

ATTACHMENT BOOKLET

ORDINARY COUNCIL MEETING
6 FEBRUARY 2019

LIVERPOOL
CITY
COUNCIL



FRANCIS GREENWAY CENTRE
170 GEORGE STREET LIVERPOOL

CONTENTS

PAGE

EGROW 01	DRAFT DESTINATION MANAGEMENT PLAN 2019 - 2023	
<i>Attachment 1</i>	<i>DRAFT Destination Management Plan.....</i>	<i>234</i>
EGROW 02	ADOPTION OF CITY INNOVATION STRATEGY	
<i>Attachment 1</i>	<i>Liverpool Listens Survey report.....</i>	<i>292</i>
<i>Attachment 2</i>	<i>DRAFT Liverpool City Council Innovation Strategy 2019.....</i>	<i>307</i>
CEO 01	COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT PROGRAM	
<i>Attachment 2</i>	<i>Councillor Induction & Professional Development Guidelines issued by the Office of Local Government.....</i>	<i>338</i>
CEO 05	ADOPTION OF NEW CODE OF CONDUCT AND CODE OF CONDUCT PROCEDURES	
<i>Attachment 1</i>	<i>OLG Circular 18-44 Commencement of the new Model Code of Conduct for Local Councils in NSW and Procedures.....</i>	<i>408</i>
<i>Attachment 2</i>	<i>Draft Code of Conduct 2019 PDF Version.....</i>	<i>417</i>
<i>Attachment 3</i>	<i>Draft Code of Conduct Procedures 2019 PDF Version.....</i>	<i>465</i>
CTTE 04	MINUTES OF THE HERITAGE ADVISORY COMMITTEE MEETING ON 13 NOVEMBER 2018	
<i>Attachment 1</i>	<i>Revised Heritage Advisory Committee Charter 2019.....</i>	<i>502</i>

DESTINATION MANAGEMENT PLAN DRAFT 2018/19-2022/23



**LIVERPOOL
CITY
COUNCIL**





Contents

Mayor's message	4
Chief Executive Officer's message	5
Statement of Commitment	6
Executive Summary	8
1. Introduction	10
1.1 Redefining the Visitor Economy	11
1.2 Why a Destination Management Plan?	12
1.3 Developing the Destination Management Plan	12
1.4 The Role of Local Government	13
2. Policy Framework	15
2.1 Links to Other Planning Initiatives	16
2.2 Links to the Community Strategic Plan	17
3. Liverpool Destination Analysis	19
3.1 Visitor Landscape	20
3.2 Tourism Assets	21
3.3 Liverpool Region Strengths and Assets	23
3.4 Liverpool Region Weaknesses	24
3.5 Future Liverpool Region Opportunities	25
3.6 Demographics	26
4. Destination Vision and Directions	28
4.1 Promote	29
4.2 Support	31
4.3 Celebrate	33
4.4 Attract	35
5. Monitoring and Reporting	37
6. Action Plan	39
7. References	54
8. Appendix 1— Urbis Report 2017	55

Mayor's Message



WENDY WALLER
MAYOR

Liverpool has so much to offer residents and visitors alike. Our multicultural culinary and retail offerings, our arts scene, history and burgeoning University sector make our home truly special.

This Destination Management Plan encapsulates our vision to become an attractive visitor destination, loved and promoted by its locals for its diversity, heritage and nature.

We want to showcase and celebrate Liverpool's people, rich cultural diversity, heritage, natural assets and events.

We are lucky enough to be home to the Casula Powerhouse Arts Centre – already one of Western Sydney's best arts facilities, its reputation grows with every world-class show, event or program it hosts.

Natural assets like Chipping Norton Lakes and Bents Basin coupled with the culinary and retail attractions of our walkable city are part of Liverpool's broad offering.

Our Home, Liverpool 2027 Community Strategic Plan outlines our community's priorities for Liverpool. This Destination Management Plan feeds into the community's aspirations as outlined in the CSP by creating connection between local people and visitors. It will help us generate opportunities for new and existing businesses.

In promoting our wonderful city as a tourist destination, we hope to strengthen community pride and raise investor confidence, leading to direct and indirect job creation through the growth of the visitor economy.

Mayor Wendy Waller

CEO's Message



KIERSTEN FISHBURN
CEO

Work has begun on the much-anticipated Western Sydney Airport, global businesses are lining up to locate themselves in the surrounding Aerotropolis and we look forward to the \$740 million upgrade of Liverpool Hospital.

Last year, we rezoned 25 hectares in the heart of Liverpool will encourage new businesses and double the resident population in the CBD.

As our city matures, so must the way we present ourselves to the world.

The objective of this Destination Management Plan is to build a thriving visitor economy and increase the economic benefits that flow from tourism to local businesses and communities.

Liverpool has a culturally diverse with growing population so it is important to have increased engagement and support from the locals to grow Liverpool as a visitor destination.

One of the key drivers of visitors to Liverpool is visiting friends and relatives, so it is vital that we build our community's awareness of the attractions they have on their doorstep.

This Destination Management Plan will guide us in redefining our visitor economy, focusing on holiday, leisure, events and festivals, business, education, employment, and medical travel.

Growing the visitor economy is part of Council's broader vision to stimulate the local economy, increasing the appeal and competitiveness of Liverpool as a destination and lifestyle choice.

CEO Kiersten Fishburn

Statement of Commitment

Liverpool City Council acknowledges the original inhabitants of the Liverpool Local Government Area, the Dharug, Gandangara and Tharawal Aboriginal people.

We celebrate the survival of Aboriginal people and we acknowledge their rights to live according to their own beliefs and culture. We acknowledge that Aboriginal culture continues to strengthen and enrich our community.

We commit ourselves to preserve past, present and future identified Aboriginal sites and cultural landscapes and to recognise and accept the significance of the Georges River as a meeting place for the Dharug, Gandangara and Tharawal Aboriginal people.

We accept Aboriginal history as an integral part of Australian history.

We acknowledge the contribution of Aboriginal service men and women in the defence of our country.

Liverpool City Council supports and encourages Aboriginal and non-Aboriginal people working together towards reconciliation.

We recognise the diversity of many cultures who share the values of tolerance and respect for one another and their rights together with all Australians to live according to their own beliefs and culture.



Executive Summary

The Destination Management Plan (DMP) is a five year strategy detailing Council's priorities for the development of the visitor economy in Liverpool. The DMP provides strategic direction and defines Council's role and commitment to meeting the needs of the visitor economy in the City.

Growing Liverpool's visitor economy is part of Council's broader vision to stimulate the local economy through the injection of new dollars, creation of employment opportunities and increased demand for local goods and services. A strong visitor economy will showcase and celebrate the City's assets – its people and lifestyle, rich cultural diversity, heritage, natural assets and events. Marketing and promotion will enhance the city's profile, thereby building and strengthening community pride and, raising investor confidence.

The vision for Liverpool's DMP is to become an attractive visitor destination, loved and promoted by its locals for its diversity, heritage and nature.

The DMP's objective is to build a thriving visitor economy and increase the economic benefits that flow from tourism to local businesses and communities through unique visitor experiences.

The DMP has four strategic directions:

- Promote Liverpool as a core visitor destination through increased engagement and support from locals.
- Support local businesses, groups and organisations to build and develop the visitor economy and their tourism products.
- Celebrate Liverpool's diversity and utilise it to grow and strengthen the visitor market base.
- Attract new businesses, events and investment to engage locals and increase visitation to Liverpool.



1. Introduction

The Liverpool Destination Management Plan (DMP) provides the direction and framework for growing Liverpool's visitor economy. Tourism Australia recognises that tourism is more than just the holiday travel sector but incorporates a broader visitor economy, including domestic and international travel for business, study, work and visiting friends and relatives (VFR). The DMP focuses on:

- Distinguishing the importance of community pride to create a successful visitor economy;
- Identifying opportunities to strengthen and grow the City's existing market base and diversify into new markets to increase visitation;
- Identifying opportunities to improve and strengthen the City's product base, harnessing and building on existing assets;
- Identifying the infrastructure, facilities and services needed to support and facilitate the growth of the visitor economy;
- Understanding the future needs of the City as well as the changing needs and expectations of visitors; and
- Identifying priorities to ensure the most effective use of Council resources, including exploring and establishing partnership opportunities.

The main outcomes of the DMP are:

- A growing visitor economy that is economically, socially and environmentally sustainable;
- Increased appeal and competitiveness of Liverpool as a destination and lifestyle choice;
- Increased local knowledge of tourism experiences available in the Liverpool LGA;
- Increased local time and money spent in the area to leverage the VFR market to generate new visitors;
- Increased visitor satisfaction by providing quality experiences that deliver on the City's brand promise and core values, as well as services and facilities that meet visitors' needs and expectations;
- Increased public and private investment in appropriate and sustainable tourism products; and
- Direct and indirect job creation through the growth of the visitor economy.

1.1 Redefining the Visitor Economy

Tourism traditionally has been defined and focused on leisure tourists, meaning, a person who is visiting a place for pleasure and interested in a holiday. Contemporary definitions have moved away from this concept towards a focus on the visitor economy. The visitor economy is defined by people who travel outside of their usual area for holiday, leisure, events and festivals, business, conventions, exhibitions, education, visiting friends and family and employment (Industry NSW, 2012). The term 'visitor economy' incorporates all goods and services consumed by visitors, and not limited to traditional visitor attractions. It takes into account industries which directly serve visitors and industries which are involved indirectly. Industries which directly serve visitors include traditional definitions of tourism such as accommodation suppliers and major attractions. Industries which indirectly serve the visitor economy include retail, hospitality, services such as banks and medical centres. This provides benefits to a broader economy through employment, investment, infrastructure development and export growth (Industry NSW, 2012).



1.2 Why a Destination Management Plan?

The Destination Management Plan is a five year strategy detailing Council's priorities for the development of the visitor economy in Liverpool. The DMP provides strategic direction and defines Council's role and commitment to meeting the needs of the visitor economy in the City.

Growing Liverpool's visitor economy is part of Council's broader vision to stimulate the local economy through the injection of new dollars, creation of employment opportunities and increased demand for local goods and services. A strong visitor economy will showcase and celebrate the City's assets – its people and lifestyle, rich cultural diversity, heritage, natural assets and events. Marketing and promotion will enhance the city's profile, thereby building and strengthening community pride and, raising investor confidence.

1.3 Developing the Destination Management Plan

Findings from the following processes have informed this DMP:

- Review of relevant federal, state and local policies and strategies.
- Analysis of the latest Census and Destination NSW data to identify demographic trends that informed current market trends, potential target markets and demand.
- Analysis and audit of current tourism assets, event facilities and trends on a local, state and national level.
- Consultation with key stakeholders including within Council, and other industries such as arts and culture, sport, history and heritage, hospitality, health, education and Western Sydney Airport through community surveys and workshops.

1.4 The Role of Local Government

Local government will work to set long-term objectives for the visitor economy with a view to sharing knowledge and ideas that can strengthen communities, contribute to social wellbeing and sustain economic growth in the area.

Local governments have a particularly important role in facilitating opportunities for their communities and visitors to participate and benefit from the visitor economy, including:

- The role of an 'enabler' to facilitate and drive the projects and actions associated with the visitor economy;
- The role in the connecting the visitor experience and local liveability, as a place needs to be a great place to live to become a great place to visit;
- Local government supports the visitor economy sector;
- Local government facilitates opportunities for local communities to participate, grow and promote the region; and
- Local businesses, organisations and community members are also major partners in promoting, developing and marketing the local area.

Council's intention with the DMP is to support the development of a thriving visitor economy. This Plan aims to provide a platform to engage the local community in promoting Liverpool as a destination, develop a positive brand image for Liverpool, and create a captivating and attractive destination for both residents and visitors to enjoy.

Limitations

This Plan aims to build a destination where the community and visitors are engaged. It presents the opportunity for Council to be strategic and innovative in developing and managing the visitor economy. Council will play a facilitating role and collaborate with the community, businesses, private and public sector bodies to drive investment in the visitor economy, attract visitors and local participation, and create a place for all to enjoy across the LGA.



2. Policy Framework

The DMP is informed by and aligned with international, federal, state and regional policies and Council's Community Strategic Plan (CSP), *Our Home, Liverpool 2027*. All four directions of the DMP are related to this strategy and requires participation from members of the community across all levels. The DMP contributes to the community's vision for the future as identified in the CSP, 'Liverpool, rich in nature, rich in opportunity, creating community; our place to share and grow'. The DMP outlines actions which will contribute to delivering the overall vision for *Our Home, Liverpool 2027*.

The DMP relates to all four directions of the CSP, which are:

Direction 1: Creating Connection

Direction 2: Strengthening and Protecting our Environment

Direction 3: Generating Opportunity

Direction 4: Leading through Collaboration

The DMP focuses on connecting the local people and celebrating the diversity, inclusion and heritage of Liverpool, protecting and enhancing the urban and natural environment, attracting businesses for economic growth and employment opportunities, as well as increasing community engagement through events and participation in promotion.

2.1 Links to Other Planning Initiatives

The DMP sits along other documents and initiatives which relate to broader Australian tourism initiatives and *Our Home, Liverpool 2027*. These documents include:

Federal:

- Tourism Australia, *Tourism 2020*, Australian Government Department of Resources, Energy and Tourism

State:

- *Southern Parklands Landscape Framework 2018*, Western Sydney Parklands
- NSW Government Visitor Economy Industry Action Plan 2030
- *Building Western Sydney's Cultural Arts Economy* Deloitte 2015
- *Western Sydney Visitor Economy Strategy 2017/18 – 2020/21*, NSW Government
- The Western Sydney City Deal
- NSW Government Cultural Infrastructure Action Plan 2018
- *Western Sydney Opportunities for Destination Holiday Parks* Western Sydney Business Chamber and Western Sydney and Caravan & Camping Industry Association NSW
- Greater Sydney Commission, *Our Greater 2056 A Metropolis of Three Cities – Connecting People*

Local:

- *Our Home, Liverpool 2027*, Community Strategic Plan 2017
- Cultural Strategy (2017 – 2021)
- Liverpool Council Cultural Policy 2017
- Liverpool City Activation Strategy 2018 - 2023
- Liverpool Draft Recreation, Open Space and Sports Strategy 2018
- Liverpool Collaboration Area Place Strategy 2018, Greater Sydney Commission
- Liverpool The Airport City Report 2017
- Liverpool: the Gateway to Sydney's Aerotropolis Report 2017, PWC
- Hotel and Short Term Letting – Demand and Supply Study South West Sydney Report 2018, Colliers International
- Tourism In Liverpool Report 2017, URBIS
- Liverpool Economic Development Strategy 2013 - 2023

2.2 Links to the Community Strategic Plan Challenges

A rapidly growing population and changing landscape presents Liverpool with numerous challenges. This Destination Management Plan, along with other planning documents, identifies opportunities to respond to these challenges.

Community Pride and Heritage

Liverpool has a rich heritage with major cultural and arts focus. There are a number of significant heritage buildings and places which are protected at local and state levels. These contribute to Liverpool's identity. Maintenance of historical buildings often involves significant building works which come at a high cost. A challenge for Council is to balance the need to protect the community identity and heritage with budgeting pressures.

Economic Development

Liverpool continues to experience growth in commercial and industrial development. Its status as a strategic commercial centre of South West Sydney, and its transport links to other areas of Sydney, places Liverpool in a prime position. Council's challenge is to create a city that is attractive, vibrant and engaging to both visitors and locals.

Social Connection

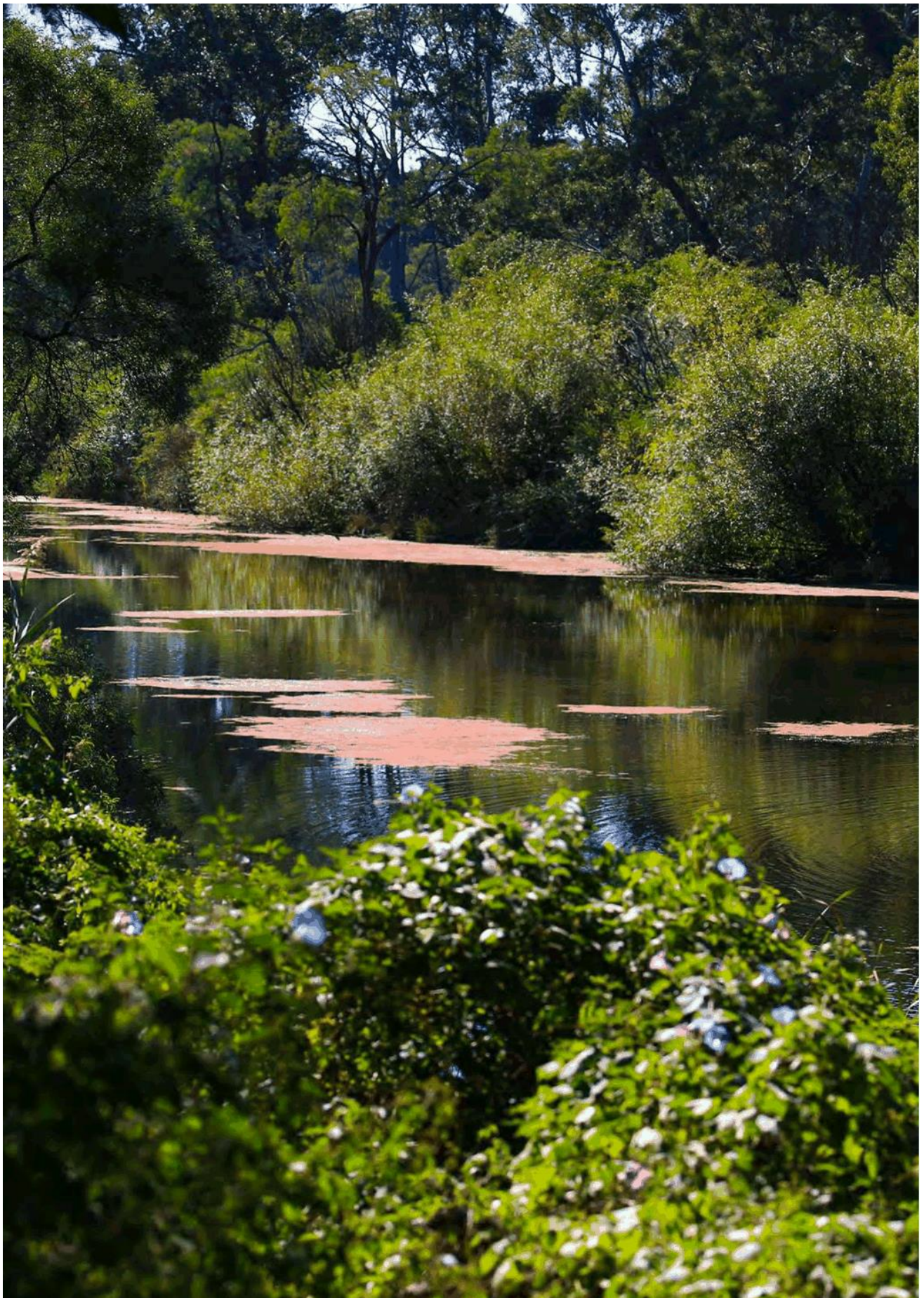
Liverpool is one of the most culturally diverse cities in NSW with almost one in three people born overseas. Liverpool also has a significant Aboriginal community. There is a challenge for Council to ensure services to a broad range of citizens. Finding social connection within a community has become increasingly complex with the numerous demands of everyday life.

Environmental Sustainability

Liverpool has a wide variety of plants, animals and ecosystems, including a significant number of threatened species. Expanding urban development in Liverpool can place pressure on natural environments.

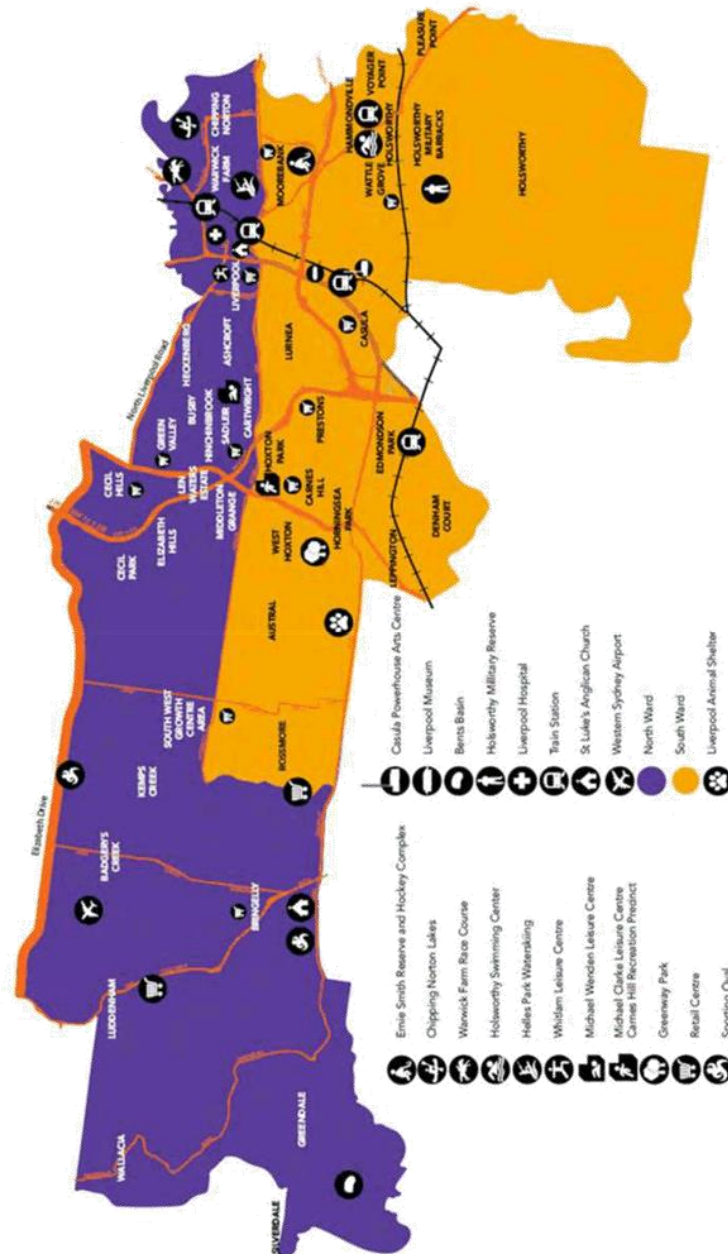
Transport Accessibility

Liverpool's growing population places demand on our existing infrastructure and high traffic volume. Liverpool has good access to Sydney's major motorways.



3. Liverpool Destination Analysis

Local Government Area



3.1 Visitor Landscape

Liverpool LGA is currently in a state of major transformation. Liverpool will be Sydney's third city, home to a new airport, a range of global companies, four universities and a vast network of small to medium businesses. Liverpool is currently in the infancy of tourism evolution, as there is limited knowledge and information on Liverpool as a tourism region. There are several current and future developments which will influence the visitor economy, including:

- Amendment No. 52 of the Liverpool Local Environment Plan is set to transform Liverpool's CBD. This is the rezoning of Liverpool's city centre to allow a modern, vibrant, 18-hour economy to develop. This amendment will invite cafes, bars, restaurants, retail, entertainment and other mixed business uses into the CBD. Liverpool will become a modern city with a heart in its historical roots. Liverpool will continue to see quality development along the river, transforming Liverpool into a river city.
- \$740 million redevelopment of Liverpool Hospital transforming the area into a health and innovation precinct.
- Liverpool CBD is currently home to three universities.
- A strong VFR market, which is likely to continue due to population growth.
- Increasing corporate and medical development, and therefore events.
- Strategic location with accessibility to Sydney Airport and the future Western Sydney Airport, Parramatta, major motorways, as well as being located on the main Sydney to Canberra and Sydney to Melbourne routes.
- Competitive due to its affordability, which allows it to become an attractive base for tour group travellers, and those travelling on the major routes southwest of Sydney.

Current Visitation

Data on current visitation rates to Liverpool varies greatly. In 2017 Council commissioned Urbis to estimate visitation to Liverpool. The data reported is in appendix 1, and summaries below.

- 526,728 domestic day trippers
- 293,275 domestic overnight visitors
- 34,982 international visitors
- total 854,985

According to Urbis, Liverpool visitor purpose is dominated by the VFR sector (53% of domestic day visitors and 49% of international visitors). In comparison, South Western Sydney and NSW as a whole is dominated by travel for holiday purposes.

Looking forward, there is significant potential to grow and diversify the market base. Harnessing and celebrating Liverpool's cultural diversity and providing opportunities to bring locals and visitors together will be core to building the City's visitor economy. Expenditure by visitors creates significant economic growth across a range of industry sectors such as retail, accommodation and food services.

3.2 Tourism assets

Liverpool has existing tourism products and assets as well as several proposed assets which will assist in building the visitor economy. The rapid growth occurring throughout Liverpool will usher in a new wave of assets and products that will directly and indirectly contribute to Liverpool's visitor economy.

Based on Liverpool's core tourism assets, the LGA's current core products and experiences are:

- Multicultural culinary tourism
- Specialty shopping
- Vibrant arts scene, festivals and events
- Eco-tourism – explore the City's river and parklands
- Health and innovation precinct; e.g. medical related visitation
- Universities; e.g. growing student population
- History and heritage; e.g. Collingwood House, Heritage Buildings
- Indigenous history and culture
- Sport; e.g. Sydney International Shooting Centre, Netball and Karate at the Whitlam Centre



Georges River footbridge concept



3.3 Liverpool Region Strengths and Assets

Liverpool has several strengths which support the growth of its visitor economy. These strengths include:

- **Accessibility:** Liverpool is one of the most accessible LGAs in Sydney, sitting on the junction of the Hume Highway, M5, M7, Cumberland Highway and Newbridge Road. Liverpool is also serviced by 4 rail lines, and an express bus T-Way. Liverpool has direct access to the Sydney and Parramatta CBDs, Sydney Airport, and is highly accessible to Sydney Olympic Park, Sydney Motor Sports Park, the major sporting and entertainment venues in Western Sydney. Western Sydney Airport will also be in Liverpool.
- **Affordability:** Liverpool is a cost-competitive destination with the cost of accommodation, venue hire, car parking being lower than the Sydney CBD, Inner City and Parramatta CBD.
- **Walkable city:** Liverpool's CBD is easily walkable due to its flat terrains, grid like design and short distances between core facilities.
- **Economic Base:** Liverpool LGA has a strong and diverse economic base with the main sectors being health and social assistance, education, retail trade, construction and manufacturing and a burgeoning innovation sector.
- **Availability of venues:** Liverpool LGA has a range of conference, function and entertainment venues. The Whitlam Leisure Centre is one of two venues in the Sydney region with a design capacity of around 3,000 – 3,500 seated, while the Liverpool Catholic Club has one of the largest purpose-built, contemporary conference and function centres with onsite accommodation outside of the Sydney CBD. William Inglis Hotel has addressed the gap in the higher end of the market.
- **Physical environment and natural resources:** Liverpool is located on the Georges River, with the LGA having extensive tracts of parklands and reserves, including the Western Sydney Parklands, Chipping Norton Lakes, Bents Basin, Edmondson Regional Park, Leacock Regional Park and the Georges River Corridor. These parklands and reserves give way to eco-tourism, nature walks and recreational activities.
- **Liverpool and surrounds has significant supply of hotels and short term accommodation for the current demand.** Accommodation will be required closer to Western Sydney Airport towards the opening date.
- **Liverpool Hospital has received major funding which will facilitate an increase in the visitor economy.** There is also major development occurring to Liverpool's Innovation Precinct as a whole which will increase medical and corporate visitation to Liverpool and therefore opportunities to grow the visitor economy through provision of ancillary offerings.
- **Cultural diversity:** Liverpool is one of the most ethnically diverse communities in Australia with residents from 150 different countries.
- **Heritage and culture:** Liverpool is the fourth oldest city in Australia. It has a rich local history, as well as a developing arts and entertainment scene.
- **Casula Powerhouse Arts Centre** is one of the leading arts centres in the region, and attracts over 50,000 visitors annually.

3.4 Liverpool Region Weaknesses

Liverpool has a series of weaknesses which need to be acknowledged and addressed in order to grow the visitor economy. These weaknesses include:

- Liverpool has had minimal active participation in the tourism sector for more than 20 years.
- Liverpool will be starting from scratch to build its profile in the market and build the infrastructure, facilities, and services for a strong visitor economy. Resources are needed to support the sector and encourage and facilitate growth.
- There is a very low level of awareness amongst the local and regional community and the tourism trade providers about the assets, attractions and activities available in Liverpool. Businesses do not appear to recognise that they are in the tourism sector, or that Liverpool has anything to offer visitors. Until this changes, businesses will be unlikely to look at becoming involved in marketing and promotional activities.
- There is a limited Liverpool network for businesses, where most businesses work individually rather than as a collective region. There is also competition between LGAs rather than the recognition of working together.
- There is limited product development, marketing and promotions for the visitor economy by Council and local businesses.
- Tourism Australia highlights that only one third of Australian tourism operators have online booking and payment facilities, whilst 80% of Australians are online and utilise it as a core travel agent. Liverpool currently has limited online presence in the tourism sector.
- Within the Western Sydney region, Parramatta, Blacktown, Penrith and Macarthur have well established visitor economies and Fairfield and Bankstown LGAs are known for their eat streets.
- Penrith, Camden, Campbelltown, Blacktown and Parramatta already have in place the information and promotional materials, and the infrastructure and resources needed to attract and service the thousands of visitors that will be arriving and departing via Western Sydney Airport.
- Perception that Liverpool is down market, has limited experiences and social problems and is not safe. Perception is changing and Liverpool is increasingly featured in the media for its growth potential.
- Aging infrastructure and poor presentation in some areas.
- Perception from locals that there are limited offerings in Liverpool – the local community needs to become advocates for the region.

