

Policy and Procedure Register
Central NSW
Joint Organisation

December 2020



**CENTRAL NSW
JOINT ORGANISATION**

- Bathurst
- Blayney
- Cabonne
- Cowra
- Forbes
- Lachlan
- Oberon
- Orange
- Parkes
- Weddin

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CENTRAL NSW JOINT ORGANISATION

Charter



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1	4 December 2020	

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Version	Adoption Date	Authorised by	Approved by	Revision Date
1	28 May 2018	Executive Officer	CNSWJO Board	November 2019
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1. Charter

CENTRAL NSW JOINT ORGANISATION

CHARTER

1. INTRODUCTION

1.1 Name and legal status

- a. The name of the Organisation is Central NSW Joint Organisation.
- b. The Organisation is a body corporate established on 11 May 2018 by proclamation under Part 7 Chapter 12 of the Local Government Act 1993.

1.2 Interpretation

This Charter is to be interpreted in accordance with the Local Government Act 1993 and Local Government (General) Regulation 2005 and the Interpretation Act 1987.

1.3 Definitions

The following definitions apply in this Charter:

Act means the Local Government Act 1993.

Associate Member means those councils and other organisations that are members of the Organisation by virtue of clause 3.2 of this Charter.

Board means the Board of the Organisation consisting of the Voting Representatives and Non-Voting Representatives set out in clause 4.1 of this Charter, acting collectively.

Charter means this document, as amended from time to time.

Chairperson means the person elected to the office of chairperson by the Voting Representatives under clause 4.7 of this Charter.

Councillor means a person elected or appointed to civic office and includes a Mayor.

Executive Officer means the person employed by the Organisation under clause 4.8 of this Charter.

General Manager means the person employed by a council as its general manager.

Member Councils means the councils proclaimed under the Act to be the members of the Organisation.

Mayor means the mayor of a Member Council.

Non-Voting Representative means the Board representatives appointed pursuant to clause 4.2 of this Charter. Organisation means Central NSW Joint Organisation.

Principal Functions means the functions set out in clause 2.2 of this Charter or as otherwise prescribed by the Act or Regulations.

Regulations means the Local Government (General) Regulation 2005.

Special Resolution has the meaning given in clause 5.4(b)(ii).

Supplementary Functions means the functions approved by the Board under clause 2.3 of this Charter.

Voting Representative means a representative of a Member Council on the Board.

1.4 Adopting the Charter

- a. This charter, in the form originally adopted by the Board, was approved in consultation with member councils.
- b. This Charter was adopted by the Board on [date]

1.5 Amending the Charter

This Charter may be amended from time to time by Special Resolution.

2. ESTABLISHMENT

2.1 Vision and principles

- a. The vision of the Organisation is set from time to time by the Board to reflect the collective regional priorities and aspirations of its Member Councils.
- b. In accordance with the Central NSW Joint Organisation Strategic Plan 2019/2020 the Vision is Central NSW is a vibrant, prosperous and welcoming place of seasonal landscapes that is recognised by the nation for its agricultural heart.
- c. In accordance with the Central NSW Joint Organisation Strategic Plan 2019/2020 the Principles guiding the organisation are:
 - Exercising leadership
 - Mutual respect
 - Demonstrating integrity
 - Thoughtful contribution
 - Acting in the public interest
 - Intergenerational equity
 - Timely and appropriate responsiveness
 - Willingness and commitment
 - Accountability and transparency
 - Sharing and positive intent
 - Adding value

2.2 Principal functions

In accordance with the Act, the principal functions of the Organisation are:

- a. to establish strategic regional priorities for the joint organisation area and to establish strategies and plans for delivering those priorities;

- b. to provide regional leadership for the joint organisation area and to be an advocate for strategic regional priorities; and
- c. to identify and take up opportunities for inter-governmental cooperation on matters relating to the joint organisation area.

2.3 Supplementary functions

The Organisation may perform functions, supplementary or ancillary to its Primary Functions, if:

- a. the objective of undertaking those functions is to provide support for the operations of its Member Councils aimed at strengthening local government in its joint organisation area; and
- b. the scope, operational principles and business plan for those Supplementary Functions is approved by a Special Resolution of the Board.

3. MEMBERSHIP

3.1 Member Councils

The following are the Member Councils of the Organisation as at the date of its establishment:

- a. Bathurst Regional Council;
- b. Blayney Shire Council;
- c. Cabonne Council;
- d. Cowra Shire Council;
- e. Forbes Shire Council;
- f. Lachlan Shire Council;
- g. Oberon Shire Council;
- h. Orange City Council;
- i. Parkes Shire Council; and
- j. Weddin Shire Council.

3.2 Associate Members

The following organisations are Associate Members of the Organisation as at the date of its establishment:

- a. Central Tablelands County Council;

3.3 Changes in membership

- a. An additional council may become a Member Council if:
 - i. it applies in writing the Organisation to become a Member Council pursuant to a resolution to that effect by its governing body;
 - ii. it is approved as a Member Council by [Special Resolution of] the Board; and
 - iii. the proclamation establishing the Organisation is amended to include the additional Member Council and the area of the Organisation is extended to include the local government area of that council.
- b. A Member Council may withdraw as a Member Council of the Organisation if:
 - i. it has given 12 months' notice in writing to the Organisation to withdraw as a Member Council pursuant to a resolution to that effect by its governing body; and
 - ii. (the proclamation establishing the Organisation is amended to remove the Member Council and the area of the Organisation is amended to excise the local government area of that council.

- c. An Associate Member:
 - i. may withdraw as an Associate Member on giving [6 months] notice in writing to the Organisation; and
 - ii. may be removed as an Associate Member by [Special] Resolution.

3.4 Financial Contributions

- a. The annual financial contribution required to be made by each Member Council is to consist of:
 - i. base fee of the same amount for each Member Council; and
 - ii. a capitation fee [based on the number population drawn from ABS census figures].
- a. The annual financial contribution required to be made by each Associate Member is to be based on a methodology adopted by the Board.
- b. The amount of the base fee, capitation fee and financial contribution by Associate Members for a financial year is to be determined prior to the start of that year by Resolution of the Board.

4. THE BOARD AND MANAGEMENT

4.1 Membership of the Board

The Board consists of:

- a. the Mayors of each Member Council, who are the Voting Representatives (or a replacement Councillor of a Member Council, if the Mayor is removed from office as a Voting Representative by the Minister under the Act);
- b. the alternate for a Voting Representative appointed by the Member Council under the Regulations, while acting in the place of the Voting Representative; and
- c. the Non-Voting Representatives appointed under clause 4.2.

4.2 Non-Voting Representatives

- a. The following persons are Non-Voting Representatives on the Board:
 - i. an employee of the public service nominated by the Secretary of the Department of Premier and Cabinet;
 - ii. the chair of Regional Development Australia, Central West;
 - iii. the chairman of Central Tablelands County Council, for so long as it remains an Associate Member;
 - iv. the General Managers of Member Councils [and of Central Tablelands County Council, for so long as it remains an Associate Member];and
 - v. any other person or a member of a class of persons prescribed by the Regulations.
- b. Non-Voting Representatives may attend and speak at meetings of the Board but may not move, second, amend or vote on motions.
- c. The following persons may attend meetings of the Board in an advisory capacity and may be members of committees established under clause 4.9:
 - i. the Executive Officer; and

4.3 Powers of the Board

Except as otherwise required by the Act, any other applicable law or this Charter, the Board:

- a. has power to direct and control the affairs of the Organisation in carrying out its functions, in consultation with the Executive Officer; and
- b. may exercise every right, power or capacity of the Organisation.

4.4 Exercise of powers

A power of the Board can be exercised only:

- a. by resolution passed at a meeting of the Board; or
- b. in accordance with a delegation of the power under clause 4.5

4.5 Power to delegate

- a. The Board may delegate any of its powers.
- b. The Board may revoke a delegation previously made whether or not the delegation is expressed to be for a specified period.
- c. A delegation of powers may be made:
 - i. to the Executive Officer, to a committee established under clause 4.9, to a Member Council or to any other person or body;
 - ii. for a specified period or without specifying a period; and
 - iii. on the terms (including power to further delegate) and subject to any restrictions the Board decides.
- d. A document of delegation may contain the provisions for the protection and convenience of those who deal with the delegate that the Board thinks appropriate.

4.6 Acceptance of delegations

The Organisation may not accept the delegation to it by a Member Council of a function of that Member Council except in accordance with the terms and conditions set out in a Special Resolution.

4.7 Chairperson and Deputy Chairperson

- a. The Chairperson is to be elected from amongst the Voting Representatives who are mayors and will hold office in accordance with the Act and Regulations.
- b. The Chairperson while acting as such:
 - i. has a deliberative vote; and
 - ii. does not have a casting vote.
- c. The Board may elect a Deputy Chairperson from amongst the Voting Representatives who are Mayors following the election of the Chairperson, to hold office for the term of the Chairperson.
- d. In the absence of the Chairperson, the Deputy Chairperson (or in their absence, a person elected by the Voting Representatives at the meeting) is to preside at a meeting of the Board and does not have a casting vote.

4.8 Executive Officer

The Board must appoint an Executive Officer in accordance with the Act and Regulations.

4.9 Committees

For the purpose of carrying out its functions, the Organisation may by resolution of the Board establish:

- a. standing committees or divisions within the Organisation;
 - b. ad hoc advisory committees; and
 - c. working groups,
- and determine their membership and terms of reference.

4.10 Common seal

- a. The Board may decide whether or not the Organisation has a common seal.
- b. The common seal may only be used with the authority of the Board.
- c. The fixing of the common seal to a document must be witnessed:
 - i. by two Voting Representatives; or
 - ii. by one Voting Representative and the Executive Officer.

5. MEETINGS

5.1 Meeting frequency

The Board will meet:

- a. at least once in each quarter on such date and at such place and time as the Board decides; and
- b. at such other times as the Chairman may decide.

5.2 Use of technology

A Board meeting may be held using any means of audio or audio visual communication by which each Board member participating can hear and be heard by each other Board member participating. A Board meeting held solely or partly by technology is treated as held at the place at which the greatest number of the Board members is present or, if an equal number of Board members is located in each of two or more places, at the place where the chairman of the meeting is located.

5.3 Quorum

The quorum for a meeting of the board is a majority of voting representatives entitled to vote under the JO charter

No business may be transacted at a meeting of the Board without a quorum being present at the time the business is transacted.

5.4 Voting

- a. Each Voting Representative has one vote at a meeting of the Board.
- b. A resolution of the Board is passed:
 - i. in the case of an Ordinary Resolution, if a majority of the votes cast by Voting Representatives entitled to vote on the resolution are in favour of it. If an equal number of votes is cast for and against a resolution, the matter is decided in the negative; and
 - ii. in the case of a Special Resolution, if not less than 75% of the votes cast by Voting Representatives entitled to vote on the resolution are in favour of it.
- c. Unless otherwise stated in this Charter, all decisions of the Board are to be made by Ordinary Resolution.

6. INDEMNITY AND INSURANCE

6.1 Indemnity

- a. Subject to and so far as permitted by the Act and any other applicable law the Organisation must indemnify every member of the Board and the staff of the Organisation against any Liability incurred as such, unless the Liability arises out of conduct involving a lack of good faith.
- b. This indemnity is a continuing indemnity. It applies in respect of all acts done by a person while a member of the Board or the staff of the Organisation even though the person is not member of the Board or the staff of the Organisation at the time the claim is made.
- c. In this clause, Liability means a liability of any kind (whether actual or contingent and whether fixed or unascertained) and includes costs, damages and expenses, including costs and expenses incurred in connection with any investigation or inquiry by a government agency or a liquidator.

6.2 Insurance

Subject to the Act and any other applicable law, the Organisation may enter into, and pay premiums on, a contract of insurance in respect of any person.

6.3 Liability on winding up

The liability of a Member Council or an Associate Member to contribute towards the payment of the debts and liabilities of the Organisation or the costs, charges and expenses of the winding up of the Organisation is limited to the amount, if any, unpaid by the Member Council or Associate Member in respect of the financial contributions required by clause 3.4 .



CENTRAL NSW JOINT ORGANISATION

Code of Conduct



Policy #	Adoption Date	Effective Date
2	4 December 2020	

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Version	Adoption Date	Authorised by	Approved by	Revision Date
1	28 May 2018	Executive Officer	CNSWJO Board	November 2019
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2. Code of Conduct

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 (e.g. 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 “general manager”.

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

2. DEFINITIONS

In this code 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

committee see the definition of “council committee”

complaint *a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.*

council includes county councils and joint organisations

council committee *a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to*

council committee member *a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee*

council official includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers

councillor any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations

conduct includes acts and omissions

delegate of council a person (other than a Councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated

designated person *a person referred to in clause 4.8*

election campaign *includes council, state and federal election campaigns*

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

PART 1 GENERAL CONDUCT OBLIGATIONS

General conduct

- 1.1 You must not conduct yourself in a manner that:
- a) is likely to bring the board or other joint organisation officials into disrepute
 - b) is contrary to statutory requirements or the joint organisation'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.
- 1.2 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

- 1.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 1.4 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.
- 1.5 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

- 1.6 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.
- 1.7 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

1.8 You must not engage in bullying behaviour towards others.

1.9 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.

1.10 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.

1.11 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 joint organisation policy or administrative processes.

Work Health and Safety

1.12 All joint organisation officials, including elected representatives, 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 board 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 board to ensure workplace health and safety

- d) cooperate with any reasonable policy or procedure of the board relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the executive officer or such other staff member nominated by the executive officer, 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

1.13 Noting that the Central NSW Joint Organisation has no planning function, 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.

1.14 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

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

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

1.17 Clause 3.15 does not prohibit voting representatives from discussing a matter before the board or committee prior to considering the matter in question at a board or committee meeting, or from voluntarily holding a shared view with other voting representatives on the merits of a matter.

1.18 Clause 3.15 does not apply to a decision to elect the chair or deputy chair, or to nominate a person to be a member of a board committee or a representative of the board on an external body.

Obligations in relation to meetings

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

- 1.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other joint organisation officials or any members of the public present during board or committee meetings or other proceedings of the joint organisation (such as, but not limited to, workshops and briefing sessions).
- 1.21 You must not engage in conduct that disrupts board or committee meetings or other proceedings of the joint organisation (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 1.22 If you are a voting representative, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the joint organisation, or of a committee of the board. Without limiting this clause, you must not:
- leave a meeting of the board or a committee for the purposes of depriving the meeting of a quorum, or
 - submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another voting representative from submitting a rescission motion with respect to the same decision, or
 - deliberately seek to impede the consideration of business at a meeting.

PART 2 PECUNIARY INTERESTS

What is a pecuniary interest?

- 2.1 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.
- 2.2 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.
- 2.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- your interest, or
 - the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 2.4 For the purposes of clause 4.3:
- Your “relative” is any of the following:
 - your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - 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*.

2.5 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 board 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 board 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?

2.6 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 joint organisation 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 board 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 board 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 joint organisation of an agreement between the joint organisation 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 joint organisation 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 joint organisation in respect of similar matters with other residents of the area:

- i) the performance by the board 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 joint organisation by or under any Act conferring functions on the joint organisation, or by or under any contract
- (j) an interest relating to the payment of fees to voting representative (including the chair and deputy chair)
- (k) an interest relating to the payment of expenses and the provision of facilities to voting representative (including the chair and deputy chair) in accordance with a policy under section 252 of the LGA,
- (l) an interest relating to an election to the office of chair arising from the fact that a fee for the following 12 months has been determined for the office of chair
- (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 voting representative or a board member
- (o) an interest arising from the appointment of a voting representative to a body as a representative or delegate of the board, whether or not a fee or other recompense is payable to the voting representative or delegate.

2.7 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?

2.8 Designated persons include:

- (a) the executive officer
- (b) other senior staff of the joint organisation for the purposes of section 332 of the LGA
- (c) a person (other than a member of the senior staff of the joint organisation) who is a member of staff of the joint organisation or a delegate of the board and who holds a position identified by the joint organisation 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 joint organisation) who is a member of a committee of the board identified by the joint organisation as a committee whose members are designated persons because the functions of the committee involve the exercise of the joint organisation’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.

2.9 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.

- 2.10 A designated person must disclose in writing to the executive officer (or if the person is the executive officer, to the joint organisation) the nature of any pecuniary interest the person has in any joint organisation matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 2.11 Clause 4.10 does not require a designated person who is a member of staff of the joint organisation 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.
- 2.12 The executive officer 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.
- 2.13 A disclosure by the executive officer must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the joint organisation and the board 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 CNSWJO staff other than designated persons?

- 2.14 A member of staff of CNSWJO, other than a designated person, must disclose in writing to their manager or the executive officer 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.
- 2.15 The staff member's manager or the executive officer 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 board advisers?

- 2.16 A person who, at the request or with the consent of the board or board committee, gives advice on any matter at any meeting of the board 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.
- 2.17 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 board committee member?

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

What disclosures must be made by a voting representative?

