisions of the Act, the Regulation and this Code relating to the maintenance of order in Council meetings apply to meetings of Committees of the Council in the same way as they apply to meetings of the Council.

50. Committee may expel certain persons from its meetings

(a) If a meeting or part of a meeting of a Committee of the Council is closed to the public in accordance with clause 59(b), any person who is not a Councillor may be expelled from the meeting as provided by clause 59(d) of this Code.

(b) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council, Committee, or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place, and, if necessary, restrain that person from re-entering that place.

51. Council may appoint Committees under Section 355(b) and 376(2) of the Act

(a) The Council may appoint or elect such Committees as it considers necessary. These Committees can contain persons who are not Councillors.

(b) The Council must specify the functions of each of these Committees when the Committee is appointed or elected, but may from time to time amend these functions.

(c) A Committee can exercise a Council's Regulatory function under Chapter 7 of the Act only if all its members are either Councillors or Council Employees.

(d) These Committee meeting procedures will follow the principles outlined in this Code of Meeting Practice with one exception, that is, the meetings are closed to the public and media unless public access is resolved by Council.

PART 6 – PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS

52. Pecuniary interest

(a) For the purposes of this Part, 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 or another person with whom the person is associated as provided in clause 53.

(b) A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in clause 54.

53. Persons who have a pecuniary interest

(a) For the purposes of this Part, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

(i) the person; or

(ii) the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person; or

(iii) a company or other body of which the person, or a nominee, partner or employer of the person, is a member.

(b) However, a person is not taken to have a pecuniary interest in a matter as referred to in subclause (a)(ii) or (iii):

(i) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, employer or company or other body; or

(ii) just because the person is a member of, or employed by a council or a statutory body or is employed by the Crown;

(iii) Just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as ~~if~~ the person has no beneficial interest in any shares of the company or body.

54. Interests that need not be declared

The following interests do not need to be disclosed for the purposes of this Part:

(a) an interest as an elector;

(b) an interest as a ratepayer or a person liable to pay a charge;

(c) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public or a section of the public that includes persons who are not subject to this Part;

(d) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part;

(e) an interest as a member of a club or other organisation or association, unless the interest is as a holder of an office in the club or organisation (whether remunerated or not);

(f) an interest of a member of a Council Committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the Committee member has been appointed to represent the organisation or group on the Committee;

(g) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument, other than an instrument that effects a change of permissible uses of:

(i) land in which the person or another person, company or body referred to in clause 53(a)(ii) or (iii) has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise); or

(ii) land adjoining, or adjacent to, or in proximity to land referred to in ~~paragraph (a)~~ clause 54(g)(i); or

(iii) if the person or the person, company or body referred to in clause 53(a)(ii) or (iii) would by reason of the proprietary interest have a pecuniary interest in the proposal.

(h) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company;

(i) an interest of a person arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the Committee) of the association or is a partner of the partnership;

(j) an interest of a person arising from the making by the council of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the

proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:

(i) the performance by the council at the expense of the relative of any work or service in connection with roads or sanitation;

(ii) security for damage to footpaths or roads;

(iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council or by or under any contract;

(k) an interest relating to the payment of fees to Councillors (including the Mayor and Deputy Mayor);

(l) an interest relating to the payment of expenses and the provision of facilities to Councillors (including the Mayor and Deputy Mayor) in accordance with a policy under section 252 of the Act;

(m) an interest relating to an election to the office of Mayor arising from the fact that a fee for the following 12 months has been determined for the office of Mayor;

(n) an interest of a person arising from the passing for payment of a regular account for wages or salary of any employee who is a relative of the person;

(o) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as Councillor or member of a council Committee;

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

55. Disclosure and participation in meetings

(a) A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the interest *and the nature of the interest* to the meeting as soon as practicable.

(b) A general notice of disclosure made pursuant to section 454 of the Act fulfils the requirement of subclause (a).

(c) The Councillor or member must not be present at, or in sight of, the meeting of the council or Committee:

(i) At any time during which the matter is being considered or discussed by the council or Committee, or

(ii) At any time during which the council or Committee is voting on any question in relation to the matter.

The Councillor is not counted for the purpose of a quorum for that matter.

(d) A person who, at the request or with the consent of the Council or a Council Committee, gives advice on any matter at any meeting of the Council or Committee must disclose any pecuniary interest the person has in the matter to the meeting at the time the advice is given.

(e) A person does not breach this clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Note: Section 458 of the Act provides that the Minister may in certain circumstances allow a Councillor or a member of a Committee of a Council who has a pecuniary interest to take part in the consideration or discussion of a matter or vote on a matter.

56. Disclosures to be recorded

A disclosure made at a meeting of the Council or Council Committee must be recorded in the minutes of the meeting.

57. Non-Pecuniary Conflict of Interest

(a) Where practical, Councillors should advise the Chairperson in writing of this conflict at the beginning of the meeting (a standard form is available).

(b) If a conflict arises during a Council or Committee Meeting, Councillors must inform the meeting of the interest. Depending upon the nature of the conflict, the Councillor needs to decide whether or not to participate in consideration of, or voting on the matter.

(c) To comply with clauses 4.12 to 4.19 of Council's adopted Model Code of Conduct February 2013, non-pecuniary conflict of interests should be declared based on the following:

(i) If the Councillor decides the conflict is "significant", the Councillor must declare a non-pecuniary interest, not be eligible to vote, and leave the Chamber;

(ii) If the Councillor decides the conflict is "less than significant", the Councillor must declare a non-pecuniary interest, and determine their action.

(d) the disclosure of a conflict must be recorded in the minutes of the meeting.

PART 7 – MEDIA AND PUBLIC

58. Public Notice of meetings

(a) The Council must give notice to the media and public of the times, dates and places of its meetings and meetings of those of its Committees of which all the members are Councillors.

(b) The Council and each such Committee must have available for the media and public at its offices and at each meeting copies (for inspection and taking away by persons) of the agenda for the meeting. This requirement does not apply to the agenda for a matter that, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the media and public.

(c) The copies are to be available to the media and public as nearly as possible to the time they are available to Councillors.

(d) The copies are to be available free of charge.

59. Attendance at meetings of the Council

(a) The media and public are entitled to attend Ordinary and Extraordinary Meetings of the Council and Meetings of Special Committees, except as provided by this clause.

(b) The Council or such a Committee may close to the media and public only so much of its meeting as comprises the receipt or discussion of any of the following:

(i) personnel matters concerning particular individuals (other than Councillors);

(ii) the personal hardship of any resident or ratepayer;

(iii) Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;

(iv) commercial information of a confidential nature that would, if disclosed

- prejudice the commercial position of the person who supplied it, or
- confer a commercial advantage on a competitor of the Council, or
- reveal a trade secret;

(v) advice concerning litigation; or advice which would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege;

(vi) information the disclosure of which would prejudice the maintenance of law;

(vii) matters affecting the security of the Council, Councillors, Council staff or Council property;

(viii) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

A motion to close the meeting to the public is required.