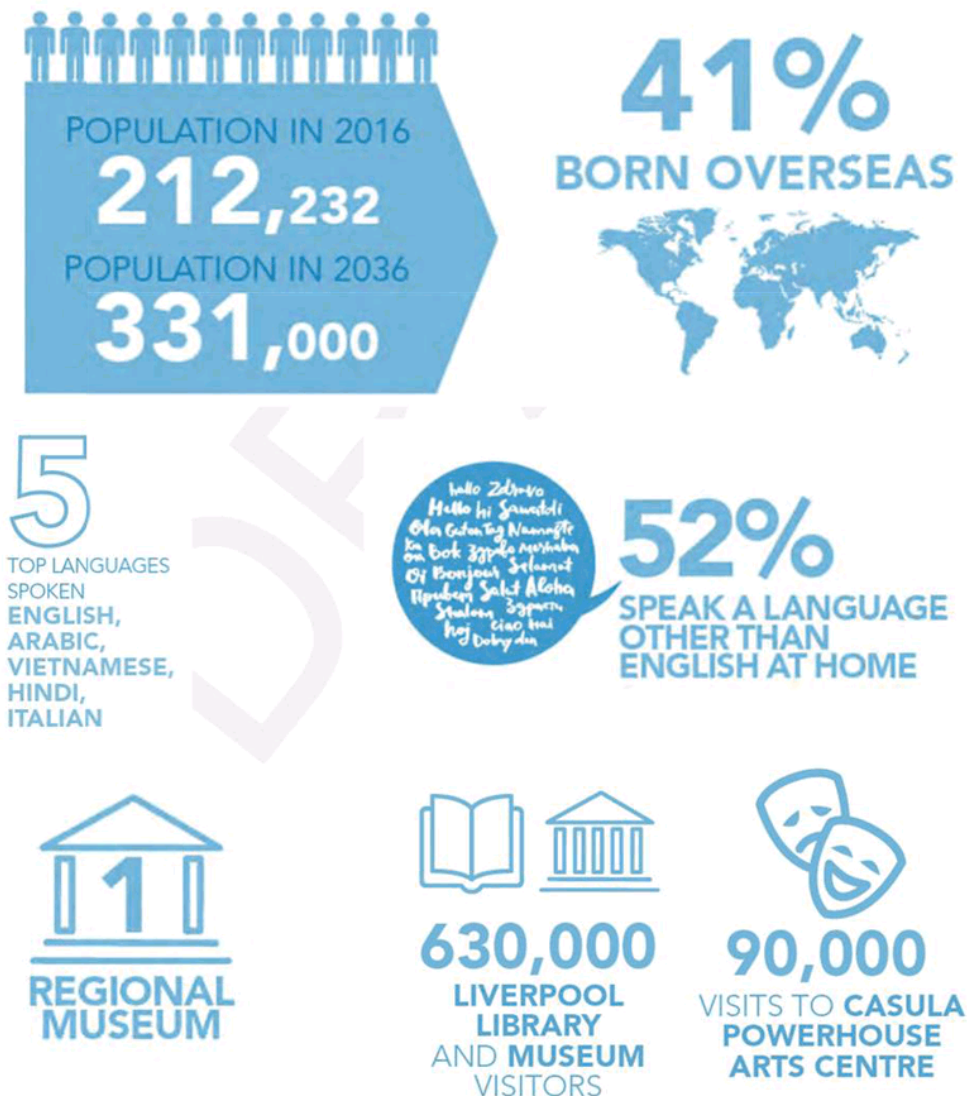
3.5 Future Liverpool Region Opportunities

Liverpool has the following opportunities which will facilitate the growth of the visitor sector in the future:

- Liverpool's rich ethnic diversity is reflected in the City's festivals and events, restaurants and cafes, shops and places of worship. The diversity is also a significant driver of visitation, with thousands of international visitors coming into the LGA each year as visiting friends and relatives.
- Increasing opportunity to host business events due to a variety of venues and Liverpool's increasing significance as a central Sydney location for business.
- Ability to attract medical tourism and events due to the investment and upgrade to the Liverpool Innovation Precinct.
- Strong assets to develop core visitor trails such as culinary, specialty retail, sport and heritage tourism.
- Proximity of the Liverpool CBD to the Western Sydney Airport.
- Increased mixed-use development facilitated by the LEP amendment.
- Establishment of a thriving 18-hour economy in the city centre.

3.6 Demographics

Liverpool is home to one of the fastest growing populations in Australia, with population growth expected to hit 331,000 by 2036. One of Liverpool's most unique characteristics is the diversity in the community. This diversity must be taken into consideration when developing a visitor economy. Liverpool is home to migrants from over 150 countries with a variety of socio-economic backgrounds. It is important to ensure that the visitor economy and tourism experiences are accessible and affordable to families, younger children, those with lower incomes, whilst providing a social and welcoming environment, and a point of difference to other visitor experiences across the region.





4. Destination Vision and Directions

Vision

To become an attractive visitor destination, loved and promoted by its locals for its diversity, heritage and nature.

Objective

To build a thriving visitor economy and increase the economic benefits that flow from tourism to local businesses and communities through unique visitor experiences.

Key Strategic Directions

Promote

Promote Liverpool as a core visitor destination through increased engagement and support from locals.

Support

Support local businesses, groups and organisations to build and develop the visitor economy and their tourism products.

Celebrate

Celebrate Liverpool's diversity and utilise it to grow and strengthen the visitor market base.

Attract

Attract new businesses, events and investment to engage locals and increase visitation to Liverpool.

4.1 Promote

Promote Liverpool as a core visitor destination with increased engagement and support from locals.

Liverpool is home to a diverse group of people, features, cultures, events and history. There are unique opportunities to promote Liverpool to its local community and to a broader audience. Local people have a significant role in presenting a positive image and publicity for the City.

For a visitor destination to be successful, it needs to firstly be attractive and engaging to the local community. The DMP aims to increase the participation of the local community in leisure, play and events in Liverpool. Council will work on the development of a marketing campaign to increase awareness of the experiences available to its local communities. This campaign will then be utilised to translate to a broader audience. Through this campaign, Council will engage with the VFR market (which is Liverpool's core visitor market) to increase visitation expenditure and participation. This plan presents Council's commitment to creating connection and increasing community pride in Liverpool.

Key outcomes:

- Increased local appreciation amongst residents for the place in which they live, work and play, leading to increased engagement and participation with local businesses and events.
- Development of a new tourism brand and identity for the Liverpool LGA.
- Increased awareness of Liverpool's visitor offerings and experiences.



4.2 Support

Support local businesses, groups and organisations to build and develop the visitor economy and their tourism products.

Local businesses, groups and organisations are the fundamental core to a successful visitor economy. Participation in the visitor economy provides opportunities for social engagement, economic stimulation and contributes to the wellbeing of the City. Council will work with local businesses through consultation and workshops to provide support to grow their visitor economy offerings and experiences. This DMP recognises the challenges present due to the low level of awareness among local businesses and organisations of their role and significance in the visitor economy. There is also limited online presences for tourism assets and experiences in the region. Council will address existing barriers to growing the visitor economy through addressing skills shortages capacity building, attracting new businesses and attractions, and providing ongoing support and assistance to existing businesses.

Key outcomes:

- Increased web presences of local offerings to support the growth of the visitor economy.
- A developing visitor economy supported by local businesses, organisations and groups.
- Establish core partnerships and networks which will contribute to a sustainable visitor economy.



4.3 Celebrate

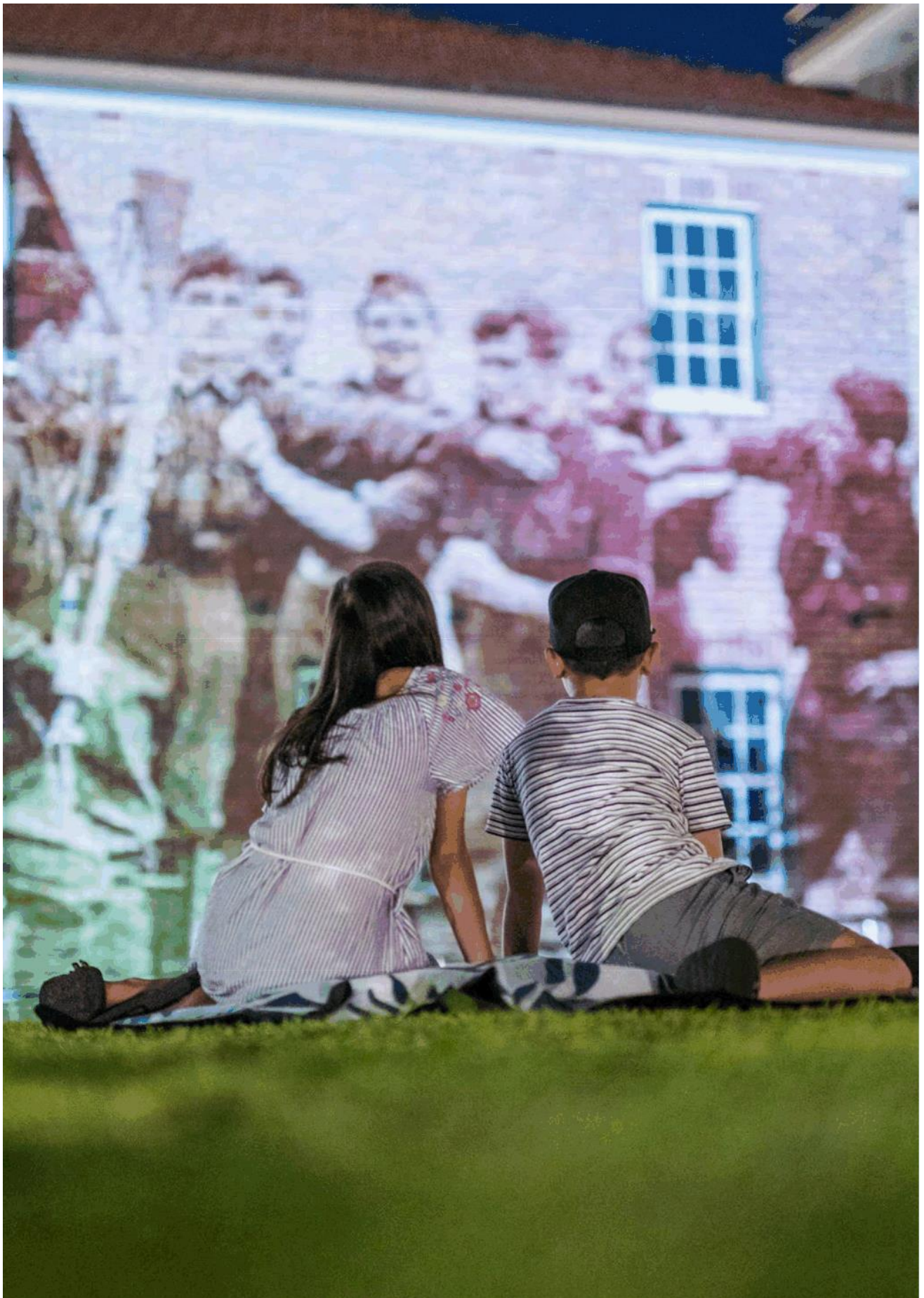
Celebrate Liverpool's diversity and utilise it to grow and strengthen the visitor market base.

Liverpool is one of the most diverse LGAs in Australia, which affords it with unique experiences to enhance the visitor economy. Liverpool provides visitors with opportunities to experience different cultures, cuisines, traditions and fashion from around the world without leaving the LGA. Council recognises that these experiences need assets to be at the forefront of Liverpool's visitor identity. Council will work with the local community to enhance the visitor economy through facilitating participation and establishing Liverpool as a cultural hub for South Western Sydney. Council acknowledges Liverpool's rich local history and environmental landscape, which are key attractions and assets to enhancing the visitor economy.

The ambition to celebrate Liverpool's diversity will be prioritised throughout the DMP to set foundations for the preservation of its heritage and identity. Celebrating Liverpool's diversity will also ensure a balance between 'place-making' and 'place-keeping'. 'Place-making' is defined as the creation of high quality spaces that people want to visit, experience and enjoy. 'Place-keeping' is the long-term maintenance and management of such spaces to ensure that the social, environmental and economic quality and benefits can be enjoyed by future generations.

Key outcomes:

- A variety of visitor guides and assets which are accessible to Liverpool's diverse communities and visitors.
- Liverpool recognised as the multicultural hub of Sydney.
- Increased engagement with heritage and historical sites in the LGA.



4.4 Attract

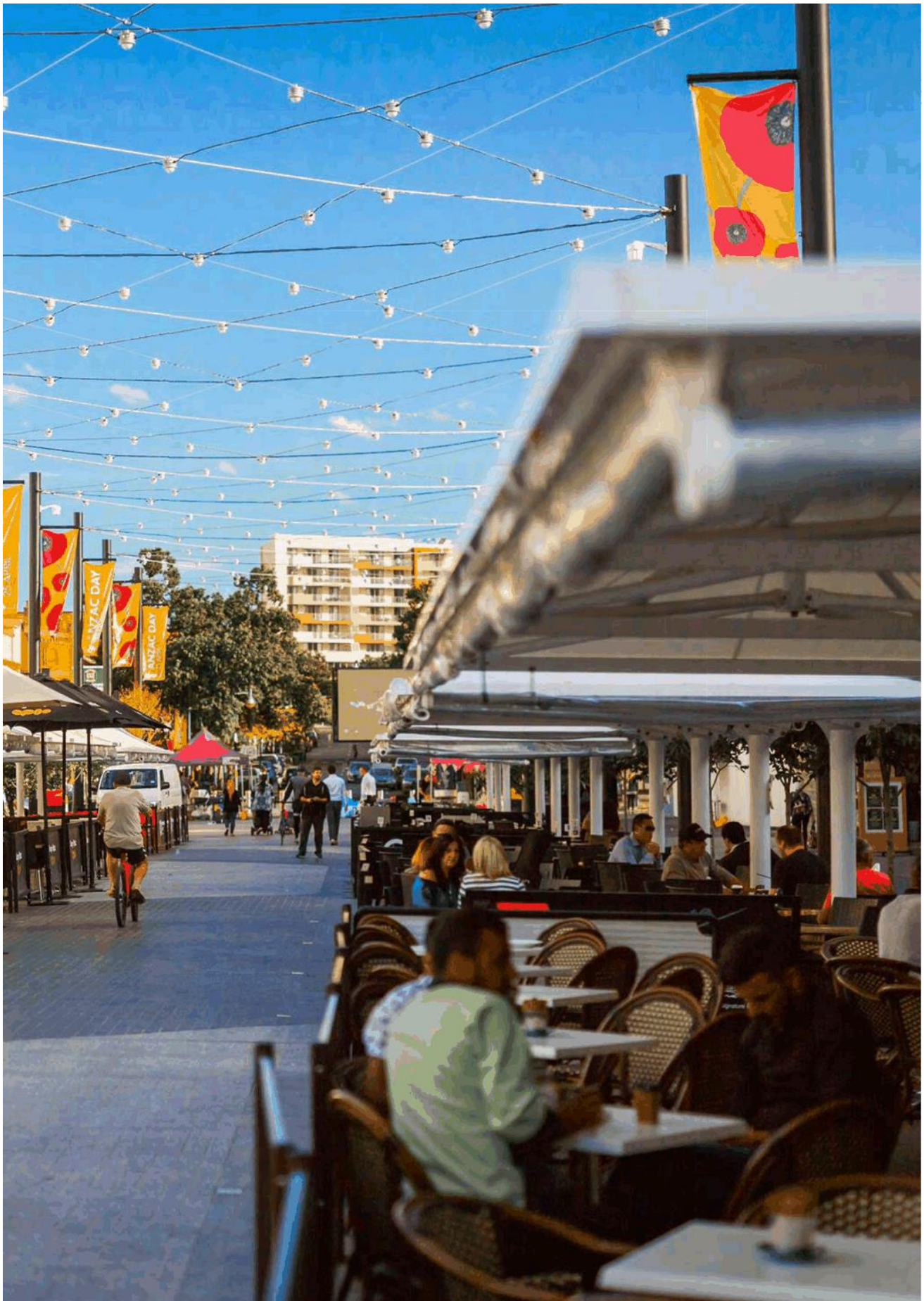
Attract new businesses, events and investment to engage locals and increase visitation to Liverpool.

Council will actively seek out new opportunities for attracting experiences to create engaging visitor assets. Liverpool is currently undergoing a period of transformation and rejuvenation, and Council is leading the change with a number of infrastructure and environmental projects to be delivered in the following years. This includes Liverpool now being home to multiple universities, the upcoming Civic Centre and a rejuvenated city centre. Council will develop frameworks and initiatives to encourage new businesses, organisations, experiences and development to attract visitors to the area. Council will advocate for innovative engagement and outcomes from the local community and businesses to create a diverse and inviting region.

Council is committed to attracting new opportunities to support different visitor economy segments. This includes recognising the value in the VFR market, and medical and business tourism.

Key outcomes:

- Support to the local sports industry to broaden the visitor experience of participants.
- Collaboration with the education sector to create an attractive destination for domestic and international students to experience and engage with Liverpool.
- Increase number of leads for new events (business, education, sport and recreational) to the LGA.
- Increased number of leads for investment in the local visitor economy.



5. Monitoring and Reporting

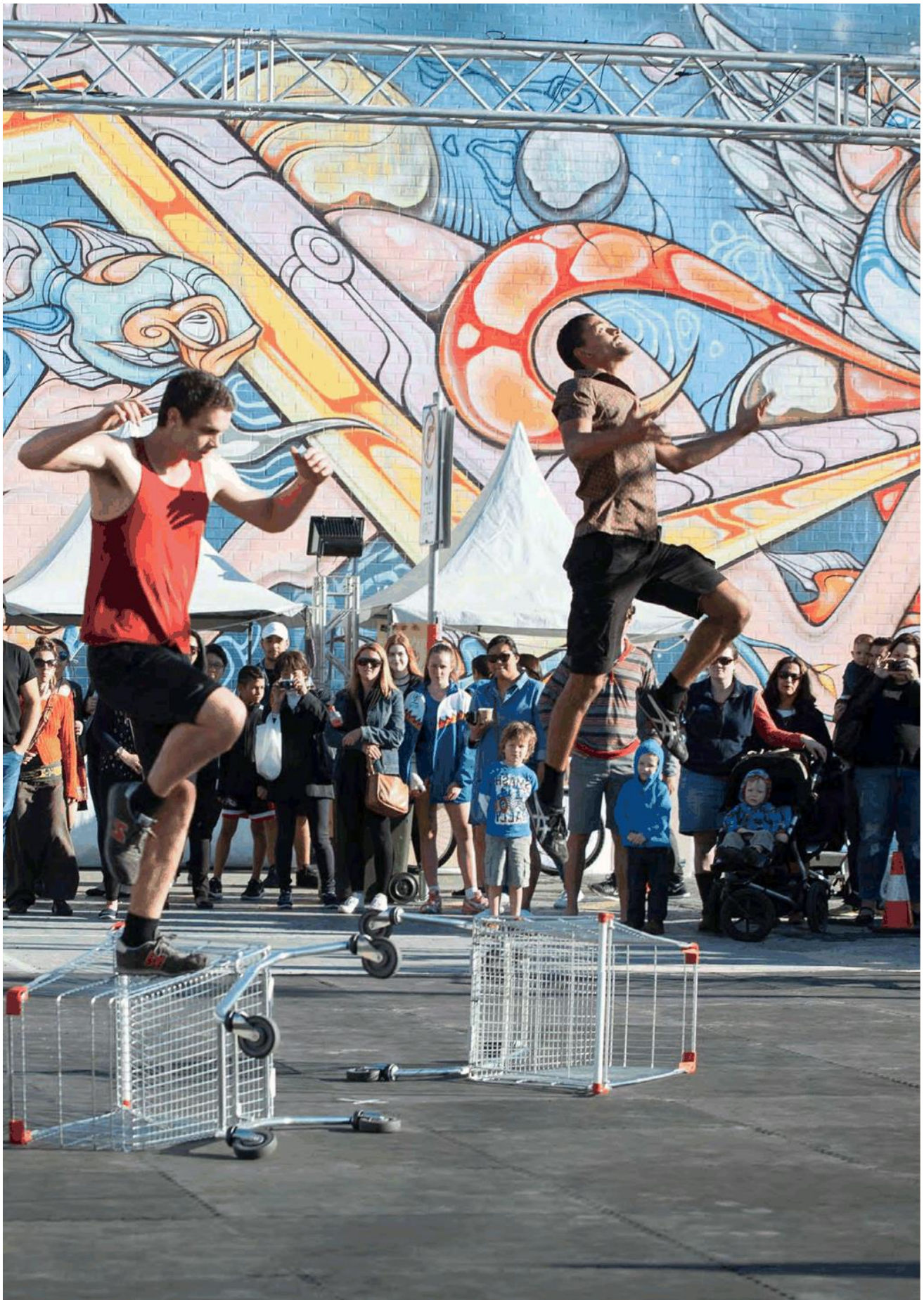
The DMP will be the responsibility of the City Economy Unit.

The actions of this DMP will be monitored by key internal stakeholders across Council directorates. The outcomes from the DMP will be reported to the Tourism and CBD Committee on a bi-monthly basis. This committee includes external stakeholders from community groups, NGOs and businesses which will assist in exploring further opportunities to build the visitor economy. The benefits sustained from the DMP will be measured.

Evaluation and Review

This DMP will be reviewed every two years. The review should include the following:

1. Council's ongoing commitment to the purpose and objectives of the DMP;
2. Mechanisms to collect feedback on Council's activities in growing the visitor economy;
3. Whether the manner in which Council manages this Plan and related activities is professional, transparent and accountable;
4. Whether conflicts of interest are identified and activities terminated should a conflict of interest arise that cannot be resolved; and
5. Determine next steps through the development of an Action Plan for the following two years.



6. Action Plan

Action Plan										
1. Develop a visitor brand identity and marketing campaign plan.										
Actions	CSP Key	DMP Direction	Measures	Timeframe for completion or implementation					Responsible	
				2018/19	2019/20	2020/21	2021/22	2022/23		
1.1 Develop a brand identity and marketing plan which is consistent across different components of the visitor economy.	L.2	Promote	Marketing plan developed Campaign delivered Post-campaign report	✓	✓	✓	✓	✓	Communications City Economy	
1.2 Develop and deliver a <i>Local Love</i> Campaign.	L.2	Promote	Local campaign developed Assets and collateral distributed Report and evaluation of campaign	✓	✓				City Economy Communications	
1.3 Create an annual Visitor Guide and promotional collateral which is available online and in print. Guide should advise what Liverpool has to offer and encourage local businesses to utilise it to increase their own marketing and development.	C.1	Promote	Development of Visitor Guide Total businesses participating in Visitor Guide Distribution channels achieved Engagement measured	✓	✓	✓	✓	✓	City Economy Casula Powerhouse Arts Centre Events Libraries and Museums Communications City Design City Community and Culture	

6. Action Plan

1.4	Communicate with neighbouring visitor information centres about featuring Liverpool's Visitor Guide.	L.1	Promote	Number of placement agreements achieved	✓	✓	✓	✓	City Economy
1.5	Enhance the existing What's On page on the Council website to allow the incorporation of a tourism webpage.	L.1	Promote	Tourism incorporated to What's On	✓				City Economy Communications
1.6	Investigate opportunities for Liverpool to feature in third party marketing publications.	C.1	Promote	Number of third party publications featured in i.e. Time Out, Connect China	✓	✓			City Economy Communications
1.7	Produce a city wide tourism visitor map which is available digitally and in print.	C.3	Promote	Consult local stakeholders and accommodation to produce the map Map complete Map distributed	✓				City Economy Communications
1.8	Develop a social media campaign strategy to market Liverpool as a tourism precinct through organic content that creates a positive image.	L.2	Promote	Strategy completed Social media activities delivered	✓	✓			City Economy Communications
1.9	Evaluate Liverpool's online presence and develop a plan to improve digital profile.	C.1	Promote	Online presence audit complete Digital presence and search engine optimisation plan produced and implemented	✓	✓			City Economy Communications

6. Action Plan

1.10	Engage online travel agents to promote Liverpool domestically and internationally.	C.1	Promote	Number of leads developed					✓	✓	City Economy
1.11	Review Liverpool's presence on third party tourism and travel websites.	G.3	Promote	Audit of Liverpool's representation on third party websites	✓						City Economy
1.12	Audit the accessibility of visitor information for Liverpool and develop easy to access information as recommended by the NSW Government.	C.3	Support	Audit complete Information access plan implemented	✓			✓			City Economy
1.13	Encourage operators to actively promote Liverpool's attractions, events and activities.	G.2	Support	Number of local providers promoting events on and offline	✓			✓			City Economy
1.14	Develop a visiting friends and relatives targeted marketing campaign with visitor guides available in multiple languages.	C.1	Celebrate	Strategy complete Guides delivered				✓			City Economy Communications
1.15	Develop a campaign to promote parks around Liverpool.	C.4	Celebrate	Campaign plan created Campaign delivered					✓	✓	City Economy Communications

6. Action Plan

2. Position Liverpool as a multicultural hub									
Actions	CSP Key	DMP Direction	Measures	Timeframe for completion or implementation					Responsible
				2018/19	2019/20	2020/21	2021/22	2022/23	
2.1	Integrate Liverpool's cultural diversity into the <i>Local Love</i> campaign.	C.1 Celebrate	Campaign delivered in multiple languages	✓	✓				Communications
2.2	Promote and celebrate Liverpool's unique speciality and cultural stores, including becoming the 'Sari Centre' of Sydney and increased recognition of an Iraqi Gold Souk	G.2 Celebrate	Campaign plan developed and implemented	✓	✓	✓		✓	City Economy
2.3	Develop a marketing campaign which celebrates the ability to 'travel around the world' without leaving Liverpool.	G.2 Celebrate	Marketing campaign developed and delivered		✓	✓		✓	City Economy Communications
2.4	Explore partnership opportunities with local and neighbouring cultural tourism enterprises.	G.2 Support	Partnerships explored Partnerships created		✓		✓	✓	City Economy Community and Culture
2.5	Explore partnerships with neighbouring LGAs to establish South Western Sydney as a cultural centre.	G.2 Celebrate	Partnerships explored		✓		✓	✓	City Economy
3. Investigate the sustainability of a Visitor Information Centre									
Actions	CSP Key	DMP Direction	Measures	Timeframe for completion or implementation					Responsible
				2018/19	2019/20	2020/21	2021/22	2022/23	
3.1	Conduct a feasibility study on the sustainability and benefits of a Visitor Information Centre (VIC) in Liverpool.	C.4 Promote	Feasibility report complete		✓				City Economy (Tourism)

6. Action Plan

4. Develop a way-finding strategy which will assist visitors in the CBD and surrounds										
Actions	CSP Key	DMP Direction	Measures	Timeframe for completion or implementation					Responsible	
				2018/19	2019/20	2020/21	2021/22	2022/23		
4.1	Audit the signposting and way-finding around Liverpool from a tourism perspective.	S.4	Promote	Audit complete Recommendations presented	✓				✓	City Design
4.2	Create a new strategy for sign-posting and way-finding around Liverpool. This includes the gateways into Liverpool, such as motorways and public transport.	S.4	Promote	Audit Liverpool's current gateways Strategy complete	✓		✓			City Design and Public Domain
5. Work with surrounding LGAs to create a visitor destination network for the region										
Actions	CSP Key	DMP Direction	Measures	Timeframe for completion or implementation					Responsible	
				2018/19	2019/20	2020/21	2021/22	2022/23		
5.1	Explore opportunities to collaborate in a South Western Sydney marketing strategy rather than refining to an LGA border.	L.1	Promote	Number of partnerships explored	✓		✓	✓	✓	City Economy Communications
5.2	Capitalise on cooperative marketing opportunities with businesses, other regions, organisations and sectors.	L.1	Promote	Cooperative marketing opportunities achieved			✓	✓		City Economy
5.3	Encourage core visitor economy business operators to work together to create a tourism network in Liverpool rather than functioning as silos.	G.2	Support	Network created between organisations such as The William Inglis Hotel, Casula Powerhouse Arts Centre				✓	✓	City Economy

6. Action Plan

6. Assist and support local businesses, groups and organisations in the development of the visitor economy whilst attracting new businesses for future growth									
Actions	CSP Key	DMP Direction	Measures	Timeframe for completion or implementation					Responsible
				2018/19	2019/20	2020/21	2021/22	2022/23	
6.1 Develop a framework for Council to support businesses so they are prepared to support the growth of the visitor economy.	G.2	Support	Framework developed		✓				City Economy
6.2 Conduct workshops with local businesses on the impacts and benefits of a visitor economy.	G.2	Support	Workshops implemented Workshop attendance	✓				✓	City Economy
6.3 Develop a tourism e-kit based on Tourism Australia's kit to help local businesses attract visitors through information and communication technology.	G.2	Support	e-kit developed and distributed	✓				✓	City Economy Communications
6.4 Consult with the tourism sector in the region to receive feedback and understanding to assist growth.	L.2	Support	Number of opportunities for consultation highlighted	✓					City Economy
6.5 Investigate if there is a skill shortage in the area to keep up with the increased demand from a visitor economy.	G.2	Support	Study complete through consultation Shortages investigated		✓			✓	City Economy

6. Action Plan

7. Improve the visitor experience journey through a variety of trails									
Actions	CSP Key	DMP Direction	Measures	Timeframe for completion or implementation					Responsible
				2018/19	2019/20	2020/21	2021/22	2022/23	
7.1	Develop a series of experience trails which can be utilised to promote the region, such as cultural, historical, Indigenous, food and wine, biking and cycling.	Promote	Trails developed Engagement measured	✓	✓	✓	✓		City Economy Transport Planner
8. Investigate the influence the Western Sydney Airport will have on the local visitor economy									
Actions	CSP Key	DMP Direction	Measures	Timeframe for completion or implementation					Responsible
				2018/19	2019/20	2020/21	2021/22	2022/23	
8.1	Use case studies of other airport cities to investigate the influence airports have on local businesses and the visitor economy.	Support	Study complete		✓	✓	✓		City Economy Areotropolis and City Planning
8.2	Create a framework to assist local businesses to understand the influence and impact the new airport will have on their businesses and the visitor economy.	Support	Workshops conducted				✓		City Economy

6. Action Plan

9. Investigate a potential site for a recreational vehicle holiday park within Liverpool LGA									
Actions	CSP Key	DMP Direction	Measures	Timeframe for completion or implementation				Responsible	
				2018/19	2019/20	2020/21	2021/22		
9.1	Research the benefits of a Holiday Park to the LGA.	Support	Study complete	✓				City Economy	
9.2	Identify a potential site for a holiday park within the LGA.	Support	Site identified Recommendations presented		✓			Strategic Planning	
10. Grow Liverpool's presence on guided holidays itineraries									
Actions	CSP Key	DMP Direction	Measures	Timeframe for completion or implementation				Responsible	
				2018/19	2019/20	2020/21	2021/22		
10.1	Consult guided holiday and tour operators on the requirements to be a destination included in their itineraries.	Support	Consultation conducted Learnings implemented	✓	✓			City Economy	
10.2	Study potential interest based tourism in Liverpool to foster the development of like-minded touring groups.	Celebrate	Number of potential groups engaged				✓	City Economy	

6. Action Plan

11. Grow the local sports tourism market									
Actions	CSP Key	DMP Direction	Measures	Timeframe for completion or implementation					Responsible
				2018/19	2019/20	2020/21	2021/22	2022/23	
11.1 Audit existing sporting infrastructure located in Liverpool and their quality.	G.2	Attract	Audit complete	✓	✓			✓	Recreation
11.2 Determine the total visitation rates and revenue generated as a result of sporting events.	G.2	Attract	Rates determined and plans to increase delivered	✓	✓	✓		✓	Community Development City Economy
11.3 Generate a sporting events guide with local businesses for those visiting for sporting events.	G.2	Attract	Guide created and delivered	✓	✓	✓		✓	City Economy Recreation
11.4 Encourage local sporting facilities in the region to work together to create a network.	G.2	Attract	Network created				✓	✓	City Economy Recreation
11.5 Collaborate with key stakeholders to develop the Georges River Corridor into a major recreational node for South West Sydney, providing a range of water and land based activities.	G.2	Attract	Plan developed Number of events attracted			✓		✓	City Economy Community Development and Planning
11.6 Support local sporting facilities to grow as premier venues.	G.2	Support	Audit on quality Number of sporting events held			✓			Community and Culture

6. Action Plan

12. Establish Liverpool as a culinary tourism destination									
Actions	CSP Key	DMP Direction	Measures	Timeframe for completion or implementation					Responsible
				2018/19	2019/20	2020/21	2021/22	2022/23	
12.1 Encourage local restaurants and cafes to have a 'scores on doors' approach to showcase compliance with food safety to create a culinary tourism destination.	G.2	Support	Number of eateries with scores on doors		✓				City Economy
12.2 Attract business to the CBD and surrounds to create eat streets and urban villages.	G.2	Attract	Number of leads generated		✓		✓		City Economy
12.3 Enhance and promote culinary activity nodes in the city through taste tours	G.2	Promote	Promotions developed Number of taste tours explored and developed		✓		✓		City Economy
12.4 Coordinate the development of a harvest trail with local farms.	G.2	Support	Harvest trail developed					✓	City Economy