- 2.20 A voting representative:

- (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

- 2.21 A voting representative or designated person must make and lodge with the executive officer a return in the form set out in schedule 2 to this code, disclosing the voting representative's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a voting representative or designated person, and
 - (b) 30 June of each year, and
 - (c) the voting representative 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).
- 2.22 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 voting representative or designated person in the preceding 3 months.
- 2.23 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.
- 2.24 The executive officer must keep a register of returns required to be made and lodged with the executive officer.
- 2.25 Returns required to be lodged with the executive officer under clause 4.21(a) and (b) must be tabled at the first meeting of the joint organisation after the last day the return is required to be lodged.
- 2.26 Returns required to be lodged with the executive officer under clause 4.21(c) must be tabled at the next joint organisation meeting after the return is lodged.
- 2.27 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

- 2.28 A voting representative or a board committee member who has a pecuniary interest in any matter with which the joint organisation is concerned, and who is present at a meeting of the board or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

- 2.29 The voting representative or board committee member must not be present at, or in sight of, the meeting of the board or committee:
- (a) at any time during which the matter is being considered or discussed by the board or committee, or
 - (b) at any time during which the board or committee is voting on any question in relation to the matter.
- 2.30 In the case of a meeting of the 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.
- 2.31 A disclosure made at a meeting of the joint organisation or a board committee must be recorded in the minutes of the meeting.
- 2.32 A general notice may be given to the executive officer in writing by a voting representative or a board committee member to the effect that the voting representative or board committee member, or the voting representative or board 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 board in which it is given (whichever is the sooner), sufficient disclosure of the voting representative's or board committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the board or board committee after the date of the notice.
- 2.33 A voting representative or a board 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 voting representative or board committee member has an interest in the matter of a kind referred to in clause 4.6.
- 2.34 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.
- 2.35 Despite clause 4.29, a voting representative 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.
- 2.36 Clause 4.29 does not apply to a voting representative who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:

- (b) the making of a principal environmental planning instrument applying to the whole or a significant portion of the joint organisation's area, or
- (c) 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 joint organisation's area, and
- (d) the pecuniary interest arises only because of an interest of the voting representative in the voting representative'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
- (e) the voting representative made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.

2.37 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 joint organisation 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.

2.38 The Minister for Local Government may, conditionally or unconditionally, allow a voting representative or a board committee member who has a pecuniary interest in a matter with which the joint organisation is concerned to be present at a meeting of the Board 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 voting representatives 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.

2.39 A voting representative or a board committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the board 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.

PART 3 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

- 3.1 Non-pecuniary interests are private or personal interests a joint organisation 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.
- 3.2 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.

- 3.3 The personal or political views of a joint organisation official do not constitute a private interest for the purposes of clause 5.2.
- 3.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of joint organisation 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.
- 3.5 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

- 3.6 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 the joint organisation staff other than the executive officer, such a disclosure is to be made to the staff member's manager. In the case of the executive officer, such a disclosure is to be made to the chair.
- 3.7 If a disclosure is made at a board 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.
- 3.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 3.9 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 joint organisation 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 joint organisation's official's extended family that the joint organisation 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 joint organisation 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 joint organisation 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 joint organisation's representative, of the board or management committee of another organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the joint organisation and the other 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.

- 3.10 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 board 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.
- 3.11 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.
- 3.12 If you are a member of staff of the joint organisation other than the executive officer, 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 executive officer, 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 chair.
- 3.13 Despite clause 5.10(b), a voting representative 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.
- 3.14 Board 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 board committee.

Political donations

- 3.15 Voting representatives should be aware that matters before the board or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 3.16 Where you are a voting representative 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 the board ,
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.

3.17 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*.

3.18 Voting representatives 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 voting representative is endorsed, may still give rise to a non-pecuniary conflict of interest. Voting representative should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

3.19 Despite clause 5.16, a voting representative 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

3.20 A voting representative 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 joint organisation’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 joint organisation’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 voting representative 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.

3.21 The Minister for Local Government may, conditionally or unconditionally, allow a voting representative or a board committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the board 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 voting representative 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.

- 3.22. Where the Minister exempts a voting representative or committee member from complying with a requirement under this Part under clause 5.21, the voting representative 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

- 3.23 The executive officer must not engage, for remuneration, in private employment, contract work or other business outside the service of the joint organisation without the approval of the board.
- 3.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the joint organisation that relates to the business of the joint organisation or that might conflict with the staff member's duties unless they have notified the executive officer in writing of the employment, work or business and the executive officer has given their written approval for the staff member to engage in the employment, work or business.
- 3.25 The executive officer 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 joint organisation that relates to the business of the joint organisation, or that might conflict with the staff member's duties.
- 3.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the joint organisation if prohibited from doing so.
- 3.27 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 joint organisation resources obtained through their work with the joint organisation including where private use is permitted
 - c) require them to work while on joint organisation duty
 - d) discredit or disadvantage the joint organisation
 - 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 the board

- 3.28 You may have reason to deal with your board 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.
- 3.29 You must undertake any personal dealings you have with the member council in a manner that is consistent with the way other members of the community deal with the board. 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 4 PERSONAL BENEFIT

- 4.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a joint organisation official or someone personally associated with them for their personal use and enjoyment.
- 4.2 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 joint organisation as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual joint organisation official or someone personally associated with them
 - c) attendance by a joint organisation 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 joint organisation 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 joint organisation-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) joint organisation functions or events
 - v) social functions organised by groups, such as board committees and community organisations.

Gifts and benefits

- 4.3 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 joint organisation, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 4.4 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?

- 4.5 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 joint organisation 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 joint organisation.

4.6 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 executive officer in writing. The recipient, manager, or executive officer must ensure that, at a minimum, the following details are recorded in the joint organisation’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.

4.7 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 joint organisation, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

4.8 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

4.9 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.

4.10 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.

4.11 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.

- 4.12 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”

- 4.13 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

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

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

PART 5 RELATIONSHIPS BETWEEN BOARD MEMBERS AND JOINT ORGANISATION OFFICIALS

Obligations of voting representative and administrators

- 5.1 Each member council is a body politic. The voting representative or administrator/s are the governing body of the Joint Organisation. Under section 223 of the LGA, the role of the governing body of the Joint Organisation includes the development and endorsement of the strategic plans, programs, strategies and policies of the Joint Organisation, including those relating to workforce policy, and to keep the performance of the Joint Organisation under review.
- 5.2 Voting representative or administrator/s must not:
- a) direct joint organisation staff other than by giving appropriate direction to the executive officer by way of Board or committee resolution, or by the chair 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 joint organisation or a delegate of the joint organisation in the exercise of the functions of the staff member or delegate

- c) contact a member of the joint organisation staff on joint organisation -related business unless in accordance with the policy and procedures governing the interaction of voting representative and joint organisation staff that have been authorised by the board and the executive officer
- d) contact or issue instructions to any of the joint organisation's contractors, including the joint organisation's legal advisers, unless by the chair or administrator exercising their functions under section 226 of the LGA.

5.3 Despite clause 7.2, a voting representative may contact the joint organisation's external auditor or the chair of the joint organisation'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

5.4 Under section 335 of the LGA, the role of the executive officer includes conducting the day-to-day management of the joint organisation in accordance with the strategic plans, programs, strategies and policies of the joint organisation, implementing without undue delay, lawful decisions of the board and ensuring that the Chair and other voting representative are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

5.4 Members of staff of the joint organisation must:

- a) give their attention to the business of the joint organisation 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 joint organisation, 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 joint organisation does not interfere with the performance of their official duties.

Inappropriate interactions

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

- a) Voting representatives 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) Joint organisation staff approaching voting representatives 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, joint organisation staff refusing to give information that is available to other voting representative to a particular voting representative
- d) Voting representative and administrators who have lodged an application with the joint organisation, discussing the matter with joint organisation staff in staff-only areas of the council

- e) Voting representative 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 voting representative has a right to be heard by the panel at the meeting
- f) Voting representative and administrators being overbearing or threatening to joint organisation staff
- g) Joint organisation staff being overbearing or threatening to voting representative or administrators
- h) Voting representative and administrators making personal attacks on joint organisation 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) Voting representative and administrators directing or pressuring joint organisation staff in the performance of their work, or recommendations they should make
- j) Joint organisation staff providing ad hoc advice to voting representative and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) Joint organisation staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) Voting representative attending on-site inspection meetings with lawyers and/or consultants engaged by the joint organisation associated with current or proposed legal proceedings unless permitted to do so by the joint organisation executive officer or, in the case of the chair or administrator, unless they are exercising their functions under section 226 of the LGA.

6 ACCESS TO INFORMATION AND JOINT ORGANISATION RESOURCES

Voting representative and administrator access to information

- 6.1 The executive officer is responsible for ensuring that voting representative and administrators can access information necessary for the performance of their official functions. The executive officer and public officer are also responsible for ensuring that members of the public can access publicly available joint organisation information under the Government Information (Public Access) Act 2009 (the GIPA Act).
- 6.2 The executive officer must provide voting representative and administrators with the information necessary to effectively discharge their official functions.
- 6.3 Members of staff of the joint organisation must provide full and timely information to voting representative and administrators sufficient to enable them to exercise their official functions and in accordance with joint organisation procedures.
- 6.4 Members of staff of the joint organisation who provide any information to a particular voting representative in the performance of their official functions must also make it available to any other voting representative who requests it and in accordance with joint organisation procedures.

- 6.5 Voting representative and administrators who have a private interest only in joint organisation information have the same rights of access as any member of the public.
- 6.6 Despite clause 8.4, voting representative 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 joint organisation information in relation to the matter unless the information is otherwise available to members of the public, or the joint organisation has determined to make the information available under the GIPA Act.

Voting representative and administrators to properly examine and consider information

- 6.7 Voting representative 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

- 6.8 Where the executive officer or public officer determine to refuse access to information requested by a voting representative 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 voting representative 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 executive officer or public officer must state the reasons for the decision if access is refused.

Use of certain Joint Organisation information

- 6.9 In regard to information obtained in your capacity as a joint organisation official, you must:
- subject to clause 8.14, only access joint organisation information needed for joint organisation business
 - not use that joint organisation information for private purposes
 - 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 the joint organisation.
 - only release joint organisation information in accordance with established joint organisation policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 6.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 6.11 In addition to your general obligations relating to the use of joint organisation information, you must:
- only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - 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 joint organisation or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a Board or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

- 6.12 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 joint organisation's privacy management plan
 - e) the Privacy Code of Practice for Local Government

Use of the Joint Organisation resources

- 6.13 You must use the joint organisation 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.
- 6.14 Union delegates and consultative committee members may have reasonable access to joint organisation 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.
- 6.15 You must be scrupulous in your use of the joint organisation property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 6.16 You must avoid any action or situation that could create the appearance that joint organisation property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 6.17 You must not use the joint organisation resources (including joint organisation 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.

- 6.18 You must not use the joint organisation letterhead, joint organisation crests, joint organisation email or social media or other information that could give the appearance it is official joint organisation material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 6.19 You must not convert any property of the joint organisation to your own use unless properly authorised.

Internet access

- 6.20 You must not use the joint organisation'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 joint organisation's reputation.

Joint Organisation record keeping

- 6.21 You must comply with the requirements of the State Records Act 1998 and the joint organisation's records management policy.
- 6.22 All information created, sent and received in your official capacity is a joint organisation record and must be managed in accordance with the requirements of the State Records Act 1998 and the joint organisation's approved records management policies and practices.
- 6.23 All information stored in either soft or hard copy on joint organisation supplied resources (including technology devices and email accounts) is deemed to be related to the business of the joint organisation and will be treated as joint organisation records, regardless of whether the original intention was to create the information for personal purposes.
- 6.24 You must not destroy, alter, or dispose of joint organisation information or records, unless authorised to do so. If you need to alter or dispose of joint organisation information or records, you must do so in consultation with the joint organisation's **records manager and comply with the requirements of the State Records Act 1998.**

Voting representative access to Joint Organisation buildings

- 6.25 Voting representative and administrators are entitled to have access to joint organisation offices at the discretion of the executive officer.
- 6.26 Voting representative and administrators must not enter staff-only areas of joint organisation offices without the approval of the executive officer (or their delegate) or as provided for in the procedures governing the interaction of voting representative and staff.
- 6.27 Voting representative and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence joint organisation staff decisions.

7 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

- 7.1 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.
- 7.2 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 joint organisation official
 - b) to damage another joint organisation official's reputation
 - c) to obtain a political advantage
 - d) to influence a joint organisation official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e) to influence the Board 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

- 7.3 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.
- 7.4 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.
- 7.5 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

- 7.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 7.7 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.

- 7.8 You must comply with a practice ruling made by the Office under the Procedures.
- 7.9 Where you are a voting representative or the executive officer, you must comply with any board 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

- 7.10 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 7.11 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 7.12 You must not make allegations about, or disclose information about, suspected breaches of this code at board, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 7.13 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.
- 7.14 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

- 7.15 Complaints alleging a breach of this Part by a voting representative, the executive officer 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 Board for consideration in accordance with the Procedures.
- 7.16 Complaints alleging a breach of this Part by other joint organisation officials are to be managed by the executive officer in accordance with the Procedures.

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

Part 1: Preliminary

Definitions

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 voting representative 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 voting representative 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 voting representative 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 voting representative or designated person has an interest includes a reference to any real property situated in Australia in which the voting representative 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 voting representative 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.

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 voting representative 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 voting representative 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 voting representative 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 voting representative 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 voting representative 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:
- 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
 - 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
 - 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 voting representative 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 voting representative or designated person.

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- in relation to income from an occupation of the person:
 - a description of the occupation, and
 - if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or

- 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 voting representative or designated person need not be disclosed.
30. A fee paid to a voting representative or to the Chair or Deputy Chair 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 voting representative 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 voting representative 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 executive officer after becoming a voting representative 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 voting representative or designated person.
3. If you have previously lodged a return with the executive officer 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 executive officer, 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 voting representative 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 executive officer 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 voting representative, 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 executive officer in a register of returns. The executive officer is required to table all returns at a board 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 voting representative or designated person]

as at [return date]

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

[voting representative'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

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 any) or held a position at the return date/at any time since 30 June	Nature of interest	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

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 voting representative has in the voting representative'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 Board or Board 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 voting representative]*

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

which is to be considered at a meeting of the *[name of Board or Board 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 voting representative or an associated person, company or body (the identified land)	
Relationship of identified land to the voting representative [Tick or cross one box.]	<input type="checkbox"/> The voting representative 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 voting representative has an interest in the land. <input type="checkbox"/> An associated company or body of the voting representative 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 [Tick or cross one box]	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on voting representative or associated person [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	

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

voting representative's signature

Date

[This form is to be retained by the voting representative's executive officer and included in full in the minutes of the meeting]

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.



CENTRAL NSW JOINT ORGANISATION

Code of Meeting Practice



Policy #	Adoption Date	Effective Date
3	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	28 May 2018	Executive Officer	CNSWJO Board	November 2019
2	27 November 2019	Executive Officer	CNSWJO Board	November 2020



Code of Conduct

3. Code of Meeting Practice

3. INTRODUCTION

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

This code applies to all meetings of Joint Organisations and committees of Joint Organisations of which all the members are Voting representatives (committees of the Joint Organisation). Joint Organisation committees whose members include persons other than Voting representatives may adopt their own rules for meetings unless the Joint Organisation determines otherwise.

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

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

4. MEETING PRINCIPLES

Joint Organisations and committee meetings should be:

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

5. BEFORE THE MEETING

Timing of ordinary Joint Organisation meetings

- 3.1 The Joint Organisation shall, by resolution, set the frequency, time, date and place of its ordinary meetings during the last meeting of the year for meetings for the following year.

Extraordinary meetings

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

Notice to the public of Joint Organisation meetings

- 3.3 The Joint Organisation must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the Joint Organisation.
- 3.4 For the purposes of clause 3.3, notice of a meeting of the Joint Organisation and of a committee of the Joint Organisation is to be published before the meeting takes place. The notice must be published on the Joint Organisation's website, and in such other manner that the Joint Organisation is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.5 For the purposes of clause 3.3, notice of more than one (1) meeting may be given in the same notice.

Notice to voting representatives of ordinary Joint Organisation meetings

- 3.6 The Executive Officer must send to each voting representative, at least three (3) days before each meeting of the Joint Organisation, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.
- 3.7 The notice and the agenda for, and the business papers relating to, the meeting may be given to voting representatives in electronic form, but only if all voting representatives have facilities to access the notice, agenda and business papers in that form.

Notice to Voting representatives of extraordinary meetings

- 3.8 Notice of less than three (3) days may be given to voting representatives of an extraordinary meeting of the Joint Organisation in cases of emergency.

Giving notice of business to be considered at Joint Organisation meetings

- 3.9 A voting representative may give notice of any business they wish to be considered by the Joint Organisation at its next ordinary meeting by way of a notice of motion, preferably through a member Council. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted 14 business days before the meeting is to be held.
- 3.10 A voting representative may, in writing to the Executive Officer, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.11 If the Executive Officer considers that a notice of motion submitted by a voting representative for consideration at an ordinary meeting of the Joint Organisation has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the Executive Officer may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the Joint Organisation.
- 3.12 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the Joint Organisation's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the Executive Officer must either:
- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the Joint Organisation, or
 - (b) by written notice sent to all voting representatives with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the Joint Organisation to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

- 3.13 A voting representative may, by way of a notice submitted under clause 3.9, ask a question for response by the Executive Officer about the performance or operations of the Joint Organisation.
- 3.14 A voting representative is not permitted to ask a question with notice under clause 3.13 that comprises a complaint against the Executive Officer or a member of staff of the Joint Organisation, or a question that implies wrongdoing by the Executive Officer or a member of staff of the Joint Organisation.
- 3.15 The Executive Officer or their nominee may respond to a question with notice submitted under clause 3.13 by way of a report included in the business papers for the relevant meeting of the Joint Organisation or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.16 The Executive Officer must cause the agenda for a meeting of the Joint Organisation or a committee of the Joint Organisation to be prepared as soon as practicable before the meeting.
- 3.17 The Executive Officer must ensure that the agenda for an ordinary meeting of the Joint Organisation states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the Joint Organisation, and
 - (b) any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.18.
- 3.18 Nothing in clause 3.17 limits the powers of the mayor to put a Chairperson's minute to a meeting under clause 9.6.
- 3.19 The Executive Officer must not include in the agenda for a meeting of the Joint Organisation any business of which due notice has been given if, in the opinion of the Executive Officer the business is, or the implementation of the business would be, unlawful. The Executive Officer must report, without giving details of the item of business, any such exclusion to the next meeting of the Joint Organisation.
- 3.20 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the Executive Officer, is likely to take place when the meeting is closed to the public, the Executive Officer must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.
- 3.21 The Executive Officer must ensure that the details of any item of business which, in the opinion of the Executive Officer, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to voting representatives for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a voting representative or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

- 3.22 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Joint Organisation and committees of Joint Organisation, are to be published on the Joint Organisation's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the Joint

Organisation, at the relevant meeting and at such other venues determined by the Joint Organisation.