A Council, or a Committee of the Council of which all the members are Councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

A Council, or a Committee of a Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

(c) The grounds on which a meeting is closed must be specified in the decision to close the meeting and recorded in the minutes of the meeting. The grounds must specify the following:

(i) the relevant provision of subclause (b) (i-viii);

(ii) the matter that is to be discussed during the closed part of the meeting;

(iii) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which the discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

(d) A person (whether a Councillor or another person) is not entitled to be present at a meeting if expelled from the meeting:

(i) by a resolution of the meeting; or

(ii) by the person presiding at the meeting, if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.

(e) Nothing in this clause prevents any limitation being placed on the number of members of the public admitted to a meeting of the Council or a Committee of the Council, provided such limitation is for reason of safety or security.

60. Public access to correspondence and reports

(a) The Council and a Committee of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

(b) This clause does not apply if the correspondence or reports:

(i) relate to a matter that was received or discussed; or

(ii) were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.

PART 8 – MISCELLANEOUS

61. Information relating to proceedings at closed meetings not to be disclosed

(a) A person must not disclose any information obtained in connection with the administration or execution of the *Local Government Act 1993* unless that disclosure is made:

(i) with the consent of the person from whom the information was obtained; or

(ii) in connection with the administration or execution of the *Local Government Act 1993*; or

(iii) for the purposes of any legal proceedings arising out of the *Local Government Act 1993* or of any report of any such proceedings; or

(iv) in accordance with a requirement imposed under the Ombudsman Act 1974, the *Government Information (Public Access) Act 2009*; or

(v) with other lawful excuse.

(b) If a meeting or part of a meeting of the Council or a Committee of the Council is closed to the public in accordance with clause 59(b), a person must not, without the authority of the Council or the Committee, disclose, otherwise than to the Council or to a Councillor, information with respect to the discussion at, or the business of, the meeting.

(c) Subclause (b) does not apply to:

(i) the report of a Committee of the Council when presented to the Council; or

(ii) disclosure made in any of the circumstances referred to in clause 61(a); or

(iii) disclosure made in circumstances prescribed by the regulations.

(d) For the purpose of subclause (c) (iii), any disclosure made with the intention of enabling the Minister or the Director-General to properly exercise the functions conferred or imposed on them by or under the *Local Government Act 1993* is a prescribed circumstance.

62. Inspection of the minutes of the Council or a Committee

(a) Any inspection of the minutes of the Council or Committee of the Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those minutes.

(b) The General Manager must ensure that the minutes of the Council and any minutes of a Committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

Note: Section 12 of the Act confers a right to inspect the minutes of a Council or Committee of a Council.

63. Access to records

(a) The General Manager may allow or refuse to allow any Councillor to inspect any record of the Council that the Councillor requests to see.

(b) If the General Manager refuses to allow a Councillor to inspect any such record, the Councillor may, at a meeting of the Council, move for the production of the document. However, the Councillor must give notice of intention to move the motion.

(c) If the Council passes a motion for the production of a Council record, the Council must ensure that the record:

(i) is produced immediately and laid on the table for inspection by the Councillors; and

(ii) is made available for inspection by any Councillor on reasonable notice to the General Manager during the Council's ordinary office hours on any day that is within one (1) month after the passing of the motion.

(d) Nothing in this clause derogates from the common law right of Councillors to inspect any record of the Council relating to any business before the Council, except where the Councillor requesting inspection has a pecuniary interest in the matter.

64. Recording of any meeting of the Council, a Committee of the Council, Councillor Workshop or Community Forum is prohibited without prior permission

(a) An electronic recording device to record the proceedings of a meeting of the Council, a Committee of the Council, Councillor Workshop or Community Forum is not permitted without the prior written permission of the General Manager or their delegate.

(b) A person may, as provided by clause 59(d), be expelled from a meeting of the Council, a Committee of the Council, Councillor Workshop or Community Forum for using or having used an electronic recording device in contravention of this clause.

(c) If any such person, after being notified of such a resolution, fails to leave the place where the meeting is being held, a police officer, or any person authorised by the Council for the purpose, may remove the person from, and if necessary, restrain the person from re-entering, that place.

(d) In this clause, an electronic recording device includes any electronic device capable of recording images and/or sound.

(e) Still photography is not permitted at a meeting of the Council, a Committee of the Council, Councillor Workshop or Community Forum without the express written permission of the General Manager or their delegate.

65. Recording and webcasting by Council of Council and Committee meetings and audio recording of Community Forums

(a) Council records and webcasts (live streams) all meetings of Council and Committee meetings – except those parts of the meeting referred to in Sec 10A(2) of the Act. Confidential sessions may be audio recorded only for administrative and minute preparation purposes.

(b) Council webcasts of meetings are kept and will be made available for later viewing via Council's website.

(c) All agendas for meetings of the Council and Council Committees will list in the agenda that the meeting is being recorded and webcast. The Chairperson will advise those present that the meeting is being recorded and webcast and appropriate signage will be displayed.

(d) Council accepts no liability for any defamatory or offensive statements. In this regard, all meeting attendees are required to abide by the standards of conduct outlined in this Code.

(e) The webcasts are protected by copyright and owned by AlburyCity. No part may be copied or recorded or made available to others without the prior written consent of the General Manager.

(f) The webcast is not, and shall not, be taken to be an official record of AlburyCity or of any meeting or discussion depicted therein. Only the official minutes may be relied upon as an official record of the meeting.

~~(e) All aspects of the recording and webcasting of Council and Committee meetings and audio recording of Community Forums are contained in AlburyCity's Recording of Public Council Meeting Procedure.~~

~~(f)~~(g) Council will audio record all meetings of the Council, Committees of Council and Community Forums for administrative purposes in ensuring the accurate preparation of the ~~preparation of~~ minutes (and transcripts in the case of Community Forums) unless the Council or Committee resolves to not record the proceedings.

~~(g) The Chairperson of the meeting will advise those present that the meeting is being recorded for administrative purposes.~~

(h) All agendas for meetings of the Council, Committees of the Council and Community Forums will list in the ~~order of business~~agenda that the meeting/forum is being audio recorded for administrative purposes. The Chairperson will advise those present that the

meeting/forum is being audio recorded for administrative purposes and appropriate signage will be displayed.

~~(h)~~

~~(i) Signage will be displayed at the entrance of the Council Chamber advising attendees that the meeting is being recorded.~~

~~(j) Audio recordings of meetings of the Council, Committees of Council and Community Forums are made by Council staff for the purpose of:~~

~~(i) Assisting in the preparation of Minutes and transcripts;~~

~~(ii) Ensuring decisions are accurately recorded (not Community Forums); and~~

~~(iii) Verifying the accuracy of Minutes prior to their confirmation.~~

~~(k)~~(i) All such audio recordings under this clause will be destroyed following the confirmation of the minutes from the meeting of the Council or Committee and in line with the destruction provisions contained in the *State Records Act 1998*.

~~(l)~~(j) Audio recordings of meetings of the Council, Committees of Council and Community Forums will not be released without the express written permission of the General Manager.

(k) All aspects of the recording and webcasting of Council and Committee meetings and audio recording of Council and Committee meetings and Community Forums are contained in AlburyCity's Recording of Public Council Meeting Procedure.

~~65.~~66. Certain circumstances do not invalidate Council decisions

Proceedings at a meeting of the Council or a Council Committee are not invalidated because of:

(a) a vacancy in a civic office; or

(b) a failure to give notice of the meeting to any Councillor or a Committee member; or

(c) any defect in the election or appointment of a Councillor or a Committee member; or

(d) a failure of a Councillor or a Committee member to disclose a pecuniary interest at a Council or a Committee meeting; or

(e) a failure to comply with this Code.