6. Action Plan

13. Grow event-based visitation									
Actions	CSP Key	DMP Direction	Measures	Timeframe for completion or implementation					Responsible
				2018/19	2019/20	2020/21	2021/22	2022/23	
13.1 Continue to support Casula Powerhouse position as the leading Arts Centre in South Western Sydney.	G.2	Support	Increased visitation	✓	✓	✓	✓	✓	Casula Powerhouse Arts Centre
13.2 Audit the existing business and events space and analyse whether they are meeting demand.	G.1	Attract	Audit complete Repeat report in 4 years	✓	✓			✓	City Economy
13.3 Investigate and study the requirements of a city to host major events through consultation with events organisations and comparative studies with other LGAs.	G.2.	Attract	Study complete	✓					City Economy
13.4 Explore opportunities to secure and attract large scale events which will attract people from around New South Wales including business, education, medical tourism and niche sectors in Liverpool.	G.3	Attract	Leads generated	✓	✓	✓		✓	City Economy Casula Powerhouse Arts Centre
13.5 Develop a business and events guide to encourage the meeting, incentive, conference and events sector to utilise	G.2	Attract	Guide delivered and distributed	✓				✓	City Economy Communications

6. Action Plan

15. Capitalise on Liverpool's rich local heritage									
Actions	CSP Key	DMP Direction	Measures	Timeframe for completion or implementation					Responsible
				2018/19	2019/20	2020/21	2021/22	2022/23	
15.1 Develop the Heritage Activation Strategy.	C.1	Celebrate	Actions from strategy delivered	✓	✓	✓	✓	✓	City Economy City Design and Public Domain
15.3 Collaborate with the Museum of Army Engineering to promote the museum as a quality, iconic attraction for Liverpool and a focal point for military history within the LGA.	C.1	Celebrate	Recommendations presented	✓	✓				City Economy Holsworthy Barracks
15.4 Collaborate with Landcom to develop the Bardia Barracks-Edmondson Park precinct as a visitor activity node with a strong focus on military history.	C.1	Celebrate	Recommendations presented	✓	✓				City Economy Landcom
15.5 Enhance and promote the experience of Liverpool Regional Museum.	C.1	Celebrate	Recommendations presented	✓	✓	✓	✓	✓	City Design Library and Museums
15.6 Completion of the actions within the Reconciliation Action Plan which relate to tourism.	C.1	Celebrate	Actions completed	✓	✓	✓	✓	✓	City Community and Culture

6. Action Plan

16. Build a strong education based visitor economy									
Actions	CSP Key	DMP Direction	Measures	Timeframe for completion or implementation					Responsible
				2018/19	2019/20	2020/21	2021/22	2022/23	
16.1 Engage with local education facilities to attract the families of international students to explore and visit the area they are studying in.	L.2	attract	vfr international student plan created number of visitors attracted		✓		✓	✓	City Economy Western Sydney University University of Wollongong TAFE NSW
16.2 Engage with local businesses to develop a student discounts campaign.	G.2	attract	number of businesses participating	✓	✓		✓	✓	City Economy
17. Increase visitor economy investment attraction									
Actions	CSP Key	DMP Direction	Measures	Timeframe for completion or implementation					Responsible
				2018/19	2019/20	2020/21	2021/22	2022/23	
17.1 Encourage domestic and international businesses to invest within the LGA to create core visitor economy recreational attractions to increase visitation.	G.3	Attract	Plan developed Number of leads attracted				✓	✓	City Economy
17.2 Create a Liverpool Destination Product Development Opportunities Plan.	G.3	Support	Plan created		✓				City Economy

6. Action Plan

18. Provide ongoing support to the accommodation sector in Liverpool									
Actions	CSP Key	DMP Direction	Measures	Timeframe for completion or implementation					Responsible
				2018/19	2019/20	2020/21	2021/22	2022/23	
18.1	Encourage accommodation providers to enhance their online presence profile.	G.2	Support	Audit online presence of local accommodation	✓	✓			City Economy
18.2	Encourage accommodation providers to promote Liverpool as a destination both online and in-house.	G.2	Support	Number of local accommodations promoting Liverpool as a destination to guests	✓	✓	✓		City Economy
19. Position Liverpool as a shopping destination									
Actions	CSP Key	DMP Direction	Measures	Timeframe for completion or implementation					Responsible
				2018/19	2019/20	2020/21	2021/22	2022/23	
19.1	Increase Liverpool's recognition as a destination for diverse shopping including malls, boutiques, speciality stores, factory outlets and homemaker centres.	G.3	Support	Campaign developed and delivered	✓				City Economy Shopping outlets in Liverpool including Westfield and Fashion Spree
20. Determine baseline visitation figures									
Actions	CSP Key	DMP Direction	Measures	Timeframe for completion or implementation					Responsible
				2018/19	2019/20	2020/21	2021/22	2022/23	
20.1	Conduct a research study to determine baseline visitation numbers and data to Liverpool.	G.2	Promote	Study complete and repeated	✓	✓		✓	City Economy

7. References

- Australian Regional Tourism Network, *The Guide to Best Practice Destination Management*
- A. Stafford & Associates, *Western Sydney Opportunities for Destination Holiday Park*, 2018
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- NSW Government, *Cultural Infrastructure in NSW*, 2018
- NSW Government, *Southern Parklands Landscape Framework*, SISC Meeting, 2018
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- Tourism Australia, *Tourism 2020*, December 2011
- Urbis, *Tourism in Liverpool – A Snapshot 2017*

8. Appendix 1 - Urbis Report 2017

TOURISM IN LIVERPOOL – A SNAPSHOT

The following is an overview of the tourism sector in the Liverpool Local Government Area (LGA), and its significance within the regional economy. The analysis has been conducted using data from Tourism Research Australia (TRA), Destination NSW and the REMPLAN Input/Output model.

There were almost 855,000 visitors to Liverpool in 2016, accounting for 20% of visitors to South West Sydney, and almost 3% of visitors to Greater Sydney. Notably, Liverpool accounts for over a quarter of domestic overnight and international visitors to South West Sydney (Table 1).

Table 1 – Visitors to Liverpool and South West Sydney, 2016

	Domestic day visitors	Domestic overnight visitors	International	Total
Liverpool	526,728	293,274	34,982	854,985
South West Sydney (incl. Liverpool)	3,089,119	1,102,432	134,957	4,326,508
NSW	57,570,000	29,188,000	3,872,000	90,630,000

Source: TRA, Urbis calculations

The major source of tourism within Liverpool is from people visiting friends and relatives (VFR), driven chiefly by the large and growing Culturally and Linguistically Diverse (CALD) population in the region.

In 2016, the VFR tourism segment accounted for 53% and 49% of domestic day visitors and international visitors, respectively, in Liverpool (Figure 1 and Figure 2).¹ In contrast, across South West Sydney and NSW as a whole, domestic day and international visitors are more likely to be visiting for holiday purposes.

Figure 1 – Purpose of visit, domestic day visitors, 2016

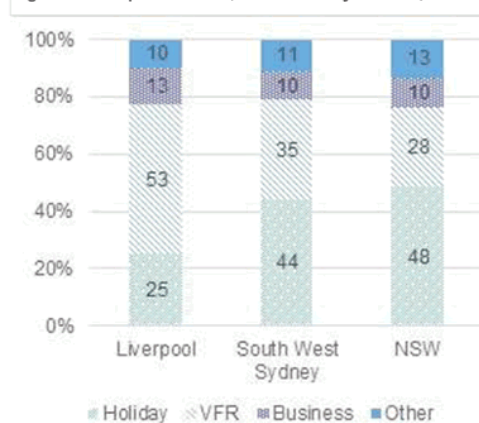
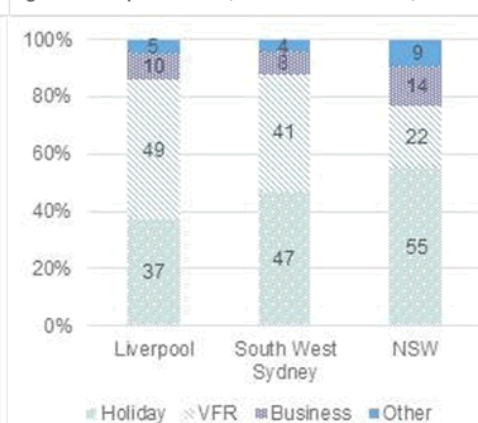


Figure 2 – Purpose of visit, international visitors, 2016



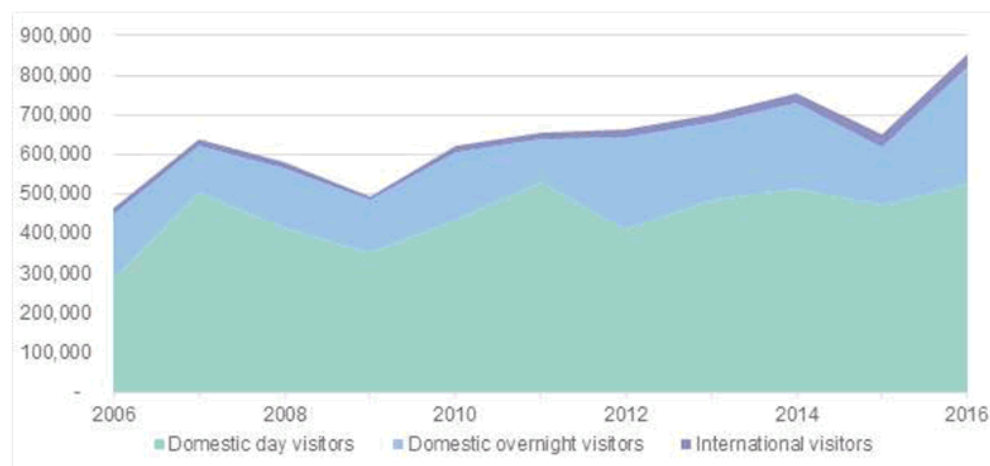
Source: TRA, Destination NSW, Urbis calculations

¹ Comparative data on the purpose of visit by domestic overnight visitors is not available for Liverpool.



Liverpool has recorded an 85% increase in total visitations over the period 2006 to 2016 (Figure 3). Growth in visitors to Liverpool has far outpaced the growth recorded across South West Sydney (62%) and NSW as a whole (26%), over the same period.²

Figure 3 – Annual visitors to Liverpool by category



Source: TRA, Urbis calculations

Growth in international visitors was particularly strong for both Liverpool (144%) and South West Sydney (134%) between 2006 and 2016, likely reflecting the stronger-than-average growth in the population of the region, which has remained culturally diverse. Average annual population growth in Liverpool was 2.6% between 2011 and 2016, and 2.3% in South West Sydney. In contrast, the number of international visitors to NSW grew by 40% over the same period, where average annual population growth was 1.6%.³

While there is no breakdown of tourists by country-of-origin, we would expect these to be linked to the cultural breakdown of the regional population. The largest migration population groups in Liverpool are: Iraq, Fiji, Vietnam, India, Lebanon and the Philippines.

The average length of stay and spend by visitors to the Western Sydney Region is shown in Table 2.⁴

Table 2 – Average visitor stay and spend, Western Sydney, 2015-16

	Domestic Day	Domestic Overnight	International
Average Stay (nights)	-	2.6	33.3
Average Spend per night (\$)	-	\$283	\$112
Average Spend per trip (\$)	\$104	\$738	\$3,743

² Tourism Research Australia, 2016, *Annual visitor numbers by destination state/region/SA2*

³ NSW Department of Planning and Environment, 2016, *New South Wales State and Local Government Area Population Projections*

⁴ TRA and Destination NSW data is not available for the Liverpool LGA or South West Region. Length of stay and spend per visitor in Western Sydney is considered to be representative of the Liverpool LGA.



Source: Destination NSW

Of note, the average length of stay by international visitors to Western Sydney is significantly greater than the NSW average (22.4 nights).⁵ As reported above, this is likely to be driven by a greater proportion of VFR tourism. The spend per night by international visitors to Western Sydney is on par with the NSW average (\$109 per night).

In contrast, domestic overnight visitors to Western Sydney typically visit for a shorter period than the NSW average (3.3 nights), but spend considerable more per night than the NSW average (\$175 per night).⁶ The average spend by domestic day visitors is the same across Western Sydney and NSW.

Tourism plays a relatively small, but increasingly important, role in the Liverpool economy. In 2015-16, the tourism sector contributed \$161 million value-added (1.7%) to Liverpool's Gross Regional Product (GRP) and 1,350 (2.9%) jobs (full-time equivalents). In comparison, the tourism sector contributed \$18.2 billion (3.4%) in value-added to the NSW economy and accounted for almost 150,000 (5.6%) jobs (FTEs) of state-wide employment.

Key sectors in Liverpool supported by tourism include: retail trade; accommodation and food services; transport, postal and warehousing; education and training; and manufacturing.

TOURISM OUTLOOK

Table 3 – Annual growth* rates in tourism by category, 2006 to 2016

Day trips	Domestic Overnight	International	Total
6%	6%	9%	6%

* Average annual compound growth rate

Source: TRA, Urbis calculations

The chief factor influencing tourism in the Liverpool LGA over the next three years will be population growth. This is forecast to increase annually by over 3%.⁷

⁵ Destination NSW, 2016, *Travel to NSW Snapshot December 2016*

⁶ Destination NSW, 2016, *Travel to NSW Snapshot December 2016*

⁷ Australian Bureau of Statistics, 2017, *2016 Census of Population and Housing*; NSW Department of Planning and Environment, 2016, *New South Wales State and Local Government Area Population Projections*

**LIVERPOOL
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COUNCIL**

For further information



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Survey Report

21 November 2018 - 20 December 2018

Draft Innovation Strategy feedback survey

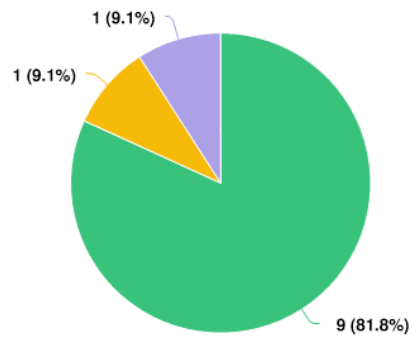
PROJECT: City Innovation strategy

Liverpool Listens

engagement 
by Bang the Table

Draft Innovation Strategy feedback survey : Survey Report for 21 November 2018 to 20 December 2018

Q1 The strategy defines innovation as an idea that is new to the user and that has value or purpose. Innovation is not just ab...



Question options

● Strongly support ● Support ● Strongly oppose
(11 responses, 0 skipped)

Draft Innovation Strategy feedback survey : Survey Report for 21 November 2018 to 20 December 2018

Q2 Please provide your comments on the definition of innovation

Anonymous

11/22/2018 02:50 PM

Innovation in a local government context is difficult as Councils are by their nature are risk averse organisations which represents a challenge in the implementation phase of this strategy. What level of failure for example are the community going to accept in achieving innovative solutions to problems? It's true, I practice it myself.

Anonymous

11/23/2018 10:40 AM

Anonymous

11/26/2018 02:28 PM

Innovation is not always about big step change proposals but about looking at things differently to solve a customer problem

Anonymous

11/27/2018 03:45 PM

I agree, innovation can take many forms.

Anonymous

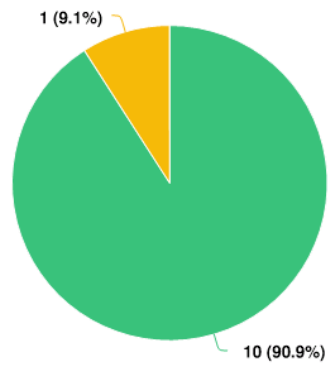
11/28/2018 01:36 PM

Innovation is when an idea is actioned and implemented. Otherwise it just remains an idea.

Optional question (5 responses, 6 skipped)

Draft Innovation Strategy feedback survey : Survey Report for 21 November 2018 to 20 December 2018

Q3 The draft strategy proposes a vision for innovation in Liverpool: "Liverpool is recognised as an innovation leader locally,..."



Question options

● Strongly support ● Strongly oppose
(11 responses, 0 skipped)

Draft Innovation Strategy feedback survey : Survey Report for 21 November 2018 to 20 December 2018

Q4 Please provide your comments on the proposed vision

Anonymous

11/22/2018 02:50 PM

Great vision, to measure this will also be challenging but the mere fact of having a strategy focussed on innovation is a terrific start!

Anonymous

11/27/2018 03:45 PM

We have a chance to do something truly unique and special in Liverpool. It's walkability, proximity to City centre, and having the hospital, universities and Ingham Institute all so close, add up to the makings of a health and innovation precinct. We will all need to align and work together to make it happen, but the opportunity is there for the taking.

Anonymous

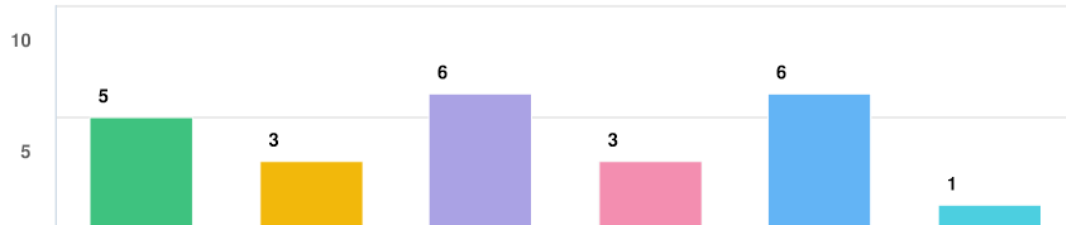
11/28/2018 01:36 PM

But what is an innovation leader?

Optional question (3 responses, 8 skipped)

Draft Innovation Strategy feedback survey : Survey Report for 21 November 2018 to 20 December 2018

Q5 Council as an Innovation Leader - please mark the objectives you support



Question options

- ☒ Be recognised as a leader by the community, businesses, organisations across Sydney and Australia, and other innovation leaders around the world.
- ☐ Have the back-end data systems in place that lead to better lives for the people who live, work and play in Liverpool
- ☐ Have staff who systematically think about bringing diverse groups together to look at new ways of doing things and participate in innovation opportunities

1/2

(11 responses, 0 skipped)

Draft Innovation Strategy feedback survey : Survey Report for 21 November 2018 to 20 December 2018

Q6 Please provide your comments on the objectives

Anonymous

11/23/2018 10:40 AM

Yes new and a diversity of mindsets are a must here

Anonymous

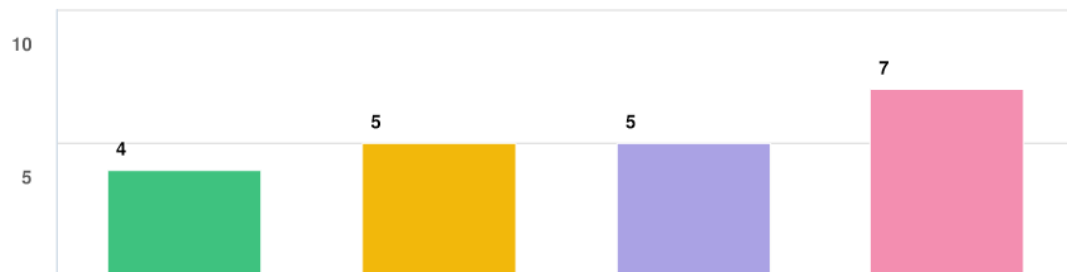
11/27/2018 03:45 PM

Building a culture of innovation and collaboration will be key. Everyone must work together for this to work.

Optional question (2 responses, 9 skipped)

Draft Innovation Strategy feedback survey : Survey Report for 21 November 2018 to 20 December 2018

Q7 A City of Innovation - please mark the objectives you support



Question options

- Be recognised as having an innovation ecosystem centred around an innovation precinct that specialises in health care, health interventions and health outcomes.
- Have systematic processes in place to bring new approaches to key problems and opportunities in Liverpool that ensures early and continuous engagement of key stakeholders
- Showcase new solutions to city challenges
- I support all of the above

(11 responses, 0 skipped)

Draft Innovation Strategy feedback survey : Survey Report for 21 November 2018 to 20 December 2018

Q8 Please provide your comments on the objectives

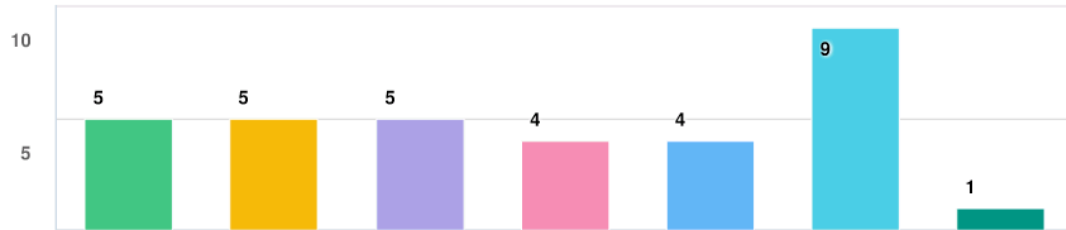
Anonymous Yes use Design Thinking
11/23/2018 10:40 AM

Anonymous We can partner to solve community, health and other problems.
11/27/2018 03:45 PM

Optional question (2 responses, 9 skipped)

Draft Innovation Strategy feedback survey : Survey Report for 21 November 2018 to 20 December 2018

Q9 Innovation through Collaboration - please mark the objectives you support



Question options

- Have a lead role in development of the Aerotropolis and the Liverpool Innovation Precinct delivering a vibrant economy and improved liveability night and day for the people who live, work and play in Liverpool
- See a growth in the number of businesses located in Liverpool and increased diverse employment opportunities in the area
- Be a recognised leader in early and ongoing community engagement, with recognised participation from all members of the community
- Be a partner in facilitating educational opportunities in the Liverpool Innovation Precinct and Aerotropolis
- Have established Liverpool as Sydney's third CBD
- I support all of the above
- I do not support any of these objectives

(11 responses, 0 skipped)

Draft Innovation Strategy feedback survey : Survey Report for 21 November 2018 to 20 December 2018

Q10 Please provide your comments on the objectives

Anonymous

11/22/2018 02:50 PM

City Economy Unit has a key role to play in engaging with its business community to deliver a collaborative approach innovation. the City Possible project is a prime example of the types of innovation that the Unit could facilitate in future.

Optional question (1 responses, 10 skipped)

Draft Innovation Strategy feedback survey : Survey Report for 21 November 2018 to 20 December 2018

Q11 Please provide your overall comments on the draft Innovation Strategy. This may include likes, dislikes, areas for improvement, must-haves etc

Anonymous

11/22/2018 02:50 PM

Great strategy but the biggest challenge is going to be the cultural change and additional skills required within our own organisation to embrace change, innovate effectively (ie including acceptance of a level of failure), and work collaboratively with other areas of council to achieve the goals as identified. Only then will Council be able to be a true leader in innovation and be in apposition to collaborate with the business community to innovate on a broader scale.

Anonymous

11/27/2018 03:45 PM

I think everyone needs to get behind it. If one piece of the jigsaw is missing it will fall over. It is also critical that the liveability of Liverpool is transformed. New housing options, night time economy, cafe's, etc. Keep and build in more character (unlike Paramatta) to create somewhere that people are proud of. Use the Georges River. Also very importantly, address transport needs, which if not done will be a major barrier.

Anonymous

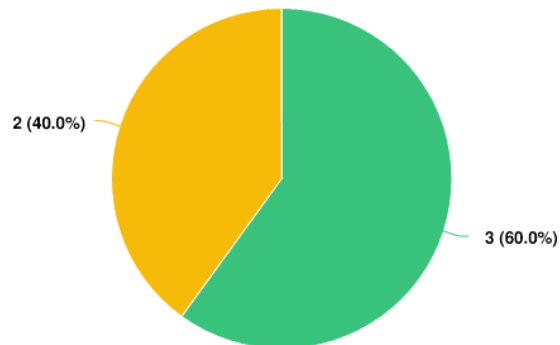
12/03/2018 02:19 PM

Great work.

Optional question (3 responses, 8 skipped)

Draft Innovation Strategy feedback survey : Survey Report for 21 November 2018 to 20 December 2018

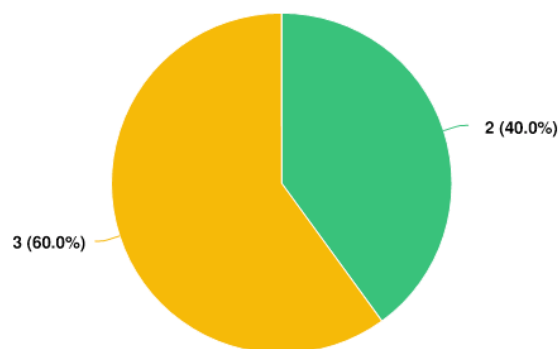
Q12 How would you describe yourself in relation to Liverpool local government area?



Question options

● Worker ● Visitor (from another local government area/interstate/overseas)
(5 responses, 6 skipped)

Q13 Gender

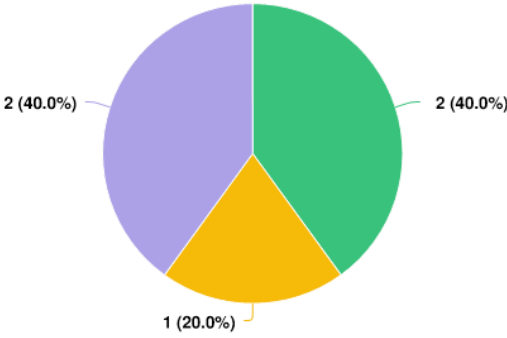


Question options

● Female ● Male
(5 responses, 6 skipped)

Draft Innovation Strategy feedback survey : Survey Report for 21 November 2018 to 20 December 2018

Q14 Age group



Question options

25-34 years 45-54 years 55-64 years
(5 responses, 6 skipped)

Draft Innovation Strategy feedback survey : Survey Report for 21 November 2018 to 20 December 2018

Q15 Which suburb do you live in?

Anonymous

11/26/2018 02:28 PM

Weriington

Anonymous

11/27/2018 03:45 PM

West Pennant Hills

Anonymous

11/28/2018 01:36 PM

Sydney

Anonymous

11/30/2018 10:55 PM

wakeley

Anonymous

12/03/2018 02:19 PM

Buxton

(5 responses, 6 skipped)

INNOVATION LIVERPOOL

AN INNOVATION STRATEGY TO SUPPORT LCC'S CSP TO 2027

Making innovation happen



**LIVERPOOL
CITY
COUNCIL**



Contents

MAYOR'S MESSAGE	3
CHIEF EXECUTIVE OFFICER'S MESSAGE	3
VISION	4
WHAT IS INNOVATION AND WHY IS IT IMPORTANT?	5
WHAT IS AN INNOVATION STRATEGY AND WHY DO WE NEED ONE?	6
THE ROLE OF LOCAL GOVERNMENT	7
GLOSSARY	10
LIVERPOOL'S INNOVATION ADVANTAGE AND OPPORTUNITIES	12
INNOVATION LIVERPOOL: AN INNOVATION STRATEGY	13
IMPLEMENTATION FRAMEWORK.....	15
Council as an innovation leader.....	15
A city of innovation	20
Innovation through Collaboration.....	24
MONITORING AND REPORTING	27


MAYOR'S MESSAGE

CHIEF EXECUTIVE OFFICER'S MESSAGE

DRAFT

VISION

Liverpool is recognised as an
innovation leader locally,
nationally and globally



WHAT IS INNOVATION AND WHY IS IT IMPORTANT?

There are many definitions for innovation, however, a common theme across all of them is that innovation is about an idea that is new to the user and that idea has value or purpose. Innovation is often described as something practical that turns ideas into actions that are repeatable and that have value. In the Council context, innovation is about making a change for the better in the lives and experiences of those who live, work and visit Liverpool.

It is important to remember that innovation is not only about invention, science or technology. For these things to be innovative, they also need to be implemented, and used. Innovation then is not just about big ideas, rather it is about people seeing how things can be done differently and working to achieve it. People working to do things in new ways means innovation is about the innovators – the people who look at the world, see things differently, and do something about it.

With people at the heart of innovation, collaboration is the touchstone of innovation. It is this collaboration to do things in new ways that makes an innovation strategy important for Liverpool. Innovation brings people and organisations together to address issues that Liverpool City Council can't do on its own.

Just as businesses look to innovate to give them a competitive edge, local government can use innovation tools, methods and models to proactively respond to local needs.

There are significant external factors affecting local government and the needs of the people they work for. These include working out the best way to use new technology, making the most of opportunities as the city grows, and challenges such as climate change. Innovation gives local government tools that lets them take the lead with partners and stakeholders (universities, other tiers of government, private companies, etc) and deliver new ways of working.

Council can enable community innovation by providing tools, resources and an environment to stimulate new ideas and initiatives. Council also respects and acknowledges that there will be members of the community that are not interested in participating in innovative strategies or programs.

Research about innovation shows that it is about meeting people's needs. We also know that innovation can only be successful when many people with different views and backgrounds come together to identify and understand problems and to work out solutions. LCC is at the forefront of interactions with people who live and work in the area, so they are well placed to both understand and meet community needs. This also means LCC can take the lead to bring people and organisations together.

WHAT IS AN INNOVATION STRATEGY AND WHY DO WE NEED ONE?

Liverpool City Council recognises the need to meet the environmental, social, economic and leadership challenges of the future. *Our Home Liverpool 2027*, Liverpool City Council's Community Strategic Plan (CSP), sets out a bold vision for Liverpool. The CSP is a roadmap to help Liverpool meet the incredible opportunities and challenges coming. There is immense change happening in the area, including a growing population, the construction of Western Sydney Airport and development of Liverpool as a major strategic centre in Sydney.

Liverpool is home to an incredibly diverse population, with 40 per cent of people born overseas and half speaking a language other than English at home. The population is relatively young compared to Metropolitan Sydney as a whole, with 30 per cent of people aged under 20 years in Liverpool compared to 25 per cent across wider Sydney. Population ageing is taking place at the same rate with more than 21,000 people 65 or older. The population of 216,000 is predicted to increase to more than 331,000 by 2036.

As the population grows the consequences of chronic stresses and shocks such as extreme weather, bushfires, and infrastructure failure, lack of transport diversity and social cohesion grow as well. The *Resilient Sydney Strategy 2018* identifies actions to 'survive, adapt and thrive in the face of increasing global uncertainty and local shocks and stresses. Council has reviewed its existing actions in line with the strategy to demonstrate its support for the initiative.

Council is also acting to address resource use through implementing sustainable practices and new technologies relating to waste management and energy consumption. Innovation and new technology have a role to play in maintaining and improving resilience and sustainability.

Council is leading the community through the opportunities and challenges it faces. Council is a lead partner in establishing the Liverpool Health, Education and Innovation Precinct. Liverpool was the first council in the Asia-Pacific region to sign a world-first MOU with the Mastercard City Possible Program, which brings local governments together to use technology to solve problems. Council is a signatory to the Western Sydney City Deal, the first of its kind in NSW bringing together all three levels of government. An innovation strategy allows us to be systematic in finding new ways to meet the needs of the people who live here, and those who travel to Liverpool for work and leisure. The innovation strategy is a tool to help Council deliver the CSP, ensuring the community is part of the process. It also assists Council's role as a leader in the community, supporting and showcasing new ways of doing things. Importantly, the innovation strategy gives a framework for investment in Liverpool by Council and other stakeholders including other tiers of government and the private sector.

Council is positioning itself as an innovation leader by building the capacity of staff and the organisation to enable in-house innovation. Council is working across silos, providing professional development opportunities to staff and testing new methods for service delivery and policy development.