- 3.23 Clause 3.22 does not apply to the business papers for items of business that the Executive Officer has identified under clause 3.20 as being likely to be considered when the meeting is closed to the public.
- 3.24 For the purposes of clause 3.22, copies of agendas and business papers must be published on the Joint Organisation's website and made available to the public at a time that is as close as possible to the time they are available to voting representatives.
- 3.25 A copy of an agenda, or of an associated business paper made available under clause 3.24, may in addition be given or made available in electronic form.

Agenda and business papers for extraordinary meetings

- 3.26 The Executive Officer must ensure that the agenda for an extraordinary meeting of the Joint Organisation deals only with the matters stated in the notice of the meeting.
- 3.27 Despite clause 3.26, business may be considered at an extraordinary meeting of the Joint Organisation, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the Chairperson to be of great urgency on the grounds that it requires a decision by the Joint Organisation before the next scheduled ordinary meeting of the Joint Organisation.
- 3.28 A motion moved under clause 3.27(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.29 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.27(a) can speak to the motion before it is put.
- 3.30 A motion of dissent cannot be moved against a ruling of the Chairperson under clause 3.27(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.31 Prior to each ordinary meeting of the Joint Organisation, the Executive Officer may arrange a pre-meeting briefing session to brief voting representatives on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the Joint Organisation and meetings of committees of the Joint Organisation.
- 3.32 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.33 The Executive Officer or a member of staff nominated by the Executive Officer is to preside at pre-meeting briefing sessions.

- 3.34 Voting representatives must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal Joint Organisation or committee meeting at which the item of business is to be considered.
- 3.35 Voting representatives (including the Chairperson) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a Joint Organisation or committee meeting. The Joint Organisation is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the voting representative who made the declaration.

6. COMING TOGETHER

Attendance by voting representatives at meetings

- 4.1 All voting representatives must make reasonable efforts to attend meetings of the Joint Organisation and of committees of the Joint Organisation of which they are members.
- 4.2 The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which voting representatives (or some voting representatives) participate by telephone or other electronic means, but only if any voting representative who speaks on a matter before the meeting can be heard by the other voting representatives. For the purposes of a meeting held in accordance with this clause, the chairperson and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.
- 4.3 Where a voting representative is unable to attend one or more ordinary meetings of the Joint Organisation, the voting representative should request that the Joint Organisation grant them a leave of absence from those meetings. This clause does not prevent a voting representative from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 4.4 A voting representative request for leave of absence from Joint Organisation meetings should, if practicable, identify (by date) the meetings from which the voting representative intends to be absent and the grounds upon which the leave of absence is being sought.
- 4.5 The Joint Organisation must act reasonably when considering whether to grant a voting representative's request for a leave of absence.
- 4.6 A voting representative's civic office will become vacant if the voting representative is absent from three (3) consecutive ordinary meetings of the Joint Organisation without prior leave of the Joint Organisation, or leave granted by the Joint Organisation at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Joint Organisation has been suspended under the Act, or as a consequence of a compliance order under section 438HA.
- 4.7 A voting representative who intends to attend a meeting of the Joint Organisation despite having been granted a leave of absence should, if practicable, give the Executive Officer at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 4.8 The quorum for a meeting of the Joint Organisation is a majority of the voting representatives of the Joint Organisation who hold office at that time and are not suspended from office.
- 4.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Joint Organisation.
- 4.10 A meeting of the Joint Organisation must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 4.11 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the voting representatives present, or
 - (c) failing that, by the Executive Officer.
- 4.12 The Executive Officer must record in the Joint Organisation's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Joint Organisation, together with the names of the voting representatives present.

Entitlement of the public to attend Joint Organisation meetings

- 4.13 Everyone is entitled to attend a meeting of the Joint Organisation and committees of the Joint Organisation. The Joint Organisation must ensure that all meetings of the Joint Organisation and committees of the Joint Organisation are open to the public.
- 4.14 Clause 5.16 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 4.15 A person (whether a voting representative or another person) is not entitled to be present at a meeting of the Joint Organisation or a committee of the Joint Organisation if expelled from the meeting:
- (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the Joint Organisation has, by resolution, authorised the person presiding to exercise the power of expulsion.

Attendance of the Executive Officer and other staff at meetings

- 4.16 The Executive Officer is entitled to attend, but not to vote at, a meeting of the Joint Organisation or a meeting of a committee of the Joint Organisation of which all of the members are voting representatives.
- 4.17 The Executive Officer is entitled to attend a meeting of any other committee of the Joint Organisation and may, if a member of the committee, exercise a vote.
- 4.18 The Executive Officer may be excluded from a meeting of the Joint Organisation or a committee while the Joint Organisation or committee deals with a matter relating to the standard of performance of the Executive Officer or the terms of employment of the Executive Officer.
- 4.19 The attendance of other Joint Organisation staff at a meeting, (other than as members of the public) shall be with the approval of the Executive Officer.

7. THE CHAIRPERSON

The chairperson at meetings

- 5.1 The Chairperson, or at the request of or in the absence of the Chairperson, the Deputy Chairperson (if any) presides at meetings of the Joint Organisation.
- 5.2 If the Chairperson and the Deputy Chairperson (if any) are absent, a Voting representative elected to chair the meeting by the voting representatives present presides at a meeting of the Joint Organisation.

Election of a chairperson in the absence of the Chairperson and Deputy Chairperson

- 5.3 If no Chairperson is present at a meeting of the Joint Organisation at the time designated for the holding of the meeting, the first business of the meeting must be the election of a person to preside at the meeting.
- 5.4 The election of a person to preside at the meeting must be conducted:
- (a) by the Executive Officer or, in their absence, an employee of the Joint Organisation designated by the Executive Officer to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the Executive Officer nor a designated employee is present at the meeting, or if there is no Executive Officer or designated employee.
- 5.5 If, at an election of a person to preside over the meeting, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the person to preside over the meeting is to be the candidate whose name is chosen by lot.

- 5.6 For the purposes of clause 5.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 5.7 The candidate whose name is on the drawn slip is the candidate who is to be the person who presides over the meeting.
- 5.8 Any election conducted under clause 5.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 5.9 When the Chairperson or person presiding over the meeting rises or speaks during a meeting of the Joint Organisation:
- (a) any representative then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every representative present must be silent to enable the chairperson to be heard without interruption.

8. ORDER OF BUSINESS FOR ORDINARY JOINT ORGANISATION MEETINGS

- 6.1 The general order of business for an ordinary meeting of the Joint Organisation shall be:
- 01 Opening meeting
 - 02 Acknowledgement of country
 - 03 Apologies and applications for a leave of absence by Joint Voting representatives
 - 04 Confirmation of minutes
 - 05 Matters in Progress
 - 06 Disclosures of interests
 - 07 Chair's minute(s)
 - 08 Reports of committees
 - 09 Reports to Joint Organisation
 - 10 Notices of motions/Questions with notice
 - 11 Confidential matters
 - 12 Conclusion of the meeting
- 6.2 The order of business as fixed under clause at 6.1 may be altered for a particular meeting of the Joint Organisation if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 6.3 Despite clauses 8.20–8.30, only the mover of a motion referred to in clause 6.2 may speak to the motion before it is put.

9. CONSIDERATION OF BUSINESS AT JOINT ORGANISATION MEETINGS

Business that can be dealt with at a Joint Organisation meeting

- 7.1 The Joint Organisation must not consider business at a meeting of the Joint Organisation:
- (a) unless a voting representative has given notice of the business, as required by clause 3.9, and
 - (b) unless notice of the business has been sent to the voting representatives in accordance with clause 3.6 in the case of an ordinary meeting or clause 3.8 in the case of an extraordinary meeting called in an emergency.
- 7.2 Clause 7.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the Joint Organisation, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 7.9, is a matter or topic put to the meeting by way of a Chair's minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the Joint Organisation.
- 7.3 Despite clause 7.1, business may be considered at a meeting of the Joint Organisation even though due notice of the business has not been given to the voting representatives if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Joint Organisation before the next scheduled ordinary meeting of the Joint Organisation.
- 7.4 A motion moved under clause 7.3(a) can be moved without notice. Despite clauses 8.20–8.30, only the mover of a motion referred to in clause 7.3(a) can speak to the motion before it is put.
- 7.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 7.3(b).

Chair's minutes

- 7.6 Subject to clause 7.9, if the Chairperson is chairing the meeting of the Joint Organisation, the Chairperson may, by minute signed by the Chairperson, put to the meeting without notice any matter or topic that is within the jurisdiction of the Joint Organisation, or of which the Joint Organisation has official knowledge.
- 7.7 A Chair's minute, when put to a meeting, takes precedence over all business on the Joint Organisation's agenda for the meeting. The Chairperson (but only if the person chairing the meeting is the Chairperson) may move the adoption of a Chair's minute without the motion being seconded.
- 7.8 A recommendation made in a Chair's minute put by the Chairperson is, so far as it is

adopted by the Joint Organisation, a resolution of the Joint Organisation.

- 7.9 A Chair's minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Joint Organisation before the next scheduled ordinary meeting of the Joint Organisation.

Staff reports

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

Reports of committees of Joint Organisation

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

Questions

- 7.13 A question must not be asked at a meeting of the Joint Organisation unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.9 and 3.13.
- 7.14 A representative on the Board may, through the chairperson, put a question to another representative on the Board about a matter on the agenda.
- 7.15 A voting representative may, through the Executive Officer, put a question to a Joint Organisation employee about a matter on the agenda. Joint Organisation employees are only obliged to answer a question put to them through the Executive Officer at the direction of the Executive Officer.
- 7.16 A voting representative or Joint Organisation employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a voting representative or Joint Organisation employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Joint Organisation.
- 7.18 Voting representative must put questions directly, succinctly, respectfully and without argument.
- 7.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a voting representative or Joint Organisation employee.

10. RULES OF DEBATE

Motions to be seconded

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

Notices of motion

- 8.2 A voting representative who has submitted a notice of motion under clause 3.9 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 8.3 If a voting representative who has submitted a notice of motion under clause 3.9 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to voting representatives, the voting representative may request the withdrawal of the motion when it is before the Joint Organisation.
- 8.4 In the absence of a voting representative who has placed a notice of motion on the agenda for a meeting of the Joint Organisation:
- (a) any other voting representative may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the Joint Organisation.

Chairperson's duties with respect to motions

- 8.5 It is the duty of the Chairperson at a meeting of the Joint Organisation to receive and put to the meeting any lawful motion that is brought before the meeting.
- 8.6 The Chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 8.7 Before ruling out of order a motion or an amendment to a motion under clause 8.6, the Chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 8.8 Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

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

from the Executive Officer on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 8.10 An amendment to a motion must be moved and seconded before it can be debated.
- 8.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the Joint Organisation and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the Chairperson.
- 8.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 8.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before Joint Organisation at any one time.
- 8.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 8.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 8.16 An amendment may become the motion without debate or a vote where it is accepted by the voting representative who moved the original motion.

Foreshadowed motions

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

Limitations on the number and duration of speeches

- 8.20 A voting representative who, during a debate at a meeting of the Joint Organisation, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 8.21 A voting representative, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 8.22 A voting representative must not, without the consent of the Joint Organisation, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 8.23 Despite clause 8.22, the chairperson may permit a Voting representative who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the voting representative to make a statement limited to explaining the misrepresentation or misunderstanding.
- 8.24 Despite clause 8.22, the Joint Organisation may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 8.25 Despite clauses 8.20 and 8.21, a voting representative may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no voting representative expresses an intention to speak against it, or
 - (b) if at least two (2) voting representatives have spoken in favour of the motion or amendment and at least two (2) voting representatives have spoken against it.
- 8.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 8.25. A seconder is not required for such a motion.
- 8.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 8.20.
- 8.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 8.29 All voting representatives must be heard without interruption and all other Joint voting representatives must, unless otherwise permitted under this code, remain silent while another voting representative is speaking.
- 8.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

Participation by non-voting representatives in Joint Organisation Board meetings

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

11. VOTING

Voting entitlements of Joint Organisation Voting representatives

- 9.1 Each voting representative is entitled to one (1) vote.
- 9.2 A motion at a meeting of the board of a joint organisation is taken to be lost in the event of an equality of votes.

Voting at Joint Organisation meetings

- 9.3 A voting representative who is present at a meeting of the Joint Organisation but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 9.4 If a voting representative who has voted against a motion put at a Joint Organisation meeting so requests, the Executive Officer must ensure that the voting representative's dissenting vote is recorded in the Joint Organisation's minutes.
- 9.5 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) voting representatives rise and call for a division.
- 9.6 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The Executive Officer must ensure that the names of those who vote for the motion and those who vote against it are recorded in the Joint Organisation's minutes for the meeting.
- 9.7 When a division on a motion is called, any voting representative who fails to vote will be recorded as having voted against the motion in accordance with clause 9.5 of this code.
- 9.8 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Joint Organisation may resolve that the voting in any election by Joint Voting representatives for mayor or deputy mayor is to be by secret ballot.

Voting on planning decisions

- 9.9 The Executive Officer must keep a register containing, for each planning decision made at a meeting of the Joint Organisation or a Joint Organisation committee (including, but not limited to a committee of the Joint Organisation), the names of the voting representatives who supported the decision and the names of any voting representatives who opposed (or are taken to have opposed) the decision.

- 9.10 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Joint Organisation or a Joint Organisation committee.
- 9.11 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 9.12 Clauses 9.11–9.13 apply also to meetings that are closed to the public.
- 9.13 Central NSW Joint Organisation encourages community members to raise their concerns about development control with member Councils in the first instance and notes it has no delegated role under the Environmental Planning and Assessment Act.

12. COMMITTEE OF THE WHOLE

- 10.1 The Joint Organisation may resolve itself into a committee to consider any matter before the Joint Organisation.
- 10.2 All the provisions of this code relating to meetings of the Joint Organisation, so far as they are applicable, extend to and govern the proceedings of the Joint Organisation when in committee of the whole, except the provisions limiting the number and duration of speeches.
- 10.3 The Executive Officer or, in the absence of the Executive Officer, an employee of the Joint Organisation designated by the Executive Officer, is responsible for reporting to the Joint Organisation the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.
- 10.4 The Joint Organisation must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Joint Organisation's minutes. However, the Joint Organisation is not taken to have adopted the report until a motion for adoption has been made and passed.

13. DEALING WITH ITEMS BY EXCEPTION

- 11.1 The Joint Organisation or a committee of Joint Organisation may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 11.2 Before the Joint Organisation or committee resolves to adopt multiple items of business on the agenda together under clause 11.1, the chairperson must list the items of business to be adopted and ask Joint Voting representatives to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 11.3 The Joint Organisation or committee must not resolve to adopt any item of business under clause 11.1 that a voting representative has identified as being one they intend to vote

against the recommendation made in the business paper or to speak on.

- 11.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the Joint Organisation or committee must resolve to alter the order of business in accordance with clause 8.3.
- 11.5 A motion to adopt multiple items of business together under clause 11.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 11.6 Items of business adopted under clause 11.1 are to be taken to have been adopted unanimously.
- 11.7 Voting representatives must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 11.1 in accordance with the requirements of the Joint Organisation's code of conduct.

14. CLOSURE OF JOINT ORGANISATION MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

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

Matters to be considered when closing meetings to the public

- 12.3 A meeting is not to remain closed during the discussion of anything referred to in clause 12.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Joint Organisation or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
- 12.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 12.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the Joint Organisation or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.
- 12.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 12.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 12.1.
- 12.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the Joint Organisation or committee concerned, or to voting representatives or to employees of the Joint Organisation, or
 - (ii) cause a loss of confidence in the Joint Organisation or committee.
- 12.7 In deciding whether part of a meeting is to be closed to the public, the Joint Organisation or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

Notice of likelihood of closure not required in urgent cases

- 12.8 Part of a meeting of the Joint Organisation, or of a committee of the Joint Organisation, may be closed to the public while the Joint Organisation or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 12.1, and

- (b) the Joint Organisation or committee, after considering any representations made under clause 12.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Representations by members of the public

- 12.9 The Joint Organisation, or a committee of the Joint Organisation, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.
- 12.10 A representation under clause 12.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 12.11 Where the matter has been identified in the agenda of the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 12.9, members of the public must first make an application to the Joint Organisation in the approved form. Applications must be received by 5pm 3 working days before the meeting at which the matter is to be considered.
- 12.12 The Executive Officer (or their delegate) may refuse an application made under clause 12.11. The Executive Officer or their delegate must give reasons in writing for a decision to refuse an application.
- 12.13 No more than 5 speakers are to be permitted to make representations under clause 12.9.
- 12.14 If more than the permitted number of speakers apply to make representations under clause 12.9, the Executive Officer or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Joint Organisation. If the speakers are not able to agree on whom to nominate to make representations under clause 12.9, the Executive Officer or their delegate is to determine who will make representations to the Joint Organisation.
- 12.15 The Executive Officer (or their delegate) is to determine the order of speakers.
- 12.16 Where the Joint Organisation or a committee of the Joint Organisation proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 12.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than 5 speakers to make representations in such order as determined by the chairperson.
- 12.17 Each speaker will be allowed 5 minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-Joint Voting representatives from meetings closed to the public

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

Information to be disclosed in resolutions closing meetings to the public

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

Resolutions passed at closed meetings to be made public

- 12.21 If the Joint Organisation passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 12.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the Chairperson under clause 12.21 during a part of the meeting that is webcast.