~~66.~~67. Amendment of Code

This Code may be amended only in accordance with the provisions of Division 1 of Part 2 of Chapter 12 of the Act.

~~67.~~68. Notice of urgent business

(a) At meetings of the Council the order of business shall include a provision for Councillors to raise urgent matters of which no notice has been given in accordance with the other provisions of the Code.

(b) Such business shall be limited to the following:-

(i) Requests for officers to prepare reports or provide information on a particular subject;

(ii) To inform the Council of specific matters and issues of importance.

(c) In all cases a Councillor wishing to raise an urgent matter without notice shall inform the Mayor to that effect prior to the meeting.

~~68.~~69. General order of business for Council and Committee meetings

1. Opening Prayer and acknowledgement of original custodians of our land (for Council Meetings only)
2. Advise that the meeting is being recorded for administrative purposes
3. Conflict of Interest Declarations received by the Chair and Disclosures of Political Donations
   (a) Conflict of Interest Declarations
   (b) Disclosures of Political Donations and Requirements of the *Environmental Planning and Assessment Act 1979*
4. Apologies
5. Mayoral Minute(s)
6. Action Plan/s (for Council meetings only)
   (a) Actions complete - for noting only
   (b) Actions awaiting response from external parties
   (c) Actions in progress
   (d) Long term issues (more than three months)
7. Confirmation of Minutes of Previous Meetings
8. Reports from Council Committees
9. Reports from Community Forums
10. Matters Arising from the Minutes (for Committee Meetings only)
11. Notices of Motion/Notices of Rescission
12. Presentations and Deputations
13. Reports/Minutes of Committees and Working Parties

14. Documents for Sealing
15. Officers Reports for Consideration
16. Officers Reports for Noting
17. Delegates Reports for Noting
18. Notice of Urgent Business
19. Confidential Matters

AUTHORISATION

Status	**Committee**	~~Draft Finance & Administration Committee Meeting - 16 November 2015~~
	Manex	
	Council	Adopted ~~23 November 2015~~ 12 December 2016
Owner	Executive Services - Executive Support	
History	Draft Finance & Administration Committee Meeting – 21 September 2009 Draft Ratified for Public Exhibition Finance & Administration Committee - 28 September 2009 Adopted by Council - 21 December 2009 Draft to Finance & Administration Committee Meeting 21 October 2013 Draft Ratified for Public Exhibition Finance & Administration Committee – 24 September 2013 Adopted - 28 October 2013 Draft to Council Meeting of 24 August 2015. Draft not adopted and the current Code at that time placed on Public Exhibition. Notice of motion to change wording at Council Meeting 24 October 2016, Item CM10.1 Notice of motion to change wording at Council Meeting 12 December 2016, Item CM10.1	
Register	This policy is included in the Public Policy and Procedures Register and is on the AlburyCity website	
Last issued ~~23 November 2015~~12 December 2016		**Review** Code of Meeting Practice is reviewed within the first 12 months of a new Council, or as required.
REFERENCE ~~DOC15/105594~~DOC16/251124		

CM14.4. Draft Investment Policy and Procedure Review

DATE	31 January 2017	**FIL REFERENCE**	FIL10/00539
CONFIDENTIAL	No		
FURTHER ENQUIRIES TO	Justin Finlayson Executive Services	**PHONE**	6023 8153

Purpose of Report

The report presents AlburyCity's draft revised Investment Policy and Procedure for final adoption.

Background

AlburyCity's draft revised Investment Policy and Procedure was endorsed by Council at its meeting on Monday 28 November 2016. The documents were then placed on public exhibition until Tuesday 3 January 2017.

Issues

The annual review of AlburyCity's Investment Policy and Procedure did not recommend any changes to the Investment Policy and the only proposed change to the Investment Procedure was to include the TCorp Hour Glass Cash Fund as an AA- rated investment for the purposes of AlburyCity's credit risk framework.

In response to the public exhibition of the draft revised Investment Policy and Procedure no public submissions were received.

Risk

- Business Risk – Investing Council funds derives a return on investment, however, exposes Council to credit risk, liquidity risk and market risk which need to be managed. No changes are proposed to AlburyCity's existing investment portfolio credit risk framework.
- Corporate Risk – There is potentially some risk to Council's public image if its Investment Policy does not take into account the objectives of the Council and *Albury2030* Community Strategic Plan. As a prudent manager of public funds it is important that AlburyCity takes into account credit risk when making investment decisions.
- WHS and Public Risk – No risk identified.
- Delivery Program Risk – The loss of principal invested or poor investment returns could impact upon the timing of projects included in Council's adopted Delivery Program. This risk is to be managed by optimising investment returns while maintaining a diversified investment portfolio, taking into account credit risk and market benchmarks when investing.

Community Engagement

The draft revised Investment Policy and Procedure was promoted on AlburyCity's website and public notice was given in the Border Mail on Saturday 3 December 2016. During the public exhibition period copies of the draft revised Investment Policy and Procedure were available for viewing at the AlburyCity Customer Service Centre, the LibraryMuseum and Lavington Library.

No public submissions were received by AlburyCity during the public exhibition period which ended on Tuesday 3 January 2017.

Options

AlburyCity's draft revised Investment Policy and Procedure are presented for final adoption.

Conclusion

AlburyCity's draft revised Investment Policy and Procedure are presented to Council for final adoption, having received no public submissions during the public exhibition period.

Recommendation
That Council adopt the revised Investment Policy and Procedure.

- **Attachments**
  1. AlburyCity adopted Investment Policy
  2. AlburyCity draft revised Investment Procedure

POLICY NAME	Investment Policy
DIRECTORATE	Executive – Financial Services

PURPOSE

The purpose of this policy is to provide a framework for investing Council's funds at the most favourable rate of interest available to it at the time whilst having due consideration of risk and security for that investment type and ensuring that Council's liquidity requirements are met.

SCOPE

This policy applies to the investment of Council funds by Council officers.

Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993*. The General Manager may in turn delegate the day to day management of Council's investments to the Responsible Accounting Officer or senior staff, subject to regular reviews.

Council officers with investment responsibilities will have regard to the requirements of a trustee under the Trustee Act and are to be provided with appropriate training.

CONTENT

AlburyCity recognises its obligations to invest surplus funds in authorised investments, taking into account legislative requirements, risk, diversification, funds availability, overdraft exposure and Council's Annual Operational Plan and Four Year Delivery Program.

As trustees of public monies Council officers are to manage Council's investments to safeguard the portfolio in accordance with the spirit of this Investment Policy, the Ministerial Investment Order and not for speculative purposes.