Community consultation that informed Liverpool City Council's Community Strategic Plan identified five challenges:

- Community pride and heritage
- Economic development
- Environmental sustainability
- Social connection
- Transport accessibility

The Community Strategic Plan was developed using a quadruple bottom line approach to meet these challenges, highlighting four key directions:

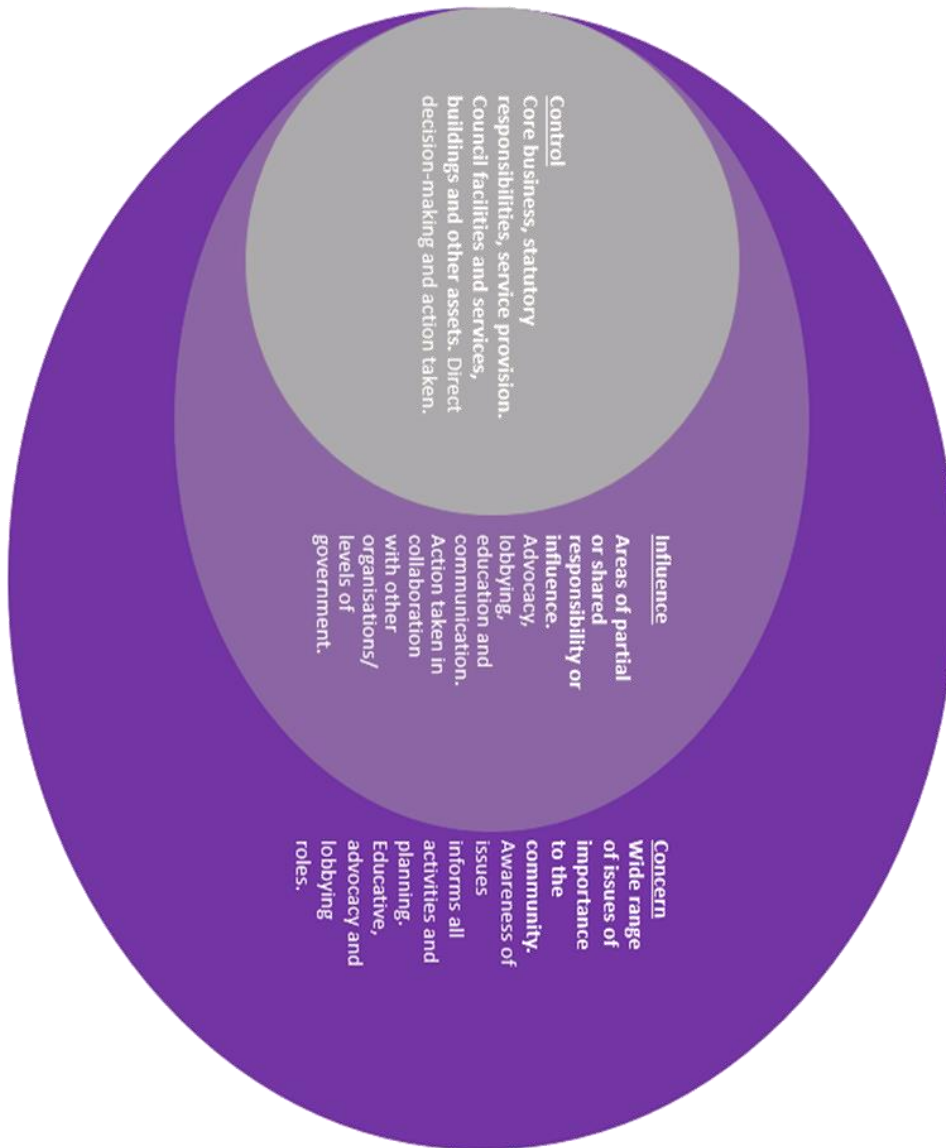
Creating connection	Social
Strengthening and protecting our environment	Environment
Generating opportunity	Economic
Leading through collaboration	Civic leadership

THE ROLE OF LOCAL GOVERNMENT

Liverpool City Council is a local government organisation governed by the requirements of the Local Government Act (1993).

The Local Government Act sets out the legal framework and the responsibilities and powers of Liverpool City Council. Legislative provisions govern how Council can purchase services, tools or infrastructure for the city and its communities. Within this framework Council has a range of roles – leader, service provider, regulator, advocate, facilitator and educator. Council must address economic, social, environmental, cultural and civic leadership and land use challenges and management in an integrated way. Council liaises with other levels of government on issues that are important to the Liverpool community such as transport, hospitals and schools.

While there are limits to what Liverpool City Council can control and influence on its own, Council is concerned with the full range of issues that affect the city and our communities (see figure). This innovation strategy gives us the tool to take a leadership role in those areas where Council has control, influence and concern.



This innovation strategy is informed by a range of policies and plans already developed by Liverpool City Council with the Community Strategic Plan, *Our Home, Liverpool 2027* at the core. The strategy is also informed by a range of national and state plans, as well as shared priorities with our partners as identified in *Reimagining Liverpool*, a plan for the health, education and research innovation precinct.

Federal	State	Regional	Local	Partners
Smart Cities Plan 2016	NSW Innovation Strategy 2015	Western Sydney City Deal	Liverpool City Council Community Strategic Plan – <i>Our Home Liverpool 2027</i>	Reimagining... the Liverpool, Health, Education, Research & Innovation Precinct
National Cities Performance Framework 2017	State Infrastructure Strategy 2018-2028	Greater Sydney Commission Western Sydney District Plan		
Australia 2030 – Prosperity through Innovation		Resilient Sydney Strategy		

In 2017 Liverpool City Council signed the historic *Western Sydney City Deal* with seven other Western Sydney councils and the NSW and Federal Governments. The Deal includes a range of innovative commitments around digital outcomes, and key collaboration opportunities including the Western Sydney Planning Partnership.

Digital commitments include: a Western Sydney Digital Action Plan; a Smart Western City Program; a 5G strategy, and openly available data sets. Liverpool is represented on the Digital Commitments Steering Committee and the Collabor8 group which is working to deliver the City Deal digital commitments. The commitments are informed by Liverpool City Council and vice versa. This means that plans and investment in digital transformation or smart technologies must consider the City Deal commitments to ensure alignment.

The Western Planning Partnership has established local government's leading role in collaborating with state government agencies to achieve better planning outcomes for communities, accelerate the transformation and development of the region and maximise the benefit of the Western Sydney Airport. Collaboration at all levels of government is an opportunity to make best use resources and knowledge sharing.

GLOSSARY

There are several concepts and words used in this document that are new or that may be used in new or different ways. Some those concepts and ideas are explained below.

Collaboration

In the innovation context collaboration is about bringing people from different backgrounds and expertise to work together. The intention is to create connections, share information and develop new approaches together.

Hackathon

Hackathons originated from events where people work together on computer programming to “hack” or solve a challenge. The **term** has broadened to include events which seek to use disruption to find innovative solutions to a challenge that do not necessarily have a functional digital deliverable.

Mobility as a Service (MaaS)

Personalised transport options which utilise a range of transport options and negate the need for a car. For more information <https://www.its-australia.com.au/maasreport/>

Smart

The Australian Smart Communities Association

<https://www.australiansmartcommunities.org.au/smart-communities/> describes a ‘smart’ community as one that uses “information communication technologies and data to be more efficient, solve challenges and provide new opportunities”. Key elements include:

- Smart Capacity: Raising the level of digital skills of the people in the community to boost creativity, knowledge sharing and experimentation
- Smart Innovation: Driving the digital economy with new digital applications, services, community enterprise, job creation and economic growth
- Smart infrastructure: Anything ‘material’ that aids faster, more reliable connectivity, eg fixed line, mobile, wireless/WiFi and data centre services, as well as the tools required to plan and implement enhanced digital infrastructure

Sustainability

The United Nations <http://www.un.org/en/ga/president/65/issues/sustdev.shtml> describes sustainable development as “meet(ing) the needs of the present without compromising the ability of future generations to meet their own needs” (World Commission on Environment and Development, 1987). Sustainable development seeks to achieve, in a balanced manner, economic development, social development and environmental protection.

User-centred design (UCD):

UCD is a process of product development where the end user’s experience is emphasised to inform development, instead of the user having to change their behaviour to use the product.

Design Thinking

Design Thinking is a process for creative problem solving with a focus on the end-user. The process involves gaining understanding and empathy for users followed by phases of ideation, prototyping and testing.

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LIVERPOOL'S INNOVATION ADVANTAGE AND OPPORTUNITIES

In developing community consultation to inform this strategy, we used a framework developed by the [Brookings Institution](#), who have identified critical success factors for innovation precincts. Based on community feedback we received during engagement workshops with the community and LCC staff we've identified a stocktake of our innovation assets and opportunities to guide development of the innovation strategy. As the strategy is implemented we will identify partners to realise these opportunities.

Key criteria for successful innovation areas	Stocktake	Opportunities
Critical mass	Innovation precinct: health, research, education Community organisations Retail organisations Easy transport access to CBD Education primary to tertiary, esp. secondary STEM streams and problem-based learning Physical Environment	Develop new facilities to support precinct Leverage school-based learning Cross-city public transport Improved timetabling Use natural landscape to enhance connectivity
Innovation capacity	Affordable space for businesses Diversity of industry Cluster of significant anchors – university, hospital, NGO sector, future airport	Aerotropolis – new businesses Data
Diversity and inclusion	Multicultural Families and young people alongside population ageing	Build on cultural strengths Accessibility for everyone Retention of growing younger demographic for economic and social outcomes Greater integration of Indigenous knowledge of the area
Quality of place	Flat, compact and walkable Georges River Heritage listings Major retail hub Equine and racecourse precinct Casula Powerhouse Arts Centre	Under-utilised land and exploring ways to enhance open spaces so they meet a variety of needs Enhanced public realm Exploration of the vision for traffic and parking
Leadership	LCC, large institutions	Informal and formal collaboration settings Create collaborative spaces LCC as lead in breaking down silos Leading City Deal digital commitments and Western Sydney Planning Partnership

INNOVATION LIVERPOOL: AN INNOVATION STRATEGY

This innovation strategy will enable Liverpool City Council to implement elements of its Community Strategic Plan (CSP) in new ways. It brings together the innovative things Liverpool is already doing and documents a plan for Liverpool to lead. The innovation strategy creates a roadmap to “make innovation happen”. LCC will use the things that support innovators to find new ways of meeting the needs of the people of Liverpool.

The strategy is underpinned by Liverpool City Council's organisational vision: *Aspiring to do great things – for ourselves, our community and our growing city*; and values of ambition, authenticity, collaboration, courage, decisiveness and generosity. The purpose of the values is to find new ways of doing things, prioritise and make decisions on how to approach situations, and work together to achieve the best outcomes for the Liverpool community. The strategy is a reflection of this approach.

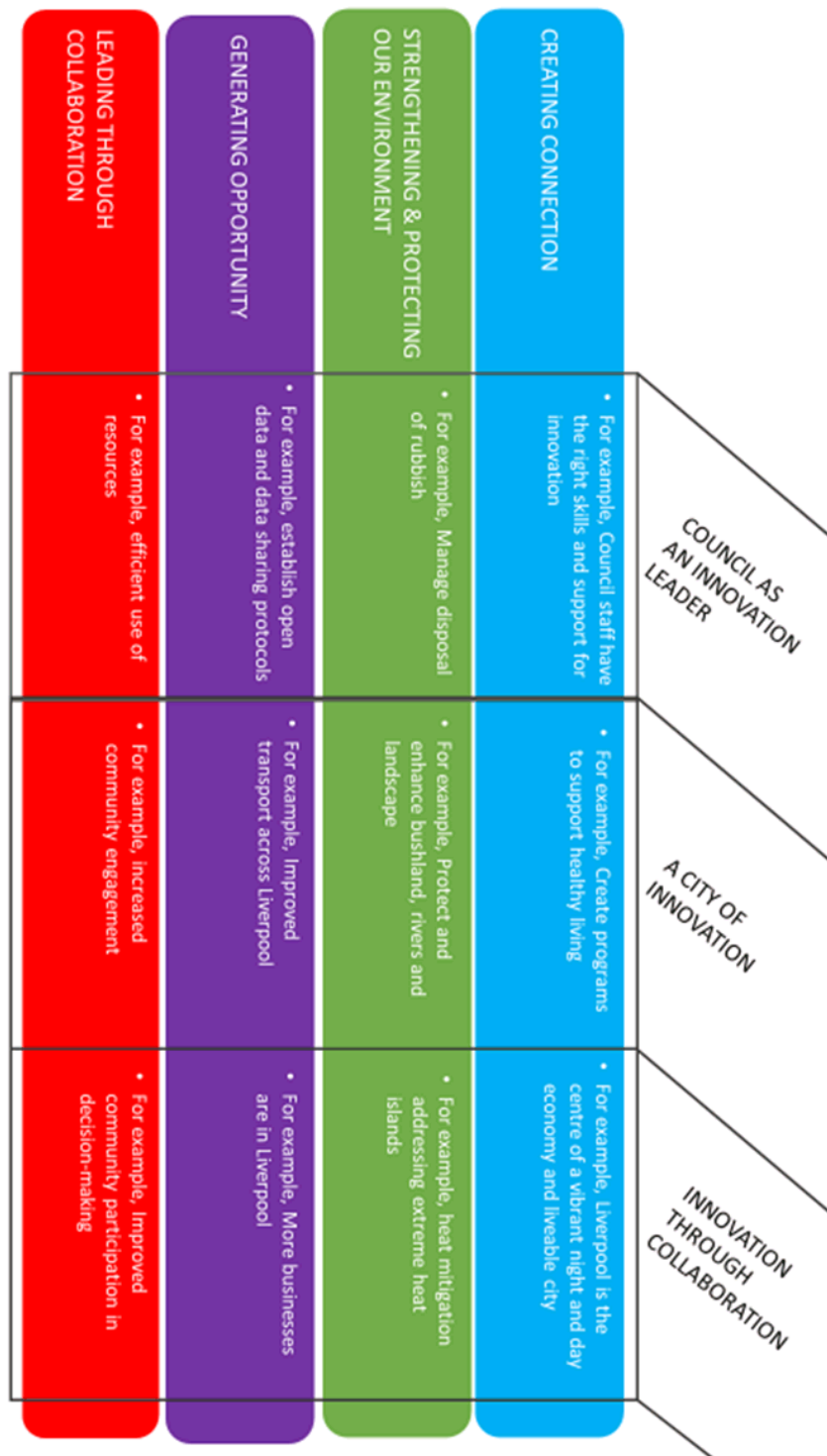
The innovation strategy is designed to make Liverpool City Council's role leading innovation and change explicit and systematic. Council will act in those areas where it has control and provide advocacy leadership through partnerships and networks to influence outcomes that benefit the Liverpool community.

The innovation strategy will be reviewed annually to remain contemporary with changing internal and external factors including local, state and federal government priorities and the evolving social, cultural and environmental landscape.

This strategy is organised around three themes:

- Council as an innovation leader
- Liverpool as a city of innovation
- Innovation through collaboration

Each of these facilitate new ways to address the four priority areas in the Liverpool CSP. The following matrix shows the priorities in the CSP that will be the focus under this strategy, as well as those actions needed to place Liverpool as an innovation leader in city place-making.



IMPLEMENTATION FRAMEWORK

Council as an innovation leader

When we are successful Liverpool City Council will:

- Be recognised as a leader by the community, businesses, organisations across Sydney and Australia, and other innovation leaders around the world.
- Have the back-end data systems in place that lead to better lives for the people who live, work and play in Liverpool
- Have staff who systematically think about bringing diverse groups together to look at new ways of doing things and participate in innovation opportunities
- Have staff who embody its organisational vision and values

What we will do go get there is:

	Outcomes	Actions	Measuring success
Creating connection	Council staff have the right skills and support for innovation	<ul style="list-style-type: none">• Support for organisational transformation• Audit of Council's organisational technology capacity and identify gaps• Training for all staff on addressing cognitive biases against innovation and user centred design (UCD) methods• Training for all staff to leverage digital tools across the business• Establish a knowledge exchange network for staff where work practices and projects are recognised, shared, celebrated and where applicable, scaled	<ul style="list-style-type: none">• Innovation role established• Number of staff trained in UCD methods• Digital needs of staff identified, and training provided• Staff participation in innovation projects• Establish an innovation 'champion' in each Directorate• New projects or methods tested and/or adopted

Council as an innovation leader			
Outcomes	Actions	Measuring success	
	<ul style="list-style-type: none"> Establish an innovation leader to work across Council and recognised innovation champions within Council Establish an in-house innovation space to prototype, test and iterate 		
Council leads partnerships with the university sector and/or industry to leverage technology and data for better outcomes	<ul style="list-style-type: none"> Leverage Smart Pedestrian Project Identify areas where sensors could be deployed elsewhere Review and promote use of Internet of Things (IoT) network Develop project list (with budget allocation) for grant and research opportunities 	<ul style="list-style-type: none"> Data from pedestrian project used to inform decision-making Use of IoT network grows Project document developed 	
Best practice is identified and shared	<ul style="list-style-type: none"> Audit existing good practice across the Brookings Institution framework Document best practices across all parts of Council where new processes or tools are developed or implemented Embed innovation practices in each directorate 	<ul style="list-style-type: none"> Internal presentations on project learnings Innovative practices adopted in project management framework Innovation is identified as a driver in future CSFs 	
Innovation within and led by Council is informed by diverse staff and diversity in the community	<ul style="list-style-type: none"> Representatives from a range of communities are included in across a project lifecycle 	<ul style="list-style-type: none"> Adoption of Community Engagement Strategy Project Control Group model includes staff from range of professional backgrounds 	

Council as an innovation leader			
Outcomes		Actions	Measuring success
Strengthening & protecting our environment	Divert waste from landfill	<ul style="list-style-type: none"> • Reduce single use items within Council and at Council events • Review current waste strategies against new technologies and opportunities (for example, cap asbestos-contained waste and optimise cut-and-fill in road design to minimise off-site disposal) • Reuse road profiled asphalt and road base for road maintenance activities • Reuse rubber soft fall in playgrounds • Adopt sustainability principles in the Pavement Management System • Incorporate sustainability principles in the design and construction of Liverpool Civic Place 	<ul style="list-style-type: none"> • Reduction in landfill space required • Development of sustainability policy • Role of Sustainability staff to be more visible
	More efficient water use by Council	<ul style="list-style-type: none"> • Install water tanks for irrigation • Replacement and installation of key products for water-saving, including water saving cisterns and time taps • Develop and implement water efficiency plan 	<ul style="list-style-type: none"> • Reduced water usage by Council • Water Efficiency Plan in place
	More efficient energy use by Council	<ul style="list-style-type: none"> • Design solar panel system for Casula Powerhouse Arts Centre 	<ul style="list-style-type: none"> • Reduced energy usage by Council facilities and generate electricity back into the grid

Council as an innovation leader				
Outcomes		Actions	Measuring success	
Generating opportunity	An attractive environment for investment	<ul style="list-style-type: none">• Install Solar Lighting system in child care, community and library centres.• Replacement and installation of key products for energy-saving, including LED lighting in car parks, energy saving monitors, blinds, window films.• Design Standard updated to include use of LED street lighting in road projects• Develop and implement an Energy Management Plan, including tracking system to inform efficiency upgrade projects.	<ul style="list-style-type: none">• Energy Management Plan in place• Development of sustainability policy• PlanetFootprint in place for energy consumption tracking	
		Create an environment that welcomes partnership opportunities e.g. Mastercard MOU	<ul style="list-style-type: none">• Number of partnerships developed	
		Open data and data sharing protocols	<ul style="list-style-type: none">• Establish LCC data sharing protocols to enable innovation• Develop LCC data policy	<ul style="list-style-type: none">• Policy and protocols developed
		LCC data platform in place	<ul style="list-style-type: none">• Set up a data platform (stand alone or shared) that is responsive to LCC's likely needs into the future.	<ul style="list-style-type: none">• Open source data platform used by stakeholders across Liverpool
		Shared working spaces for local businesses	<ul style="list-style-type: none">• Work with jobs for NSW and other stakeholders to create a shared work space for meetings and innovation	<ul style="list-style-type: none">• Shared workspace established

Council as an innovation leader			
Outcomes		Actions	Measuring success
More efficient use of resources		<ul style="list-style-type: none"> Use efficient and innovative methods for resource management 	<ul style="list-style-type: none"> New technologies and processes adopted for council services
Leading through collaboration	Develop new procurement guidelines to enable innovation funding	<ul style="list-style-type: none"> Investigate new methods of procurement to meet community and organisational needs 	<ul style="list-style-type: none"> Procurement processes support innovative solutions to key issues in Liverpool
	Recognised as an innovation leader locally, nationally and internationally	<ul style="list-style-type: none"> Share learnings and outcomes of the work LCC does Partner with other cities such as through the Mastercard City Possible program Share learnings from the work done in Liverpool via publications and presentations at conferences and industry events 	<ul style="list-style-type: none"> Recognised as finalists and winners at innovation and smart city awards Invitations to speak at conferences and industry events Publication in peer-review and media Requests for peer-to-peer learning

A city of innovation

When we are successful Liverpool City Council will:

- Be recognised as having an innovation ecosystem centred around an innovation precinct that specialises in health care, health interventions and health outcomes.
- Have systematic processes in place to bring new approaches to key problems and opportunities in Liverpool that ensures early and continuous engagement of key stakeholders
- Showcase new solutions to city challenges

What we will do go get there is:

A city of innovation			
Outcomes		Actions	
		Measuring success	
Creating connection	Programs in place to support healthy living	<ul style="list-style-type: none"> • Guided hackathon/UCD program to develop and inform interventions using data assets held by Council and other open sources • Use data from pedestrian sensor project to develop new ways of supporting walkability in Liverpool's city centre. 	<ul style="list-style-type: none"> • One hackathon per year
Strengthening & protecting our environment	Healthy bushland, rivers and landscape	<ul style="list-style-type: none"> • Implement environment volunteer program • Leverage Council's sensor network to understand real-time on-the-ground impact of heat in Liverpool • Implement bush regeneration program • Develop and implement water efficiency plan 	<ul style="list-style-type: none"> • Reduced water consumption from Council facilities • Heat mitigation strategies in place

A city of innovation			
Outcomes	Actions		Measuring success
Divert waste from landfill	<ul style="list-style-type: none"> Community-based education and programs for recycling and reuse 	<ul style="list-style-type: none"> Reduced landfill from domestic waste collection 	
Generating opportunity	Improved transport across Liverpool <ul style="list-style-type: none"> Explore how emerging and existing transport options (such as Mobility as a Service – MAAS) can meet the needs of citizens Use innovative strategies to make transport networks physically, culturally and psychologically accessible Expand Smart Pedestrian project to collect wheelchairs and scooter data Smarter management of traffic and parking Work with state and federal governments, and industry partners to develop airport to Liverpool CBD transport links 	<ul style="list-style-type: none"> Innovative transport and/or traffic project in Liverpool 	
	City problems addressed by partnerships with industry and community <ul style="list-style-type: none"> Community-based innovation champions are identified Innovative solutions and technologies are trialled and tested in Liverpool Investigate incentive opportunities for innovative solutions to city challenges 	New technologies and innovation trialled	

A city of innovation

Outcomes	Actions	Measuring success
Diversity of businesses located in Liverpool, including some large companies to allow scale and a variety of smaller businesses including start-ups.	<ul style="list-style-type: none"> • Work with Jobs for NSW and other stakeholders to attract businesses to Liverpool • Develop International Engagement Strategy to identify priority markets to grow jobs and investment in Liverpool • Develop and promote local innovation case studies • Encourage new and existing businesses in the city to implement innovative employment strategies for vulnerable communities such as CALD, young people, and Aboriginal/Torres Strait Islander communities. • Provide incentives for businesses in the city to actively pursue opportunities for employment of community members from these groups 	<ul style="list-style-type: none"> • Number of new businesses opened/registered • International Engagement Strategy developed
Innovation precinct in place with a focus on health	<ul style="list-style-type: none"> • Establish and monitor Brookings Institution Audit tool • Active participation in Liverpool Innovation Precinct committee • Investigate options to establish an innovation hub within the innovation precinct 	Committee representation

A city of innovation			
Outcomes		Actions	Measuring success
Leading through collaboration	Increased community engagement	<ul style="list-style-type: none">Develop digital community and stakeholder engagement tools to meet needs of Liverpool's diverse population and derive statistically relevant insights	Pilot and review of new engagement tools to ensure diversity of views

Innovation through Collaboration

When we are successful Liverpool City Council will:

- Have a lead role in development of the Aerotropolis and the Liverpool Innovation Precinct delivering a vibrant economy and improved liveability night and day for the people who live, work and play in Liverpool
- See a growth in the number of businesses located in Liverpool and increased diverse employment opportunities in the area
- Be a recognised leader in early and ongoing community engagement, with recognised participation from all members of the community
- Be a partner in facilitating educational opportunities in the Liverpool Innovation Precinct and Aerotropolis
- Have established Liverpool as Sydney's third CBD

What we will do go get there is:

Innovation through collaboration			
Creating connection	Outcomes	Actions	Measuring success
	Liverpool is the centre of a vibrant night and day economy and liveable city	<ul style="list-style-type: none"> • Active participation in Western Sydney City Deal committees • Implement the Liverpool City Activation Strategy 	<ul style="list-style-type: none"> • Recognised as a trusted voice and leader to implement City Deal commitments • Four activation projects/events across CBD • Record new businesses opened/registered
	All members of the community can access services, infrastructure and opportunities across Liverpool	<ul style="list-style-type: none"> • Collaborate with representatives from all members of the community when designing city services • Collaborate with representatives from all members of the community when monitoring how current 	<ul style="list-style-type: none"> • Community satisfaction survey

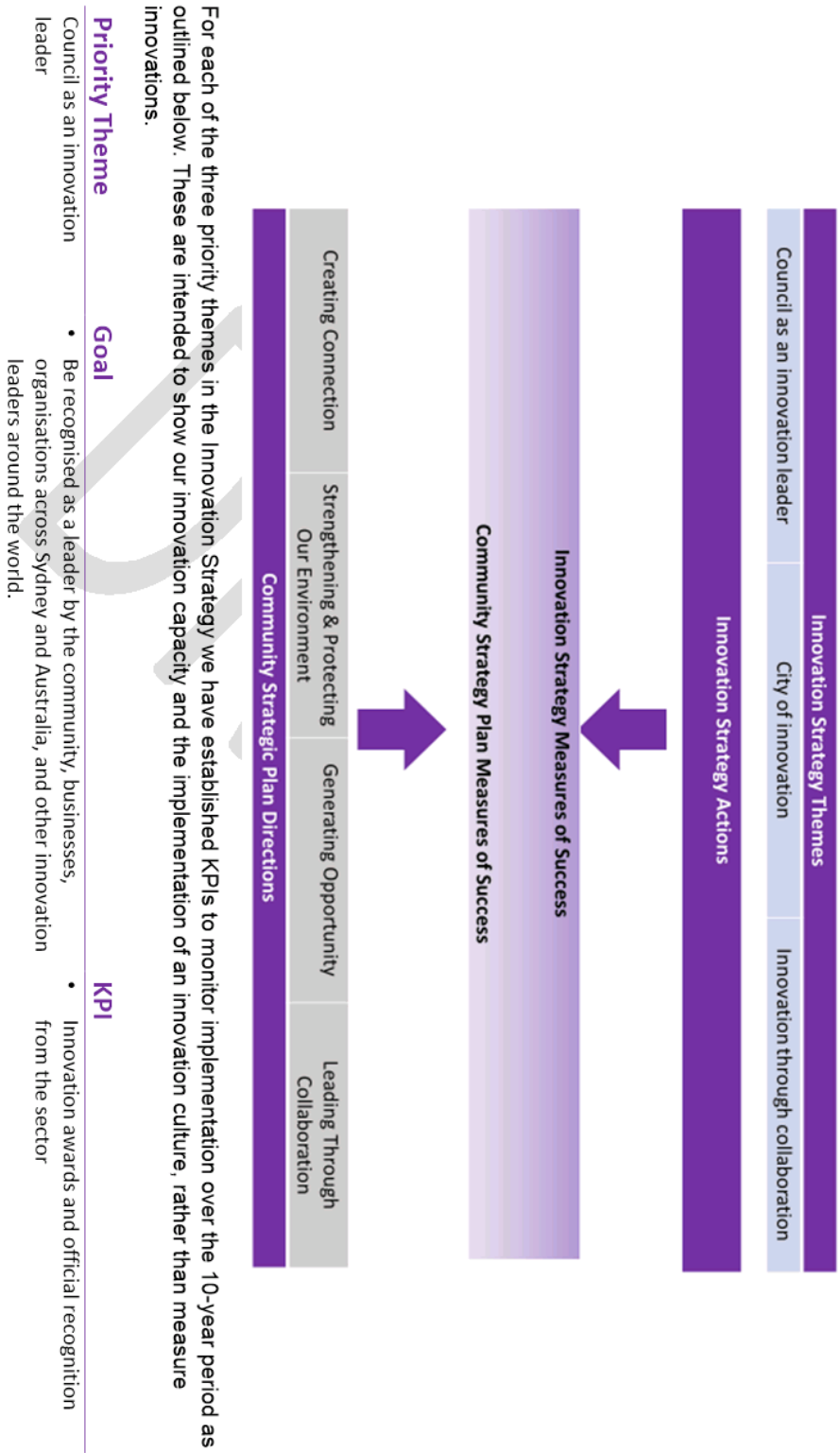
Innovation through collaboration			
Outcomes	Actions		Measuring success
	services meet community needs		
Strengthening & protecting our environment	Green space throughout Liverpool	<ul style="list-style-type: none"> Work with Sydney Water and other stakeholders to ensure water recycling keeps water in the region for reuse to enable irrigation of green space such as sporting fields 	<ul style="list-style-type: none"> Increased green space
	Cooler city	<ul style="list-style-type: none"> Work with university partners to monitor heat islands and the impact of heat mitigation interventions Plant more trees in city 	<ul style="list-style-type: none"> Reduced extreme heat temperature in areas identified as heat islands Increased tree cover throughout Liverpool
Generating opportunity	There is a vibrant night-time economy in Liverpool	<ul style="list-style-type: none"> Rezoning the CBD Implement City Activation Strategy 	<ul style="list-style-type: none"> People feel safe walking in Liverpool CBD at night Increase in businesses opening after 5pm
	More businesses are in Liverpool	<ul style="list-style-type: none"> Small Business Strategy incorporating start-ups Provide business support services Support businesses via the Liverpool Pop Up Program Address the learning needs of future workforce in collaboration with Innovation Precinct partners Incubator and collaborative workspaces, possibly targeted 	<ul style="list-style-type: none"> Increased employment opportunities in Liverpool across a range of occupations/industries Career development opportunities with Innovation Precinct partners Generate 100 leads and opportunities from all sources Record new businesses opened/registered

Innovation through collaboration			
Outcomes		Actions	Measuring success
Leading through collaboration	Improved community participation in decision-making	<ul style="list-style-type: none">Develop community engagement protocols to ensure early and ongoing engagementDevelop a range of engagement strategies that are responsive to demographic and cultural profilesDevelop a range of digital engagement toolsDevelop additional innovative engagement tools for members of the Liverpool community who do not have access to digital tools.	Community Engagement strategy adopted and implemented
		<ul style="list-style-type: none">Facilitate opportunities for community members to engage in innovation projectsInvestigate and embrace opportunities for community-led innovation	<ul style="list-style-type: none">Number of participants in innovation project workshopsNumber of ideas and outputs generated.

IMPLEMENTATION, MONITORING AND REPORTING

The actions outlined above will be reviewed and refined for inclusion in future Delivery Programs and Operational Plans along with the allocation of needed resources.

The actions outlined in the Innovation Strategy are designed to support the Community Strategic Plan. As such, the Innovation Strategy success can be measured by the performance measures outlined in the Community Strategic Plan. For example, the Community Strategic Plan has a success measure of Use of energy by Council under the Direction, "Strengthening and Protecting Our Environment". The innovation strategy includes actions which will contribute to meeting this success measure.