15. KEEPING ORDER AT MEETINGS

Points of order

- 13.1 A voting representative may draw the attention of the Chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 13.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.

- 13.3 A point of order must be taken immediately it is raised. The Chairperson must suspend the business before the meeting and permit the Voting representative raising the point of order to state the provision of this code they believe has been breached. The Chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 13.4 The Chairperson, without the intervention of any other voting representative, may call any voting representative to order whenever, in the opinion of the Chairperson, it is necessary to do so.
- 13.5 A voting representative who claims that another voting representative has committed an act of disorder, or is out of order, may call the attention of the Chairperson to the matter.
- 13.6 The Chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Joint Organisation.
- 13.7 The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

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

Acts of disorder

- 13.11 A voting representative commits an act of disorder if the Voting representative, at a meeting of the Joint Organisation or a committee of the Joint Organisation:
- (a) contravenes the Act or any regulation in force under the Act or this code, or
 - (b) assaults or threatens to assault another voting representative or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Joint Organisation or the committee, or addresses or attempts to address the Joint Organisation or the committee on such a motion, amendment or matter, or

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

13.12 The Chairperson may require a voting representative:

- (a) to apologise without reservation for an act of disorder referred to in clauses 13.11(a) or (b), or
- (b) to withdraw a motion or an amendment referred to in clause 13.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for an act of disorder referred to in clauses 13.11(d) and (e).

How disorder at a meeting may be dealt with

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

Expulsion from meetings

13.14 All chairs of meetings of the Joint Organisation and committees of the Joint Organisation are authorised under this code to expel any person other than a voting representative, from a Joint Organisation or committee meeting, for the purposes of section 10(2)(b) of the Act. Voting representatives may only be expelled by resolution of the Joint Organisation or the committee of the Joint Organisation.

13.15 Clause 13.14 does not limit the ability of the Joint Organisation or a committee of the Joint Organisation to resolve to expel a person, including a voting representative, from a Joint Organisation or committee meeting, under section 10(2)(a) of the Act.

13.16 A voting representative may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Joint Organisation for having failed to comply with a requirement under clause 13.12. The expulsion of a voting representative from the meeting for that reason does not prevent any other action from being taken against the voting representative for the act of disorder concerned.

13.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Joint Organisation for engaging in or having engaged in disorderly conduct at the meeting.

13.19 Where a voting representative or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

- 13.20 If a voting representative or a member of the public fails to leave the place where a meeting of the Joint Organisation is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the Joint Organisation or person presiding, may, by using only such force as is necessary, remove the voting representative or member of the public from that place and, if necessary, restrain the voting representative or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 13.21 Voting representatives, Joint Organisation staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Joint Organisation and committees of the Joint Organisation.
- 13.22 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Joint Organisation or a committee of the Joint Organisation without the prior authorisation of the Joint Organisation or the committee.
- 13.23 Any person who contravenes or attempts to contravene clause 13.22, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 13.24 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Joint Organisation or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16. CONFLICTS OF INTEREST

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

17. DECISIONS OF THE JOINT ORGANISATION

Joint Organisation decisions

- 15.1 A decision supported by a majority of the votes at a meeting of the Joint Organisation at which a quorum is present is a decision of the Joint Organisation.
- 15.2 Decisions made by the Joint Organisation must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering Joint Organisation decisions

- 15.3 A resolution passed by the Joint Organisation may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.9.
- 15.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
- 15.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.9.
- 15.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) voting representatives if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.
- 15.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.
- 15.8 The provisions of clauses 15.5–15.7 concerning lost motions do not apply to motions of adjournment.
- 15.9 A notice of motion submitted in accordance with clause 15.6 may only be withdrawn under clause 3.10 with the consent of all signatories to the notice of motion.
- 15.10 A motion to alter or rescind a resolution of the Joint Organisation may be moved on the report of a committee of the Joint Organisation and any such report must be recorded in the minutes of the meeting of the Joint Organisation.

Recommitting resolutions to correct an error

- 15.11 Despite the provisions of this Part, a voting representative may, with the leave of the Chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the Joint Organisation’s resolution, or
 - (b) to confirm the voting on the resolution.
- 15.12 In seeking the leave of the Chairperson to move to recommit a resolution for the purposes of clause 15.11(a), the voting representative is to propose alternative wording for the resolution.
- 15.13 The Chairperson must not grant leave to recommit a resolution for the purposes of clause 15.11(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 15.14 A motion moved under clause 15.11 can be moved without notice. Despite clauses 8.20–8.30, only the mover of a motion referred to in clause 17.11 can speak to the motion

before it is put.

- 15.15 A motion of dissent cannot be moved against a ruling by the Chairperson under clause 15.11.
- 15.16 A motion moved under clause 15.11 with the leave of the Chairperson cannot be voted on unless or until it has been seconded.

TIME LIMITS ON JOINT ORGANISATION MEETINGS

- 16.1 Meetings of the Joint Organisation and committees of the Joint Organisation are to conclude no later than 10pm.
- 16.2 If the business of the meeting is unfinished at 10pm, the Joint Organisation or the committee may, by resolution, extend the time of the meeting.
- 16.3 If the business of the meeting is unfinished at 10pm, and the Joint Organisation does not resolve to extend the meeting, the Chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the Joint Organisation, or
 - (b) adjourn the meeting to a time, date and place fixed by the Chairperson.
- 16.4 Clause 16.3 does not limit the ability of the Joint Organisation or a committee of the Joint Organisation to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 16.5 Where a meeting is adjourned under clause 16.3 or 16.4, the Executive Officer must:
- (a) individually notify each voting representative of the time, date and place at which the meeting will reconvene, and
 - (b) publish the time, date and place at which the meeting will reconvene on the Joint Organisation's website and in such other manner that the Executive Officer is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

AFTER THE MEETING

Minutes of meetings

- 17.1 The Joint Organisation is to keep full and accurate minutes of the proceedings of meetings of the Joint Organisation.
- 17.2 At a minimum, the Executive Officer must ensure that the following matters are recorded in the Joint Organisation's minutes:
- (a) details of each motion moved at a Joint Organisation meeting and of any amendments moved to it,

- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.

- 17.3 The minutes of a Joint Organisation meeting must be confirmed at a subsequent meeting of the Joint Organisation.
- 17.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 17.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.
- 17.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 17.7 The confirmed minutes of a Joint Organisation meeting must be published on the Joint Organisation's website. This clause does not prevent the Joint Organisation from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

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

- 17.8 The Joint Organisation and committees of the Joint Organisation must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
- 17.9 Clause 17.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.
- 17.10 Clause 17.8 does not apply if the Joint Organisation or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.
- 17.11 Correspondence or reports to which clauses 17.9 and 17.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the Joint Organisation

- 17.12 The Executive Officer is to implement, without undue delay, lawful decisions of the Joint Organisation.

JOINT ORGANISATION COMMITTEES

Application of this Part

- 18.1 This Part only applies to committees of the Joint Organisation whose members are all voting representatives.

Joint Organisation committees whose members are all voting representatives

- 18.2 The Joint Organisation may, by resolution, establish such committees as it considers necessary.
- 18.3 A committee of the Joint Organisation is to consist of the Chairperson and such other voting representatives as are elected by the voting representatives or appointed by the Joint Organisation.
- 18.4 The quorum for a meeting of a committee of the Joint Organisation is to be:
- (a) such number of members as the Joint Organisation decides, or
 - (b) if the Joint Organisation has not decided a number – a majority of the members of the committee.

Functions of committees

- 18.5 The Joint Organisation must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

Notice of committee meetings

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

Attendance at committee meetings

- 18.8 A committee member (other than the Chairperson) ceases to be a member of a committee if the committee member:
- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 18.9 Clause 18.8 does not apply if all of the members of the Joint Organisation are members of the committee.

Non-members entitled to attend committee meetings

- 18.10 A voting representative who is not a member of a committee of the Joint Organisation is entitled to attend, and to speak at a meeting of the committee. However, the voting

representative is not entitled:

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

Chairperson and Deputy Chairperson of Joint Organisation committees

18.11 The person presiding over each committee of the Joint Organisation must be:

- (a) the Chairperson, or
- (b) if the Chairperson does not wish to be the person presiding over a committee, a member of the committee elected by the Joint Organisation, or
- (c) if the Joint Organisation does not elect such a member, a member of the committee elected by the committee.

18.12 The Joint Organisation may elect a member of a committee of the Joint Organisation as deputy chair presiding over the committee. If the Joint Organisation does not elect a deputy of such a committee, the committee may elect a deputy chair.

18.13 If neither the Chairperson nor the deputy Chairperson of a committee of the Joint Organisation is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting Chairperson of the committee.

18.14 The Chairperson is to preside at a meeting of a committee of the Joint Organisation. If the Chairperson is unable or unwilling to preside, the deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the deputy Chairperson is able or willing to preside, the acting Chairperson is to preside at the meeting.

Procedure in committee meetings

18.15 Subject to any specific requirements of this code, each committee of the Joint Organisation may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the Joint Organisation unless the Joint Organisation or the committee determines otherwise in accordance with this clause.

18.16 A motion at a committee of a Joint Organisation is taken to be lost in the event of an equality of votes.

18.17 Voting at a Joint Organisation committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

18.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the Joint Organisation to the public in the same way they apply to the closure of meetings of the Joint Organisation to the public.

18.20 If a committee of the Joint Organisation passes a resolution, or makes a recommendation,

during a meeting, or a part of a meeting that is closed to the public, the Chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended and report the resolution or recommendation to the next meeting of the Joint Organisation. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

- 18.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the Chairperson under clause 18.20 during a part of the meeting that is webcast.

Disorder in committee meetings

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

Minutes of Joint Organisation committee meetings

- 18.23 Each committee of the Joint Organisation is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment was passed or lost, and
 - (d) such other matters specifically required under this code.
- 18.24 The minutes of meetings of each committee of the Joint Organisation must be confirmed at a subsequent meeting of the committee.
- 18.25 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 18.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 18.27 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 18.28 The confirmed minutes of a meeting of a committee of the Joint Organisation must be published on the Joint Organisation's website. This clause does not prevent the Joint Organisation from also publishing unconfirmed minutes of meetings of committees of the Joint Organisation on its website prior to their confirmation.

IRREGULARITIES

- 19.1 Proceedings at a meeting of a Joint Organisation or a Joint Organisation committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any voting representative or committee member, or
- (c) any defect in the election or appointment of a voting representative or committee member, or
- (d) a failure of a voting representative or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Joint Organisation or committee meeting in accordance with the Joint Organisation's code of conduct, or
- (e) a failure to comply with this code.

DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 13.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
Chairperson	in relation to a meeting of the Joint Organisation – means the person presiding at the meeting as provided by section 369 of the Act and clauses 5.1 and 5.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 18.11 of this code
this code	means the Joint Organisation's adopted code of meeting practice
committee of the Joint Organisation	means a committee established by the Joint Organisation in accordance with clause 18.2 of this code (being a committee consisting only of Joint Voting representatives) or the Joint Organisation when it has resolved itself into committee of the whole under clause 10.1
Joint Organisation official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
Day	means calendar day
Division	means a request by two voting representatives under clause 8.7 of this code requiring the recording of the names of the voting representatives who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a voting representative under clause 8.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a voting representative under clause 8.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a Joint Organisation under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning

	instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of voting representatives or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2005</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June



**CENTRAL NSW
JOINT ORGANISATION**

Advocacy Policy



Policy #	Adoption Date	Effective Date
4	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	27 November 2019	Executive Officer	CNSWJO Board	November 2020

4. Advocacy Policy

1. OBJECTIVES

Advocacy for the CNSWJO is informed by the following principles:

- a. Be effective and efficient and share costs with other stakeholders where possible;
- b. As a general rule, have elected officials meet with elected officials;
- c. Where senior bureaucrats, Ministers or Ministerial advisors are in the region at the Board's request State and Federal representatives will be notified;
- d. Political stakeholders including the opposition and the media should receive a "Chair's report" modelled on the Mayor's report subsequent to Board meetings;
- e. Include a portfolio approach for the Board's priorities to enable sharing of the workload and to increase our advocacy capacity;
- f. Be reflective of opportunities as offered by the electoral cycle;
- g. Recognise the usefulness of intergovernmental collaboration but have primacy over the other functions; and
- h. Ensure messages are consistent.

2. BACKGROUND

This policy is adapted from that used by the Central NSW Regional Organisation of Councils (Centroc).

3. RESPONSIBILITY - STAFF AND BOARD MEMBERS

The following policy directs all CNSWJO employees and informs Board members when they are acting in their professional capacity advocating on behalf of CNSWJO:

1. Promotion of the Board approved advocacy agenda of CNSWJO at every opportunity is encouraged;
2. Board members with portfolios can expect a greater level of support in their specific area;
3. Promotion of CNSWJO member operational support is welcomed;
4. Emergent issues are managed through the Executive at the direction of the Chair; and
5. Care should be taken when referring to CNSWJO that commentary reflects well on the organisation.

4. RESPONSIBILITIES - EXECUTIVE OFFICER

The CNSWJO Officer is responsible for the implementation of this policy, the provision of facilities and support outlined in the following procedures.

Applicability

1. Chair
2. Deputy Chair
3. Portfolio Mayors
4. Board members

5. General Managers
6. Project Groups where applicable
7. CNSWJO Staff

5. PROCEDURES

Stakeholders will be aware of the CNSWJO Advocacy Plans and use them as a guide when advocating on behalf of the region

Advocacy Plans are frequently used by CNSWJO when advocating with its stakeholders, in accordance with the CNSWJO Strategic Business Plan. These Plans are reviewed and updated annually under the hand of the Portfolio Mayors. The Plans are iterative responding to advocacy opportunities and changes are made to them by the Chair throughout the year. Portfolio Mayors will be invited to be part of the process.

The Chair approves all advocacy commentary on behalf of CNSWJO

Input to the Advocacy Plans is the responsibility of the Executive Officer who will seek feedback from stakeholders as appropriate including Portfolio Mayors. Advocacy Plans will subsequently be approved by the Board. All CNSWJO media and other statements are prepared in accordance with CNSWJO's standard format and approved prior to release by the Chair. The Chair or nominee provides all media comment and is the voice of CNSWJO. The Chair may delegate these function to other Board members or CNSWJO representatives.

6. PORTFOLIOS

The Board at its AGM will receive a report on portfolios developed under the auspices of the Chair and Deputy Chair.

The report will identify portfolios.

Mayors who are elected to represent portfolios will:

- Make themselves aware of the Advocacy Plan for their portfolio and provide feedback;
- Be invited to relevant meetings and be supported with briefing advice to these meetings;
- Be expected to represent the organisation from time to time at the request of the Chair; and
- Use opportunities in other forums to proffer the advocacy agenda under their portfolio.

The Board to be informed

1. An advocacy update will be provided by the Chair to the Board at its quarterly meetings.
2. A Chair's report from Board meetings will be provided to members and other interested stakeholders.

7. ADVOCACY

Advocacy Cycles

Recognising that CNSWJO works on behalf of its members, the Opposition should be briefed on policy and more strategically regarding priority at appropriate times in the electoral cycle.

Advocacy Calendar

An advocacy calendar is updated weekly and provided to the Chair.

Included annually are meetings in Parliament House Canberra and Sydney.

Where possible, events such as the Summit bringing State and Federal members to the region should be included strategically in the electoral cycle. This includes both formal and informal events.

The advice on inclusions in an Annual Calendar will be reviewed annually on the basis of the progression of Joint Organisations.

Funding of advocacy

The investment in attending Board meetings in both Sydney and Canberra is worthwhile. State and Federal members should be approached to assist in defraying these costs.

In general, members pay costs of travel and accommodation, including the Executive. From time to time when the schedule is particularly onerous on, for example the Chair, the costs of advocacy will be remitted to the Council.

When senior bureaucrats, Ministers or Ministerial advisors are in the region at the CNSWJO request State and Federal representatives will be notified.

This includes keeping State and Federal representatives notified of any correspondence to State and Federal Ministers.

Collaborating with other JOS, LGNSW, ALGA, RLE and RDA Central West

CNSWJO supports the Joint Organisation Chairs' Forum. It will receive advice and provide feedback accordingly.

The CNSWJO supports LGNSW and seeks to optimise its relationship with the its NSW peak body. All Advocacy Plans developed by the JO will be informed by and shared with LGNSW.

Advocacy Plans and advice will be informed by ALGA.

MoUs will frame activity between RDA Central West and CNSWJO. The JO will seek to leverage the Statutory relationship between the RLE and CNSWJO.