Investment Objectives

1. Undertake authorised investment of Council funds
2. Preserve capital invested by taking into account investment risks
3. Manage Council's investments to meet cash flow obligations
4. The rate of return on funds invested is to be optimised compared to appropriate benchmarks
5. Preference investments to financial institutions that do not support the fossil fuel industry
6. Maintain an appropriate relationship with Council's investment institutions and advisors
7. Regularly report investment performance and compliance to Council

1. Undertake authorised investment of Council funds

All investments are to be made in accordance with:

- *Local Government Act 1993* – Section 625
- *Local Government Act 1993* – Investment Order(of the Minister) as in force from time to time;
- *The Trustee Amendment (Discretionary Investments) Act 1997* – Sections 14A(2),14C(1) & (2);
- *Local Government (General) Regulation 2005* – Clause 212
- Division of Local Government Investment Policy Guidelines May 2010
- Local Government Code of Accounting Practice & Financial Reporting
- Australian Accounting Standards
- Office of Local Government Circulars
- *Trustees Act 1925*

Ministerial Investment Order

Currently under the Ministerial Order (12 January 2011), Councils are only able to invest in:

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

All investments must be denominated in Australian Dollars.

In accordance with the Ministerial Order, when investing funds Council will consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs of making the proposed investment including commissions, fees and duties payable.

2. Preserve capital invested by taking into account investment risks

Preservation of capital is the principal objective of the structure of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters. All investments with financial institutions entail some risk. Generally, the higher the

anticipated rate of return of an investment the higher the risk. Council's investments will be diversified across a number of authorised deposit taking institutions having regard to their credit risk.

3. Manage Council's investments to meet cash flow obligations

The investment portfolio will be managed to ensure Council's liquidity is sufficient to meet all reasonably anticipated cash flow requirements, as and when they fall due, without overdraft requirement or incurring significant costs due to unanticipated sale of an investment. Determining liquidity requirements provides direction on the term of investments to be placed.

4. The rate of return on funds invested is to be optimised compared to appropriate benchmarks

Council's primary objective in investing funds is to prevent any loss to the amount invested, while optimising the rate of return taking into account the risk and timeframes of the investments. When undertaking investment decisions likely changes to market prices over the term of the investment are to be taken into account by taking into account appropriate benchmarks, such as the Bank Bill Swap Rate (BBSW) or Bank Bill Index depending upon the term of the investment.

5. Preference investments to financial institutions that do not support the fossil fuel industry

Preference is to be given to investments with financial institutions that do not support the fossil fuel industry, when:

- the rate of interest is no less than other investments available at the time; and
- the credit rating of the investment is no less than those investments offering an equivalent rate of return.

6. Maintain an appropriate relationship with Council's investment institutions and advisors

All Council staff are required to carry out their duties in accordance with Council's Code of Conduct. Any conflict of interest must be managed to uphold the probity of council decision-making.

When new products are being considered, Council will seek expert financial advice from an investment advisor, who is licensed by the Australian Securities and Investments Commission. Selection of an appropriate investment advisor is to be determined by the General Manager. The advisor will be asked to confirm in writing that they do not have any conflict of interest in relation to the products being reviewed, including that they are not receiving any commissions or other benefits in relation to the investments being reviewed.

7. Regularly report investment performance and compliance to Council

A written report will be presented to a meeting of Council on a monthly basis certifying that all investments have been made in accordance with the *Local Government Act 1993, Local Government (General) Regulations 2005 and Council's Investment Policy and Procedure*. If a breach of the investment policy or procedure occurs, Council will be notified at its next ordinary Council meeting by Council's Responsible Accounting Officer.

From time to time Council's Audit Committee may review Council's investments practices to confirm they comply with this policy. Council's external Auditor also reviews Council's investments as part of the audit of Council's Annual Financial Reports.

Council will review the policy annually and make amendments as required and approve such amendments by resolution of the Council, after taking into account recommendations of the Finance and Administration Committee and also the Audit Committee.

AUTHORISATION

Status	**Committee**	Revised Policy (No FFin1) presented to the Strategy & Finance Committee Meeting – 19 February 2007. Finance & Administration Committee Meeting – 19 July 2010 Finance & Administration Committee Meeting – 11 April 2011 Finance & Administration Committee Meeting – 19 August 2013 Finance & Administration Committee Meeting – 16 November 2015
	Manex	June 2015
	Council	Council Meeting 23 March 2004 Council Meeting 26 February 2007 Council Meeting 23 February 2009 Council Meeting 26 July 2010 Council Meeting 26 August 2013 Council Meeting 23 November 2015
Owner	Executive Services – Financial Services	
Compliance	Mandatory, as detailed in Section 3	
History	This Policy was first adopted by Council 23 March 2004 A further review was undertaken in February 2007 A review of this policy undertaken in January 2009 A review of this policy undertaken in April 2011 A review of this policy undertaken in July 2013 A review of this policy undertaken in September 2015	
Other	This Policy has an Investment Procedure attached Included in the AlburyCity Public Policy and Procedure Register	
Last issued: November 2015		**Review:** November 2016
TRIM REFENCE DOC15/53237		

PROCEDURE NAME	Investment Procedure
DIRECTORATE	Executive – Financial Services

PURPOSE

This procedure sets out the mechanisms to be followed by Council officers to give effect to and ensure compliance with Council's Investment Policy.

SCOPE

This procedure applies to the investment of surplus Council funds by Council officers.

CONTENT

Section 625 of the *Local Government Act 1993* requires Council to maintain a separate record of money it has invested and the record must specify:

a. the source and the amount of money invested;
b. particulars of the security or form of investment in which the money is invested; and
c. If appropriate, the rate of interest to be paid, and the amount of money that the Council has earned, in respect of the money invested.

Investments will be managed with the care, diligence and skill that a prudent person would exercise in investing Council funds. A prudent person is expected to act with considerable duty of care, not as an average person would act, but as a wise, cautious and judicious person would. (Ref: Trustee Amendment (Discretionary Investments) Act 1997 Section 14 A (2).

In accordance with the Local Government Investment Guidelines, funds are to be placed with a diverse range of financial institutions addressing the issues of available surplus funds, risk and diversification of product. To gain optimum returns whilst maintaining appropriate risk measures, investments should be spread over varying periods in a variety of products while maintaining sufficient liquidity to meet Council's obligations when they fall due.

AlburyCity investments are managed by Fund (General, Water and Sewer) as required by the *Local Government Act 1993*.

A written report will be presented to a meeting of Council on a monthly basis advising of the value, performance, maturity and exposure of Council's investment balances and certifying that investments have been made in accordance with the Local Government Act, Regulations and Council's Investment Policy and Procedure. Investment performances will be benchmarked against the Bank Bill Swap reference rate (BBSW) or Bank Bill Index as appropriate.

If a breach of the investment policy or procedure occurs, Council will be notified at its next ordinary Council meeting by Council's Responsible Accounting Officer.

DEFINITIONS

Institution: Authorised Deposit Taking Institution (ADI) is a corporations which is authorised under the *Banking Act 1959*. For the purpose of this procedure an individual institution includes subsidiaries (and/or rebadged trading arms) e.g. St George as a fully owned component of Westpac will be considered as components of one single entity.

Standard & Poor's Long-Term Issuer Credit Ratings:

AAA	Extremely strong capacity to meet its financial commitments. The highest issuer credit rating assigned by Standard & Poor's.
AA	Very strong capacity to meet its financial commitments. Differs from the highest-rating only to a small degree.
A	Strong capacity to meet its financial commitments but is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than higher-rated categories.
BBB	Adequate capacity to meet its financial commitments. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity to meet its financial commitments.