Priority Theme	Goal	KPI
	<ul style="list-style-type: none"> Have the back-end data systems in place that lead to better lives for the people who live, work and play in Liverpool 	<ul style="list-style-type: none"> Data policies and standards in place and regularly reviewed Technology systems and architecture enable interoperability Data informs Liverpool City Council's decision-making business as usual
	<ul style="list-style-type: none"> Have staff who systematically think about bringing diverse groups together to look at new ways of doing things and participate in innovation opportunities 	<ul style="list-style-type: none"> Corporate policies, targets and programs are in place to support innovation investment (internally and externally) Evidence of capacity building in innovation processes
	<ul style="list-style-type: none"> Have staff who embody its organisational vision and values 	<ul style="list-style-type: none"> Evidence of staff supporting development of new ideas to deliver added value to the Liverpool community
A city of innovation	<ul style="list-style-type: none"> Be recognised as having an innovation ecosystem centred around a health innovation precinct that specialises in health care, health interventions and health outcomes Have systematic processes in place to bring design-thinking to key problems and opportunities in Liverpool that ensures early and continuous engagement of key stakeholders 	<ul style="list-style-type: none"> Evidence of start-up companies that have scaled New jobs created centred around the health innovation precinct Evidence of a healthy and liveable Liverpool supported by sustainable programs and practice Evidence of new ideas being tested and learnings contributing to further design modifications or pivots Evidence of engagement of key stakeholders throughout design, testing and scale phases

Priority Theme	Goal	KPI
Innovation through collaboration	<ul style="list-style-type: none"> Showcase new solutions to city challenges 	<ul style="list-style-type: none"> Evidence of new ideas developed internally or by partners and stakeholders tested within Council
	<ul style="list-style-type: none"> Be a trusted partner in development of the Aerotropolis and the Liverpool innovation precinct delivering a vibrant economy and improved liveability night and day for the people who live, work and play in Liverpool See a growth in the number of businesses located in Liverpool and more diverse employment opportunities in the area Be a recognised leader in early and ongoing community engagement, with recognised participation from all members of the community 	<ul style="list-style-type: none"> Liverpool CBD is connected to the Western Sydney airport digitally and via transport links Liverpool innovation precinct liveability metrics show it as a place that people use Evidence of net increase in number of businesses located in Liverpool Evidence of increase in locally employed persons across range of industries and occupations Evidence of engagement throughout project inception, development and implementation with participation from key groups within the community Evidence of trialling new methods of engagement, including feedback loops to participants Increased tertiary graduates across diverse skills and occupations (TAFE and university) Increased school retention to Year 12 and enrolment in STEAM-related subjects Liverpool CBD is a jobs hub for Liverpool and surrounding areas
	<ul style="list-style-type: none"> Be a partner in facilitating educational opportunities in the Liverpool Innovation precinct and Aerotropolis Have established Liverpool as Sydney's third CBD 	

Priority Theme	Goal	KPI
		<ul style="list-style-type: none">• Liverpool CBD has a mix of residential, mixed use and commercial buildings• Liverpool CBD is a major destination point for travellers across Sydney for work and leisure.

Councillor Induction And Professional Development Guidelines

2018



COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT GUIDELINES

2018

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About these guidelines

The *Councillor Induction and Professional Development Guidelines* (the Guidelines) have been issued under section 23A of the *Local Government Act 1993* (the Act) to assist general managers and council staff to develop, deliver, evaluate and report on the induction and professional development programs they are required to provide mayors and councillors under the *Local Government (General) Regulation 2005* (the Regulation). Councils are required to consider the Guidelines when

undertaking these activities. These Guidelines also apply to county councils, and where relevant, joint organisations.

The Guidelines have also been developed to ensure mayors and councillors are aware of the knowledge, skills and personal attributes expected of them in their civic roles under the Act, and of the support their council should be providing to ensure they are able to effectively fulfil their roles.

These Guidelines are divided into five parts:

Part A	explains the statutory requirements for induction and professional development programs for mayors and councillors in NSW.
Part B	guides councils on how to develop and deliver information sessions to potential candidates considering nominating for election.
Part C	guides councils on how to develop and deliver induction programs for newly elected and returning mayors and councillors.
Part D	guides councils on how to develop and deliver ongoing professional development programs that ensure mayors and councillors continue to develop their capabilities throughout their terms in office.
Part E	outlines how councils are to report on the induction and professional development activities offered to mayors and councillors and their participation in those activities.

It is acknowledged that many NSW councils already provide induction and ongoing professional development programs for mayors and councillors. It is also recognised that the needs and circumstances of councils vary as do the capabilities of individual mayors and councillors, as well as their development needs. The aim of the Regulation and the Guidelines is to ensure that all mayors and councillors across the state have access to such programs, and that the programs delivered by councils meet a consistent minimum standard. The Guidelines have also been designed to be used flexibly by councils and to accommodate, and in some cases build upon, existing programs.

These Guidelines include:

- details of the capabilities (ie the knowledge, skills and attributes) that mayors and councillors are required to have or to acquire in order to fulfil their roles effectively
- a framework for the development of pre-election information sessions for candidates, and induction and ongoing professional development programs for elected members
- information about the developmental stages of each program and what to consider at each stage, and
- checklists of the content that is required in candidate information sessions and induction programs for elected members.

Contents

Introduction	6
Part A: Statutory and Policy Context	10
Part B: Pre-Election Information Session for Potential Candidates	14
Part C: Induction Program for Mayors and Councillors	18
Part D: Professional Development Program for Mayors and Councillors	26
Part E: Public Reporting	30
Appendix A: Guiding Principles for Councils under the Act	32
Appendix B: Roles and Responsibilities under the Act	36
Appendix C: Model Councillor Induction and Professional Development Policy	40
Appendix D: Candidate Information Session Content Checklist	46
Appendix E: Induction Program Content Checklist	50
Appendix F: Councillor Induction Manual Content Checklist	58
Appendix G: Local Government Capability Framework	62

Introduction



Background

Mayors and councillors come from a diverse range of backgrounds and bring different knowledge, skills, perspectives and insights to their roles. This is one of the strengths of a democratic and representative system of local government.

However, few new mayors or councillors have extensive knowledge of the system of local government, how a council works, or the full scope of their roles and responsibilities when they assume office for the first time. Some are unaware of the need for mayors and councillors to work as a team, despite their political differences, to make decisions that are in the best interests of the community. There may be others who, if they had been fully aware prior to their election of the nature of the role of a mayor or councillor and of the time commitment involved, may not have nominated to stand.

The role exercised by mayors and councillors is a very demanding one and the community rightly has high expectations of the performance of the mayor and councillors. As the governing body of the council, mayors and councillors must work together as a cohesive team to meet the needs of the community. The multi-faceted nature of the roles also requires mayors and councillors to have a wide variety of skills, experience and knowledge, along with the time, passion and commitment to achieve results for the community.

From their first council meeting, mayors and councillors will be required to work together to make important decisions on behalf of their communities, and to take responsibility for those decisions. These decisions will impact on local communities, the services and infrastructure delivered by the council, and the local natural and built environments. They will often involve significant use of public money. Proper induction into their roles, and the building of the governing body as a unified

and collaborative team, are vital if mayors and councillors are to be effective from the start of their terms in office.

Some mayors and councillors may need to develop knowledge and skills in a broad range of areas that are unfamiliar to them in order to undertake their roles successfully. These may include, for example, understanding council meeting procedures or land use planning requirements or interpreting financial statements.

Even experienced mayors and councillors say they can find it challenging to keep abreast of changes to the legislative and policy context for local government as well as changes to their councils' policies and procedures.

Ongoing professional development and training, as well as early relationship building between councillors, is essential if the community is to be well served by their elected representatives on council.

Statutory requirements

The Act prescribes the roles and responsibilities of mayors and councillors both collectively as the governing body of the council, and as individual members of the governing body. It also places a responsibility on each mayor and councillor to make all reasonable efforts to acquire and maintain the skills necessary to perform their roles.

To assist mayors and councillors to meet this obligation, the Regulation requires general managers to deliver induction and ongoing professional development programs that will help mayors and councillors to acquire and maintain the skills necessary to perform their roles. Mayors and councillors have a reciprocal obligation to participate in these programs. Part A of these Guidelines further explains what is required of councils, mayors and councillors under the Regulation.

Councillor Induction and Professional Development Guidelines

Each council is required to publicly report on participation in the council's induction and professional development program. Part E of these Guidelines outlines these reporting requirements.

Induction and professional development – an overview

Pre-election candidate information sessions

Whilst not a mandatory requirement, it is recommended that general managers begin induction and professional development activities by holding at least one candidate information session for people considering nominating for election prior to the election.

These sessions are to be designed to ensure potential candidates are fully aware and informed of what will be expected of them if they are elected. Part B of these Guidelines provides more information about how each council could develop and deliver candidate information sessions.

Induction programs

An induction program is a process used within many businesses, government agencies and non-government bodies to welcome new people to an organisation and to prepare them for their new roles.

An induction program ensures the organisation provides a person commencing a new role with all the information they need to do their job in the first few months. It also enables the person to become a useful, integrated member of the organisation, rather than being 'thrown in at the deep end' without understanding how to perform their role, or how it fits in with the rest of the organisation.

In the local government context, a good councillor induction program can build early positive relationships and teamwork between councillors, increase productivity and provide essential knowledge from the moment a mayor or councillor is elected. This can ensure newly elected mayors and councillors become more productive in a shorter period of time.

Councillor induction programs are mandatory in NSW under the Regulation. Part C of these Guidelines outlines how each council should develop its councillor induction program.

Professional development programs

A professional development program is any program which involves a deliberate and ongoing process of improving and increasing the professional knowledge, competence, skill and effectiveness of people in the workplace through professional development activities specific to their needs.

In local government, an effective professional development program can ensure mayors and councillors fill any skills or knowledge gaps they have that may otherwise prevent them from making the best possible contributions to their communities.

Ongoing professional development programs for mayors and councillors are mandatory in NSW under the Regulation. Part D of these Guidelines outlines how each council should develop its councillor professional development program.

Part A:

Statutory and Policy Context



Statutory requirements

Under section 232(1)(g) of the Act, all mayors and councillors have a responsibility to make all reasonable efforts to acquire and maintain the skills necessary to perform their roles.

To support this, the general manager is required under the Regulation to ensure the delivery of:

- an **induction program** for newly elected and returning councillors and a specialised supplementary induction program for the mayor within six months of their election, and
- an **ongoing professional development program** for the mayor and each councillor over the term of the council to assist them to acquire and maintain the skills necessary to perform their roles. The content of the ongoing professional development program is to be determined in consultation with the mayor and each councillor. It must be needs-based and reflect the specific skills, knowledge and personal attributes required by the mayor, each individual councillor and the governing body as a whole, to perform their roles effectively.

These requirements also apply to councillors and mayors elected during the term of a council to fill a casual vacancy.

Under the Regulation, mayors and councillors must make all reasonable efforts to participate in the activities offered to them as part of an induction or professional development program. Councils are also required to report on the participation of the mayor and councillors in these programs.

Principles, roles and responsibilities under the Act

Councils are required to apply the five sets of guiding principles prescribed under the Act in exercising their functions. These principles (outlined in **Appendix A**) seek to ensure that each council carries out its functions in a way that facilitates the creation of a strong, healthy and prosperous local community. Mayors and councillors must understand these principles and be able to apply them when exercising their functions.

The Act also prescribes the roles and responsibilities of mayors and councillors, both collectively as the governing body of the council, and individually as members of the governing body (these are outlined in **Appendix B**). Mayors and councillors must have a strong understanding of their prescribed roles and responsibilities under the Act in order to be able to fulfil them.

Councils must design their induction and professional development programs to ensure that mayors and councillors have the capabilities (ie the knowledge, skills and attributes) needed to apply the guiding principles and to effectively undertake their prescribed roles and responsibilities.

Reporting requirements

Mayors and councillors are ultimately accountable to the community that elects them for the performance of their duties.

To facilitate this accountability, councils are required under the Regulation to report each year in their annual reports on the participation of the mayor and each councillor in the induction and professional development program during that year.

Councillor Induction and Professional Development Guidelines

The information to be reported includes:

- the name of the mayor and each individual councillor that completed council's induction program (where an induction program has been delivered during the relevant year)
- the name of the mayor and each councillor who participated in any ongoing professional development program during the year
- the number of training and other activities provided to the mayor and councillors during the year as part of a professional development program, and
- the total cost of induction and professional development activities and any other training provided to the mayor and councillors during the relevant year.

These reporting requirements do not apply to joint organisations.

Council policy

Each council needs to enshrine its commitment to uphold these statutory requirements and to the induction and ongoing professional development of mayors and councillors in all relevant council policies. This will ensure that councillor induction and professional development is embedded in council's values and operations, and that an effective induction and ongoing professional development program is implemented.

Each council should also ensure that its ongoing professional development program is accommodated by and reflected in its councillor expenses and facilities policy.¹ The expenses and facilities policy should make clear and adequate provision for relevant training and professional development activities as legitimate expenses.

Councils may also wish to consider other mechanisms to reinforce their commitment to ongoing professional development for the mayor and councillors, and develop a structured approach for realising this commitment in practice.

This may be done through developing and adopting a resolution or a charter as a statement of commitment to support ongoing professional development for the mayor and councillors.

Alternatively, councils may wish to develop and adopt a councillor induction and professional development policy. A model policy is provided in **Appendix C**.

Budget

Each council should allocate an annual budget to support induction and professional development activities to be undertaken in that year. Progress against expenditure of the budget allocation should be reported on a quarterly basis as part of the budgetary cycle.

Councils will need to determine the size of the budget allocation, which may change annually, depending on training needs. It is to be expected that costs will be higher in the first year of council's term due to the need to deliver an induction program. The delivery program financial estimates and the Long Term Financial Plan will reflect the varying training and development budget requirements over the term of the council.

¹ A councillor expenses and facilities policy must be prepared by each council in accordance with section 252 of the Act and the Office of Local Government's *Guidelines for the payment of expenses and the provision of facilities to mayors and councillors in NSW*.

Part B:

Pre-Election Information Session for Potential Candidates



Benefits of a pre-election candidate information session

It is vital that people who are considering nominating for election to a council have a solid understanding of the role before they nominate. This includes an understanding of what will be expected of them should they be elected, and the legislative boundaries they must work within.

Being fully informed will ensure that candidates who nominate have seriously considered whether they have the knowledge, skills and personal attributes required to fulfil the responsibilities of civic office (noting that the specific knowledge required can be developed if these skills and personal attributes are present). Being fully informed will also assist them to judge whether they will be able to effectively meet the demands of representing their community on council.

Whilst not a mandatory requirement, it is recommended that the general manager ensure at least one candidate information session is held prior to nomination day for people considering nominating for election to council.

The benefits of a pre-election information session/s include:

- candidates being fully informed about the:
 - roles and responsibilities of a mayor and/or councillor
 - legislation and council policies they are expected to comply with
 - time commitment required, and
 - skills, knowledge and personal attributes needed
- candidates being given the opportunity to learn from experienced mayors and councillors
- candidates being given the opportunity to ask council any questions about the role
- candidates being aware of the financial and other support available to them to fulfil the role of a mayor and/or councillor

- candidates understanding that their behaviour as a mayor and/or councillor will be governed by council's code of conduct and that there are penalties for breaches
- council being able to provide potential candidates ahead of time the key dates of any known events that they will be required to participate in during council's term if they are elected so they can make tentative arrangements to attend (for example, council meetings, induction)
- the community benefiting from each candidate seeking election based on a platform that reflects what they can and cannot do or achieve as councillor, and
- reduced tension and conflict due to newly elected mayors and councillors having a better understanding of their roles and what can be achieved by a unified governing body.

Delivering a pre-election candidate information session

Accessibility

The communities served by councils are diverse, and this should be reflected in the people elected to councils. Candidate information sessions therefore need to be highly accessible to ensure as many candidates as possible that wish to attend are physically able to. This includes the venue selected, transportation options available nearby, the time the session is held and the way information is presented and delivered, particularly for people who are visually or hearing impaired.

To ensure candidates that may not be able to attend due to mobility issues or their regional geographic location are not excluded, councils should publish as much information from the candidate information sessions as possible online. Councils, particularly those in regional areas, are encouraged to webcast candidate information sessions.

Councillor Induction and Professional Development Guidelines**Timing**

Councils can choose when to hold their candidate information session/s, but at least one session should be held before the deadline for nomination to allow potential candidates to be fully informed before they nominate for election. The session/s could be held at council premises, or another appropriate public venue/s, at a convenient time that will enable as many potential candidates as possible to attend. For councils divided into wards, councils could consider the benefit of holding sessions in different wards.

During the information session, councils are encouraged to recommend to candidates that they attend a council meeting/s or a council committee meeting/s to gain further insight into council decision making and meeting practice. The timing of candidate information sessions should allow for candidates to attend a meeting if they wish, and therefore would be best held before a council meeting.

Councils will need to ensure that the details of the candidate information session/s are well advertised in the local community (for example, the council's website, local radio, social media, newspapers, and/or any other effective means) so that any potential candidates are aware the information session/s is being held.

Content

A checklist of the content to be included in a candidate information session/s is provided in **Appendix D**. Recommended content covers the:

- role of council
- roles and responsibilities of the governing body, mayor, councillors, general manager and other staff
- legal and ethical responsibilities of the mayor and councillors
- time commitment required of a mayor and councillor
- support available to assist the mayor and councillors in their roles, and
- knowledge, skills and personal attributes required to successfully fulfil the roles of mayor and councillor.

Delivery

The candidate information session/s is best delivered by the person who is most able to engage attendees and deliver the content in a way that will achieve the outcomes sought. This person could be the general manager, another staff member or an external provider. If the information session/s is not presented by the general manager it is recommended that the general manager still be present to answer any questions.

Mayors or councillors from previous council terms may also be invited to provide an overview of their experience in council, and any significant issues they think potential candidates should consider before deciding whether to nominate. This could take the form of an informal talk, a panel discussion or a councillor question and answer session. Whilst they are welcome to attend, it is not appropriate to invite currently elected members to present at candidate information sessions as current members may choose to re-nominate for election. Current members, however, are able to attend as an audience member if they wish.

Consideration should be given to which delivery method, or combination of delivery methods, would best suit the information being conveyed and should recognise that attendees are likely to have a variety of learning styles.

Resource sharing

There are parts of each council's candidate information session/s that will be common to all councils, for example, the roles and responsibilities of mayors and councillors and the election process.

To achieve greater efficiency, councils are encouraged to share candidate information session resources or jointly hold parts of their session/s with other councils. Joint and regional organisations are also encouraged to develop and/or deliver regional candidate information sessions on behalf of their member councils that candidates can attend. These common sessions could be supplemented by member councils with individual sessions at each council or online content that provides local information specific to that council.

Printed and face-to-face training resources, such as the candidate information pack and other visual aids used in sessions, could also be shared between councils, or developed by joint or regional organisations on behalf of their member councils.

The NSW Electoral Commission provides a range of information and educational resources about the election process and the legal obligations of candidates when nominating and campaigning that council may wish to use. More information can be found at www.elections.nsw.gov.au and www.votensw.info.

Candidate information pack

Councils are encouraged to prepare a candidate information pack for attendees that provides key information for continued consideration after the information session/s. This can take the form of printed material presented in a folder that potential candidates can take away and read, or a dedicated

section on council's website that provides all the necessary information. The pack can also include any relevant information or resources made available by external bodies. The NSW Electoral Commission, for example, provides a range of educational resources that guide candidates through the election process.

3. Evaluation

It is recommended that the information session/s be evaluated by council to determine how effective it was in helping potential candidates understand what is involved in being a councillor or mayor, and to enable them to assess their suitability for these roles. Councils could do this by seeking the views of attendees at the end of a session.

For greater insight, councils may also consider surveying the councillors elected approximately six months after the election to assess whether they feel the session gave them an accurate view of their roles and responsibilities, or whether they would have benefitted from any other information being given at the sessions.

The outcomes achieved from the information session/s could include, at a minimum, potential candidates fully understanding:

- the roles and responsibilities of a councillor and mayor, including the knowledge, skills and personal attributes needed to perform these roles effectively
- the legislation, code of conduct and other council policies they will need to comply with
- the time commitment that will be required from them, and
- the financial and other support available to them to fulfil the role of a mayor and/or councillor.

The evaluation could assess whether these outcomes were achieved.

Part C:

Induction Program for Mayors and Councillors



Benefits of a councillor induction program

Holding an induction program for councillors (including a supplementary component for mayors) each council term is a mandatory requirement under the Regulation. The mayor and all councillors are expected to participate in all induction activities.

The induction program will enable the mayor and councillors to quickly become familiar with how the council works, the rules under which it operates and the complexities of the roles. It is a vital way to ensure new and returning mayors and councillors get the information they need to be effective leaders from the very beginning of the council's term.

It is important that the councillor induction program is not simply used to present dry facts. It is also a vital opportunity to talk with councillors and the mayor about the accepted values and behaviours of the council that they have become a part of.

The induction program is also an invaluable opportunity to sow the seeds for a governing body that functions as a strong, collaborative team. It provides the chance for the mayor and each councillor to understand what motivated their new colleagues to become councillors, and to bond as a team with a common focus on making a difference for the community. It can also be used as an opportunity to have early conversations about how they would like to operate as a team to work towards common goals and to identify success factors for council and the community. It can also establish clear roles and responsibilities and build trust and positive working relationships.

The induction program will benefit mayors and councillors by:

- providing them with access to essential information in a structured and consistent way that will assist them to function well in their role and to make informed and effective decisions from the start of their term in office

- enabling more active and rapid participation in the business of the council
- enabling them to meet, build rapport, share knowledge and experiences, and form positive working relationships with each other
- identifying common goals and a shared vision as a governing body
- introducing councillors to staff to help break down any 'us and them' divide and create one team working for the community whilst still recognising the legislated separation between the two groups
- providing an opportunity for appropriate role models and mentoring relationships to be established between experienced mayors and councillors and new councillors
- helping them to understand key legislation
- helping them to understand their prescribed roles and responsibilities
- briefing them on the 'big picture', and providing them with a clear understanding of council's health and performance
- enabling them to understand and agree on the key issues and tasks for the new council, and to build a vision for the governing body's term
- enabling them to understand key council information, policies and procedures
- enabling them to understand the council and the local government area
- enabling them to feel empowered with key information about the integrated planning and reporting processes and their opportunities for influence, and
- increasing their self-confidence in their ability to perform their roles.

An induction program should also be delivered for any councillors or a mayor elected during the term of a council to fill a casual vacancy.

Councillor Induction and Professional Development Guidelines**Returning councillors**

Because local government is complex and subject to change, the mayor and all councillors, both new and experienced, are expected to participate in the councillor induction program at the commencement of each council term.

Whilst returning councillors may already know much of the information provided in the induction program, their attendance at these sessions will demonstrate to new councillors that their roles and responsibilities are important. Returning councillors can also contribute valuable information and lessons learnt from previous council terms, and help build a positive and collaborative culture for the new governing body.

Important aspects of the induction program include building trust and positive relationships between the members of the new governing body, establishing working bonds, and the mayor and councillors determining how they can work together as a team. The mayor and all councillors need to be part of this process.

For returning mayors, council can assess the prior knowledge and experience of the returning mayor and provide refresher training as needed as part of the supplementary mayoral component of the induction program. This includes mayors elected midway through the council term who are also expected to undergo mayoral induction.

County councils

County councils are required to deliver an induction program for their member councillors. This includes new members who are appointed to fill a casual vacancy.

Induction programs for county councils are to be delivered as an external supplementary component of the induction program each member participated in at their home council.

This supplementary external component is to be delivered by the county council and focus on providing the councillor the information

they need to know about the county council in order to fulfil their role. This could include, for example:

- early functions required of members such as the election of the chairperson
- the functions and directions of the county council
- the county council's business activity strategic plan
- financial information
- applicable regulatory requirements (e.g. for water supply or sewerage infrastructure)
- staffing, and
- local issues.

County councils should also include team building activities in their induction programs (as described below) to set a positive and unifying foundation for the operation of the county council.

Joint organisations

Joint organisations are not required to deliver an induction program for the voting representatives who are elected to their board.

However, joint organisations may choose to deliver an induction program to all board members (including voting representatives and non-voting representatives) to ensure they understand their responsibilities and the role and functions of their joint organisation. Where joint organisations undertake operational functions or deliver services on behalf of member councils, it is strongly recommended that joint organisation board members receive a briefing on these and relevant financial information as part of any induction offered.

Joint organisations may also include team building activities (as described below) to set a positive and unifying foundation for the operation of the joint organisation.

Delivering a councillor induction program

Accessibility

Councillor induction programs need to be highly accessible to ensure that all councillors are able to attend, particularly those with mobility issues or other impairments which may cause attendance to be difficult. Councils should therefore select options which maximise the accessibility of induction sessions. This includes the venue selected, transportation options available nearby, the time the session is held and the way information is presented and delivered, particularly for the sight or hearing impaired.

Councils are also encouraged to publish as much induction material as possible online to enable councillors to access induction materials and other relevant council information when needed.

Planning

Councils should aim to have their induction programs finalised in time to provide potential candidates the proposed induction timetable at the candidate information session/s. Candidates can then make tentative arrangements to enable them to attend the induction program straight after the election if they are elected.

It is important that councillors feel welcome when they start their terms. This will send a supportive message that builds on the positive culture being encouraged for the governing body. Council should also ensure that the resources each councillor and the mayor needs are set up and ready when they start. This includes any IT equipment, office facilities or other necessary resources that will ensure they are productive from their first day in office.

Timing

The Regulation allows a maximum of six months for the delivery of the induction program to provide councils the flexibility to develop an approach that best meets the needs of its mayor and councillors.

The first induction training session should take place, where practical, as soon as possible after the results of the election are declared and prior to the first council meeting. It should aim to provide councillors and the mayor with the information they need to function effectively in their roles, including in meetings, until the rest of the induction program is delivered. At a minimum, this should include training in council's code of conduct, code of meeting practice, preparation for taking the oath of office and electing the mayor (if applicable). The rest of the induction program must be delivered within six months of the polls being declared.

The delivery of the components of the induction program should be timed to reflect the information the councillors and the mayor need in the first week, the first month and the first six months of council. In addition, the relevant components of the induction program should be delivered before the review of the council's community strategic plan, and before the adoption of its delivery program.

Some councils prefer to deliver the full induction program as soon as possible to provide councillors with all of the information and induction training they need from the start of their term in office. However, this approach runs the risk of councillors feeling overloaded with information.

Other councils prefer to deliver the induction program approximately six weeks after the election so that new councillors have the opportunity to gain some practical experience first. However, this approach runs the risk of councillors not being effective or lacking confidence during the weeks preceding the induction training.

Councillor Induction and Professional Development Guidelines

Alternatively, some councils choose to use a mixture of these approaches by staging the induction program over a number of weeks. Ultimately, the optimum timing for delivery of an induction program will vary depending on local circumstances.

Content

A checklist of recommended content for induction programs for councillors and a supplementary program for mayors is provided at **Appendix E**.

There should be two core components of council's induction program:

- a knowledge-based component that ensures new mayors and councillors have the information they need to undertake their roles (this includes a supplementary component for the mayor), and
- a team-building component designed to bring councillors together to form a collaborative, positive and united governing body.

Knowledge component

In the first few weeks in particular, new mayors and councillors will need to know:

- their roles, responsibilities and legislative obligations
- what the council does and how the council operates, including an overview of integrated planning and reporting and land use planning
- their financial management responsibilities
- the key issues and tasks for the new council
- the legislation, rules, principles and political context under which councils operate
- the council's organisational structure and the roles and responsibilities of staff
- key council policies and procedures they must comply with
- the role of council meetings and how to participate effectively in them

- the support available to the mayor and councillors, and where they can go to get more information or assistance
- how to speak to the media appropriately and effectively, and
- information on the process for electing the mayor (where applicable).

Mayors will also need to know:

- the roles and responsibilities of the mayor as leader of the council, including ceremonial functions
- how to chair council meetings
- the role and functions of regional and other external bodies (including joint and regional organisations of councils) council is a member of
- how to oversee the general manager, including understanding recruitment processes and leading performance reviews
- how to lead council's integrated planning and reporting, and
- how to manage code of conduct complaints about the general manager.

Team building component

Team building activities should be held, where necessary, depending on the relationships that exist between councillors and how they are likely to function as a team. The activities should aim to ensure mayors and councillors, as a governing body, understand the need to:

- build relationships with each other based on trust and mutual respect
- contribute to a positive and ethical culture within the governing body
- encourage and facilitate collaboration with each other
- work towards consensus as members of the governing body for the benefit of the community
- manage alternative views within the governing body without damaging relationships
- champion and communicate the council's vision and strategic plans as a cohesive team

- respect the diversity of skills and experiences on the governing body, and
- communicate and uphold the decisions of council in a respectful way, even if their own positions are not adopted.

Activities should also help the mayor, as the leader of the governing body, to:

- act as a stabilising influence and show leadership, and
- promote a culture of integrity and accountability within council and when representing council in the community and elsewhere.

Structure and delivery

Each component of the induction program should be presented by the person who is best able to deliver the content and achieve the outcomes sought. This could be the general manager, another staff member or an external provider. Previous or current mayors or councillors may also be invited to provide an overview of their experiences on council, as might an experienced former or current mayor or councillor from outside the council.

The induction program should be conducted in a way that avoids the mayor and councillors being overloaded with information, particularly if this is at the expense of team building. This may be achieved by limiting the length of sessions, having a number of short sessions rather than one longer session and/or through the use of a range of delivery modes and materials.

Some councils structure their councillor induction programs intensively over two or more days – possibly a weekend – while others choose to hold shorter, evening sessions over several weeks. Others choose a combination of these two approaches.

Consideration should be given to which delivery method, or combination of methods, would best suit the information being conveyed and the different learning styles of councillors. Options could include:

- intensive blocks over two or more days (including weekends)
- evening or dinner sessions over several weeks
- a mix of regional and local level induction sessions
- informal briefings from the general manager and other senior staff
- guest speakers and presenters from other councils, state government agencies or other local government groups
- a guided tour of the council's administration building/s, depot, council facilities and local government area
- in-house workshops by council staff and/or professional training providers
- seminars and conferences
- panel discussions
- a mock council meeting or meetings
- training booklets and discussion papers distributed to councillors to work through at their own pace, and/or
- online information and training resources.

Where possible, presentations should be supported by written materials, including an induction manual or handbook that councillors can retain and refer to. Councils are also encouraged to publish these materials online for easy access by councillors.

Councillor Induction and Professional Development Guidelines**Resource sharing**

There are parts of each council's induction program that will be common to all councils, for example, councillor roles and responsibilities, statutory frameworks, the code of conduct, the code of meeting practice and media training.

To achieve greater efficiency, councils are encouraged to share common induction resources with other councils or jointly hold parts of their induction program with other councils. Joint and regional organisations are also encouraged to develop and/or deliver the common elements of their member councils induction programs on their behalf. These common sessions can be supplemented by member councils with individual sessions that provide local information and team building activities specifically for the elected members of that council.

Printed and face-to-face training induction resources could also be shared between councils, or developed by joint or regional organisations on behalf of their member councils.

The Office of Local Government also offers 'Hit the Ground Running' workshops, held shortly after each council election, which councils may wish to include in their induction program.

Induction manual

Councils should develop an induction manual or handbook to support councillors in the first weeks following the commencement of the council's term of office. This resource may also include relevant background reference material for the longer term, and printed or online resources specifically developed for new councillors. It could also include a copy of the Councillor Handbook which has been developed by the Office of Local Government for councillors. The induction manual may be provided prior to, at or after induction training.

How the information is presented in the induction manual will affect how useful it is. For example, some councils have found that a manual is most likely to be used if the information is presented in a folder. Some councils may consider also providing the information as an online resource. An online resource may be easier for councils to keep updated and can make topic searching easier for users. It will also provide councillors easier access to council information when needed.

Appendix F provides a checklist of the content that could be included in an induction manual or online resource. Recommended content includes:

- basic information about the council
- profiles (demographic, economic etc.) of the local government area
- information about council meetings
- key planning and policy documents and information
- key legislation
- information about support for councillors, and
- useful resources from other state government agencies and independent bodies and/or details about where they may be accessed.

It is suggested that online resources include hyperlinks to electronic versions of any plans, policies or other documents referred to in the councillor induction manual.