Advocacy and its fit with intergovernmental collaboration

The CNSWJO recognises the tension between intergovernmental collaboration and advocacy. It therefore reserves its right to advocate at any time on any matter. All MoUs and other arrangements with government partners will reflect this approach.

RELATED DOCUMENTS

Advocacy Plans
Social Media Policy
Statement of values and behaviours for intergovernmental collaboration
Communication Implementation Procedure (see Procedures)
Media Release Guide (see Procedures)
Code of Conduct
Delegations and Sub-Delegations
Protected Disclosures Act
Freedom of Information Act
Local Government Act
The CNSWJO Style Guide



**CENTRAL NSW
JOINT ORGANISATION**

Equal Employment Opportunity (EEO) Policy



Policy #	Adoption Date	Effective Date
5	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	27 November 2019	Executive Officer	CNSWJO Board	November 2020

5. Equal Employment Opportunity (EEO) Policy

8. OBJECTIVE

To provide a workplace that is free of discrimination by promoting diversity and fastening an environment where all employees and delegates have positive working relationships with others.

9. APPLICABILITY

This policy applies to all employees, contractors, volunteers, other delegates and Councillors of the Central NSW Joint Organisation.

10. GENERAL

The promotion of EEO principles will occur in all JO activities including recruitment, performance Management, staff development, training and all workplace decisions.

All instances of alleged discrimination/bullying/harassment will be treated seriously, quickly and confidentially, with any subsequent investigations to be conducted fairly and impartially. Any person making an allegation/complaint will not be victimised in any way.

Objective One – Communication and Awareness

- 1.1 Ensure that management and staff understand EEO principles, and their responsibilities in relation to the EEO Management Plan and its implementation
- 1.2 Ensure that all levels of management actively implement EEO principles in their activities

Objective Two – Human Resource Management

- 2.1 Ensure Human Resource Management policies and procedures comply with EEO principles
- 2.2 Ensure that all recruitment and selection activities comply with EEO principles and demonstrate fair practice.

Objective Three – Implementation and Evaluation

- 3.1 Collect appropriate data to enable ongoing monitoring of the JO's compliance with EEO guidelines.
- 3.2 Conduct annual review of EEO Management Plan

RELATED DOCUMENTS

EEO Management Plan



**CENTRAL NSW
JOINT ORGANISATION**

Equal Employment Opportunity Management Plan



Policy #	Adoption Date	Effective Date
6	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	28 February 2020	Executive Officer	CNSWJO Board	November 2020

6. Equal Employment Opportunity Management Plan

1. INTRODUCTION

Central NSW Joint Organisation (CNSWJO) is committed to being an inclusive organisational workplace that supports Equal Employment Opportunity (EEO) in the workplace.

CNSWJO is committed to the EEO Principles as outlined in *The Local Government Act 1993*:

- To eliminate and ensure the absence of discrimination in employment on the grounds of race, sex, marital or domestic status and disability in councils, and
- To promote EEO for women, members of racial minorities and persons with disabilities in councils.

Thin Management Plan comprises the JO's Vision, Mission and Objectives for creating an inclusive and equal opportunity employment environment. Each objective has specific actions by which the objective will be achieved and a benchmark against which to judge whether the objective has in fact achieved what it set out to do.

The Management Plan will be reviewed annually, and its achievements reported in the JO's Annual Report.

2. VISION

We believe we are at our best when we work together recognising the unique abilities and experiences that our colleagues and community bring to achieve our common goals and challenges. We know that a civil and positive work culture will help us best deliver value for our member Councils and their communities.³

3. MISSION

We will work towards ensuring our JO workforce reflects the diversity of our community by:

- treating everyone fairly and equally;
- leading and inspiring people to be the best they can be by providing pathways and opportunities to ensure our staff have rewarding, respectful and safe careers;
- welcoming and respecting everyone regardless of sex, race, colour, religion, ability, creed, sexual orientation, gender identity, national origin, ancestry, or age;
- proudly and publicly opposing intolerance, bigotry and violence and speaking up against bullying, racism, sexism, homophobia and all other form of discrimination and vilification.

4. RESPONSIBILITIES

The responsibility for driving and monitoring of the Central NSW Joint Organisation Equal Employment Management Plan sits with the Executive Officer. Day to day responsibility is vested in staff.

³https://www.ted.com/talks/christine_porath_why_being_respectful_to_your_coworkers_is_good_for_business/transcript?language=en

Equal Employment Opportunity Management Plan

All JO staff are responsible for creating an inclusive, rewarding, respectful environment and for ensuring equal opportunity.

Responsibility of all Staff

- Treating all work colleagues and customers respectfully and in a non-discriminatory manner;
- Promoting harmonious and inclusive workplace relations;
- Participating in any EEO training including EEO surveys and workshops;
- Understanding and abiding by the CNSWJO's policies on inclusion, anti-discrimination and equal opportunity;
- Speaking up against bullying, racism, sexism, homophobia and all other form of discrimination and vilification, and reporting matters in accordance with JO policy.

Executive Officer

- Managing and monitoring work areas to ensure all employees are treated with respect and work areas are free of discrimination, vilification, harassment and bullying;
- Being a leader and role model within the JO and community for inclusion, diversity and equal opportunity in everything we say and do;
- Implementing and monitoring actions under the EEO Management Plan;
- Ensuring all staff complete induction training on their responsibilities and ensuring all staff receive equal opportunities in access to career development, higher duties, workplace flexibility and training relevant to their needs and organisational requirements;
- Ensuring that staff recruitment is non-discriminatory and fair and promotes opportunities for traditionally disadvantaged groups.
- Provision of information and resources to support inclusion and equal opportunity;
- Under section 345 (2) of the Local Government Act the Executive Officer is required to implement the JO's EEO Plan including:
 - JO's EEO obligations and compliance under the Act;
 - The ongoing update, review and monitoring of the Plan to determine its effectiveness.
 - Oversee the:
 - Provision of information and resources to support inclusion and equal opportunity;
 - Identification of training and induction requirements;
 - Evaluation of performance under the Plan.

5. OBJECTIVES OF THE PLAN

These objectives are intended to promote and enhance EEO within the workplace. The objectives are:

- 1 Promote inclusion, mutual respect, understanding and awareness of EEO for all individuals**
- 2 Review the success of EEO within the workplace.**

Equal Employment Opportunity Management Plan

OBJECTIVE 1: Promote inclusion, mutual respect, understanding and awareness of EEO for all individuals

Ref	Action	2020/ 2021	2021/ 2022	2022/ 2023	2023/ 2024	Responsibility	Measures
1.1	Provide training on <ul style="list-style-type: none"> • Discrimination and EEO • Bullying and Workplace Violence • Sexual Harassment Prevention • Disability Access and Inclusion 					Executive Officer	ELMO report feedback
1.2	Promote EEO Management Plan					Executive Officer	Plan on shared drive. Plan reviewed at staff meeting annually.
1.3	Promote the grievance process where employees can make enquiries or complaints about harassment, bullying, victimisation and discrimination.					Executive Officer	Grievance process promoted.
1.4	Ensure consultation occurs when reviewing employment policies to consider the diverse needs of the workforce.					Executive Officer	Policies are reviewed through the Staff
1.5	Employment practices support staff in achieving Work and family life balance					Executive Officer	Promote Flexible Working Arrangements Policy

OBJECTIVE 2: review the success of EEO within the workplace

Ref	Action	2020/ 2021	2021/ 2022	2022/ 2023	2023/ 2024	Responsibility	Measures
2	Measure respect and EEO awareness via Employee Survey					Executive Officer	Annual staff feedback

RELATED DOCUMENTS

Code of Conduct



**CENTRAL NSW
JOINT ORGANISATION**

Privacy Management Plan



Policy #	Adoption Date	Effective Date
7	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	24 May 2018	Executive Officer	CNSWJO Board	November 2019
2	27 November 2019	Executive Officer	CNSWJO Board	November 2020

7. Privacy Management Plan

1. INTRODUCTION

The Privacy and Personal Information Protection Act 1998 (“PPIPA”) provides for the protection of personal information and for the protection of the privacy of individuals.

Section 33 of the PPIPA requires all councils to prepare a Privacy Management Plan (the “Plan”) to deal with:

- the devising of policies and practices to ensure compliance by the Council with the requirements of the PPIPA,
- the dissemination of those policies and practices to persons within the Council,
- the procedures that the Council proposes for Internal review of privacy complaints;
- such other matters as are considered relevant by the Council in relation to privacy and the protection of personal information held by it.

This Plan has been prepared for the purpose of section 33 of the PPIPA.

The Act provides for the protection of personal information by means of 12 Information Protection Principles. Those principles are listed below:

- Principle 1 - Collection of personal information for lawful purposes
- Principle 2 - Collection of personal information directly from the individual
- Principle 3 - Requirements when collecting personal information
- Principle 4 - Other requirements relating to collection of personal information
- Principle 5 - Retention and security of personal information
- Principle 6 - Information about personal information held by agencies
- Principle 7 - Access to personal information held by agencies
- Principle 8 - Alteration of personal information
- Principle 9 - Agency must check accuracy of personal information before use
- Principle 10 - Limits on use of personal information
- Principle 11 - Limits on disclosure of personal information
- Principle 12 - Special restrictions on disclosure of personal information

Those principles are *modified* by the Privacy Code of Practice for Local Government (“the Code”) made by the Attorney General.

The Code has been developed to enable Local Government to fulfil its statutory duties and functions under the Local Government Act 1993 (the “LGA”) in a manner that seeks to comply with the PPIPA.

This Plan outlines how the Council will incorporate the 12 Information Protection Principles into its everyday functions.

This Plan should be read in conjunction with the Code of Practice for Local Government.

Nothing in this Plan is to affect:

- any matter of interpretation of the Code or the Information Protection Principles as they apply to the Council;
- any obligation at law cast upon the Council by way of representation or holding out in any manner whatsoever;
- create, extend or lessen any obligation at law which the Council may have.

This Plan is designed to introduce policies and procedures to maximise compliance with the PPIPA.

Where the Council has the benefit of an exemption, it will nevertheless describe procedures for compliance in this Plan. By doing so, it is not to be bound in a manner other than that prescribed by the Code.

Council collects, stores and uses a broad range of information. A significant part of that information is personal information. This Plan applies to that part of the Council's information that is personal information.

It may mean in practice that any information that is not personal information will receive treatment of a higher standard; namely treatment accorded to personal information where the information cannot be meaningfully or practicably separated.

What is personal information?

"Personal information" is defined in section 4 of the PPIPA as follows:

Personal information is defined to mean information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. This information can be on a database and does not necessarily have to be recorded in a material form.

What is not "personal information".

"Personal information" does not "include information about an individual that is contained in a publicly available publication". Personal information, once it is contained in a publicly available publication, ceases to be covered by the PPIPA.

Where the Council is requested to provide access or make a disclosure and that information has already been published, then the Council will rely on the provisions of the relevant Act that authorises Council to hold that information and not the PPIPA (for example, section 12(1) of the LGA).

Council considers the following to be publicly available publications:

- An advertisement containing personal information in a local, city or national newspaper.
- Personal information on the Internet.
- Books or magazines that are printed and distributed broadly to the general public.
- Council Business papers or that part that is available to the general public.
- Personal information that may be a part of a public display on view to the general public.

Information published in this way ceases to be covered by the PPIPA.

However, Council's decision to publish in this way must be in accordance with PPIPA.

Policy on Electoral Rolls

The Electoral Roll is a publicly available publication. Council will provide open access to the Electoral Roll in Council's library. Council will refer any requests for copies of the Electoral Roll to the State Electoral Commissioner.

Application of this Plan

The PPIPA and this Plan apply, wherever practicable, to:

- Councillors;
- Council employees;
- Consultants and contractors of the Council;
- Council owned businesses; and
- Council committees (including those which may be established under section 355 of the LGA).

Council will ensure that all such parties are made aware that they must comply with PPIPA, the Code of Practice for Local Government, any other applicable Privacy Code of Practice and this Plan.

Personal Information Held by Council

The Council holds personal information concerning Councillors, such as:

- personal contact information;
- complaints and disciplinary matters;
- pecuniary interest returns; and
- entitlements to fees, expenses and facilities;

The Council holds personal information concerning its customers, ratepayers and residents, such as:

- rates records; and
- DA applications and objections.

The Council holds personal information concerning its employees, such as:

- recruitment material;
- leave and payroll data;
- personal contact information;
- performance management plans;
- disciplinary matters;
- pecuniary interest returns; and
- wage and salary entitlements.

Applications for suppression in relation to general information (not public registers).

Where an application for suppression is made in relation to anything other than a public register, then an application under section 739 of the Local Government Act 1993 ("LGA") is required.

Section 739 of the LGA covers all publicly available material under section 12(1) and 12(6) of the LGA other than public registers. As such, it limits disclosure in those circumstances where an application for suppression is successful. An application for suppression must be verified by statutory declaration and otherwise meet the requirements of section 739. When in doubt, Council will err in favour of suppression.

For more information regarding disclosure of information (other than public registers) see the discussion of IPPs 11 and 12 in Part 3 of this Plan.

For information regarding suppression of information on *public registers*, see Part 2 of this Plan.

Caution as to Unsolicited Information

Where an individual, a group or committee, not established by Council, gives Council unsolicited personal information, then that information should be still treated in accordance with this Plan, the Code and the PPIPA for the purposes of IPPs 5-12 which relate to storage, access, use and disclosure of information.

2. PUBLIC REGISTERS

A public register is defined in section 3 of the PPIPA:

public register means a register of personal information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee).

A distinction needs to be drawn between “public registers” within the meaning of Part 6 of the PPIPA and “non public registers”. A “non public register” is a register but it is not a “public register” for the purposes of the PPIPA. For example, the register might not be publicly available or it may not contain personal information.

Disclosure in relation to public registers must comply with Part 6 of the PPIPA and the Code. Personal information cannot be accessed by a person about another person unless the personal information is contained in a public register. Where personal information is contained in a public register, then Part 6 of the PPIPA applies to determine whether access to that information will be given to another person.

Disclosure in relation to all other personal information must comply with the Information Protection Principles as outlined in Part 2 of this Plan and the Code where it includes personal information that is not published.

The Council holds the following public registers under the LGA: ***

- Section 53 - Land Register
- Section 113 - Records of Approvals
- Section 449 -450A - Register of Pecuniary Interests
- Section 602 - Rates Record

***Note – this is purely indicative. Council may, by virtue of its own practice, hold other Public

Registers, to which PPIPA applies.

Council holds the following public registers under the Environmental Planning and Assessment Act:

- Section 100 – Register of consents and approvals
- Section 149G – Record of building certificates

Council holds the following public register under the Protection of the Environment (Operations) Act:

- Section 308 – Public register of licences held

Council holds the following public register under the Impounding Act 1993:

- Section 30 & 31 – Record of impounding

Members of the public may enquire only in accordance with the primary purpose of any of these registers. The primary purpose for each of these public registers is set out in the sections that follow.

Public Registers and the PPIPA

A public register generally confers specific rights or privileges, a benefit, or status, which would not otherwise exist. It may be required by law to be made publicly available or open to public inspection, or it is simply made publicly available or open to public inspection (whether or not payment is required).

Section 57 of the PPIPA requires very stringent controls over the disclosure of personal information contained in a public register. Section 57 provides broadly that where Council is responsible for keeping a public register, it will not disclose any personal information kept in that register unless it is satisfied that the information is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept.

Section 57 (2) requires Council to comply to ensure that any person who applies to inspect personal information contained in the public register to give particulars in the form of a statutory declaration as to the proposed use of that information. (Form at Appendix 1 may be used a guide)

If the stated purpose of the applicant does not conform with the purpose for which the public register is kept, access to the information sought will not be given.

Where personal information is contained in a publicly available publication, that information will not be regarded as personal information covered by the PPIPA.

Effect on Section 12 of the LGA

Section 57 of the PPIPA prevails over section 12 of the LGA to the extent of any inconsistency. Therefore:

1. If a register is listed in section 12(1) of the LGA, access must not be given except in accordance with section 57(1) of the PPIPA.
2. If a register is not listed in section 12(1) of the LGA, access must not be given except:

- (i) if it is allowed under section 57(1) of the PPIPA; **and**
- (ii) inspection would not be contrary to the public interest as per section 12(6) of the LGA.

Note: Both 1 and 2 are amended with regard to specific public registers in the Privacy Code of Practice for Local Government.

Where some information in the public register has been published

That part of a public register that is not published in a publicly available publication will be treated as a “public register” and the following procedure for disclosure will apply.

For example, the Register of Consents and Approvals held by Council under section 100 of the Environmental Planning and Assessment Act requires Council to advertise or publish applications for development consent.

When Council publishes the address of the property, it may identify the owner. The personal information that has not been published and any applications not advertised or that have been rejected or withdrawn (and hence also not published) will be treated as a public register under PPIPA.

Council may hold a register under the Contaminated Land Management Act on behalf of the Environment Protection Authority. This is not to be considered a public register of the Council as the statute does not place any obligations on the Council to make this register publicly available as a register of contaminated land. Furthermore, the legislation foreshadows that the Environment Protection Authority may indeed post this list or register on the internet. This may constitute a publication of the information and therefore the PPIPA will not apply.

Registers should not be published on the internet.

Disclosure of personal information contained in the public registers

A person seeking a disclosure concerning someone else’s personal information from a public register must satisfy Council that the intended use of the information is for a purpose relating to the purpose of the register or the Act under which the register is kept.