DOCUMENTATION

Liquidity Risk

The investment portfolio is to be managed within the following maturity constraints:

Overall Portfolio Term to Maturity Limits		
Investment Portfolio	Minimum	Maximum
<1 year	40%	100%
>1 year ≤3 year	0%	60%
>3 year ≤5 year	0%	20%

When placing investments that extend beyond one year, Council's working capital requirements are to be assessed by taking into account Council's Operational Plan, Four Year Delivery Program and Long Term Financial Plan.

Credit Risk

Institution	Standard & Poors Long Term Credit Rating June 2016~~5~~	Maximum Limit
Top Tier Institutions (AAA, AA-) Examples: Commonwealth Bank, NAB, Westpac, ANZ, Bank of Melbourne, St George Bank, TCorp Hour Glass Cash Fund	 AA- AA- AA-	100% in total all institutions 50% per institution
Second Tier Institutions (AA, A+) Example: AMP, Suncorp	 A+	80% in total all institutions 30% per institution
Next Tier Institutions (A, A-) Examples: Macquarie Bank, Rabobank Bendigo and Adelaide Bank, ING Bank	 A A-	25% in total all institutions 15% per institution
Other Institutions (BBB or unrated but Authorised Deposit Taking Institution) Examples: ME Bank, Credit Union Australia Hume Bank, WAW Credit Union	 BBB+ Authorised	20% in total all institutions 5% per institution

The above credit rating framework applies to authorised deposit taking institutions. The above list of institutions is not an exhaustive list of authorised deposit taking institutions. Investments may be placed with other authorised deposit taking institutions from time to time providing Council's investment limits are adhered to.

All financial instruments must be held in the name of the Council.

A minimum of three quotations are to be obtained, and where required independent advice, before an investment decision is made. Records of quotations that the Council has obtained before making an investment are to be maintained.

Council officers will consider the following points when considering an investment.

1. Have you found out how the funds will be invested, how will they generate returns and how will these be paid to the Council? (Could you describe to others how this product works?)

2. Are you clear on the conditions associated with this type of investment and their level of risk?

3. Does the investment meet the Council's financial objective and complies with its investment policy?

4. Are your product issuers licensed by the Australian Security and Investment Commission?

5. Do you know if/how the investment may be affected by a major shift in the economy and market sentiment?

6. Could the investment be liquidated in a timely manner without loss or penalty? i.e. can the council quickly get its money back out of this product if it needs to? Are there any fees to get out early?

Note If the officer answers No to any of the above questions, further research will be required and consultation of an independent financial adviser. If necessary, the proposed investment will be reviewed.

AUTHORISATION

Status	**Committee**	Revised Policy/Procedure (FIL10/00539) presented to the Revised Policy/Procedure (No FFin1) presented to the Strategy & Finance Committee Meeting – 19 February 2007. Finance & Administration Committee Meeting – 19 July 2010. Finance & Administration Committee Meeting – 11 April 2011. Finance & Administration Committee Meeting – 19 August 2013. Finance & Administration Committee Meeting – 16 November 2015.
	Manex	August 2016~~June 2015~~
	Council	Council Meeting 26 February 2007 Council Meeting 23 February 2009 Council Meeting 26 July 2010 Council Meeting 26 August 2013 Council Meeting 23 November 2015
Owner	Executive Services – Financial Services	
Compliance	Mandatory~~, as detailed in Section 3~~	
History	Council's Investment Policy was first adopted by Council 23 March 2004 A review of the policy was undertaken in February 2007 A review of the policy was undertaken in January 2009 A review of the policy was undertaken in June 2010 A review of the policy and procedure was undertaken in April 2011 A review of the policy and procedure was undertaken in July 2013 A review of the policy and procedure was undertaken in September 2015	
Other	This Procedure is an attachment to the revised Investment Policy. This Procedure is included in the Public Policy and Procedure Register.	
Last issued: November 2015		**Review:** November 2016
TRIM REFERENCE DOC16/193959		

CM15. OFFICERS REPORTS FOR NOTING

CM15.1. Investment Balances - December 2016

DATE	12 January 2017	**FIL REFERENCE**	FIL16/02919
CONFIDENTIAL	No		
FURTHER ENQUIRIES TO	Justin Finlayson Executive Services	**PHONE**	6023 8153

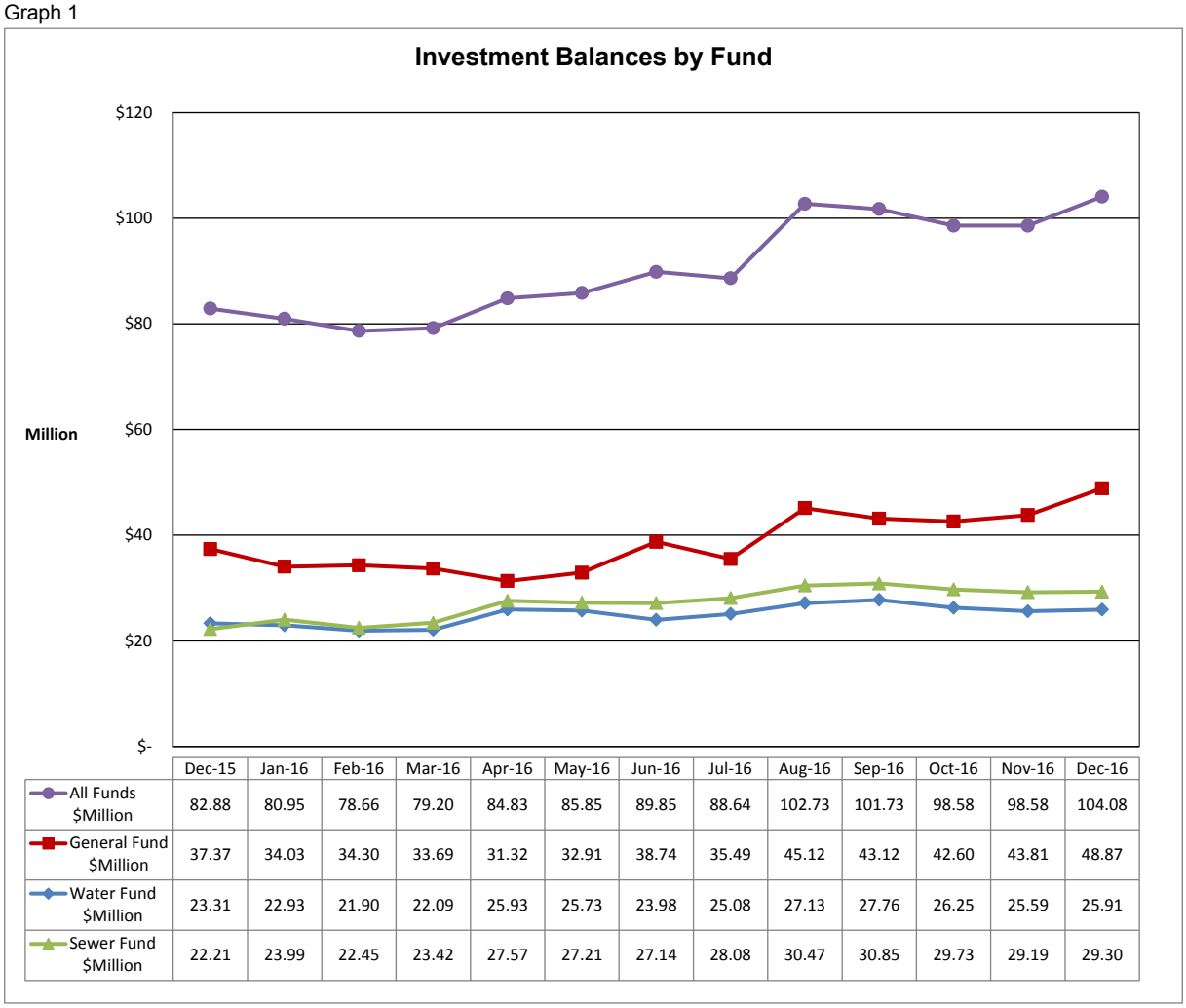
Purpose of Report

This report presents to Council all money invested as at 31 December 2016 as required by the *Local Government (General) Regulation 2005*.