Casual vacancies

Under the Regulation, an induction program must also be delivered by a council for any newly elected mayor or councillor who is elected to fill a casual vacancy that arises during the council term.

Evaluation

Councils should evaluate the induction program to determine what elements worked well and whether there were any deficiencies that need to be addressed.

The methodology for the evaluation should be determined when the induction program is being developed to ensure that relevant data is collected. At a minimum, the evaluation should assess whether the induction program resulted in councillors and the mayor:

- understanding the need to build trusting and positive relationships with a common purpose as a team of councillors
- understanding the need to build a cohesive and positive culture for the governing body
- understanding the need to build a positive working relationship with the general manager and other staff
- understanding their roles and the roles of internal and external stakeholders, and feeling confident in their ability to perform their roles
- understanding key council information and how council works
- being aware of all relevant legislation and council policies and procedures, and being committed to complying with them
- understanding the key issues and tasks for the new council
- being able to make informed and effective decisions from the start of their term in office

- being able to effectively participate in council meetings and apply meeting rules correctly from the start of their term in office
- being able to fulfil their integrated planning and reporting responsibilities, including financial management responsibilities
- knowing how to speak to the media appropriately, and
- feeling confident in understanding and using financial information to manage the council's finances.

In the case of the mayor, being able to:

- act as a stabilising influence and show leadership in times of crisis
- build a positive working relationship with the general manager
- oversee the general manager, including leading recruitment processes and performance reviews
- chair council meetings
- undertake their ceremonial functions
- lead the council's integrated planning and reporting, and
- manage code of conduct complaints about the general manager.

Part D:

Professional Development Program for Mayors and Councillors



Benefits of a professional development program for mayors and councillors

Ongoing professional development for mayors and councillors is mandatory in NSW. It is an investment which will enhance the effectiveness of a council's performance in achieving its goals.

The benefits of an ongoing professional development program for councillors and mayors include:

- mayors and councillors representing their communities to the best of their ability
- mayors and councillors feeling confident and supported in their roles
- the governing body making decisions based on a full understanding of all the key issues and consequences
- improved performance of council overall
- greater understanding of, and compliance with, legal responsibilities
- better management of the council's finances and resources, and
- mayors and councillors developing skills and knowledge that they can take into their personal and professional lives.

Developing an ongoing professional development plan

As part of council's professional development program, an ongoing professional development plan must be developed for the mayor and each councillor. The program will span the council's term, with individual activities implemented over time according to priority. The mayor and each councillor is expected to complete all the activities included in their professional development plan.

Assessment

As a first step to developing individual plans, an assessment is required of the knowledge, skills and personal attributes the mayor and each councillor bring to their roles and a comparison made against those that they need to effectively serve their community. Councils may also have additional knowledge, skills or attributes that they need elected members to possess, reflecting the specific services or particular environmental, social or economic challenges facing their community.

Any deficit in knowledge, skills or attributes identified through the assessment process should form the basis of the professional development plans developed for the mayor and each councillor. This process should be undertaken for both new and experienced mayors and councillors.

Activities

The professional development plan developed for the mayor and each councillor must outline how their individual development needs are going to be met within the council term. Professional development activities should be prioritised according to need and approved by the general manager where council funds are required.

Councillor Induction and Professional Development Guidelines

Professional development activities should, wherever possible, follow the 70/20/10 learning principle. The 70/20/10 principle requires that:

- 70% of learning activities are provided via learning and developing from experience – for example, on-the-job training, self-directed learning, developmental roles, problem solving, exposure and practice
- 20% of learning activities are provided via learning and developing through others – for example, personal or professional networks, coaching, mentoring, feedback, memberships and professional associations, and
- 10% of learning activities are provided via learning and developing through structured programs – for example, training courses, external or in-house workshops, seminars, webinars and other e-learning and briefing sessions conducted by the council, external training providers or industry bodies.

The 70/20/10 learning principle enables councils and elected members to take into account the varied learning styles the mayor and individual councillors have, as well as the time they have available for professional development, when selecting professional development activities. It also minimises the financial costs of delivering an ongoing professional development program by prioritising learning through on-the-job experiences and networking.

Resource sharing

There may be professional development activities that are common to all councillors or mayors. Councils are encouraged to share educational resources with other councils and/or jointly hold professional development activities with other councils. Joint and regional organisations are also encouraged to develop and/or deliver regional professional development activities on behalf of their member councils.

Timing

The timing of professional development activities for the mayor and councillors should be designed in such a way so as to not overload councillors with learning activities in the early part of council's term. The timing should reflect what knowledge and skills councillors and the mayor need at various points in council's term to undertake their roles.

For example, councils should ensure that the mayor and councillors have acquired the knowledge and skills necessary to effectively contribute to the review of the community strategic plan and the development of the delivery program before these activities are undertaken.

County councils and joint organisations

County councils should offer professional development activities that are relevant to their specific functions and operations and that may be necessary to support decision making in relation to those functions and operations.

While joint organisations are not required to deliver a professional development program, they should consider offering professional development activities relevant to any functions or services provided by the joint organisation on behalf of member councils to support any decision making required by the board in relation to those activities.

Local Government Capability Framework and 'PD in a Box'

Local Government NSW has developed a Local Government Capability Framework. This describes the knowledge, skills and personal attributes needed by mayors and councillors to represent their communities on council and to deliver community outcomes. These are listed in **Appendix G**.

The Framework is supported by 'PD in a Box', a free and confidential online portal that mayors and councillors can use to assess the knowledge and skills they bring to their role and self-identify gaps that require professional development. Mayors and councillors will receive an ongoing professional development plan through the portal, based on their input, which will suggest specific activities that they can participate in to build the skills and knowledge they need.

Councils are able to use this as a tool to support the development of ongoing professional development programs for their mayors and councillors.

The Local Government Capability Framework and PD in a Box can be found at www.lgnsw.org.au.

Evaluation

Councils are to evaluate their ongoing professional development program to assist the council to determine the program's effectiveness and to identify areas of possible improvement.

The outcomes of the professional development program should, at a minimum, include councillors and mayors demonstrating the core skills and knowledge areas listed in council's needs analysis.

The evaluation should assess whether these outcomes were achieved.

Part E:

Public Reporting



Holding elected office in a council is a role that carries with it significant responsibilities. All holders of elected offices in councils owe it to the communities that entrust them with this responsibility to ensure that they hold and maintain the skills necessary to exercise their functions effectively on behalf of the community.

Mayors and councillors are ultimately accountable to the community that elects them for the performance of their functions. For this reason, councils are required to publicly report each year in their annual report on the participation of the mayor and each councillor in the council's induction and professional development programs during that year.

The information published in the annual report is to include:

- the name of the mayor and each individual councillor that completed council's induction program (where an induction program has been delivered during the relevant year)
- the name of the mayor and each councillor who participated in any ongoing professional development program during the year
- the number of training and other activities provided to the mayor and councillors during the year as part of a professional development program, and
- the total cost of induction and professional development activities and any other training provided to the mayor and councillors during the relevant year.

These reporting requirements do not apply to joint organisations.

Appendix A:

Guiding Principles for Councils under the Act



General principles (section 8A(1))

Councils should:

- provide strong and effective representation, leadership, planning and decision-making
- carry out functions in a way that provides the best possible value for residents and ratepayers
- plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community
- apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements
- work cooperatively with other councils and the state government to achieve desired outcomes for the local community
- manage lands and other assets so that current and future local community needs can be met in an affordable way
- work with others to secure appropriate services for local community needs
- act fairly, ethically and without bias in the interests of the local community, and
- be responsible employers and provide a consultative and supportive working environment for staff.

Decision-making principles (section 8A(2))

Councils should:

- recognise diverse local community needs and interests
- consider social justice principles
- consider the long-term and cumulative effects of actions on future generations, and
- consider the principles of ecologically sustainable development

Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

Community participation principle (section 8A(3))

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

Principles of sound financial management (section 8B)

Council spending should be responsible and sustainable, aligning general revenue and expenses.

Councils should:

- invest in responsible and sustainable infrastructure for the benefit of the local community
- have effective financial and asset management, including sound policies and processes for:
 - performance management and reporting
 - asset maintenance and enhancement
 - funding decisions, and
 - risk management practices
- have regard to achieving intergenerational equity, including by ensuring that policy decisions are made after considering their financial effects on future generations, and by ensuring that the current generation funds the cost of its services.

Integrated planning and reporting principles (section 8C)

Councils should:

- identify and prioritise key local community needs and aspirations and consider regional priorities
- identify strategic goals to meet those needs and aspirations
- develop activities, and prioritise actions, to work towards the strategic goals
- ensure that the strategic goals, and the activities developed to work towards them, may be achieved within council resources
- regularly review and evaluate progress towards achieving strategic goals
- maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals
- collaborate with others to maximise the achievement of strategic goals
- manage risks to the local community or area or to the council effectively and proactively, and
- make appropriate evidence-based adaptations to meet changing needs and circumstances.

Appendix B:

Roles and Responsibilities under the Act



Governing body of a council (section 223)

The mayor and councillors collectively comprise the governing body of a council. The role of the governing body is to:

- direct and control the affairs of the council in consultation with the general manager
- provide effective civic leadership to the local community
- ensure as far as possible the financial sustainability of the council
- ensure as far as possible that the council acts in accordance with the principles prescribed under the Act and the council's plans, programs, strategies and policies
- develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council
- determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the council's resources to implement the council's strategic plans and for the benefit of the local area
- keep the performance of the council under review, including service delivery
- make decisions necessary for the proper exercise of the council's regulatory functions
- determine the process for the appointment of the general manager and for monitoring their performance
- determine the senior staff positions within the organisation structure of the council
- consult regularly with community organisations and other key stakeholders and keep them informed of the council's decisions and activities, and
- ensure that the council acts honestly, efficiently and appropriately.

The governing body is to consult with the general manager in directing and controlling the affairs of the council.

Individual councillors (section 232)

Councillors are individually and collectively accountable to the local community for the performance of the council. Each councillor has a responsibility to:

- be an active and contributing member of the governing body
- make considered and well informed decisions as a member of the governing body
- participate in the development of the council's integrated planning and reporting framework
- represent the collective interests of residents, ratepayers and the local community
- facilitate communication between the local community and the governing body
- uphold and represent accurately the policies and decisions of the governing body, and
- make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

Councillor Induction and Professional Development Guidelines**The mayor (section 226)**

The mayor is often considered the voice of the council and the leader of the community. While the mayor has the same roles and responsibilities as councillors, the mayor is essentially the “first among equals” and is expected to exercise a leadership role within a council. This leadership role is reflected in the mayor’s extra responsibilities.

The role of the mayor is to:

- be the leader of the council and a leader in the local community
- advance community cohesion and promote civic awareness
- be the principal member and spokesperson of the governing body, including representing the views of the council in regard to its local priorities
- exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council
- preside at meetings of the council and ensure that meetings of the council are conducted efficiently, effectively and in accordance with the Act
- ensure the timely development and adoption of the council’s strategic plans, programs and policies
- promote the effective and consistent implementation of the council’s strategic plans, programs and policies
- promote partnerships between the council and key stakeholders
- advise, consult with and provide strategic direction to the general manager in relation to the implementation of the council’s strategic plans and policies
- in conjunction with the general manager, ensure adequate opportunities and mechanisms for engagement between the council and the local community
- carry out the civic and ceremonial functions of the mayoral office
- represent the council on regional organisations and at inter-governmental forums at the regional, state and commonwealth levels
- in consultation with the councillors, lead performance appraisals of the general manager, and
- exercise any other functions of the council that the council determines.

Appendix C:

Model Councillor Induction and Professional Development Policy



Purpose

The purpose of this policy is to demonstrate X Council's² commitment to ensuring that the mayor and councillors have access to induction and ongoing professional development which will assist them to develop and maintain the skills and knowledge required to effectively perform their civic role and responsibilities under the *Local Government Act 1993* ('the Act').

Scope

This policy applies to all councillors of X Council, including the mayor.

Policy

Statement of commitment

X Council is committed to developing an induction and ongoing professional development program for the mayor and councillors to ensure they can fulfil their statutory roles and responsibilities. As part of this program, the mayor and each councillor will have a professional development plan that identifies specific gaps in their capabilities (ie their knowledge, skills and attributes) and identify professional development activities to build these capabilities.

Induction program

X Council will develop an induction program for new and returning councillors as well as a supplementary program for the mayor to ensure they are provided all the information they need to effectively fulfil their roles in the first few months of Council's term and feel confident in their ability to do so. The induction program will cover³:

- an orientation to council facilities and the local government area
- an overview of the key issues and tasks for the new council including council's community strategic plan, delivery program, operational plan, resourcing strategy and community engagement plan
- the legislation, rules, principles and political context under which councils operate
- the roles and responsibilities of councillors and the mayor
- Council's organisational structure, workforce management strategy and the roles and responsibilities of the general manager and council staff
- what Council does and how it operates, including an overview of integrated planning and reporting, land-use planning, natural resource management, financial management and asset management by Council
- key Council policies and procedures councillors must comply with including the code of conduct
- the role of Council meetings and how to participate effectively in them
- the support available to the mayor and councillors and where they can go to get more information or assistance, and
- information on the process for taking the oath of office and electing the mayor at the first council meeting (where applicable).

² Insert name of your council.

³ Each council is to list the topics it has included in its induction program. See Part C of these Guidelines for further information.

Councillor Induction and Professional Development Guidelines

In the case of the mayor, the program will also cover:

- how to be an effective leader of the governing body and the council
- the role of the Chair and how to chair council meetings
- the mayor's role in integrated planning and reporting
- the mayor's role and responsibilities under the code of conduct
- the mayor's role and responsibilities in relation to the general manager's employment
- the mayor's role at regional and other representative bodies, and
- the mayor's civic and ceremonial role.

The mayor and councillors must have a working knowledge and understanding of these areas by the end of the induction program.

The induction program will also include team building activities to help the governing body establish itself as a cohesive and collaborative team focused on a common purpose with shared values and goals. Activities will aim to ensure mayors and councillors:

- identify how they would like to work together as a team and identify a common vision for the governing body
- build relationships with each other based on trust and mutual respect that facilitate collaboration
- contribute to a positive and ethical culture within the governing body
- work towards consensus as members of the governing body for the benefit of the community
- develop respectful negotiation skills and manage alternative views within the governing body without damaging relationships
- understand what supports or undermines the effective functioning of the governing body

- respect the diversity of skills and experiences on the governing body, and
- communicate and uphold the decisions of Council in a respectful way, even if their own position was not adopted.

Activities should also help the mayor, as the leader of the governing body, to:

- act as a stabilising influence and show leadership, and
- promote a culture of integrity and accountability within Council and when representing Council in the community and elsewhere.

The mayor and councillors, including those re-elected to office, must attend all induction sessions.

X Council will evaluate the induction program at the end of each council term to determine whether it has achieved these outcomes, and to identify and address areas for improvement.

Ongoing professional development program

An individual ongoing professional development plan will be developed for the mayor and each councillor to address any gaps in the capabilities (ie the knowledge, skills and attributes) needed to effectively fulfil their role.

Each professional development plan will span the council's term, and identify professional development activities that the mayor or councillor will participate in. Professional development activities will be prioritised according to need and approved by the general manager where council funds are required in accordance with council's councillor and expenses and facilities policy. The Mayor and councillors are expected to complete all the activities included in their professional development plan.

Professional development activities will, wherever possible, follow the 70/20/10 principle. The 70/20/10 principle requires that:

- 70% of learning activities are provided via learning and developing from experience – for example, on-the-job training, self-directed learning, developmental roles, problem solving, exposure and practice
- 20% of learning activities are provided via learning and training through others – for example, personal or professional networks, coaching, mentoring, feedback, memberships and professional associations, and
- 10% of learning activities are provided via learning and developing through structured programs – for example, training courses, external or in-house workshops, seminars, webinars and other e-learning and briefing sessions conducted by the council, external training providers or industry bodies.

The timing of professional development activities for the mayor and councillors will be designed in such a way so as to not overload councillors with learning activities in the early part of council's term. The timing will reflect what knowledge and skills councillors and the mayor need at various points in council's term to undertake their roles.

The mayor and councillors will be provided with as much notice as possible for upcoming induction and professional development activities.

Responsibilities

The mayor and each councillor are responsible for making themselves available to attend any development activities identified in the professional development plan. The mayor and all councillors must make all reasonable endeavours to attend and participate in the induction sessions and professional development activities arranged for them during the term of the council.

[Identify the role or responsible staff member] is responsible for planning, scheduling and facilitating induction and professional development activities for the mayor and councillors in consultation with the general manager.

The general manager has overall responsibility for X Council's induction and professional development program.

Budget

An annual budget allocation will be provided to support the induction and professional development activities undertaken by the mayor and councillors. Expenditure will be monitored and reported quarterly.

Approval of training and/or expenses

Professional development activities that require council funds are to be approved by the general manager in accordance with X Council's Councillor Expenses and Facilities Policy.

Councillor Induction and Professional Development Guidelines**Evaluation**

Council will evaluate the professional development program at the end of each council term to assess whether it was effective in assisting the mayor and councillors to develop the capabilities required to fulfil their civic roles.

Reporting

The general manager of X Council will publically report each year in Council's annual report:

- the name of the mayor and each individual councillor that completed council's induction program (where an induction program has been delivered during the relevant year)
- the name of the mayor and each councillor who participated in any ongoing professional development program during the year
- the number of training and other activities provided to the mayor and councillors during the year as part of a professional development program, and
- the total cost of induction and professional development activities and any other training provided to the mayor and councillors during the relevant year.

Appendix D:

Candidate Information Session Content Checklist



Topic Area	Suggested Content
Role of council	<ul style="list-style-type: none"> • The role and responsibilities of local government • The guiding principles under the Act that govern council's functions • The purpose of council and committee meetings
Roles and responsibilities of councillors and staff under the Act	<ul style="list-style-type: none"> • The roles and responsibilities of the governing body and individual councillors under the Act, including in relation to integrated planning and reporting • The roles and responsibilities of the mayor as leader of the governing body, including oversight of the general manager • The strategic nature of the roles of elected members compared to the operational roles of the general manager and council staff • The regional and other bodies the council is a member of and the roles of those bodies
Legal and ethical responsibilities	<ul style="list-style-type: none"> • Requirement to take an oath of office • Requirement to meet the ethical standards prescribed under the Act and councils code of conduct, including managing pecuniary and non-pecuniary interests • Outline of the legal responsibilities of councillors under the Act and their personal responsibilities under other legislation, for example in relation to: <ul style="list-style-type: none"> - work health and safety - anti-discrimination - privacy - public access to information - record keeping and records management • Outline of any council policies that councillors will be expected to comply with, for example: <ul style="list-style-type: none"> - councillor and staff interaction policy - code of meeting practice - code of conduct - councillor expenses and facilities policy - conflicts of interest policy - gifts and benefits policy - councillor induction and professional development policy
Skills and knowledge	<ul style="list-style-type: none"> • Outline of the knowledge, skills and personal attributes needed to perform the roles of a councillor or mayor • Outline of the additional knowledge, skills and personal attributes required by the mayor

Councillor Induction and Professional Development Guidelines

Topic Area	Suggested Content
Time commitment	<ul style="list-style-type: none"> • Participation in council's councillor induction program • Participation in the mayor's supplementary induction program • Expected attendance at council meetings, including meeting days, times, frequency and possible duration • Preparation required for council meetings, for example: <ul style="list-style-type: none"> – attending pre-meeting briefings – reading business papers – ensuring councillors have a full understanding of issues requiring decisions • Potential participation in other meetings, for example extraordinary council meetings, regional bodies, external bodies • Potential attendance at community events, ceremonies and other functions • Responding to media requests and inquiries • Potential participation in formal community consultation processes • Answering letters, emails and phone calls from residents and ratepayers as well as participating in regular informal conversations • Participation in any other activities that are likely to arise and require the mayor or councillors' time
Support available to assist councillors in the role	<ul style="list-style-type: none"> • The annual fees paid to councillors and the mayor • Council's expenses and facilities policy • Council's induction and professional development program for councillors and the mayor • The responsibility of the general manager and staff to provide timely information and advice and the administrative and professional support necessary for councillors to effectively discharge their functions
Ways to gain further understanding	<ul style="list-style-type: none"> • Attendance at a council meeting/s or council committee meeting/s to observe council decision making and meeting practice • NSW Electoral Commission website and other educational materials

Appendix E:

Induction Program

Content Checklist



Topic area	Suggested content
Establishment of a well-functioning governing body	<ul style="list-style-type: none"> • Team building activities to help councillors and the mayor: <ul style="list-style-type: none"> - identify how they would like to work together as a team - understand why each councillor is in office and help identify a common purpose and bond between councillors - identify a common vision for the governing body - identify what a successful term in office will look like for council and the community and what is needed from individual councillors and the mayor to achieve this - identify accepted values and behaviours - build relationships with each other based on trust and mutual respect - contribute to a positive and ethical culture within the governing body - value and develop teamwork and collaboration skills - work towards consensus as members of the governing body for the benefit of the community - manage alternative views within the governing body without damaging relationships - develop respectful negotiation and conflict resolution skills - champion and communicate the council's vision and strategic plans as a cohesive team - respect the diversity of skills and experience of the other members of the governing body - communicate and uphold the decisions of council in a respectful way, even if their own position was not adopted - understand what supports or undermines the effective functioning of the governing body - identify appropriate council meeting practice and behaviours - understand their opportunities for influence
Orientation to council facilities and local government area	<ul style="list-style-type: none"> • Guided tour of the council facilities available to councillors, for example, chambers, offices, utilities • Guided tour of the local government area including council facilities, significant sites and projects • Introduction to council staff to help build a positive team culture between the governing body and administration (whilst respecting the legislated separation between the two)

Councillor Induction and Professional Development Guidelines

Topic area	Suggested content
Overview of the key issues and tasks for the new council	<ul style="list-style-type: none"> • The demographic profile of the local government area • Council's current social and economic health and performance • The key social, environmental and economic concerns facing the community • The key issues and tasks the new council will need to address • Any issues faced by previous councils or useful historical information that may impact or assist the new council • The current community strategic plan and the process that led to its development, including its role in informing the new council's activities • Council's current delivery program, operational plan, resourcing strategy and community engagement strategy • Regional and other bodies council is a member of and the roles of those bodies • Overview of council's assets
Legal and political context of local government	<ul style="list-style-type: none"> • The relationship of state and commonwealth governments to local government • The statutory framework that applies to local government • Each of the guiding principles under the Act that govern council's functions • The key accountabilities of the council to the community, the NSW Government and oversight agencies • The roles and responsibilities of oversight agencies such as the: <ul style="list-style-type: none"> - Office of Local Government - Department of Planning and Environment - Environment Protection Authority - NSW Audit Office - Independent Commission Against Corruption, and - NSW Ombudsman • The role and responsibilities of the Minister for Local Government

Topic area	Suggested content
Roles and responsibilities of councillors and staff	<ul style="list-style-type: none"> • The process for electing the mayor (if applicable) • The roles and responsibilities of the governing body and individual councillors under the Act including: <ul style="list-style-type: none"> - the strategic nature of their role compared to the operational roles and responsibilities of the general manager and council staff and the limits on councillors role or direction in operational matters - the different roles of the governing body and the general manager in determining council's organisational structure - councillors obligations under council's code of conduct and the <i>Work Health and Safety Act 2011</i> in their dealings and behaviour towards the general manager and staff • The role and responsibilities of the mayor under the Act including: <ul style="list-style-type: none"> - the mayor's civic and ceremonial role and the functions they exercise under this - the mayor's responsibility for exercising day-to-day oversight, monitoring ongoing performance and leading annual performance reviews of the general manager • The roles and responsibilities of the general manager and council staff under the Act including: <ul style="list-style-type: none"> - the responsibility of the general manager and staff to provide timely information and advice to the mayor and councillors and the administrative and professional support necessary to discharge their functions - council's protocol or policy on councillor and staff interaction and how councillors can request assistance or information from staff or forward constituent requests to staff • The regional and other bodies the council is a member of and the roles of those bodies • How to speak to the media appropriately and effectively • Financial and other delegations • Integrated planning and reporting responsibilities

Councillor Induction and Professional Development Guidelines

Topic area	Suggested content
Overview of the key functional areas of council operations and staffing	<ul style="list-style-type: none"> • Council's organisational structure • The role and responsibilities of each business unit or functional area within council, for example: <ul style="list-style-type: none"> - planning and other regulatory functions - assets and infrastructure - financial management - community services - governance - internal audit - teams responsible for implementing key council policies, strategies or programs • Council's workforce management strategy • An overview of the requirements of the <i>Guidelines for the Appointment and Oversight of General Managers</i> released by the Office of Local Government • An overview of the general manager's contract of employment, performance agreement and key performance indicators

Topic area	Suggested content
Legal and ethical responsibilities and risk management	<ul style="list-style-type: none"> • Preparation for taking the oath or affirmation of office • All legislation that councillors are expected to comply with, for example in relation to: <ul style="list-style-type: none"> - local government - work health and safety - anti-discrimination - privacy - public access to information - record keeping and records management - tendering and procurement • All council policies and protocols that councillors will be expected to comply with, for example: <ul style="list-style-type: none"> - councillor and staff interaction policy - code of meeting practice - code of conduct - conflicts of interest policy - councillor expenses and facilities policy - gifts and benefits policy - councillor induction and professional development policy - risk management and internal audit policy - media policy • In relation to council's code of conduct: <ul style="list-style-type: none"> - how to identify, disclose and manage pecuniary and non-pecuniary interests - the process for making and managing code of conduct complaints under the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> - the consequences of a breach of council's code of conduct - the definition of "corrupt conduct" under the <i>Independent Commission Against Corruption Act 1988</i> and the potential consequences of engaging in corrupt conduct • Participation in the councillor induction and professional development program • How the council manages risk, including: <ul style="list-style-type: none"> - council's risk management framework - the role of the Audit, Risk and Improvement Committee - council's internal audit function - external audit

Councillor Induction and Professional Development Guidelines

Topic area	Suggested content
Decision-making	<ul style="list-style-type: none"> • The purpose of council meetings • Prescribed meeting rules and council's code of meeting practice • The role of the chair • How to use closed meetings appropriately • What an orderly, effective and efficient council meeting looks like and how it is conducted • How councillors should prepare for a council meeting, including pre-meeting briefings • The role of business papers and meeting minutes and how to understand and interpret them • The role of committees, the committee structure adopted by the council and the functions of each of council's committees
Strategic planning	<ul style="list-style-type: none"> • The statutory requirements for integrated planning and reporting, including its conceptual basis, guiding principles and reporting requirements • How integrated planning and reporting is conducted by council including: <ul style="list-style-type: none"> – council's integrated planning and reporting frameworks, timelines and processes – the mayor's and councillors' roles – community consultation and participation – change management processes – reporting mechanisms
Land use planning	<ul style="list-style-type: none"> • Overview of the land use planning system, including: <ul style="list-style-type: none"> – relevant legislation – the role of council in land use and development approvals – the development assessment and approval process under the <i>Environmental Planning and Assessment Act 1979</i> – the role of independent panels, including Joint Regional Hearing Panels and Independent Hearing and Assessment Panels, in relation to development approvals – the delegations made with respect to development assessments and approvals – the role of environmental planning instruments and how to interpret them – the environmental planning instruments that apply to council's area and the development control plans adopted by council – delegations – the role of oversight agencies, for example, the Department of Planning and Environment and the Greater Sydney Commission – the role of the Minister for Planning

Topic area	Suggested content
Natural resource management	<ul style="list-style-type: none"> • Council's public land management responsibilities and the statutory requirements that apply to public land management • Council's natural resource management responsibilities and the regulatory frameworks under which it exercises its functions
Water management (for councils that are water utilities)	<ul style="list-style-type: none"> • Council's water management responsibilities and the regulatory frameworks under which it exercises its functions • Drinking water quality and public health responsibilities • Integrated Water Cycle Management – including water security and asset planning • Water utility operation and performance monitoring
Financial processes and financial management	<ul style="list-style-type: none"> • The responsibility of councillors for the financial management and sustainability of the council under the Act • Council's long-term financial plan and other components of council's resourcing strategy, including revenue sources • How to interpret and understand the financial information contained in financial reports prepared by council
Asset management	<ul style="list-style-type: none"> • Asset management planning requirements • Council's asset management strategy
Customer services and complaints handling	<ul style="list-style-type: none"> • Council's complaints handling process and how councillors should handle constituents' concerns
Support available to assist councillors in their role	<ul style="list-style-type: none"> • The annual fees paid to councillors and the mayor • Council's expenses and facilities policy • Ongoing professional development for the mayor and councillors • The responsibility of the general manager and staff to provide timely information and advice and the administrative and professional support necessary for councillors to effectively discharge their functions
Supplementary topics for mayor	<ul style="list-style-type: none"> • How to be an effective leader of the governing body and the council • The role of the chair and how to chair council meetings • The mayor's role and responsibilities under the code of conduct • The mayor's role in integrated planning and reporting • The mayor's role and responsibilities in relation to the general manager's employment: <ul style="list-style-type: none"> – the requirements of the mayor under the <i>Guidelines for the Appointment and Oversight of General Managers</i> released by the Office of Local Government – how to conduct day-to-day oversight of the general manager including in relation to credit card use and other expenses, and – how to lead recruitment and performance reviews of the general manager • The mayors role on the regional and other bodies they attend on behalf of the council and council's position on the key issues under consideration by these bodies • The mayor's civic and ceremonial role and the community functions the mayor will be expected to attend

Appendix F:

Councillor Induction Manual

Content Checklist



Topic area	Suggested content
Governing body	<ul style="list-style-type: none"> Summary of the shared purpose, goals, vision and success markers identified by the governing body during the induction process Summary of the values and behaviours identified by the governing body during the induction process that will characterise the council term
Basic information about the council	<ul style="list-style-type: none"> Organisational chart and outline of key function and service areas, including those of senior staff Information and/or chart showing the relationships between councillors and council staff and decision-making processes List of council facilities and map of the local government area How to use council's IT system/s How to raise work, health and safety issues List of regional bodies and committees council is a member of
Profile of the local government area	<ul style="list-style-type: none"> Information about council wards Population statistics Useful information about the local government area Useful information about key issues or tasks for the new council
Information about council meetings	<ul style="list-style-type: none"> Council's code of meeting practice Agenda and minutes of recent meetings Meeting times and venues Deadlines related to meetings, business papers and minutes List of council committees and their composition
Key planning and policy documents and information	<ul style="list-style-type: none"> Integrated planning and reporting documents, for example, the current community strategic plan, delivery program, operational plan, community engagement strategy and resourcing strategy, workforce management strategy etc. List of financial and other delegations Most recent annual report End-of-term report of last council term Council policy documents, including council's: <ul style="list-style-type: none"> policy register/list of policies code of conduct councillor expenses and facilities policy information access policy councillor and staff interaction policy and protocol gifts and benefits policy media policy conflicts of interest policy council's risk management framework and relevant internal audit, external audit and risk management related documents Any other relevant plans, policies and procedures

Councillor Induction and Professional Development Guidelines

Topic area	Suggested content
Key legislation	<ul style="list-style-type: none"> • Copy of key legislation or relevant excerpts from legislation • Information about the key legislation and regulation under which council exercises its functions, for example: <ul style="list-style-type: none"> • <i>Local Government Act 1993</i> • <i>Local Government (General) Regulation 2005</i> • <i>Environmental Planning and Assessment Act 1979</i> • <i>Protection of the Environment Operations Act 1997</i> • <i>Work Health and Safety Act 2011</i> • <i>State Records Act 1998</i> • How to access up-to-date versions of the legislation online (www.legislation.nsw.gov.au)
Information about support for councillors	<ul style="list-style-type: none"> • How to make a request or claim under council's expenses and facilities policy • Information about the induction and professional development program • Contact details of council officer/s that councillors may contact for information