In the following section, by way of guidance only, what might be called the “primary” purpose (or “the purpose of the register”) has been specified for each identified register. In some cases a “secondary purpose” has also been specified, by way of guidance as to what might constitute “a purpose *relating to the purpose of the register*”.

Purposes of Public Registers

Purposes of public registers under the Local Government Act

Section 53 - Land Register – The primary purpose is to identify all land vested in Council, or under its control. The secondary purpose includes a consideration of public accountability as to the land held by Council. Third party access is therefore a secondary purpose.

Section 113 - Records of Approvals – The primary purpose is to identify all approvals granted under the LGA.

Section 450A - Register of Pecuniary Interests – The primary purpose of this register is to determine whether or not a Councillor or a member of a council committee has a pecuniary interest in any matter with which the council is likely to be concerned. There is a corresponding public accountability purpose and third party access is a secondary purpose.

Section 602 - Rates Record - The primary purpose is to record the value of a parcel of land and record rate liability in respect of that land. The secondary purpose includes recording the owner or lessee of each parcel of land. For example, that a disclosure on a section 603 (of the LGA) rating certificate that a previous owner was a pensioner is considered to be allowed, because the secondary purpose is “a purpose relating to the purpose of the register”.

Purposes of public registers under the Environmental Planning and Assessment Act

Section 100 – Register of consents and approvals – The primary purpose is to identify applications for development consent and other approvals, confirm determinations on appeal and identify applications for complying development certificates.

Section 149G – Record of building certificates – The primary purpose is to identify all building certificates.

Purposes of public registers under the Protection of the Environment (Operations) Act

Section 308 – Public register of licences held – The primary purpose is to identify all licences granted under the Act.

Purposes of the public register under the Impounding Act

Section 30 & 31 – Record of impounding – The primary purpose is to identify any impounding action by Council.

Secondary purpose of all Public Registers

Due to the general emphasis (to be found in the LGA and elsewhere) on local government processes and information being open and accountable, it is considered that a secondary purpose for which all public registers are held by Council includes the provision of access to members of the public. Therefore disclosure of specific records from public registers would normally be considered to be allowable under section 57 of the PPIPA.

However, requests for access, copying or the sale of the whole or a substantial part of a Public Register held by Council will not necessarily fit within this purpose. Council should be guided by the Privacy Code of Practice for Local Government in this respect. Where Council officers have doubt as to the intended use of the information, an applicant may be requested to provide a statutory declaration so that Council may satisfy itself as to the intended use of the information.

Council will make its assessment as to the **minimum** amount of personal information that is required to be disclosed with regard to any request.

Other Purposes

Persons or organisations who apply to Council to have access to the information contained in any public register for a purpose not related to the purpose of the register, may be given access at the discretion of Council but only in accordance with the Privacy Code of Practice for Local Government concerning Public Registers.

Applications for access to own records on a public register

A person wishing to have access to a public register to confirm their own details needs only to prove their identity to Council before having access to their own personal information.

Applications for suppression in relation to a public register

An application for suppression in relation to a public register will be dealt with under PPIPA, rather than section 739 of the LGA.

A person about whom personal information is contained (or proposed to be contained) in a public register, may request Council under section 58 of the PPIPA to have the information removed from, or not placed on the register.

If Council is satisfied that the safety or well-being of any person would be affected by not suppressing the personal information as requested, Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information, in accordance with section 58(2) of the PPIPA. (“Well-being” is defined in the Macquarie Dictionary as “the good or satisfactory condition of existence; welfare”.)

When in doubt, Council will err in favour of suppression.

Any information that is removed from, or not placed on, that aspect of a public register to be made public may be kept on the register for other purposes. That is, the information may still be used for council functions, but it cannot be disclosed to other parties.

An application for suppression should be made in writing addressed to the General Manager and must outline the reasons for the request. The Council may require supporting documentation where appropriate.

Other registers

Council may have other registers that are not public registers. The Information Protection Principles, this Plan, any applicable Code and the Act apply to those registers or databases.

3. THE INFORMATION PROTECTION PRINCIPLES

Information Protection Principle 1 – Section 8

Section 8 Collection of personal information for lawful purposes

- (1) A public sector agency must not collect personal information unless:
 - (a) the information is collected for a lawful purpose that is directly related to a function or activity of the agency, and
 - (b) the collection of the information is reasonably necessary for that purpose.
- (2) A public sector agency must not collect personal information by any unlawful means.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from the requirements of this principle.

Council Policy

Council will only collect personal information for a lawful purpose as part of its proper functions. The LGA governs Council's major obligations and functions.

Section 22 of the LGA provides other functions under other Acts. Some of those Acts are as follows:

- Community Land Development Act 1989;
- Companion Animals Act 1998:**
- Conveyancing Act 1919;
- Environmental Planning and Assessment Act 1979;
- Fire Brigades Act 1989;
- Fluoridation of Public Water Supplies Act 1957;
- Food Act 1989;
- Impounding Act 1993;
- Library Act 1939;
- Protection of the Environment Operations Act 1997;
- Public Health Act 1991;
- Recreation Vehicles Act 1983;
- Roads Act 1993;
- Rural Fires Act 1997;
- State Emergency Service Act 1989.
- Strata Schemes (Freehold Development) Act 1973;
- Strata Schemes (Leasehold Development) Act 1986; and
- Swimming Pools Act 1992;
- Public Health Act 1991.

This list is not exhaustive.

Additionally, the exercise by Council of its functions under the LGA may also be modified by the provisions of other Acts. Some of those Acts follow:

- Coastal Protection Act 1979;

- Environmental Offences and Penalties Act 1989;
- Freedom of Information Act 1989;
- Heritage Act 1977;
- State Emergency and Rescue Management Act 1989;
- Unclaimed Money Act 1995;
- Unhealthy Building Land Act 1990.

The circumstances under which Council may collect information, including personal information, are varied and numerous.

Council will not collect any more personal information than is reasonably necessary for it to fulfil its proper functions.

Anyone engaged by Council as a private contractor or consultant that involves the collection of personal information must agree to be bound not to collect personal information by any unlawful means. This will include debt recovery actions by or undertaken on behalf of Council by commercial agents.

**Companion Animals Act

Collection of information under the Companion Animals Act and Council's use of the Companion Animals Register should be guided by the Director General's guidelines, which have been developed with the PPIPA in mind.

Role of the Privacy Contact Officer

In order to ensure compliance with Information Protection Principle 1, internet contact forms, rates notices, application forms of whatsoever nature, or written requests by which personal information is collected by Council; will be referred to the Privacy Contact Officer prior to adoption or use.

The Privacy Contact Officer will also provide advice as to:

1. Whether the personal information is collected for a lawful purpose;
2. If that lawful purpose is directly related to a function of Council; and
3. Whether or not the collection of that personal information is reasonably necessary for the specified purpose.

Any further concerns of a legal nature will be referred to Council's solicitor.

Information Protection Principle 2 – Direct Collection

Section 9 Collection of personal information directly from individual

A public sector agency must, in collecting personal information, collect the information directly from the individual to whom the information relates unless:

- (a) the individual has authorised collection of the information from someone else, or

(b) in the case of information relating to a person who is under the age of 16 years—the information has been provided by a parent or guardian of the person.

The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle where indirect collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be conferred upon the person to whom the information relates.

Council Policy

The compilation or referral of registers and rolls are the major means by which the Council collects personal information. For example, the information the Council receives from the Land Titles Office would fit within section 9(a) above.

Other means include forms that customers may complete and lodge with Council for development consent, companion animal registration, applications for specific inspections or certifications or applications in respect of tree preservation orders.

In relation to petitions, the Council will treat the personal information contained in petitions in accordance with PPIPA.

Where Council or a Councillor requests or requires information from individuals or groups, that information will be treated in accordance with PPIPA.

Council regards all information concerning its customers as information protected by PPIPA. Council will therefore collect all personal information directly from its customers except as provided in section 9 or under other statutory exemptions or Codes of Practice. Council may collect personal information from other public sector agencies in respect of specific statutory obligations where it is authorised by law to do so.

Where Council anticipates that it may otherwise need to collect personal information indirectly it will first obtain the authorisation of each individual under section 9 (a) of the PPIPA.

External and related bodies

Each of the following will be required to comply with this Plan, any applicable Privacy Code of Practice, and the PPIPA:

- Council owned businesses;
- Council consultants;
- Private contractors;
- Council committees.

Council will seek to contractually bind each of these bodies or persons to comply with the PPIPA.

Where any of the above collect personal information on behalf of Council or in relation to the performance of their activities, that body or person will be required to:

- obtain a written authorisation and consent to that collection; and
- notify those persons in accordance with Information Protection Principle 3 as to the intended recipients and other matters required by that principle.

Council owned businesses, committees and private contractors or consultants must abide by this Plan, the Code and the PPIPA under the terms of their incorporation by Council or by contract.

Investigative Code of Practice

Where Council is conducting an investigation, the Investigative Code of Practice prepared by Privacy NSW and made by the Attorney-General will apply.

Information Protection Principle 2 is modified by the Investigative Code of Practice to permit indirect collection where a direct collection is reasonably likely to detrimentally affect Council's conduct of any lawful investigation.

Existing statutory exemptions under the Act

Compliance with Information Protection Principle 2 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in very obvious and limited circumstances and legal advice should normally be obtained.

The relevant statutory exemptions follow:

Section 23(2) of the PPIPA permits non-compliance with Information Protection Principle 2 if the information concerned is collected in connection with proceedings (whether or not actually commenced) before any court or tribunal.

Section 24(4) of the PPIPA permits non-compliance with Information Protection Principle 2 if:

- (i) investigating a complaint that could be referred or made to, or has been referred from or made by, an investigative agency; and
- (ii) if compliance might detrimentally affect (or prevent the exercise of) the Council's complaint handling or investigative functions.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 2 where the agency is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 2 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 26(1) of the PPIPA permits non-compliance with Information Protection Principle 2 if compliance would prejudice the interests of the individual concerned.

Further Explanation regarding IPP 2

Where Council cannot collect personal information directly from the person, it will ensure one of the following:

1. Council has obtained authority from the person under section 9(a) of the PPIPA.
2. The collection of personal information from a third party is permitted under an Act or law. (For example, the indirect collection from the Land Titles Office.)
3. The collection of personal information from a parent or guardian is permitted provided the person is less than 16 years of age.
4. The collection of personal information indirectly where one of the above exemptions applies.
5. The collection of personal information indirectly is permitted under the Privacy Code of Practice for Local Government or the Investigative Code of Practice.

The only other exception to the above is in the case where Council is given unsolicited information.

Information Protection Principle 3 - Requirements when collecting personal information

Section 10 – Requirements when collecting personal information

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances to ensure that, before the information is collected or as soon as practicable after collection, the individual to whom the information relates is made aware of the following:

- (a) the fact that the information is being collected,
- (b) the purposes for which the information is being collected,
- (c) the intended recipients of the information,
- (d) whether the supply of the information by the individual is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided,
- (e) the existence of any right of access to, and correction of, the information,
- (f) the name and address of the agency that is collecting the information and the agency that is to hold the information.

The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle where personal information is collected about an individual for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition without prior or subsequent notification.

Council Policy

Where Council proposes to collect personal information directly from the person, it will inform that person that the personal information is being collected, what is done with that information and who the intended recipients will be.

Council will inform persons if the information is required by law or voluntarily given. Council will also inform individuals which department or section within Council holds their personal information, and of the right to access and correct that information. Council will adapt the general section 10 pre-collection Privacy Notification form as appropriate (See Appendix 3).

The following are examples of application procedures that will require a Privacy Notification Form in accordance with section 10:

- Lodging Development Applications;
- Lodging objections to Development Applications;
- Lodging applications for approval under the LGA;
- Any stamps or printed slips that contain the appropriate wording for notification under section 10 (see Appendix 3); and
- When collecting an impounded item.

In relation to the Privacy Notification Form that may be attached to a Development Application provided to objectors, it could be stated that objectors have a right to remain anonymous if they so choose. However, should they need to substantiate their objections, anonymous objections may given less weight (or no weight) in the overall consideration of the Application.

Post - Collection

Where Council collects personal information indirectly from another public sector agency in respect of any one of its statutory functions, it will advise those individuals that it has collected their personal information by including a privacy notification form in the next issue of their rates notice, or otherwise by letter. A common example of the collection of information from another public sector agency is the Land Titles Office. Council receives information as to new ownership changes when property is transferred from one owner to the next. Appendix 2 contains a sample Privacy Notification Form that could be used for post-collection.

External and related bodies

Each of the following will be required to comply with Information Protection Principle 3:

- Council owned businesses
- Council consultants
- Private contractors
- Council committees

Council will seek to contractually bind each of these bodies or persons to comply with the Information Protection Principle 3.

Where any of the above collect personal information on behalf of Council or in relation to the performance of their activities, that body or person will be required to notify those persons in accordance with Information Protection Principle 3 as to the intended recipients and other matters required by that principle.

Investigative Code of Practice

Where Council is conducting an investigation, the Investigative Code of Practice prepared by Privacy NSW and made by the Attorney-General will apply.

Information Protection Principle 3 is modified by the Investigative Code to permit non-compliance if compliance is reasonably likely to detrimentally affect (or prevent the proper exercise of) Council's

conduct of any lawful investigation.

Existing statutory exemptions under the Act

Compliance with Information Protection Principle 3 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

The relevant statutory exemptions follow:

Section 23(3) permits non-compliance with Information Protection Principle 3 where information is collected for law enforcement purposes. Law enforcement means a breach of the criminal law and criminal law enforcement. This section does not remove the rights of an accused person.

Section 24(4) of the PPIPA permits non-compliance with Information Protection Principle 3 if:

- (i) investigating a complaint that could be referred or made to, or has been referred from or made by an investigative agency; and
- (ii) if compliance might detrimentally affect (or prevent the exercise of) the Council's complaint handling or investigative functions.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 3 where the agency is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 3 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 26 (1) of the PPIPA permits non-compliance with Information Protection Principle 3 if compliance would prejudice the interests of the individual concerned.

Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.

Research or access to a deposited record

A "deposited record" means records containing personal information that are deposited with Council for the purpose of preservation or making them available for research.

Documents that may have research value may be kept longer than is required by 12(a) of PPIPA.

It is anticipated that disclosure of personal information for research purposes will be allowed under section 41 of PPIPA by a Direction made by the Privacy Commissioner (if such a direction exists) until such time as a Research Code of Practice is made by the Attorney General.

Information Protection Principle 4 - Other requirements relating to collection of personal information

Section 11 Other requirements relating to collection of personal information

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that:

- (a) the information collected is relevant to that purpose, is not excessive, and is accurate, up to date and complete, and
- (b) the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Council will seek to ensure that no personal information is collected which is not directly relevant to its proper functions.

Council collects personal information through the various forms that customers may complete and lodge with Council. Before adoption of a new form, a draft form will be reviewed for compliance with Information Protection Principle 4 by the EEO Officer, Council's solicitor, Public Officer or other suitable person. Should Council have any residual doubts, the opinion of Privacy NSW will be sought.

Council may use public place video surveillance in accordance with *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television in Public Places*. The provisions of the Work Place Surveillance Act will be complied with.

Information Protection Principle 5 - Retention and security of personal information

Section 12 Retention and security of personal information

A public sector agency that holds personal information must ensure:

- (a) that the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and
- (b) that the information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information, and
- (c) that the information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and
- (d) that, if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or disclosure of the information.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Council may comply with this principle by using any or all of the following or similar documents:

- Records and Archives Services Manual;
- The Council's Policy on Security of and Access to Misconduct Files;
- Council's Internet Security Policy;
- Information Technology Security Policy; and
- General Records Disposal Schedule for Local Government.

Research or access to a deposited record

Documents that may have research value may be kept longer than is required by 12(a) of PPIPA.

It is anticipated that the disclosure of personal information for research purposes will be allowed under section 41 of PPIPA by a Direction made by the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney-General.

Information Protection Principle 6 - Information held by agencies

Section 13 - Information about personal information held by agencies

A public sector agency that holds personal information must take such steps as are, in the circumstances, reasonable to enable any person to ascertain:

- (a) whether the agency holds personal information, and
- (b) whether the agency holds personal information relating to that person, and
- (c) if the agency holds personal information relating to that person:
 - (i) the nature of that information, and
 - (ii) the main purposes for which the information is used, and
 - (iii) that person's entitlement to gain access to the information.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Section 13 of the PPIPA requires a council to take reasonable steps to enable a person to determine whether the council holds personal information about them. If Council holds any information about a person, upon request it will advise them the nature of that information, the main purposes for which it is held, and that person's entitlement to access. As a matter of practicality, not every item of personal information, however insignificant, will be capable of ascertainment.

Information Protection Principle 6 is modified by section 20(5) of the PPIPA. Section 20(5) of the PPIPA has the effect of importing sections 30-33 and Schedule 1 of the Freedom of Information Act 1989 ("FOI Act"), and treats them as if they were part of the PPIPA. That means that in any application under section 13, Council must consider the relevant provisions of the FOI Act.

Any person can make application to Council by completing the appropriate form and submitting it to Council. An example is at Appendix 5.

Where a person makes an application for access under the PPIPA and it is involved or complex, it may be referred, with the written consent of the applicant, as an application under the FOI Act. However use of the FOI Act is to be a last resort. The applicant has the right to insist on being dealt with under PPIPA.

Where council receives an application or request by a person as to whether council holds information about them, council will undertake a search of its records to answer the enquiry. Council may ask the applicant to describe what dealings the applicant has had with council in order to assist council to conduct the search.