Background

As detailed below AlburyCity's investment portfolio has increased to $104.08 million for the month ended 31 December 2016.

Graph 1

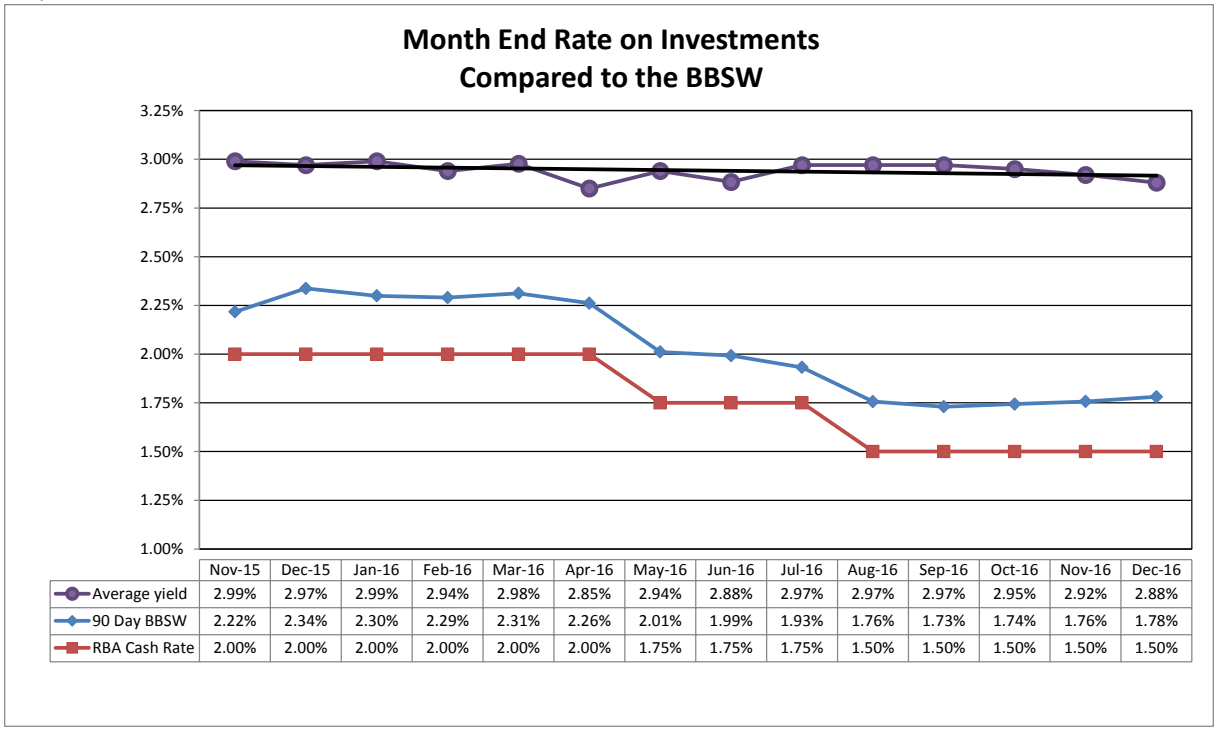


	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16
All Funds $Million	82.88	80.95	78.66	79.20	84.83	85.85	89.85	88.64	102.73	101.73	98.58	98.58	104.08
General Fund $Million	37.37	34.03	34.30	33.69	31.32	32.91	38.74	35.49	45.12	43.12	42.60	43.81	48.87
Water Fund $Million	23.31	22.93	21.90	22.09	25.93	25.73	23.98	25.08	27.13	27.76	26.25	25.59	25.91
Sewer Fund $Million	22.21	23.99	22.45	23.42	27.57	27.21	27.14	28.08	30.47	30.85	29.73	29.19	29.30

On Wednesday 3 August 2016 the Reserve Bank of Australia (RBA) decreased the target cash rate by a further 25 basis points to a record low of 1.5%.

The average yield of AlburyCity's investments held at 31 December 2016 was 2.88%, which is 0.04% less than the prior month end. Based on current market conditions, it is anticipated that the average yield of AlburyCity's investments will continue to decrease as existing term deposits mature.

Graph 2



	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16
Average yield	2.99%	2.97%	2.99%	2.94%	2.98%	2.85%	2.94%	2.88%	2.97%	2.97%	2.97%	2.95%	2.92%	2.88%
90 Day BBSW	2.22%	2.34%	2.30%	2.29%	2.31%	2.26%	2.01%	1.99%	1.93%	1.76%	1.73%	1.74%	1.76%	1.78%
RBA Cash Rate	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	1.75%	1.75%	1.75%	1.50%	1.50%	1.50%	1.50%	1.50%

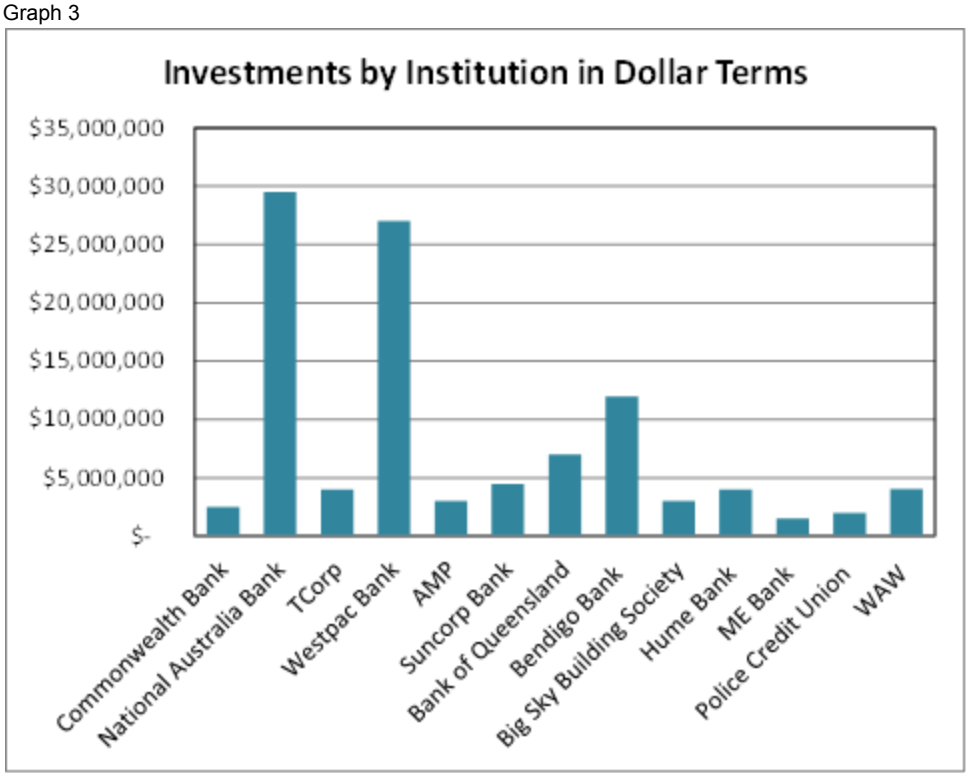
The profile of Council's investments held at 31 December 2016 is detailed below.