Topic area	Suggested content
Other useful resources and/or details about where they may be accessed	<ul style="list-style-type: none"> • Induction program presentations and materials • Contact details for key organisations such as the Office of Local Government and Local Government NSW • The <i>Councillor Handbook</i> released by the Office of Local Government • Bluetts's Local Government Handbook NSW • A copy of useful publications and guidance material produced by NSW Government agencies and other bodies (where relevant) in relation to: <ul style="list-style-type: none"> - capital expenditure, tendering and procurement (Office of Local Government, Department of Finance, Services and Innovation) - the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> (Office of Local Government) - the <i>Guidelines for the Appointment and Oversight of General Managers</i> (Office of Local Government) - the <i>Internal Audit Guidelines</i> (Office of Local Government) - land-use planning and development approvals processes (Department of Planning and Environment) - public interest disclosures (NSW Ombudsman) - access to information and privacy (Information and Privacy Commission) - fraud and corruption (Independent Commission Against Corruption, NSW Audit Office) - external audit (NSW Audit Office) - annual reviews and performance audits of local government (NSW Audit Office) - anti-discrimination (Anti-Discrimination Board of NSW) - council rating determinations (Independent Pricing and Regulatory Tribunal) - councillor and mayoral remuneration (Local Government Remuneration Tribunal)

Appendix G:

Local Government

Capability Framework



Personal attributes

	Clr	Mayor
Manage self		
Talks to the mayor/councillor, general manager and other councillors about own role and responsibilities, and seeks feedback	✓	✓
Pursues responsibilities with energy, drive and commitment	✓	✓
Manages own time effectively, balancing demands in line with council priorities	✓	✓
Shows awareness of own strengths and areas for growth	✓	✓
Looks for and takes opportunities to develop knowledge and skills as a councillor	✓	✓
Honestly examines personal motivation and capability as mayor		✓
Reflects on and integrates feedback, showing a capacity and willingness to modify own behaviours		✓
Display resilience and adaptability		
Is flexible and willing to change their mind in light of new information	✓	✓
Stays calm and objective in challenging situations	✓	✓
Advocates constructively for an idea or position, even in the face of strong, contrary views	✓	✓
Listens when challenged and seeks to understand criticisms before responding	✓	✓
Stays positive and perseveres in the face of resistance or setbacks	✓	✓
Accepts public feedback and responds in a thoughtful and considered way	✓	✓
Reads situations quickly and shows leadership in times of crisis		✓
Acts as a stabilising influence in challenging and emotionally charged situations		✓
Act with integrity		
Is open, honest and consistent in words and behaviour	✓	✓
Tells the truth and admits to own mistakes	✓	✓
Maintains confidentiality	✓	✓
Takes steps to clarify ethical issues and seeks advice when unsure what to do	✓	✓
Follows the code of conduct, legislation and policies applicable to councillors/mayors	✓	✓
Speaks out against illegal and inappropriate behaviour and perceived conflicts of interest	✓	✓
Helps councillors understand their obligations to comply with the codes of conduct, legislation and policies		✓
Identifies and discusses ethical issues with councillors		✓
Promotes a culture of integrity within council and in dealings external to council		✓

Councillor Induction and Professional Development Guidelines

	Clr	Mayor
Demonstrate accountability		
Prepares appropriately for council meetings	✓	✓
Acts in the public interest and observes the highest standards of personal conduct at all times	✓	✓
Takes responsibility for fulfilling the role of councillor/mayor to the best of their ability	✓	✓
Is transparent in actions and decision making, declaring potential conflicts	✓	✓
Models the highest standards of accountability, providing transparency to enable public scrutiny		✓
Provides advice on strategies taken by council to be accountable, transparent and efficient		✓

Relationships

	Clr	Mayor
Communicate and engage		
Clearly communicates ideas and arguments	✓	✓
Adjusts tone, pace and message for different audiences	✓	✓
Listens when others are speaking and asks appropriate, respectful questions	✓	✓
Shows sensitivity to cultural, religious and other individual differences when interacting with others	✓	✓
Uses communication channels that are suitable for the diversity in the community	✓	✓
Creates opportunities for people to engage with council and contribute to public disclosure and debate	✓	✓
Community and customer focus		
Keeps up to date on current issues affecting the community	✓	✓
Shows pride in and talks positively about the community and region	✓	✓
Commits time and energy to serving the community	✓	✓
Works towards social, environmental and economic sustainability in the community/region	✓	✓
Collects and uses broad community feedback to identify opportunities for improvement	✓	✓
Builds effective relationships with a range of people who reflect the diversity in the community	✓	✓

	Cir	Mayor
Work collaboratively		
Shares information with other councillors about community issues, stakeholders and activities	✓	✓
Is respectful of council staff and receptive to their advice	✓	✓
Shows respect for the diversity of skills and experience on the governing body	✓	✓
Initiates collaborative forums on issues facing the community	✓	✓
Works together with stakeholder networks for the benefit of the community and region	✓	✓
Encourages councillors to work collaboratively		✓
Builds a productive working relationship with the general manager based on clear expectations, trust and respect		✓
Supports positive relations between the general manager and the governing body		✓
Builds partnerships between council and external stakeholders that are of strategic value to council		✓
Facilitates and supports strategic collaboration with other councils to benefit the broader region		✓
Influence and negotiate		
Uses understanding of political processes and networks to develop a negotiation strategy	✓	✓
Listens to contrary points of view and endeavours to find common ground	✓	✓
Influence others with a fair and considered approach and sound arguments	✓	✓
Avoids starting from an entrenched position and is willing to give and take	✓	✓
Wins concessions without damaging relationships	✓	✓
Establishes and maintains relationships outside council in order to find common ground and further council's position		✓
Anticipates points of contention and plans negotiations accordingly		✓
Steers discussion and debate towards achieving an acceptable outcome		✓

Councillor Induction and Professional Development Guidelines

Results

	Clr	Mayor
Plan and prioritise		
Identifies and pursues critical priorities and sets aside less critical activities	✓	✓
Contributes to setting clear performance goals that include quality measures	✓	✓
Considers council performance reports and rollover of projects when making new plans	✓	✓
Considers the impact of changes, e.g. government policy/economic conditions and budgets, on strategic plans	✓	✓
Incorporates sound risk management principles into strategic planning	✓	✓
Works with the general manager to translate strategic direction into a delivery program and operational plan		✓
Monitors progress against the delivery program and operational plan		✓
Considers council's current and potential future role within the community and region when planning		✓
Think and solve problems		
Gathers and investigates information from a variety of sources	✓	✓
Asks questions to get to the heart of the issue and define the problem clearly	✓	✓
Considers the broader context and long-term impacts of policy options	✓	✓
Works with others to assess options and identify appropriate solutions	✓	✓
Create and innovate		
Thinks about issues and opportunities from different viewpoints	✓	✓
Looks for non-obvious solutions	✓	✓
Encourages independent thinking and new ideas from others	✓	✓
Explores innovative solutions with long-standing community-wide impact	✓	✓
Deliver results		
Monitors and provides advice on the delivery of customer/community focused services	✓	✓
Instigates and champions initiatives to deliver community outcomes	✓	✓
Identifies and addresses potential risks to the achievement of council goals	✓	✓
Engages with senior staff about strategies to improve council performance		✓

Resources

	Clr	Mayor
Finance		
Uses basic financial terminology appropriately	✓	✓
Makes informed contributions to debate about the allocation of financial resources	✓	✓
Demonstrates respect for public funds and the obligation to manage council resources responsibly	✓	✓
Is aware of financial risks and strategies to manage and minimise these	✓	✓
Is able to discuss implications of council's long term financial plan, audited financial statements and budget reviews	✓	✓
Identifies and supports opportunities to generate revenue and attract investment	✓	✓
Promotes the role of sound financial management and its impact on council effectiveness		✓
Assets and tools		
Engages in strategic planning to ensure the organisation's assets support delivery of the strategic plan	✓	✓
Makes informed contributions to debate about the allocation of assets to community priorities	✓	✓
Supports asset risk minimisation strategies, plans and outcomes for council	✓	✓
Promotes the role of councils as custodians of community assets	✓	✓
Ensures asset management decisions consider long term financial sustainability	✓	✓
Promotes the role of sound asset management and its impact on long term financial sustainability		✓
Technology and information		
Uses a range of technologies to communicate and engage with the community	✓	✓
Supports the introduction of new technologies to improve the efficiency and effectiveness of the council	✓	✓
Procurement and contracts		
Exercises commercial acumen in reviewing and approving council contracts and tenders	✓	✓
Makes decisions on council tenders according to value for money, probity and community benefit	✓	✓

Councillor Induction and Professional Development Guidelines

Civic leadership

	Clr	Mayor
Represent communities		
Makes themselves available to discuss issues and council activities with members of the community	✓	✓
Seeks to understand the range of views on complex issues in the community	✓	✓
Raises issues that are important to constituents with council	✓	✓
Treats all people in the community impartially and champions their right to be heard	✓	✓
Uses a variety of approaches to gather views from a range of individuals and organisations		✓
Advocates for local interests in dealings with external stakeholders, including other sectors and governments		✓
Inspire direction and purpose		
Demonstrates passion, enthusiasm and personal dedication to council's vision for the community	✓	✓
Champions the community strategic plan and communicates the way forward	✓	✓
Encourages community involvement in council planning processes	✓	✓
Communicates the context and parameters surrounding council strategies and plans	✓	✓
Communicates the purpose and plans using a variety of channels to reach many audiences		✓
Regularly communicates progress against the community strategic plan		✓
Govern responsibly		
Contributes constructively to debate in council	✓	✓
Works towards consensus as a member of the governing body	✓	✓
Contributes to a positive and ethical culture within the governing body	✓	✓
Participates responsibly in exercising council's employer functions in relation to the general manager	✓	✓
Acts in a way that preserves the health and safety of people in the council workplace	✓	✓
Leads constructive council meetings with a view to reaching consensus		✓
Cultivates a positive and ethical culture within the governing body		✓
Works with the general manager to ensure legal and regulatory frameworks are applied consistently by council		✓
Sets clear performance standards for the general manager and monitors progress		✓
Regularly discusses performance with the general manager and addresses performance issues early		✓

	Clr	Mayor
Make quality decisions		
Makes considered decisions on merit in the public interest	✓	✓
Considers information about the context and regulatory environment before making decisions	✓	✓
Considers financial and budget implications, including value for money, in making decisions	✓	✓
Explains council decision-making process to constituents	✓	✓
Communicates the decisions of council in a respectful way, even if own position was not adopted	✓	✓
Assists the community to understand council decisions in context, considering priorities and constraints	✓	✓
Ensures council works through issues, considering all relevant information, before making decisions		✓
Ensures council considers financial and budget implications in making decisions		✓



Office of
Local Government

Circular to Councils

Circular Details	Circular No 18-44 / 18 December 2018 / A621282
Previous Circular	<i>18-24 Status of the new Model Code of Conduct for Local Councils in NSW and Procedures</i>
Who should read this	Mayors / Councillors / General Managers / Joint Organisation Executive Officers / Complaints Coordinators / Conduct Reviewers
Contact	Council Governance Team – (02) 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to Implement

Commencement of the new Model Code of Conduct for Local Councils in NSW and Procedures

What's new or changing

- The new 2018 *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct) and *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (Procedures) have now been prescribed under the *Local Government (General) Regulation 2005*. The new prescribed Model Code of Conduct and Procedures are available on OLG's website.
- Provisions governing the use of social media (clause 8.21) in the previously released version of the Model Code of Conduct issued on 5 September 2018 have been removed. However, it remains open to councils to adopt this provision as a supplementary provision of their code of conduct, should they choose to do so.

What this will mean for your council

- Councils have six months from the date of prescription, (**14 December 2018 – 14 June 2019**) to adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures. The transitional arrangements for the new Model Code of Conduct and Procedures are set out below.
- Councils' complaints coordinators should bring this circular and the attached FAQ to the attention of their council's conduct reviewers. Complaints coordinators should also inform conduct reviewers when the council has adopted a new code of conduct and procedures and provide copies.
- Councils should review their existing panels of conduct reviewers and determine to appoint a new panel using the expression of interest process prescribed under the Procedures if they have not done so in the past four years. Councils may appoint shared panels with other councils including through a joint organisation or another regional body associated with the councils.

Key points

- Councils' existing adopted codes of conduct and procedures will remain in force until such time as councils adopt a new code of conduct and procedures

based on the Model Code of Conduct and Procedures prescribed under the Regulation.

- If a council fails to adopt a new code of conduct and procedures based on the new Model Code of Conduct and Procedures within six months of their prescription, the provisions of the new Model Code of Conduct and Procedures will automatically override any provisions of a council's adopted code of conduct and procedures that are inconsistent with those contained in the Model Code of Conduct and Procedures through the operation of sections 440(4) and 440AA(4) of the *Local Government Act 1993* (unless the inconsistent provisions of a council's adopted code of conduct are more onerous than those contained in the Model Code of Conduct).
- In adopting a new code of conduct and procedures, councils may include provisions that are supplementary to those contained in the Model Code of Conduct and Procedures. Councils may also impose more onerous requirements under their adopted codes of conduct than those prescribed under the Model Code of Conduct. However, councils must not dilute the standards prescribed under the Model Code of Conduct in their adopted codes of conduct.
- Some councils indicated in their feedback on the consultation draft of the Model Code of Conduct a preference for adopting separate codes of conduct for councillors, staff and delegates and committee members instead of a single code of conduct that applies to all council officials. To assist councils to do this, OLG has prepared bespoke versions of the Model Code of Conduct for councillors, staff and delegates and committee members for adoption, instead of a single code of conduct, should councils wish to do so.
- Code of conduct complaints must be assessed against the standards prescribed under the version of the council's code of conduct that was in force at the time the conduct the subject of the complaint is alleged to have occurred.
- Code of conduct complaints must be dealt with in accordance with the version of the council's procedures that were in force at the time the complaint was made.

Where to go for further information

- Further information is provided in the FAQ attached to this circular.
- The new Model Code of Conduct and Procedures and other associated documents are available on OLG's website at www.olg.nsw.gov.au.
- OLG will be providing further guidance and assistance to councils to support implementation of the new Model Code of Conduct and Procedures during the six month transitional timeframe.
- For more information, contact the Council Governance Team by telephone on 02 4428 4100 or by email at olg@olg.nsw.gov.au.

Tim Hurst
Chief Executive

FREQUENTLY ASKED QUESTIONS

What is the purpose of the Model Code of Conduct?

The *Model Code of Conduct for Local Councils in NSW* prescribes the minimum ethical and behavioural standards all council officials in NSW are required to comply with. In doing so it seeks to:

- prescribe uniform minimum ethical and behavioural standards for all councils in NSW
- provide clear guidance to council officials on the minimum ethical and behavioural standards expected of them as council officials
- provide clear guidance to local communities on the minimum ethical and behavioural standards they can expect of the council officials who serve them
- promote transparency and accountability
- promote community confidence in the integrity of the decisions councils make and the functions they exercise on behalf of their local communities, and
- promote community confidence in the institution of local government.

How is the Model Code of Conduct prescribed?

The Model Code of Conduct is prescribed under section 440 of the *Local Government Act 1993* (LGA) and the *Local Government (General) Regulation 2005* (the Regulation).

Under section 440 of the LGA, each council is required to adopt a code of conduct based on the Model Code of Conduct prescribed under the Regulation. Councils may enhance or strengthen the standards prescribed under the Model Code of Conduct in their adopted codes of conduct to make them more onerous. Councils may also supplement the provisions contained in the Model Code of Conduct with additional provisions in their adopted codes of conduct.

However, councils cannot dilute or weaken the standards prescribed in the Model Code of Conduct in their adopted codes of conduct. Provisions contained in a council's adopted code of conduct that are less onerous than those prescribed under the Model Code of Conduct will be invalid and the equivalent provisions of the Model Code of Conduct will override them through the operation of section 440 of the LGA.

How are the Procedures prescribed?

The *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* are prescribed under section 440AA of the LGA and the Regulation. Under section 440AA, each council is required to adopt procedures for the administration of their adopted code of conduct based on the Model Procedures prescribed under the LGA and Regulation. Councils' adopted procedures may contain provisions that supplement the Model Procedures, but a council's adopted procedure has no effect to the extent that it is inconsistent with the Model Procedures prescribed under the Regulation.

Are joint organisations and county councils required to adopt the Model Code of Conduct and Procedures?

Yes.

Who does the Model Code of Conduct apply to?

Section 440 of the LGA specifies the classes of council officials that a Model Code of Conduct prescribed under the Regulation may apply to. Under section 440, a Model Code of Conduct may be prescribed that applies to councillors, members of staff of councils and delegates of councils. For this reason, the Model Code of Conduct prescribed under the Regulation only applies to councillors, council staff and delegates of councils (including members of committees that are delegates of councils). These are all defined as “council officials” for the purposes of the Model Code of Conduct and the Procedures.

Section 440 also allows regulations to be made to apply the provisions of the Model Code of Conduct relating to the disclosure of pecuniary interests to members of a committee of a council (including the Audit, Risk and Improvement Committee) and advisers to councils. A regulation has been made to give effect to this and the new Model Code of Conduct contains provisions prescribing the obligations of committee members and advisers to councils in relation to the disclosure of pecuniary interests.

What is the regulatory scope of the Model Code of Conduct?

The Model Code of Conduct applies to any conduct by a “council official” that is connected with their role as a council official or the exercise of their functions as a council official.

It is the personal responsibility of all council officials to ensure that their conduct complies with the ethical and behavioural standards prescribed under the Model Code of Conduct. This applies to both the exercise by council officials of their functions as a council official and any conduct (including in a private capacity) that is connected with their role as a council official.

Can councils adopt separate codes of conduct for councillors, staff and delegates and committee members?

Yes. Some councils indicated in their feedback on the consultation draft of the Model Code of Conduct, a preference for adopting separate codes of conduct for councillors, staff and delegates and committee members instead of a single code of conduct applying to all council officials.

There is nothing to prevent councils from doing so, provided that the adopted codes of conduct, taken together as a package, reflect all the provisions contained in the prescribed Model Code of Conduct and are consistent with it. To assist councils to do this, OLG has prepared bespoke versions of the Model Code of Conduct for councillors, staff and delegates and committee members for adoption instead of a single code of conduct for councils wishing to do this.

Can a council extend the application of its adopted code of conduct to persons other than councillors, council staff and delegates of council?

Yes. There is nothing under the LGA to prevent a council, when adopting a code of conduct based on the Model Code of Conduct, to extend its application to persons other than councillors, council staff and delegates of council.

In adopting a code of conduct based on the Model Code of Conduct, councils may amend the provisions of the Model Code of Conduct and the associated Procedures to extend their application to contractors, community members of wholly advisory committees and/or volunteers. In doing so, to be effective, councils will also need to

5

make it a condition of a contractor's engagement or volunteer's or advisory committee member's appointment that they comply with the council's adopted code of conduct.

How many iterations of the Model Code of Conduct and Procedures have there been?

The Model Code of Conduct has been reviewed every four years to address new and emerging issues and to reflect shifting community standards and expectations. The 2018 version of the Model Code of Conduct is the fourth iteration. The first iteration of the Model Code of Conduct was prescribed in January 2005 in support of amendments to the LGA that required the adoption of a code of conduct based on a prescribed Model Code of Conduct. Before this, councils were free to adopt their own codes of conduct with the result that ethical standards varied from council to council.

The 2018 version of the Procedures is the second iteration. The first iteration of the Procedures was prescribed in March 2013 in support of amendments to the LGA that required the adoption of procedures for the administration of council's adopted codes of conduct based on a prescribed Model Procedure.

Why was the new Model Code of Conduct developed?

The new 2018 version of the Model Code of Conduct gives effect to a key reform made by amendments passed by the NSW Parliament to consolidate the prescription of all ethical standards for local government into a single statutory instrument. Previously, ethical standards were prescribed from three sources, the pecuniary interest provisions of the LGA and the Regulation and the Model Code of Conduct.

Consolidating all ethical standards into a single instrument will:

- result in a better understanding of, and compliance, with ethical standards - council officials will no longer need to be familiar with their obligations prescribed from three separate statutory sources, the LGA, the Regulation and the Model Code of Conduct
- allow pecuniary interest breaches by councillors to be treated as "misconduct", meaning that minor breaches can be dealt with by the Chief Executive of OLG as an alternative to referral to the NSW Civil and Administrative Tribunal (NCAT) and suspensions for pecuniary interest breaches will be counted towards disqualification for the purposes of the "three strikes" automatic disqualification
- allow greater flexibility and efficiency in updating the standards to address emerging issues – amendments will now be able to be made by way of a Regulation amendment.

How were the new Model Code of Conduct and Procedures developed?

Moving the pecuniary interest provisions to the Model Code of Conduct necessitated a rewrite of the Model Code of Conduct. As part of this process, it was decided to also undertake a comprehensive review of the existing provisions of the Model Code of Conduct (as part of the regular four-year review cycle) and the Procedures.

In undertaking the review, OLG consulted extensively with councils and other stakeholders. In developing the new Model Code of Conduct and Procedures, there have been two rounds of public consultation:

- in late 2016, submissions were invited suggesting changes and improvements to the existing Model Code of Conduct and Procedures

- based on the feedback received from the first round of consultation, consultation drafts of the proposed new Model Code of Conduct and Procedures were developed and issued for comment.

The final versions of the 2018 Model Code of Conduct and Procedures have been informed by the comment received in response to the consultation drafts.

What changes have been made in the 2018 version of the Model Code of Conduct?

The most obvious change is that the pecuniary interest provisions previously contained in the LGA and Regulation have now been included in the Model Code of Conduct.

One of the recurrent themes of the feedback received in the first round of consultation on the new Model Code of Conduct was that the “principles-based” approach to prescribing ethical and behavioural standards in the previous version of the Model Code of Conduct resulted in some of the prescribed standards being too vague, meaning that the ethical and behavioural standards expected of council officials were unclear and that almost anything could potentially constitute a breach of a council’s code of conduct. In response to this, the Model Code of Conduct has been substantially redrafted to be more prescriptive and to more clearly identify the behaviours that it seeks to deter.

Other key changes include:

- new standards relating to discrimination and harassment, bullying, work health and safety, behaviour at meetings, access to information and maintenance of council records
- new rules governing the acceptance of gifts including mandatory reporting
- a new ongoing disclosure requirement for councillors and designated persons requiring disclosure of new interests in returns of interests within three months of becoming aware of them
- councillors will be required to disclose in their returns of interests whether they are a property developer or a close associate of a property developer.

What changes have been made to the previously approved version of the Model Code of Conduct posted on OLG’s website on 5 September 2018?

Provisions governing the use of social media (clause 8.21) in the previously released version of the Model Code issued on 5 September 2018 have been removed. However, it remains open to councils to adopt this provision as a supplementary provision of their code of conduct, should they choose to do so. Should councils require further assistance in relation to this, they may contact OLG’s Council Governance Team.

What changes have been made in the 2018 version of the Procedures?

In response to feedback, changes have been made to the Procedures to address the following issues:

- the role of the general manager in the receipt and initial management of code of conduct complaints about councillors
- the ability of complainants, who are unhappy with decisions of the council, to misuse councils’ codes of conduct by repackaging routine complaints as “code of conduct complaints”

7

- the lack of recourse against members of the public who inappropriately disclose information about complaints they have made under a council's code of conduct.

These changes are outlined below:

How can councils outsource and centralise the management of complaints about councillors through regional arrangements under the new Procedures?

The new Procedures have sought to address concerns about the role of the general manager in the receipt and initial management of code of conduct complaints about councillors by giving general managers (and mayors in the case of complaints about the general manager) the flexibility to delegate their functions under the Procedures to another member of staff or a person external to the council.

The new Procedures have also been designed to allow councils to centralise the management of code of conduct complaints through a joint organisation, a regional organisation of councils or another shared arrangement should they choose to do so. This could be done, for example, through the establishment of a broader internal ombudsman function in a joint organisation or regional organisation of councils or through another shared arrangement to service member councils.

In particular:

- councils are able to establish and maintain regional panels of conduct reviewers through a joint or regional organisation of councils or another shared arrangement
- a staff member of a joint or regional organisation of councils or another member council can (in consultation with and through the executive officer of the joint organisation or general manager of the employer council) be appointed by general managers of member councils as the complaints coordinator for all member councils
- general managers and mayors of member councils can (in consultation with and through the executive officer of the joint organisation or general manager of the employer council) delegate their complaints management functions under the Procedures to a joint organisation or regional organisation of councils or to a staff member of another member council
- councils' internal ombudsman may, with the approval of OLG, be appointed to a panel of conduct reviewers allowing them to exercise the functions of a conduct reviewer, subject to their being able to meet the qualification criteria for conduct reviewers and being able to demonstrate to OLG's satisfaction a requisite degree of independence from member councils.

This offers a number potential benefits:

- centralisation of these functions through a joint organisation, a regional organisation of councils or another shared arrangement has the potential to deliver efficiencies and economies of scale and allows the development of a body of expertise within the region in the management of code of conduct complaints
- it allows general managers and mayors to divest themselves of the sometimes onerous responsibilities associated with code of conduct complaints management, allowing them to focus on their core responsibilities
- it allows all code of conduct complaints about mayors, councillors and general managers to be managed independently of the councils they relate to.

How do the new Procedures address misuse of councils' codes of conduct?

The purpose of a council's code of conduct is to prescribe the ethical and behavioural standards council officials are expected to comply with. The purpose of the Procedures is to support the enforcement of those standards. Consistent with this, councils' codes of conduct should not be used to deal with routine complaints.

The definition of a "code of conduct complaint" under the new Procedures has been tightened up to address the potential for misuse of councils' codes of conduct to re-litigate council decisions a person may disagree with or to re-prosecute complaints that have previously been addressed under councils' routine complaints management processes.

To be a code of conduct complaint, a complaint must show or tend to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct. Complaints that do not meet this definition of a "code of conduct complaint" must not be dealt with under the Procedures and are to be dealt with under councils' routine complaints management processes.

The new Procedures make it clear that the following are not code of conduct complaints:

- complaints about the standard or level of service provided by a council or a council official
- complaints that relate solely to the merits of a decision made by a council or a council official or the exercise of a discretion by a council or a council official
- complaints about the policies or procedures of a council
- complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.

What recourse do the new Procedures provide against persons who inappropriately disclose information about code of complaints they have made?

Allegations of breaches of a council's code of conduct must not be made publicly and information about code of conduct complaints and the consideration of code of conduct complaints is not to be publicly disclosed. This is to ensure the allegations are dealt with appropriately and fairly in accordance with the prescribed Procedures for the management of code of conduct complaints.

While council officials disclosing this information may face disciplinary action, under the previous Procedures there was no recourse against members of the public who did so. Under the new Procedures, where members of the public publicly disclose information about a code of conduct complaint they have made, general managers can determine, with OLG's consent, that the complainant is to receive no further information about their complaint and any future code of conduct complaints they make (subject to the requirements of the *Government Information (Public Access) Act 2009*).

9

When must councils adopt a new code of conduct and procedures based on the new prescribed Model Code of Conduct and Procedures?

Councils have six months from the date of prescription, (**14 December 2018 – 14 June 2019**) to adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures.

What are the transitional arrangements for the new Model Code of Conduct and Procedures?

The following transitional arrangements apply to the new Model Code of Conduct and Procedures:

- Councils' existing adopted codes of conduct and procedures will remain in force until such time as councils adopt a new code of conduct and procedures based on the Model Code of Conduct and Procedures prescribed under the Regulation.
- If a council fails to adopt a new code of conduct and procedures based on the new Model Code of Conduct and Procedures within six months of their prescription, the provisions of the new Model Code of Conduct and Procedures will automatically override any provisions of a council's adopted code of conduct and procedures that are inconsistent with those contained in the Model Code of Conduct and Procedures through the operation of sections 440(4) and 440AA(4) of the LGA (unless the inconsistent provisions of a council's adopted code of conduct are more onerous than those contained in the Model Code of Conduct).
- In adopting a new code of conduct and procedures, councils may include provisions that are supplementary to those contained in the Model Code of Conduct and Procedures. Councils may also impose more onerous requirements under their adopted codes of conduct than those prescribed under the Model Code of Conduct. However, councils must not dilute the standards prescribed under the Model Code of Conduct in their adopted codes of conduct.
- Code of conduct complaints must be assessed against the standards prescribed under the version of the council's code of conduct that was in force at the time the conduct the subject of the complaint is alleged to have occurred.
- Code of conduct complaints must be dealt with in accordance with the version of the council's procedures that was in force at the time the complaint was made.

Where can I get Word© versions of the new Model Code of Conduct and Procedures?

If you require a Word© version of the new Model Code of Conduct or Procedures, please contact OLG's Council Governance Team.



CODE OF CONDUCT

DRAFT

Adopted: xxxx 2019

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TABLE OF CONTENTS

PART 1	INTRODUCTION	3
PART 2	DEFINITIONS	4
PART 3	GENERAL CONDUCT OBLIGATIONS.....	6
PART 4	PECUNIARY INTERESTS.....	10
PART 5	NON-PECUNIARY CONFLICTS OF INTEREST	17
PART 6	PERSONAL BENEFIT	22
PART 7	RELATIONSHIPS BETWEEN COUNCIL OFFICIALS	25
PART 8	ACCESS TO INFORMATION AND COUNCIL RESOURCES.....	27
PART 9	MAINTAINING THE INTEGRITY OF THIS CODE.....	31
SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21		33
SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21		41
SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37.....		45

PART 1 INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

Note: In adopting this Model Code of Conduct, Liverpool City Council is applying its provisions, as relevant and required, to Council contractors, Council volunteers and members of council advisory committees. The provisions of this Code relating to members of council committees, unless otherwise stated, also apply to members of council's wholly advisory committees.

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
CEO	the Chief Executive Officer of council who performs the functions of the general manager under the LGA
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
council	refers to Liverpool City Council
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council, advisory committee members, council volunteers, council contractors and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
conduct	includes acts and omissions

delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
joint organisation	a joint organisation established under section 400O of the LGA
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the Local Government (General) Regulation 2005
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

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

Fairness and equity

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

Harassment and discrimination

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

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and

b) the behaviour creates a risk to health and safety.

3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

- a) aggressive, threatening or intimidating conduct
- b) belittling or humiliating comments
- c) spreading malicious rumours
- d) teasing, practical jokes or 'initiation ceremonies'
- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:

- a) performance management processes
- b) disciplinary action for misconduct
- c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d) directing a worker to perform duties in keeping with their job
- e) maintaining reasonable workplace goals and standards
- f) legitimately exercising a regulatory function
- g) legitimately implementing a council policy or administrative processes.

Work health and safety

3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:

- a) take reasonable care for your own health and safety
- b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the CEO or such other staff member nominated by the CEO, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly.

You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

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

- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.

- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.

- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.

- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).

- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:

- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or

- b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
- c) deliberately seek to impede the consideration of business at a meeting.

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PART 4 PECUNIARY INTERESTSWhat is a pecuniary interest?

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

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
 - (b) your interest as a ratepayer or person liable to pay a charge
 - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is

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

- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

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

What disclosures must be made by a designated person?

4.8 Designated persons include:

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

4.9 A designated person:

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

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

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

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

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

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

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

What disclosures must be made by council advisers?

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

What disclosures must be made by a council committee member?

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

What disclosures must be made by a councillor?

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

Disclosure of interests in written returns

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

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

Disclosure of pecuniary interests at meetings

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

or the councillor's or council committee member's spouse, de facto partner or relative, is:

- (a) a member of, or in the employment of, a specified company or other body, or
- (b) a partner of, or in the employment of, a specified person.

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

4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.

4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.

4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:

- (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
- (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.