Council will ordinarily provide a response to applications of this kind within 28 days of the application being made. The fee structure is commensurate to that of the Council's FOI Act rates structure.

Investigative Code of Practice

Where Council is conducting an investigation, the Investigative Code of Practice prepared by Privacy NSW and made by the Attorney-General will apply.

Information Protection Principle 6 is modified by the Investigative Code to permit non-compliance if compliance is reasonably likely to detrimentally affect (or prevent the proper exercise of) Council's conduct of any lawful investigation.

Existing exemptions under the Act

Compliance with Information Protection Principle 6 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25 (a) of the PPIPA permits non-compliance with Information Protection Principle 6 where Council is lawfully authorised or required not to comply with the principle.

Section 25 (b) of the PPIPA permits non-compliance with Information Protection Principle 6 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Reporting matters

The Council will issue a statement to be included on its Web page (if it has one) and in its Annual Report concerning the nature of personal information it regularly collects, the purpose for which the personal information is used and an individual's right to access their own personal information. The Council may also include the types of personal information it collects in its "FOI Statement of Affairs".

Effect of s.12 LGA

Nothing in this Principle prevents Council from dealing with a request for information about oneself under s.12 of the LGA.

Information Protection Principle 7 - Access to personal information held by agencies

Section 14 - Access to personal information held by agencies

A public sector agency that holds personal information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Section 14 of the PPIPA requires a council, at the request of any person, to give access to that person to personal information held about them.

Compliance with Information Protection Principle 7 does not allow disclosure of information about other people. If access to information that relates to someone else is sought, the application must be made under the FOI Act, unless Information Protection Principles 11 and 12 or the Public Register provisions apply.

Where a person makes an application for access under the PPIPA and it is involved or complex, it may be referred, with the written consent of the applicant, as an application under the FOI Act. However use of the FOI Act is to be a last resort. The applicant has the right to insist on being dealt with under PPIPA.

When considering an application under 14 of PPIPA, Council will consider sections 30-33 and Schedule 1 of the FOI Act as if they were part of PPIPA.

Customers wishing to exercise their right of access to their own personal information should apply in writing or direct their inquiries to the General Manager, who will make a determination. A sample form is provided at Appendix 5.

Members of staff wishing to exercise their right of access to their personal information should apply in writing on the attached form or direct their inquiries to the Manager of Personnel, who will deal with the application.

In order to comply with the requirement to provide the requested information “without excessive delay or expense”, Council will ordinarily provide a response to applications of this kind within 28 days of the application being made, and Council will use a fee structure commensurate to that of the FOI Act fee structure.

Effect of s.12 LGA

Nothing in this Principle prevents Council from dealing with a request for information about oneself under s.12 of the LGA.

Access to personal information contained in Council Business papers for a “Closed Meeting” should be

provided with care to not disclose any other information.

Personal information contained in Council Business papers for a “Open Meeting” is published and therefore **not** considered to be covered by the PPIPA.

Investigative Code of Practice

Where Council is conducting an investigation, the Investigative Code of Practice prepared by Privacy NSW and made by the Attorney-General will apply.

Information Protection Principle 7 is modified by the Investigative Code to permit non-compliance if compliance is reasonably likely to detrimentally affect (or prevent the proper exercise of) Council’s conduct of any lawful investigation.

Existing exemptions under the Act

Compliance with Information Protection Principle 7 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 7 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA non-compliance with Information Protection Principle 7 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

Information Protection Principle 8 - Alteration of personal information

Section 15 :Alteration of personal information

(1) A public sector agency that holds personal information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information:

(a) is accurate, and

(b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.

(2) If a public sector agency is not prepared to amend personal information in accordance with a request by the individual to whom the information relates, the agency must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.

(3) If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by the public sector agency.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Section 15 of the PPIPA allows a person to make an application to council to amend personal information held about them so as to ensure the information is accurate, and, having regard to the purpose for which the information is collected, relevant to that purpose, up to date and not misleading.

Council wishes to have its information current, accurate and complete. Proposed amendments or changes to the personal information held by the Council are welcomed.

However, Council will not provide access under section 15 to information that would not be allowed under section 14 of PPIPA.

Where there are complaints that are or could be the subject of a staff complaint or grievance, they will be referred to the Manager Personnel in the first instance and treated in accordance with the "Grievance and Complaint Handling Procedures".

Any alterations that are or could be the subject of a customer complaint or grievance will be referred to the General Manager, who will make a determination in relation to the matter.

Investigative Code of Practice

Where Council is conducting an investigation, the Investigative Code of Practice prepared by Privacy NSW and made by the Attorney-General will apply.

Information Protection Principle 8 is modified by the Investigative Code to permit non-compliance if compliance is reasonably likely to detrimentally affect (or prevent the proper exercise of) Council's conduct of any lawful investigation.

Existing exemptions under the Act

Compliance with Information Protection Principle 8 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25 (a) of the PPIPA permits non-compliance with Information Protection Principle 8 where Council is lawfully authorised or required not to comply with the principle.

Section 25 (b) of the PPIPA permits non-compliance with section Information Protection Principle 8 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Procedure

Where information is requested to be amended, the individual to whom the information relates, must make a request by way of statutory declaration. That request should be accompanied by appropriate evidence as to the cogency of the making of the amendment, sufficient to satisfy the Council that the proposed amendment is factually correct and appropriate. The Council may require further documentary evidence to support certain amendments. Council will not charge to process an application to amend a record under s.15.

The Council's application form for alteration under IPP 8 is at Appendix 6 at the end of this Plan.

Where Council is not prepared to amend

If the Council is not prepared to amend the personal information in accordance with a request by the individual the Council may attach to the information in such a manner as is capable of being read with the information, any statement provided by that individual.

Where an amendment is made

If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have the recipients of that information notified of the amendments made by the Council.

The Council will seek to notify recipients of information as soon as possible, of the making of any amendment, where it is reasonably practicable.

State Records Act

The State Records Act does not allow for the deletion of records. However, as a result of section 20(4) of the PPIPA, some deletions may be allowed in accordance with Information Protection Principle 8.

FOI Act

Nothing in PPIPA affects the operation of the *Freedom of Information Act 1989*, and therefore applications to amend records under that Act remain in force as an alternative mechanism.

Information Protection Principle 9 - Agency must check accuracy of personal information before use

Section 16 - Agency must check accuracy of personal information before use

A public sector agency that holds personal information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate, up to date, complete and not misleading.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

The steps taken to comply with section 16 will depend on the age of the information, its likelihood of change and the particular function for which the information was collected.

The more significant the information, the greater the necessity that checks to ensure its accuracy and currency be undertaken prior to its use.

For example, each employee's record should be updated when there is any change of circumstances or

when the employee's contact details change.

Information Protection Principle 10 - Limits on use of personal information

17 Limits on use of personal information

A public sector agency that holds personal information must not use the information for a purpose other than that for which it was collected unless:

- (a) the individual to whom the information relates has consented to the use of the information for that other purpose, or
- (b) the other purpose for which the information is used is directly related to the purpose for which the information was collected, or
- (c) the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom the information relates or of another person.

The Privacy Code of Practice for Local Government

The Code makes provision that Council may use personal information for a purpose other than the purpose for which it was created in the following circumstances:

- (i) where the use is in pursuance of Council's lawful and proper function/s and Council is satisfied that the personal information is reasonably necessary for the exercise of such function/s; or
- (ii) where personal information is to be used for the purpose of conferring upon a particular person, an award, prize, benefit or similar form of personal recognition.

Explanatory Note

Council may use personal information obtained for one purpose for another purpose in pursuance of its lawful and proper functions. For example, the Rates Record that Council holds under section 602 of the LGA may also be used to:

- notify neighbours of a proposed development;
- evaluate a road opening; or
- evaluate a tree preservation order.

Council Policy

Council will seek to ensure that information collected for one purpose will be used for that same purpose. Where Council may need to use personal information collected for one purpose for another purpose, it will first gain the consent of the individual concerned, unless an exemption applies.

External and related bodies

Each of the following will be required to comply with the Information Protection Principle 10:

- Council owned businesses

- Council consultants;
- Private contractors; and
- Council committees.

Council will seek to contractually bind each of these bodies or persons to comply.

Where any of the above seek to use personal information collected for one purpose, that body or person will be required to obtain the written consent of those persons in accordance with section 17 (2) to the use of the information for another purpose.

The form of consent should include the following elements:

I, (insert name)

of,(insert address)

hereby consent under section 17(2) of the Privacy and Personal Information Protection Act 1998 to Council using the information collected from me by (insert 1st purpose or name of collecting body or person) for the purpose of.....(insert 2nd purpose).

Signed and Dated.....

Investigative Code of Practice

Where Council is conducting an investigation, the Investigative Code of Practice prepared by Privacy NSW and made by the Attorney-General will apply.

Information Protection Principle 10 is modified by the Investigative Code to permit non-compliance if compliance is reasonably likely to detrimentally affect (or prevent the proper exercise of) Council's conduct of any lawful investigation.

Existing exemptions under the Act

Compliance with Information Protection Principle 10 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 23(4) of the PPIPA permits Council not to comply with Information Protection Principle 10 where the use of the information for another purpose is reasonably necessary for law enforcement purposes or for the protection of the public revenue. *Law enforcement purposes* means a breach of the criminal law and criminal law enforcement. This section does not remove the rights of an accused person. *Protection of the public revenue* means a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty.

Section 24 (4) of the PPIPA permits non-compliance with Information Protection Principle 10 if:

- (i) investigating a complaint that could be referred or made to, or has been referred from or made by, an investigative agency; and
- (ii) if the use is reasonably necessary in order to enable the Council to exercise its complaint handling or investigative functions.

Section 25 (a) of the PPIPA permits non-compliance with Information Protection Principle 10 where Council is lawfully authorised or required not to comply with the principle.

Section 25 (b) of the PPIPA permits non-compliance with section Information Protection Principle 10 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (eg., the Department of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister’s (or Premier’s) administration.

Information Protection Principle 11 - Limits on disclosure of personal information

Section 18 - Limits on disclosure of personal information

- (1) A public sector agency that holds personal information must not disclose the information to a person (other than the individual to whom the information relates) or other body, whether or not such other person or body is a public sector agency, unless:
 - (a) the disclosure is directly related to the purpose for which the information was collected, and the agency disclosing the information has no reason to believe that the individual concerned would object to the disclosure, or
 - (b) the individual concerned is reasonably likely to have been aware, or has been made aware in accordance with section 10, that information of that kind is usually disclosed to that other person or body, or
 - (c) the agency believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.
- (2) If personal information is disclosed in accordance with subsection (1) to a person or body that is a public sector agency, that agency must not use or disclose the information for a purpose other than the purpose for which the information was given to it.

The Privacy Code of Practice for Local Government

The Code makes provision for council to depart from this principle in the circumstances described below:

1. Council may disclose personal information to public sector agencies or public utilities on condition that:
 - (i) the agency has approached Council in writing;
 - (ii) Council is satisfied that the information is to be used by that agency for the proper and lawful function/s of that agency, and
 - (iii) Council is satisfied that the personal information is reasonably necessary for the exercise of that agency’s function/s.

2. Where personal information which has been collected about an individual is to be disclosed for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition.

3. Where Council is requested by a potential employer, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

Council Policy

Council will not disclose the information to another person or other body, unless the disclosure is directly related to the purpose for which the information was collected or where the Council has no reason to believe that the individual concerned would object to the disclosure.

Council may disclose personal information to another person or other body where this disclosure is directly related to the purpose for which the personal information was collected and the individual concerned is reasonably likely to have been aware, (or has been made aware in accordance with section 10), of the intended recipients of that information. "Directly related" can mean the disclosure to another person or agency to deliver a service which supplements that of Council or disclosure to a consultant for the purpose of assessing or reviewing the delivery of a program to which the original collection relates.

The council may disclose personal information to another person or other body where this disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.

Public Registers

Section 18 of PPIPA does not apply to the information held on Public Registers. Instead refer to Part 2 of this Plan.

Effect of section 12 of LGA

Section 12 of the LGA overrides sections 18 and 19 of PPIPA to the extent that it lawfully authorises, requires, necessarily implies or reasonably contemplates that councils need not comply with these sections.

Investigative Code of Practice

Where Council is conducting an investigation, the Investigative Code of Practice prepared by Privacy NSW and made by the Attorney-General will apply.

Information Protection Principle 11 is modified by the Investigative Code to permit non-compliance if disclosure of information is made to another agency that is conducting, or may conduct, a lawful investigation. The information provided must be reasonably necessary for the purposes of that investigation.

Existing exemptions under the Act

Compliance with Information Protection Principle 11 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 23(5)(a) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is made to a law enforcement agency in connection with proceedings for an offence or for law enforcement purposes. *Law enforcement purposes* means a breach of the criminal law and criminal law enforcement. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(b) of the PPIPA permits non-compliance with Information Protection Principle 11 where the disclosure is made to a law enforcement agency for the purpose of ascertaining the whereabouts of a person reported to be missing. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(c) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is authorised by subpoena, search warrant or other statutory instrument. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(d)(i) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is reasonably necessary for the protection of the public revenue. *Protection of the public revenue* could mean a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(d)(ii) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is reasonably necessary to investigate an offence where there are reasonable grounds to believe an offence has been committed.

Section 24(4) of the PPIPA permits non-compliance with Information Protection Principle 11 if:

- (i) investigating a complaint that could be referred or made to, or has been referred from or made by, an investigative agency, and
- (ii) if the disclosure is to an investigative agency.
- (iii) (Note: “investigative agency” is defined at s.3 of PPIPA.)

Section 25 (a) of the PPIPA permits non-compliance with Information Protection Principle 11 where Council is lawfully authorised or required not to comply with the principle.

Section 25 (b) of the PPIPA permits non-compliance with Information Protection Principle 11 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (eg. the Department of Local Government) or a public sector agency under the administration of the Premier for the purpose of

informing the Minister (or Premier) about any matter within the Minister's (or Premier's) administration.

It is anticipated that a disclosure of personal information for research purposes will be allowed under a s.41 Direction made by the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney General.

Suppression

Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Plan for more details about suppression of personal information.

Information Protection Principle 12 - Special restrictions on disclosure of personal information

Section 19 Special restrictions on disclosure of personal information

- (1) A public sector agency must not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.
- (2) A public sector agency that holds personal information must not disclose the information to any person or body who is in a jurisdiction outside New South Wales unless:
 - (a) a relevant privacy law that applies to the personal information concerned is in force in the that jurisdiction, or
 - (b) the disclosure is permitted under a privacy code of practice.
- (3) For the purposes of subsection (2), a **relevant privacy law** means a law that is determined by the Privacy Commissioner, by notice published in the Gazette, to be a privacy law for the jurisdiction concerned.
- (4) The Privacy Commissioner is, within the year following the commencement of this section, to prepare a code relating to the disclosure of personal information by public sector agencies to persons or bodies outside New South Wales.
- (5) Subsection (2) does not apply:
 - (a) until after the first anniversary of the commencement of this section, or
 - (b) until a code referred to in subsection (4) is made,whichever is the later.

The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle in the circumstances described below:

1. For the purposes of s.19(2) only, where Council is requested by a potential employer outside New South Wales, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a

reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

Council Policy

Council will not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.

Public Registers

Section 19 of PPIPA does not apply to the information held on Public Registers. Instead refer to Part 2 of this Plan.

Effect of section 12 of LGA

Section 12 of the LGA overrides sections 18 and 19 of PPIPA to the extent that it lawfully authorises, requires, necessarily implies or reasonably contemplates that councils need not comply with these sections.

Investigative Code of Practice

Where Council is conducting an investigation, the Investigative Code of Practice prepared by Privacy NSW and made by the Attorney-General will apply.

The Investigative Code modifies Information Protection Principle 12 to permit the disclosure of information to another agency that is conducting, or may conduct, a lawful investigation provided the information is reasonably necessary for the purposes of that investigation.

Existing exemptions under the Act

Compliance with Information Protection Principle 12 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 23(7) of the PPIPA permits non-compliance with Information Protection Principle 12 where the disclosure is necessary to investigate an offence or where there are reasonable grounds to believe an offence has been or may be committed.

Section 25 (a) of the PPIPA permits non-compliance with Information Protection Principle 12 where Council is lawfully authorised or required not to comply with the principle.

Section 25 (b) of the PPIPA permits non-compliance with Information Protection Principle 12 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.

Section 28(2) permits non-compliance with Information Protection Principle 12 where, in the case of health information, the consent of the person cannot reasonably be obtained and the disclosure is made by an authorised person to another authorised person. “Authorised person” means a medical practitioner, health worker, or other official or employee providing health or community services who is employed or engaged by a public sector agency.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (eg. the Department of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister’s (or Premier’s) administration.

It is anticipated that a disclosure of personal information for research purposes will be allowed under a s.41 Direction made by the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney General.

Suppression

Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Plan for more details about suppression of personal information.

4. IMPLEMENTATION OF THE PRIVACY MANAGEMENT PLAN

Training Seminars/Induction

During induction, all employees should be made aware that the performance management system has the potential to include personal information on their individual work performance or competency.

Councillors, all staff of the Council including staff of council businesses, and members of council committees should be acquainted with the general provisions of the PPIPA, and in particular, the 12 Information Protection Principles, the Public Register provisions, the Privacy Code of Practice for Local Government, this Plan and any other applicable Code of Practice.

Responsibilities of the Privacy Contact Officer

It is assumed that the Public Officer within Council will be assigned the role of the Privacy Contact Officer unless the General Manager has directed otherwise.