Table 1

FACE VALUE	Issuer/Security	S&P RATING	INVESTMENT DATE	YIELD %	PERIOD DAYS	MATURITY DATE	GREEN INVESTMENT
Top Tier Institutions							
$ 4,000,000	TCorp - Hour Glass Cash Fund	AA-		1.80%	At Call	N/A	No
$ 2,500,000	CBA	AA-		1.45%	At Call	N/A	No
$ 2,500,000	NAB	AA-	19/05/2016	2.95%	278	21/02/2017	No
$ 4,000,000	NAB	AA-	7/07/2016	3.00%	278	11/04/2017	No
$ 4,000,000	NAB	AA-	7/07/2016	3.00%	320	23/05/2017	No
$ 4,000,000	NAB	AA-	7/07/2016	2.97%	334	6/06/2017	No
$ 2,020,000	NAB	AA-	23/06/2016	2.95%	362	20/06/2017	No
$ 2,500,000	NAB	AA-	25/06/2016	2.95%	365	25/06/2017	No
$ 4,500,000	NAB	AA-	7/07/2016	2.95%	362	4/07/2017	No
$ 3,000,000	NAB	AA-	18/10/2016	2.89%	365	18/10/2017	No
$ 3,000,000	NAB	AA-	25/10/2016	2.80%	365	25/10/2017	No
$ 2,000,000	Westpac	AA-	2/08/2016	2.87%	231	21/03/2017	No
$ 2,000,000	Westpac	AA-	2/08/2016	2.92%	350	18/07/2017	No
$ 3,000,000	Westpac	AA-	8/08/2016	3.05%	407	19/09/2017	No
$ 2,500,000	Westpac	AA-	8/08/2016	3.05%	421	3/10/2017	No
$ 2,500,000	Westpac	AA-	8/08/2016	3.05%	435	17/10/2017	No
$ 3,000,000	Westpac	AA-	18/08/2016	3.05%	439	31/10/2017	No
$ 3,000,000	Westpac	AA-	8/08/2016	3.05%	456	7/11/2017	No
$ 3,500,000	Westpac	AA-	18/08/2016	3.05%	453	14/11/2017	No
$ 3,500,000	Westpac	AA-	7/09/2016	3.05%	447	28/11/2017	No
$ 2,000,000	Westpac	AA-	13/09/2016	3.05%	455	12/12/2017	No
Second Tier Institutions							
$ 1,000,000	Suncorp Bank	A+	9/06/2016	3.00%	243	7/02/2017	Yes
$ 3,500,000	Suncorp Bank	A+	22/11/2016	2.76%	365	22/11/2017	Yes
$ 3,000,000	AMP	AA-	20/12/2016	2.80%	203	11/07/2017	No
Third Tier Institutions							
$ 3,000,000	Bendigo Bank	A-	12/01/2016	3.08%	366	12/01/2017	Yes
$ 2,000,000	Bendigo Bank	A-	4/02/2016	3.10%	368	6/02/2017	Yes
$ 5,000,000	Bendigo Bank	A-	12/05/2016	3.05%	362	9/05/2017	Yes
$ 1,000,000	Bendigo Bank	A-	7/07/2016	3.00%	341	13/06/2017	Yes
$ 1,000,000	Bendigo Bank	A-	30/11/2016	2.85%	455	5/03/2018	Yes
$ 3,500,000	Bank of Queensland	A-	23/06/2016	2.95%	194	3/01/2017	Yes
$ 3,500,000	Bank of Queensland	A-	23/06/2016	2.95%	208	17/01/2017	Yes
Other Institutions							
$ 3,000,000	Big Sky Building Society	BBB	6/12/2016	2.85%	370	5/09/2017	Yes
$ 1,500,000	ME Bank	A-	15/11/2016	2.75%	153	18/04/2017	Yes
$ 609,740	Hume Bank	N/A	29/07/2015	2.90%	366	29/07/2016	Yes
$ 2,890,260	Hume Bank	N/A	2/08/2016	2.90%	365	2/08/2017	Yes
$ 500,000	Hume Bank	N/A	29/11/2016	2.80%	364	28/11/2017	Yes
$ 2,000,000	Police Credit Union	N/A	29/11/2016	2.87%	364	28/11/2017	Yes
$ 2,351,246	WAW	N/A	11/02/2016	3.10%	361	6/02/2017	Yes
$ 1,210,887	WAW	N/A	9/05/2016	3.00%	365	9/05/2017	Yes
$ 500,000	WAW	N/A	29/11/2016	3.00%	365	29/11/2017	Yes
$ 104,082,133							

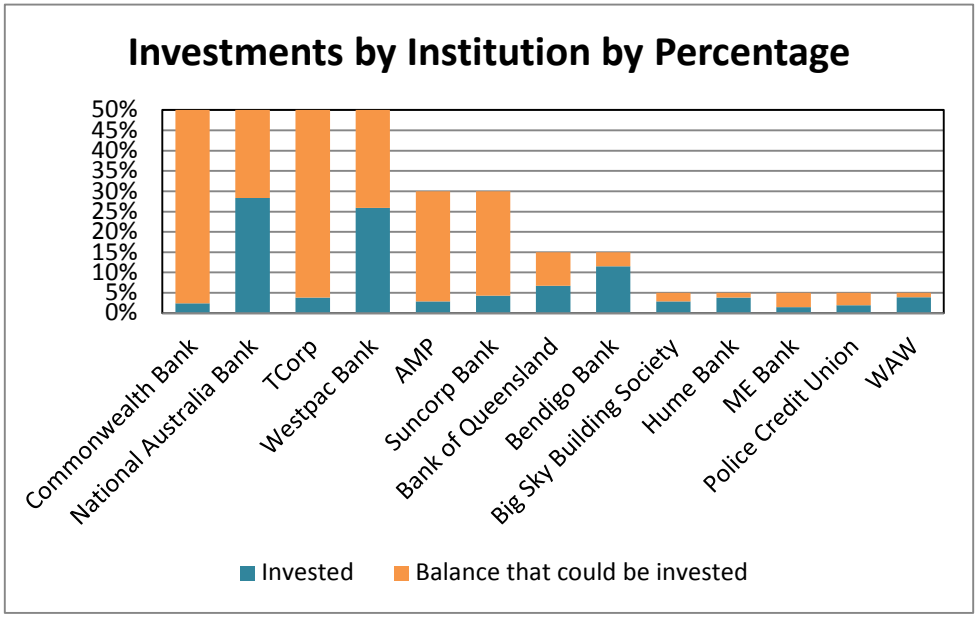
The amount invested with each financial institution is detailed by Graph 3 below.