4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:

- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
- (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - (b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

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PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

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

close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household

- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

5.12 If you are a member of staff of council other than the CEO, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the CEO, the decision on which option should be taken to manage a non-

pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

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

Political donations

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

Loss of quorum as a result of compliance with this Part

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

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

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

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

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

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

Other business or employment

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

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

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

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

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

Personal dealings with council

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

PART 6 PERSONAL BENEFIT

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

Gifts and benefits

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

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

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9

- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the CEO in writing. The recipient, manager, or CEO must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - c) the name of the person who provided the gift or benefit, and
 - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

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

Gifts and benefits of more than token value

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

associated with that person or organisation, during the same 12-month period would exceed \$50 in value.

- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

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

Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALSObligations of councillors and administrators

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

Obligations of staff

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

Inappropriate interactions

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

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

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

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

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

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

Use of certain council information

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

Use and security of confidential information

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

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

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

Personal information

- 8.12 When dealing with personal information you must comply with:
- a) the *Privacy and Personal Information Protection Act 1998*
 - b) the *Health Records and Information Privacy Act 2002*
 - c) the Information Protection Principles and Health Privacy Principles
 - d) the council's privacy management plan
 - e) the Privacy Code of Practice for Local Government

Use of council resources

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

Internet access

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

Council record keeping

- 8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of

whether the original intention was to create the information for personal purposes.

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

Councillor access to council buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the CEO.
- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the CEO (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

PART 9 MAINTAINING THE INTEGRITY OF THIS CODEComplaints made for an improper purpose

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

Detrimental action

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

Compliance with requirements under the Procedures

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

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

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

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

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

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

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

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

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

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

Complaints alleging a breach of this Part

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

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

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

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

address means:

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

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

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

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

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

interest means:

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

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

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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

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

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

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

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

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Part 2: Pecuniary interests to be disclosed in returns

Real property

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

Gifts

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

Contributions to travel

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

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

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

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

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

Interests and positions in corporations

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

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

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

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

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

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

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

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

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

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

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

Positions in trade unions and professional or business associations

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

Dispositions of real property

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

Sources of income

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

- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
- b) each source of income received by the person in the period since 30 June of the previous financial year.

27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:

- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
- b) in relation to income from a trust, the name and address of the settlor and the trustee, or
- c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.

29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.

30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:

- a) on the return date, and
- b) at any time in the period since 30 June of the previous financial year.

32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.

33. A liability to pay a debt need not be disclosed by a person in a return if:

- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:

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

Discretionary disclosures

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

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

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

Important information

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

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

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

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

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

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

as at [return date]

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

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

A. Real Property

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

B. Sources of income

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

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

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

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

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

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

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

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

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
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D. Contributions to travel

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

Name and address of each corporation in which I had an interest (if interest or held a position at any time since 30 June)	Nature of position (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
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F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

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

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

I. Dispositions of property

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

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

J. Discretionary disclosures

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

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

Important information

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

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

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

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

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

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

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

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

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

to be held on the day of 20 .

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

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

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

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

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

Councillor's signature

Date

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

AUTHORISED BY

Council resolution

EFFECTIVE FROM

xxxx 2019

DIRECTORATE RESPONSIBLE

City Corporate (Governance, Legal and Procurement)

REVIEW DATE

xxxx 2021

VERSIONS

Versions (since 2001)	Amended by	Changes made	Date	TRIM Number
1	Council Resolution	Complete review	August 2001	92020.2006
2	Council Resolution	Complete review	18 July 2005	91993.2006
3	Council Resolution	Complete review	28 July 2008	218003.2008
4	Council Resolution	Complete review	16 March 2009	042723.2009
5	Council Resolution	Complete review	18 April 2011	047749.2011
6	Council Resolution	Complete review	6 February 2013	024909.2013
7	Council Resolution	Minor changes	23 December 2013	301550.2013
8	Council Resolution	Minor changes	29 July 2015	143093.2015
9	Council Resolution	Adoption of Model Code of Conduct issued by the OLG	xxxx 2019	005359.2019

REFERENCES

Liverpool City Council: Code of Conduct Procedures
 Liverpool City Council: Ethical Governance: Conflicts of Interest Policy
 Liverpool City Council: Ethical Governance: Gifts and Benefits Policy
 Liverpool City Council: Ethical Governance: Internal Investigations Policy
 Liverpool City Council: Ethical Governance: Internal Reporting Policy
 Liverpool City Council: Ethical Governance: Secondary Employment Policy
 Liverpool City Council: Fraud and Corruption Prevention Policy



CODE OF CONDUCT PROCEDURES

DRAFT

Adopted: xxxx 2019

TRIM 006916.2019



TABLE OF CONTENTS

PART 1	INTRODUCTION.....	3
PART 2	DEFINITIONS.....	3
PART 3	ADMINISTRATIVE FRAMEWORK.....	5
PART 4	HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?.....	8
PART 5	HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?.....	10
PART 6	PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE CEO BY CONDUCT REVIEWERS	17
PART 7	INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE CEO	22
PART 8	OVERSIGHT AND RIGHTS OF REVIEW	31
PART 9	PROCEDURAL IRREGULARITIES.....	34
PART 10	PRACTICE DIRECTIONS.....	34
PART 11	REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE CEO	34
PART 12	CONFIDENTIALITY	35

PART 1 INTRODUCTION

These procedures (“the Model Code Procedures”) are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”).

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* ("the LGA") and the *Local Government (General) Regulation 2005* ("the Regulation"). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

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

Note: References in these procedures to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code Procedures, joint organisations should adapt them to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “CEO”.

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

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the CEO.

Note: In adopting these Model Code Procedures, Liverpool City Council is applying its provisions, as relevant and required, to council contractors, council volunteers and members of council advisory committees. The provisions of this code relating to members of council committees, unless otherwise stated, also apply to members of council's wholly advisory committees

PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

LGA the *Local Government Act 1993*

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
CEO	the Chief Executive Officer of council who performs the functions of the CEO under the LGA
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the CEO under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the CEO
council	refers to Liverpool City Council
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council, advisory committee

	members, council volunteers, council contractors and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 400O of the LGA
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

3.1 The council must by resolution establish a panel of conduct reviewers.

- 3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
- a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
- a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.

- 3.10 The council may terminate the panel of conduct reviewers at any time by resolution. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

- 3.17 The CEO must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The CEO may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council

or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.

3.19 The CEO must not undertake the role of complaints coordinator.

3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.

3.21 The role of the complaints coordinator is to:

- a) coordinate the management of complaints made under the council's code of conduct
- b) liaise with and provide administrative support to a conduct reviewer
- c) liaise with the Office and
- d) arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a code of conduct complaint?

4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.

4.2 The following are not "code of conduct complaints" for the purposes of these procedures:

- a) complaints about the standard or level of service provided by the council or a council official
- b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
- c) complaints about the policies or procedures of the council
- d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.

4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the CEO or their delegate, or, in the case of a complaint about the CEO, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

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

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

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

- 4.11 Code of conduct complaints about the CEO are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the CEO to an external agency.
- 4.12 Where a code of conduct complaint about the CEO cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the CEO, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the CEO, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

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

Delegation by the CEO and the mayor of their functions under this Part

- 5.1 The CEO or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the CEO or mayor are also to be taken to be references to their delegates.

Consideration of complaints by the CEO and mayor

- 5.2 In exercising their functions under this Part, the CEO and the mayor may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the CEO or, in the case of a complaint about the CEO, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a) is not a code of conduct complaint, or
 - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - c) is trivial, frivolous, vexatious or not made in good faith, or
 - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
 - e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

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

- 5.4 The CEO is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4

of the code of conduct) and for determining the outcome of such complaints.

- 5.5 The CEO must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The CEO may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the CEO decides to take no action in relation to a code of conduct complaint about a member of staff of council, the CEO must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

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

- 5.10 The CEO is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The CEO must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The CEO may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the CEO decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the

CEO must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

- 5.14 Where the CEO considers it to be practicable and appropriate to do so, the CEO may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the CEO resolves a code of conduct complaint under clause 5.14 to the CEO's satisfaction, the CEO must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the CEO
 - c) prosecution for any breach of the law
 - d) removing or restricting the person's delegation
 - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the CEO or any person making enquiries on behalf of the CEO must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
 - b) the person must be given an opportunity to respond to the allegation, and
 - c) the CEO must consider the person's response in deciding whether to impose a sanction under clause 5.16.

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

- 5.18 The CEO must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The CEO must notify the complainant of the referral of their complaint in writing.

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

- 5.20 The CEO must refer the following code of conduct complaints about councillors to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
 - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the CEO refers a complaint to the Office under clause 5.20, the CEO must notify the complainant of the referral in writing.
- 5.22 The CEO may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the CEO decides to take no action in relation to a code of conduct complaint about a councillor, the CEO must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the CEO considers it to be practicable and appropriate to do so, the CEO may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25 Where the CEO resolves a code of conduct complaint under clause 5.24 to the CEO's satisfaction, the CEO must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The CEO must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

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

- 5.27 The mayor must refer the following code of conduct complaints about the CEO to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the CEO, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the CEO, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the CEO, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The mayor must refer all code of conduct complaints about the CEO, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the CEO and the mayor to be dealt with?

- 5.34 Where the CEO or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the CEO and the mayor, the CEO or mayor must either:

- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the CEO where the allegation is not serious, or to a person external to the council, or
- b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

- 5.35 The CEO, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The CEO, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the CEO, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
 - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - e) it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the CEO.
- 5.41 Where a councillor makes a code of conduct complaint about another councillor or the CEO, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.

- 5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43 The CEO or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant councillor makes a request under clause 5.41, the CEO or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the CEO as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the CEO or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

- 5.48 The CEO may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or

- b) impeded or disrupted the effective administration by the council of its code of conduct, or
 - c) impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
 - a) the code of conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the CEO, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

PART 6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE CEO BY CONDUCT REVIEWERS

Referral of code of conduct complaints about councillors or the CEO to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the CEO that have not been referred to an external agency or declined or resolved by the CEO, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the CEO or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
 - a) a panel of conduct reviewers established by the council, or

- b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
 - a) they have a conflict of interest in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.

- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.

- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the CEO by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the CEO or, in the case of a complaint about the CEO, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.

- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - b) that the alleged conduct is sufficiently serious to warrant investigation, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant investigation, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
 - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence

- d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.

- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the CEO or mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the CEO or to the mayor to be resolved by alternative and appropriate means, they must write to the CEO or, in the case of a complaint about the CEO, to the mayor, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the CEO or mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The CEO or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the CEO or mayor under clause 6.13(c), the CEO or, in the case of a complaint about the CEO, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the CEO or mayor under clause 6.13(c), the CEO, or, in the case of a complaint about the CEO, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
 - a) whether the complaint is a code of conduct complaint for the purpose of these procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct

- c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
- d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
- e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
- f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
- g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
- h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
- i) any previous proven breaches of the council's code of conduct
- j) whether the conduct complained of forms part of an ongoing pattern of behaviour
- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

PART 7 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE CEO

What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the CEO, or, in the case of alleged conduct on the part of the CEO, to the mayor.
- 7.3 The CEO or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
- a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice, and
 - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within at least 14 days or such other period specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the CEO, or in the case of a complaint about the CEO, to the complainant, the complaints coordinator and the mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
 - c) invite the complainant to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice.

Written and oral submissions

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

How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints

coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

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

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b) refer the matter to the CEO, or, in the case of a complaint about the CEO, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the CEO, or in the case of a complaint about the CEO, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.

- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - i. constitutes a breach of the code of conduct, or
 - ii. does not constitute a breach of the code of conduct, and
 - c) provide reasons for the determination.

- 7.36 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies, practices or procedures
 - b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
 - c) that the respondent be counselled for their conduct
 - d) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
 - e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation
 - f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation
 - g) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the council meeting at which the matter is considered
 - h) in the case of a breach by the CEO, that action be taken under the CEO's contract
 - i) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
 - j) in the case of a breach by a councillor, that the council resolves as follows:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.37 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies, practices or procedures
 - b) that a person or persons undertake any training or other education.
- 7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:
- a) the seriousness of the breach
 - b) whether the breach can be easily remedied or rectified
 - c) whether the respondent has remedied or rectified their conduct
 - d) whether the respondent has expressed contrition
 - e) whether there were any mitigating circumstances
 - f) the age, physical or mental health or special infirmity of the respondent
 - g) whether the breach is technical or trivial only
 - h) any previous proven breaches
 - i) whether the breach forms part of an ongoing pattern of behaviour
 - j) the degree of reckless intention or negligence of the respondent

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

7.39 Where the investigator proposes to make a recommendation under clause 7.36(j), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.

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

- a) a description of the allegations against the respondent
- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
- c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
- d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
- e) a description of any attempts made to resolve the matter by use of alternative means
- f) the steps taken to investigate the matter
- g) the facts of the matter
- h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- i) the investigator's determination and the reasons for that determination
- j) any recommendations.

7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.

7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:

- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- b) the investigator's determination and the reasons for that determination
- c) any recommendations, and

- d) such other additional information that the investigator considers may be relevant.

- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the CEO or, where the report relates to the CEO's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator's report to the CEO. Where the CEO agrees with the recommendation/s, the CEO is responsible for implementing the recommendation/s.
- 7.45 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, the complaints coordinator must provide a copy of the investigator's report to the CEO or, where the report relates to the CEO's conduct, to the mayor. The CEO is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the CEO's conduct.
- 7.46 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)), the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

Consideration of the final investigation report by council

- 7.47 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).
- 7.48 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.

- 7.49 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.50 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.
- 7.51 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.52 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.53 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion from the Office in relation to the report.
- 7.54 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.55 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.56 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.57 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.58 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.59 A council may by resolution impose one or more of the following sanctions on a respondent:
- a) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
 - b) that the respondent be counselled for their conduct

- c) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
- d) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the resolution
- e) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution
- f) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting
- g) in the case of a breach by the CEO, that action be taken under the CEO's contract for the breach
- h) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
- i) in the case of a breach by a councillor:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.60 The council is not obliged to adopt the investigator's recommendation/s. Where the council proposes not to adopt one or more of the investigator's recommendation/s, the council must resolve not to adopt the recommendation/s and state in its resolution the reasons for its decision.

7.61 Where the council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the council must state in its resolution the reasons for its decision.

7.62 Where the council resolves not to adopt the investigator's recommendation/s or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

PART 8 OVERSIGHT AND RIGHTS OF REVIEW

The Office's powers of review

8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.

- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 8.4 The CEO or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The CEO must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The CEO must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.59, paragraph (i), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or

- c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed.
- 8.20 In the case of a sanction implemented by the CEO or mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:
 - a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the CEO or the mayor, and
 - b) the CEO or mayor must review any action taken by them to implement the sanction, and
 - c) the CEO or mayor must consider the Office's recommendation in doing so.
- 8.21 In the case of a sanction imposed by the council by resolution under clause 7.59, where the Office recommends that the decision to impose a sanction be reviewed:
 - a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be

tabled at the first ordinary council meeting following the election, and

b) the council must:

- i. review its decision to impose the sanction, and
- ii. consider the Office's recommendation in doing so, and
- iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

8.22 Where, having reviewed its previous decision in relation to a matter under clause 8.21, the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

PART 9 PROCEDURAL IRREGULARITIES

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

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

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

PART 10 PRACTICE DIRECTIONS

10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.

10.2 The Office will issue practice directions in writing, by circular to all councils.

10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

PART 11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE CEO

11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:

- a) the total number of code of conduct complaints made about councillors and the CEO under the code of conduct in the year to September (the reporting period)

- b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
- d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with code of conduct complaints made about councillors and the CEO during the reporting period, including staff costs.

11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

PART 12 CONFIDENTIALITY

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

12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the CEO or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.

12.3 Prior to seeking the Office's consent under clause 12.2, the CEO or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within at least 14 days or such other period specified by the CEO or their delegate, and consider any submission made by them.

12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the CEO or their delegate.

12.5 The CEO or their delegate must give written notice of a determination made under clause 12.2 to:

- a) the complainant
- b) the complaints coordinator
- c) the Office, and

- d) any other person the CEO or their delegate considers should be notified of the determination.

12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the CEO or their delegate under clause 12.2.

12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.

DRAFT

AUTHORISED BY

Council resolution

EFFECTIVE FROM

xxxx 2019

DEPARTMENT RESPONSIBLE

Office of the Chief Executive Officer (Internal Ombudsman)

REVIEW DATE

xxxx 2021

VERSIONS

Versions	Amended by	Changes made	Date	TRIM Number
1	Council Resolution	Adopted by Council	6 February 2013	024909.2013
2	Council Resolution	Minor changes	23 December 2013	301476.2013
3	Council Resolution	Minor changes	29 July 2015	143802.2015
4	Council Resolution	Adoption of Model Procedures issued by the OLG	xxxx 2019	006916.2019

REFERENCES

Liverpool City Council: Code of Conduct
 Liverpool City Council: Ethical Governance: Conflicts of Interest Policy
 Liverpool City Council: Ethical Governance: Gifts and Benefits Policy
 Liverpool City Council: Ethical Governance: Internal Investigations Policy
 Liverpool City Council: Ethical Governance: Internal Reporting Policy
 Liverpool City Council: Ethical Governance: Secondary Employment Policy
 Liverpool City Council: Fraud and Corruption Prevention Policy



HERITAGE ADVISORY COMMITTEE CHARTER

Adopted: -xx [February 2019](#)

TRIM: xxxx



HERITAGE ADVISORY COMMITTEE CHARTER

1. NAME

Heritage Advisory Committee Charter

2. INTERPRETATION

2.1 For the purpose of this charter:

"Council" means the Liverpool City Council and
"Member" means a member of the Committee

3. PURPOSE

3.1 The Heritage Advisory Committee has been established primarily to support the conservation and promotion of heritage within the Liverpool Local Government Area by providing relevant community based advice and assistance.

4. FUNCTIONS

4.1 The Heritage Advisory Committee shall:

- a) Provide Council with advice on the management of heritage within the Liverpool area. This includes reviewing and commenting on Council and State Government policies and strategies that affect heritage within the LGA and making recommendations on conservation objectives, policies and overall direction where appropriate.
- ~~b)~~ Advise and make recommendations to Council in relation to the nomination and deletion of Heritage Listed items from the Local Environmental Plan (LEP) and State Heritage Register. This includes the undertaking of historical research and provision of evidence in support of recommendations.
- ~~c)~~ Advise and assist Council and work with the community to increase awareness of heritage matters through education and promotion, such as "Heritage Week" events, publications, seminars, public displays and workshops.
- ~~d)~~ Act as a conduit between Council and the community in relation to heritage matters.
- ~~d)~~ Act as a reference and peer review body as required for heritage surveys, conservation reports, planning studies and other heritage related bodies of work.

HERITAGE ADVISORY COMMITTEE CHARTER

- e) Undertake historical research projects to assist Council in building its knowledge of existing heritage items and to support proposed heritage items.
- f) Advise and make recommendations in relation to the management of the heritage collection at the Liverpool Regional Museum and Casula Powerhouse Arts Centre; and
- g) Advise and assist Council in the seeking of external funding through third party grants, such as grants through the Heritage Council of NSW or other available sources.

5. OUTCOMES

5.1 The outcomes of the Committee are to:

- a) Provide a forum for input from the community and the professional heritage sector on matters of heritage significance to the Liverpool Local Government Area;
- b) Promote the natural and cultural heritage of the Liverpool Local Government Area by increasing community awareness and understanding of heritage conservation;
- c) Advocate for the conservation of local heritage as a contributor to a sense of place and local identity;
- d) Support Council in advancing the aims of the Heritage Strategy;
- e) Support Council in the development and implementation of strategies, policies and programs related to heritage conservation;
- f) Provide input to Council on heritage programming, exhibitions, education and events; and
- g) Support Council in the conservation and promotion of Liverpool City Council's movable heritage collection.

6. COMMITTEE DELEGATIONS

6.1 The Committee shall not have the power to incur expenditure.

6.2 The Committee does not have the power to bind the Council.

6.3 Recommendations made by the Committee which are determined by the CEO to be substantially operational in nature will be dealt with by the relevant Director, and any action or decision not to act will be reported to the Committee on a regular basis.

HERITAGE ADVISORY COMMITTEE CHARTER

- 6.4 Employees of the Council are not bound to the direction of the advisory Committee or any of its members.

7. MEMBERSHIP

Note: the Committee does not have the authority to co-opt anyone to its membership.

The Committee shall comprise ~~88~~ members, consisting of:

7.1 COUNCILLOR REPRESENTATION

Two (2) Councillors approved by Council, one to act as Chairperson.

7.2 MEMBERSHIP

The Committee shall include eight (8) persons either:

- From the Liverpool Local Government Area; or
- With a strong connection with Liverpool; or
- With demonstrated understanding of Liverpool's history and heritage; or
- A demonstrated understanding of the NSW Heritage management system.

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Committee members should have a demonstrated skillset/knowledge in one+ of the following:

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- Indigenous Cultural Heritage;
- Local Heritage;
- Historical Research;
- Heritage Architecture;
- Collections Management;
- Heritage Tourism;
- Heritage Interpretation and Public Art; and
- Museum Exhibition Design and Development.

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Applications for membership ~~as community members~~ will take place through a publically advertised expression of interest process, after which a

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HERITAGE ADVISORY COMMITTEE CHARTER

recommendation will be submitted to the elected Council for approval of community-the membership of the committee.

Membership with a local Heritage Group is not necessary but will be considered where it can be demonstrated as facilitating a defined skillset.

7.3 NOMINATION AND SELECTION

Expressions of interest to participate in the Committee will be called for through the Council notices posted in the local media and Council's website.

The membership criteria for the Committee include the following:

- a) Demonstrated interest in and knowledge of the heritage and history of Liverpool;
- a)b) Demonstrated skill/knowledge in one of the defined skillsets.
- b)c) Demonstrated interest in and knowledge of the challenges and opportunities affecting local heritage management;
- c)d) A willingness to commit time to be actively involved in the Heritage Advisory Committee and to perform tasks related to Committee business;
- d)e) Resident; ratepayer; or a strong association with the Liverpool Local Government Area, including a strong interest and understanding of the local heritage and history;
- e)f) Demonstrated practical experience in the advocacy, promotion and protection of heritage within the Liverpool Local Government Area; and
- f)g) The ability to effectively listen, cooperate and constructively participate as a member of the Liverpool Heritage Advisory Committee.

7.4 COUNCIL SUPPORT

- a) Councillors, other than those appointed to the Committee, may attend and observe. Only the appointed Councillors may take part in the discussion and participate in voting.
- b) Council's Heritage Officer will attend Committee meetings as an ex-officio member and will provide professional advice to the Committee;
- c) A Council staff member will attend meetings to provide administrative and other support to the Committee. Administrative support is provided for the preparation of the agenda, recording of the minutes and distribution of the agenda and business paper.

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HERITAGE ADVISORY COMMITTEE CHARTER

- d) Other Council staff may attend Committee meetings to observe or to address the Committee where a matter has been included in the agenda.
- e) The Chairperson can invite Council staff, present in the meeting, to participate in the discussion if their input is deemed to be necessary.
- f) Council staff do not have any voting rights on the Committee.

7.5 CHAIRPERSON AND DEPUTY CHAIRPERSON

- a) The nominated Councillor will act as the Chairperson, with the second Councillor to act as Deputy Chairperson.
- b) The role of the Chairperson is to preside at a meeting of the Committee. The Chairperson requires the skills to be able to facilitate the effective functioning of the Committee. In the absence of the Chairperson, the Deputy Chairperson shall preside at the meeting.
- c) The Deputy Chairperson, assumes all the rights and obligations of the Chairperson for that meeting.
- d) The Chairperson has the ability to invite external subject matter experts to participate in meetings from time to time as on-voting members.

8 QUORUM AND DECISION MAKING

- 8.1 The quorum to enable business to be transacted at meetings shall be half the membership plus one, including at least one Councillor to act as Chairperson.
- 8.2 Observers or visitors at the meeting do not form part of the quorum.
- 8.3 In the absence of a quorum 15 minutes after the scheduled start of the meeting, the Committee members present may discuss the agenda items although any recommendations made will not become formalised until they have been ratified at the next Committee meeting with a quorum present.
- 8.4 The Committee is to conduct business in accordance with Council's resolution of 24 March 2015 as follows:
 - a) Record all motions formally moved;

HERITAGE ADVISORY COMMITTEE CHARTER

- b) Record the identity of the mover and seconder of each such motion together with the voting outcome, and such other information as may be referred to under the *Local Government (General) Regulation 2005*;
 - c) No longer record 'action items' (where it is not possible to identify the promoters (and dissenters) with respect to such items);
 - d) Record that declarations of conflicts of interest were called for at the commencement of each Committee meeting and the result of such call (even where no conflicts of interest were disclosed); and
 - e) Ensure the minutes of all Committee meetings are consistent with the format of Council meetings.
- 8.5 Committee recommendations are not binding on Council. To obtain Council endorsement, a Committee recommendation must be reported to the Council for their decision.

9 TERM OF OFFICE

A person appointed to the Committee will continue as a member for two years.

9.1 Casual Vacancy

- a) Should a vacancy occur during the term of appointment it will be filled by following the normal process for appointments (refer Section 7 Membership).
- b) A member's position becomes vacant:
 - i. If the member dies;
 - ii. If the member resigns membership by notice in writing to the Committee Chairperson;
 - iii. If the member is absent for more than three consecutive meetings without the leave of the chairperson and the Committee votes to declare the member's position vacant;
 - iv. If the member misuses information or breaches confidentiality and Council resolves to remove the member;
 - v. If the members is determined to be aggressive or uncooperative with Council staff or other members of the committee and Council resolves to remove the member;
 - vi. If Council otherwise resolves to remove the member.

Where a vacancy occurs within eight months of the end of the term of the current membership, the vacancy will not be filled.

HERITAGE ADVISORY COMMITTEE CHARTER

9.2 Non-Attendance at Meetings

Ongoing membership of the Committee is subject to regular attendance and reasonable apologies. A Committee member should notify the Committee Chairperson of their planned absence from a meeting.

Any Committee member knowing that they will be absent for three or more consecutive meetings should notify the Committee Chairperson in writing of the planned absence.

In the event of a member being absent for three or more consecutive meetings without apology and without the approval of the Committee, the Committee can vote on whether to declare the member's position vacant, inform the member of the outcome and fill the position as a casual vacancy.

9.3 Resignation from Committee

Any Committee member wishing to resign from the Committee shall do so in writing to the Committee Chairperson.

10 GENERAL PUBLIC

10.1 The Committee meetings will be open to members of the general public who may participate in discussion with the permission of the Chairperson. Voting rights are maintained by only those appointed to the Committee.

10.2 Representatives of organisations or the general community may be invited to address the Committee on matters on the agenda.

11 TIMETABLE FOR MEETINGS

11.1 Meetings will be held quarterly, subject to confirmation two weeks prior to each meeting of agenda items requiring Committee discussion.

11.2 A meeting will be limited to a maximum of one and a half hours duration unless the Committee resolves to extend the length of the meeting to a particular time or the completion of business.

11.3 Extra-ordinary meetings may be called by the Chairperson of the Committee in consultation with the CEO (or his/her delegate).

11.4 A schedule for Committee meetings confirming the location, date and starting time for meetings will be distributed to Committee members.

HERITAGE ADVISORY COMMITTEE CHARTER

- 11.5 Changes to scheduled Committee meetings can only be made if five ordinary days' notice has been given to all members.

12. MEETING PRACTICE AND PROCEDURES

- 12.1 Committee meetings must be conducted in accordance with Council's Code of Meeting Practice.
- 12.2 The Committee must observe the provisions of any other relevant Council policies and procedures.
- 12.3 Minutes of meetings must be kept in accordance with the procedures set out in Council's Code of Meeting Practice.
- 12.4 The minutes of each Committee meeting will be submitted to the next available meeting of Council.

13. INSURANCE COVER

- 13.1 Committee members are covered by Council's personal accident insurance only for attendance at meetings and other activities formally endorsed by the Committee.

14. OBSERVING THE CODE OF CONDUCT AND RELEVANT COUNCIL POLICIES

- 14.1 All members of the Committee are required to observe the provisions of Council's Code of Conduct and any other relevant Council policy applicable to the proper functioning of the Committee.
- 14.2 Should a member of the Committee breach Council's Code of Conduct or any other relevant Council policy, the matter will be referred to the CEO to be dealt with in accordance with Council's Code of Conduct Procedures.
- 14.3 A breach of the Code of Conduct may result in the particular Committee member concerned being excluded from membership of the Committee.
- 14.4 If a Committee member has a pecuniary interest in any matter with which the Committee is concerned, and is present at a meeting of the Committee at which the matter is being considered, they must disclose the interest to the meeting and must not be present during any discussion or decision making relating to that matter. Leaving the room is necessary because to

HERITAGE ADVISORY COMMITTEE CHARTER

remain in the presence of the meeting but refrain from voting is taken to be a vote against the motion.

- 14.5 A member of the Committee who has a non-pecuniary conflict of interest in any matter with which the Committee is concerned and is present at a meeting of the Committee at which the matter is being considered must disclose the interest to the meeting as soon as practicable. If a member of the Committee has declared a non-pecuniary conflict of interest, there exists a range of options for managing the conflict of interest. The option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with.
- 14.6 A Committee member will deal with a non-pecuniary conflict of interest in at least one of these ways:
- a) Where the potential for conflict is deemed minimal, take no action. However, the Councillor or Committee member should consider providing an explanation as to why it is considered that only a minimal or non-existent conflict exists;
 - b) Where the potential for conflict is more significant, take no part in the matter by leaving the room in which the meeting is taking place and take no part in any debate or vote on the issue, as if the provisions in section 451(2) of the Act applied.
- 14.7 Committee members declaring a conflict of interest, whether pecuniary or non-pecuniary, should complete a Declaration of Interest Form which is to be signed by the CEO and retained by Council in accordance with Council's Code of Conduct and its Ethical Governance: Conflicts of Interest Policy.

15 CONFIDENTIALITY AND MANAGING PRIVACY

- 15.1 Committee members, through their involvement on the Committee, may come in contact with confidential or personal information retained by Council. Committee members are required to maintain confidentiality and security in relation to any such information and not access, use or remove that information, unless authorised to do so.
- 15.2 The *Privacy and Personal Information Protection Act* 1998 and Council's Privacy Management Plan deal with the collection, holding, use, correction, disclosure and transfer of personal information.
- 15.3 Should a Committee member become aware of any breach of security, or misuse of Council's confidential or personal information, they should inform the CEO immediately.

HERITAGE ADVISORY COMMITTEE CHARTER**16 MEDIA PROTOCOL**

- 16.1 The Mayor is the only person permitted to speak to the media on behalf of the Committee.
- 16.2 No other member of the Committee is permitted to speak to the media in their capacity as a Committee member.

17 REVIEW OF THE COMMITTEE AND THIS CHARTER

- 17.1 Council will review the work of the Committee and this charter every two years.

HERITAGE ADVISORY COMMITTEE CHARTER

AUTHORISED BY

Council Resolution

EFFECTIVE FROM[xxx February 2019](#)**DIRECTORATE RESPONSIBLE**

City Economy & Growth

REVIEW DATE[xxx February 2021](#)**VERSION**

Version	Amended by	Changes Made	Date	TRIM Number
1	Council Resolution	Minor changes	26 August 2015	207351.2015
2	Council Resolution	Minor changes	16 December 2015	339482.2015
3	Council Resolution	Amendment to Functions, Membership, Quorum and Decision Making and General Public,	30 August 2017	242312.2017
<u>4</u>		<u>Amendment to functions, membership and nomination and selection criteria.</u>	<u>6 February 2019</u>	<u>161300.2018</u>

REFERENCES

Liverpool City Council: Code of Conduct
 Liverpool City Council: Code of Conduct Procedures
 Liverpool City Council: Code of Meeting Practice
 Liverpool City Council: Ethical Governance: Conflicts of Interest Policy
 Liverpool City Council: Privacy Management Plan