Graph 3



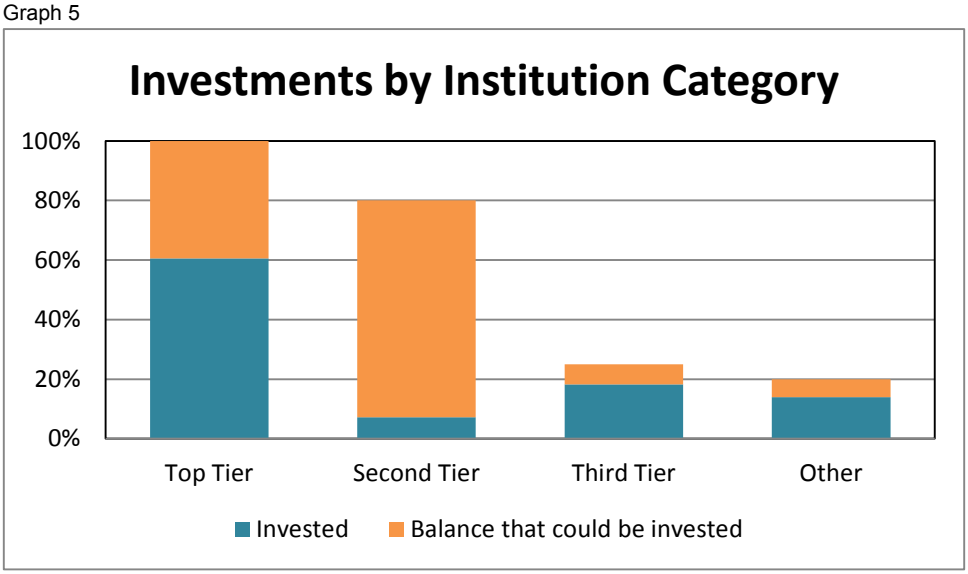
Graph 4 below compares investments with each financial institution to the limits included in AlburyCity's Investment Procedure.

Graph 4



Graph 5 below compares the balance of investments by financial institution category compared to the limits included in AlburyCity's Investment Procedure.

Graph 5



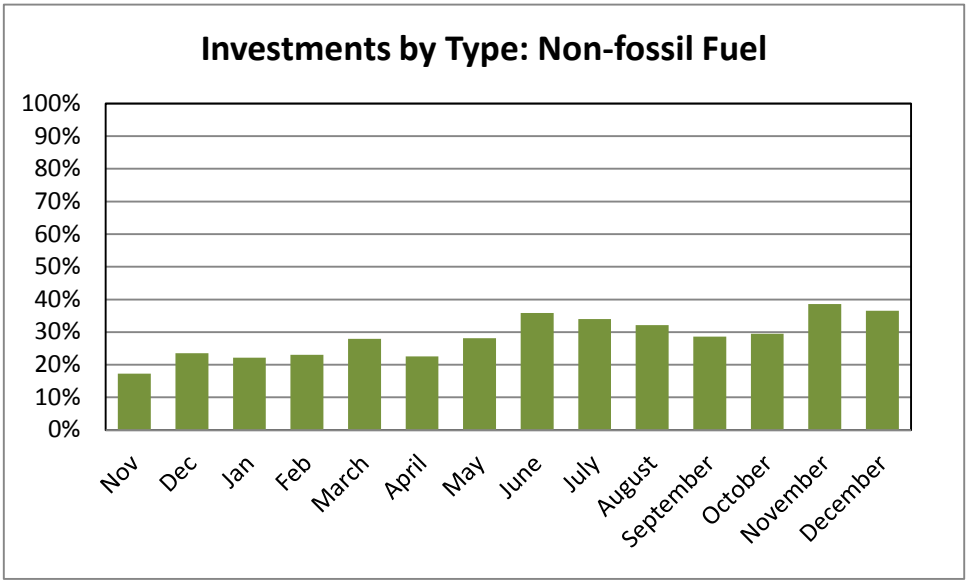
AlburyCity's Investment Policy gives preference to investments with financial institutions that do not support the fossil fuel industry. The proportion of AlburyCity funds invested with financial institutions that do not invest in the fossil fuel industry is dependent upon their relative performance and credit rating.

AlburyCity's Policy is to preference investments with financial institutions that do not support the fossil fuel industry, when:

- the rate of interest is no less than other investments available at the time; and
- the credit rating of the investment is no less than those investments offering an equivalent rate of return.

Graph 6 below identifies the percentage of investments held with financial institutions that do not invest in the fossil fuel industry.

Graph 6



The table below compares the year to date interest earned by fund compared to budget and the prior year.

Table 2

Interest on Investments					
Year: 2016-17			Period: December		
	Actual YTD Previous Year	Forecast Budget YTD 2016-17	Actual YTD 2016-17	Variance ( ) Indicates UNFavorable	
	$	$	$	$	%
General Fund	(557,950)	(496,974)	(578,484)	81,510	16%
Water Fund	(307,142)	(363,540)	(402,950)	39,410	11%
Sewer Fund	(314,079)	(417,158)	(460,535)	43,377	10%
Grand Total	(1,179,171)	(1,277,672)	(1,441,969)	164,297	13%

Interest earned on investments was better than year to date budget which is mainly due to the level of investment holdings.

Issues

Investments made during the month of December 2016 were made in accordance with the *Local Government Act 1993,* the *Local Government (General) Regulation 2005* and Council's Investment Policy.

Recommendation

That Council receive, note and accept the Investment Balances Report for the month of December 2016.

CM15.2. Pecuniary Interest Disclosures Returns by New Councillors 2016

DATE	31 January 2017	**FIL REFERENCE**	FIL16/01083
CONFIDENTIAL	No		
FURTHER ENQUIRIES TO	Frank Zaknich General Manager	**PHONE**	6023 8755

Purpose of Report

To table the Disclosure of Returns submitted by new Councillors after attaining the position of Councillor, 19 September 2016.

Background

Section 449 of the *Local Government Act 1993*, requires Councillors and designated persons to complete and lodge with the General Manager a return in the form prescribed by the regulation within three months of becoming a Councillor or designated person, and then annually thereafter.

Disclosure Returns lodged by Councillors, senior management and designated persons (as defined in Section 441 of the *Local Government Act 1993*) must be tabled at the first meeting after the final lodgement date of 30 September each year, in accordance with Section 450A of the *Local Government Act 1993*.

These returns for new Councillors are tabled according to the regulation after attaining the position of Councillor.

Issues

Councillors, Audit Committee members and designated persons have all lodged their Disclosure Returns including new Councillors who had up until 19 December 2016 to submit their disclosure returns.

Conclusion

In accordance with the *Local Government Act 1993*, Council tables the 2015/2016 Disclosure of Returns by Councillors, Audit Committee members and designated persons.

Recommendation

That Council receive and note the report concerning the Disclosure of Returns by new Councillors.

- **Attachments**
  1. Pecuniary Interest Returns Register (to be tabled at the meeting).

CM16. DELEGATES REPORTS FOR NOTING

CM16.0. Nil

CM17. NOTICE OF URGENT BUSINESS

CM18. CONFIDENTIAL MATTERS

CM18.0. Nil