In order to ensure compliance with PPIPA, the Privacy Contact Officer will review all contracts and agreements with consultants and other contractors, rates notices, application forms of whatsoever nature, and other written requests by which personal information is collected by Council, to ensure that Council is in compliance with the PPIPA.

Interim measures to ensure compliance with IPP 3 in particular may include the creation of stamps or printed slips that contain the appropriate wording (see Appendices 2 and 3).

The Privacy Contact Officer will ensure Council in its public areas has special provisions for working

with computer screens. Computer screens may require:

- fast screen savers;
- face the computers away from the public; or
- only allow the record system to show one record at a time.

Council's electronic databases should also be reviewed to ensure that they contain procedures and protocols to check the accuracy and currency of personal information.

The Privacy Contact Officer will also provide opinions within Council as to:

- (i) Whether the personal information is collected for a lawful purpose;
- (ii) If that lawful purpose is directly related to a function of Council; and
- (iii) Whether or not the collection of that personal information is reasonably necessary for the specified purpose.

Any further concerns of a legal nature will be referred to Council's solicitor.

Should the Council require, the Privacy Contact Officer may assign designated officers as "Privacy Resource Officers", within the larger departments of Council. In this manner the Council may ensure that the information protection principles are more broadly understood and that individual departments have a greater focus on the information protection principles and are directly applied to Council's day to day functions.

Distribution of information to the public

Council may prepare its own literature such as pamphlets on the PPIPA, or it may obtain and distribute copies of literature available from Privacy NSW.

Council may also publish public notices, newsletters or website bulletins explaining the key elements of the Act and the rights of persons about whom information is held. See the discussion in this Plan with respect to IPP 6 for more information in this regard.

The Privacy Contact Officer will ensure that the next available rates notice includes a notice which:

- (i) mentions the commencement of the new PPIPA;
- (ii) states that Council holds personal information;
- (iii) mentions that Council may use and disclose personal information in various circumstances;
and
- (iv) states that for further information, please contact the Privacy Contact Officer on (telephone number)

Council may however choose to do a council-wide letterbox drop in preference to (or in addition to) an insert in the rates notices.

5. INTERNAL REVIEW

How does the process of Internal Review operate?

Complaints are to be made within 6 months of the complainant being first aware of the conduct. The complaint is to be in writing and addressed to Council's Privacy Contact Officer. The Privacy Contact Officer will appoint a Reviewing Officer to conduct the internal review. The Reviewing Officer must not be substantially involved in any matter relating to the complaint. The Reviewing Officer must be an employee and suitability qualified. The review is to be completed within 60 days of the lodgement of the complaint. The Council must notify the complainant of the outcome of the review within 14 days of its determination.

The Privacy Commissioner must be notified of a complaint, briefed on progress and notified of the outcome of an internal review under PPIPA.

What happens after an Internal Review?

If the complainant remains unsatisfied, he/she may appeal to the Administrative Decisions Tribunal which hears the matter afresh and may impose its own decision and award damages for a breach of an information protection principle to an amount up to \$40,000.00.

6. OTHER RELEVANT MATTERS

Contracts with consultants and other private contractors

It is necessary to have specific provisions to protect the Council in any dealings with private contractors.

Confidentiality

The obligation of confidentiality is additional to and separate from that of privacy. Nevertheless, a duty to withhold information lies at the heart of both concepts. Confidentiality attaches to information per se, personal information to the person to whom that information relates.

An obligation of confidentiality exists for all employees whether express or implied as a matter of law.

Information which may be confidential is also likely to have a separate and independent obligation attaching to it in the form of privacy and in that regard, a release for the purposes of confidentiality will not suffice for privacy purposes. Two separate releases will be required and, in the case of privacy, the person to whom the information relates will be required to provide the release.

Misuse of personal information

Section 664 of the LGA makes it an offence for anyone to disclose information except in accordance with that section. Whether or not a particular disclosure is made with lawful excuse is a matter that requires legal opinion from case to case.

Regular review of the collection, storage and use of personal information

The information practices relating to the collection, storage and use of personal information will be

reviewed by the Council every three (3) years. Any new program initiatives will be incorporated into the review process with a view to ascertaining whether or not those programs comply with the PPIPA.

Regular Review of Privacy Management Plan

Once the information practices are reviewed from time to time, the Privacy Management Plan will also be reviewed to ensure that the Plan is up to date.



Privacy Management Plan

Appendix 1

STATUTORY DECLARATION FOR ACCESS UNDER SECTION 57 OF THE PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998 TO A PUBLIC REGISTER HELD BY COUNCIL

STATUTORY DECLARATION OATHS ACT, 1900, NINTH SCHEDULE

I, the undersigned,(name of applicant)
of.....(address),
in the State of New South Wales, do solemnly and sincerely declare that:-

I am.....(relationship (if any) to person inquired about)

I seek to know whether is on the public register of*

The purpose for which I seek this information is

The purpose for which the information is required is to

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act 1994.

Declared at.....

in the said State this day of 2000
before me.

.....

before me:
Justice of the Peace/Solicitor

.....

Name to be printed

** Applicant to describe the relevant public register.*

Privacy Notification Form - Section 10 (Post – Collection)

(Addressed to the person from whom information has been collected.)

The personal information that Council has collected from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998.

The intended recipients of the personal information are:

- officers within the Council;
- data service providers engaged by the Council from time to time;
- any other agent of the Council; and
- *(any other)*.

The supply of the information by you *is / is not* voluntary. If you cannot provide or do not wish to provide the information sought, the Council may

Council has collected this personal information from you in order to

You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PPIPA.

Council* is to be regarded as the agency that holds the information.

Enquires concerning this matter can be addressed to

Signed.....

Dated.....

*Please state who holds or controls the information if not Council

Privacy Notification Form - Section 10 (Pre –Collection)

(Addressed to the person from whom information is about to be collected or has been collected.)

The personal information that Council is collecting from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 (“the Act”).

The intended recipients of the personal information are:

- officers within the Council;
- data service providers engaged by the Council from time to time;
- any other agent of the Council; and
- *(any other)*.

The supply of the information by you *is / is not* voluntary. If you cannot provide or do not wish to provide the information sought, the Council may/will be unable to process your application.

Council is collecting this personal information from you in order to

You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the Act.

Council* is to be regarded as the agency that holds the information.

Enquires concerning this matter can be addressed to

Signed.....

Dated.....

*Please state who holds or controls the information if not Council

**APPLICATION UNDER SECTION 13 OF THE PRIVACY AND PERSONAL INFORMATION PROTECTION ACT
1998 –
TO DETERMINE WHETHER COUNCIL HOLDS PERSONAL INFORMATION ABOUT A PERSON**

Personal information held by the Council

I, _____, of (address), hereby request the General Manager of Council provide the following :

Does the Council hold personal information about me ? YES/NO

If so, what is the nature of that information?

.....
.....
.....

What is the main purpose for holding the information?

.....
.....
.....

Am I entitled to access the information? YES/NO

My address for response to this Application is:

.....
.....
.....

Note to applicants

Should you provide your address or any other contact details the Council will not record those details for any other purpose other than to respond to your application.

As an applicant, you have a right of access to personal information concerning yourself that is held by the Council under section 14 of the Privacy and Personal Information Protection Act 1998 (“the Act”). There is a separate application form to gain access.

The Council may refuse to process this application in part or in whole if:

- ◆ there is an exemption to section 13 of the Act; or
- ◆ a Code may restrict the operation of section 14.

**APPLICATION UNDER SECTION 14 OF THE PRIVACY AND PERSONAL INFORMATION PROTECTION ACT
1998 -
FOR ACCESS TO APPLICANT'S PERSONAL INFORMATION**

Personal information held by Council

I, (name).....

of (address),

hereby request that the Council provide me with:

- (a) access to **all** personal information held concerning myself; or
- (b) access to the following personal information only.....

Note to applicants :

As an applicant, you have a right of access to your personal information held by the Council under section 14 of the Privacy and Personal Information Protection Act 1998 ("the Act").

You are entitled to have access without excessive delay or cost.

Council may refuse to process your Application in part or in whole if:

- the correct amount of fees has not been paid;
- there is an exemption to section 14 of the Act; or
- a Code of Practice may restrict disclosure.

Enquires concerning this application should be made to

APPLICATION UNDER SECTION 15 OF THE PRIVACY AND PERSONAL INFORMATION PROTECTION ACT

1998 –

FOR ALTERATION OF APPLICANT'S PERSONAL INFORMATION

Personal Information held by Council

I, (name).....

of (address),

hereby request the Council to alter personal information regarding myself in the following manner :

I propose the following changes:

.....

The reasons for the changes are as follows :

.....

The documentary bases for those changes is as shown on the attached documents :

.....

Note to Applicants :

You have a right to request appropriate amendments are made (whether by way of corrections, deletions or additions) to ensure that the personal information held by the Council :

- (a) is accurate, and
- (b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.

If Council is not prepared to amend the personal information in accordance with a request by you, Council must take such steps as are reasonable to attach to the information in such a manner as is capable of being read with the information, any statement provided by you.

If your personal information is amended, you are entitled under the Privacy and Personal Information Protection Act 1998 ("the Act"), if it is reasonably practicable, to the have recipients of that information notified of the amendments made by Council.

Council may refuse to process your application in part or in whole if:

- there is an exemption to section 15 of the Act; or
- a Code of Practice may restrict alteration.

Enquires concerning this application should be made to



**CENTRAL NSW
JOINT ORGANISATION**

**Related Parties
Policy**



Policy #	Adoption Date	Effective Date
8	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	24 May 2018	Executive Officer	CNSWJO Board	November 2019
2	27 November 2019	Executive Officer	CNSWJO Board	November 2020

8. Related Parties Policy

1. OBJECTIVE

To report appropriate disclosures in the Joint Organisation's Financial Statements as required by the Accounting Standard.

To ensure that the existence of certain related party relationships, related party transactions and information about the transactions, necessary for users to understand the potential effects on the Financial Statements are properly identified, recorded in the Joint Organisation systems, and disclosed in the Joint Organisation's General Purpose Financial Statements to achieve legislative compliance.

Legislative and Regulatory Requirements

- Local Government Act 1993 and Local Government (General) Regulation 2005
- Accounting Standard AASB 124 Related Party Disclosures
- Accounting Standard AASB 10 Consolidated Financial Statements
- Accounting Standard AASB 11 Joint Arrangements
- Privacy and Personal Information Protection Act 1998 (PPIPA)
- Government Information (Public Access) Act 2009 (GIPA Act)

2. DEFINITIONS

Related Parties

A person or entity that is related to the entity that is preparing its financial statements i.e. a related party is a party that exhibits control or joint control, or significant influence over the reporting entity or key management personnel of the reporting entity.

Related Party Transactions

A related party transaction is a transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.

Key Management Personnel (KMP)

Key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly. Council's KMP would include the Mayor, Councillors, General Manager and Directors.

Close Family Members

Close family members are people who can be expected to influence or be influenced by key management personnel and include that person's children and spouse or domestic partner; children of that person's spouse or domestic partner; and dependants of that person or that person's spouse or domestic partner.

KMP Compensation

Compensation includes all employee benefits (as defined in AASB 119 Employee Benefits) and include all forms of consideration paid, payable or provided by the entity, or on behalf of the entity, in exchange for services rendered to the entity. They include short term

employment benefits e.g. wages etc; post employment benefits e.g. pensions; other long term benefits e.g. long service leave; and termination benefits.

Arm's length transaction

A transaction between two related parties that is conducted as if they were unrelated, so that there is no question of conflict of interest.

Control

Is the power to govern the financial and operating policies of an entity so as to obtain benefits from its activities.

Joint control

Is the contractually agreed sharing of control over an economic activity.

Significant influence

Is the power to participate in the financial and operating policy decisions of an entity, but is not control over those policies. Significant influence may be gained by share ownership, statute or agreement.

Responsible Accounting Officer

A position of Council that has legislative responsibilities under the Local Government (General) Regulation 2005.

Material transaction

Transactions assessed as material based on some or all of the following criteria:

- Significance in terms of size
- Carried out on non-market terms
- Outside normal day to day business operations
- Disclosed to regulatory or supervisory authorities
- Reported to senior management.

3. POLICY STATEMENT

Related Party relationships are a normal feature of business. Related parties may enter into transactions that unrelated parties would not. Therefore, a related party relationship has potential to have an effect on the profit or loss and financial position of the Joint Organisation. In addition, the profit or loss and financial position of an entity may be affected by a related party relationship even if related party transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the entity with other parties.

For these reasons, knowledge of the Joint Organisation's transactions and outstanding balances (including commitments and relationships with Related Parties) may affect the assessment of Joint Organisation; operations by users of Joint Organisation Statements, including assessments of the risks and opportunities facing the Joint Organisation.

This policy aims to achieve compliance with the disclosures requirements of AASB 124 by executing the following steps:

- a) Identifying related party relationships and transactions.
- b) Identifying outstanding balances, including commitments between an entity and its

- c) related parties.
- d) Identifying the circumstances in which disclosure of the items in (a) and (b) is
- e) required.
- f) Determining the disclosures to be made about those items.

4. RELATED PARTIES

Identification of Key Management Personnel (KMP)

KMP for the Central NSW Joint Organisation (CNSWJO) are considered to include:

- The Chair
- Voting Representatives
- General Managers
- The Executive Officer

Identification of Related Parties

A person or entity is considered a related party of CNSWJO if any of the following conditions apply:

- a) They are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others).
- b) They are an associate or belong to a joint venture which Council is part of.
- c) They and CNSWJO are joint ventures of the same third party.
- d) They are part of a joint venture of a third party and Council is an associate of the third party.
- e) They are a post-employment benefit plan for the benefit of employees of either CNSWJO or an entity related to Council.
- f) They are controlled or jointly controlled by close or possibly close members of the family of a person with significant influence over CNSWJO or a close or possibly close member of the family of a person who is a KMP of CNSWJO.
- g) They are identified as a close or possibly close member of the family of a person with significant influence over CNSWJO or a close or possibly close member of the family of a person who is a KMP of CNSWJO.
- h) They, or any member of CNSWJO group which they are a part, provide KMP services to Council.

For the purposes of this Policy, related parties of CNSWJO are:

- a) Entities related to CNSWJO.
- b) KMP of CNSWJO.
- c) Close family members of KMP.
- d) Possible close family members of KMP.
- e) Entities or persons that are controlled or jointly controlled by KMP, or their close family members, or their possible close family members.

KMP will identify all entities that are controlled or jointly controlled by close family members through the self-assessment process. Should uncertainties or any other contentious issues arise during this process the KMP are responsible for discussing this with the Executive Officer who can consult CNSWJO external auditor for clarification if necessary.

Annual Review of Related Parties

A review of KMP and their related parties will be completed at the beginning of each Financial

Year. Whereby the identified KMP will be required to complete the Related Party Declaration (See Appendix 2) by 31 July and present this to CNSWJO Executive Officer.

The method of identifying the close family members and associated entities of KMP will be by KMP self-assessment. KMP are responsible for keeping the Executive Officer updated when any changes to those related parties occur outside of those times.

Particular events, such as a change in Elected Representatives, General Managers, or Executive Officer will also trigger a review of CNSWJO's related parties immediately following such an event. CNSWJO Executive Officer will be responsible for identifying CNSWJO subsidiaries, associates and joint ventures.

CNSWJO Executive Officer will maintain a register of all declared and identified related parties.

Related Party Transactions

Types of Transactions

The following are examples of transactions that are disclosed if they are transacted with a related party:

- Purchase or sale of goods
- Purchase or sale of property and other assets
- Rendering or receiving services
- Leases
- Quotations and/or tenders
- Commitments
- Settlements of liabilities on behalf of CNSWJO or by CNSWJO on behalf of the related party
- Grants and subsidy payments made to associated entities of CNSWJO
- Non-monetary transactions
- Compensation made to key management personnel and their close family members.

Materiality of Transactions

AASB 124 grants CNSWJO discretion to use their judgement when determining the level of detail to be disclosed in the financial statements. It should be noted that Materiality is not simply determined by the value of a transaction, many other factors are considered. As well as considering the closeness of the related party relationship other factors to be considered when assessing related party transactions are:

- Significant in terms of size
- Carried out on non-market terms
- Outside normal day-to-day business operations, such as the purchase and sale of businesses
- Disclosed to regulatory or supervisory authorities
- Reported to senior management
- Subject to shareholder approval

Ordinary Citizen Transactions

Ordinary citizen transactions are those transactions that are made on an arm's length basis between CNSWJO and related parties that an ordinary citizen of the community would transact with the CNSWJO.

Examples of these are rates payments for properties owned by the related party and dog registration payments.

CNSWJO will identify all transactions between CNSWJO and related parties. Any that are deemed to be ordinary citizen transactions will not typically be required to be disclosed in the annual financial report.

Transactions between CNSWJO and related parties that would normally be considered to be ordinary citizen transactions where the terms and conditions differ from normal practice will not be considered to be an ordinary citizen transaction for the purposes of this policy. These will be disclosed in CNSWJO annual financial statements in the related party disclosure.

Please note that KMP are still required to notify the Manager Financial Services of these transactions via the process outlined below and the determination of whether or not disclosure is required is vested with the Executive Officer. Should uncertainties or any other contentious issues arise during the process the KMP's are responsible for discussing this with the Executive Officer who can consult CNSWJO's external auditor for clarification if necessary.

Identification of all Related Party Transactions

All related party transactions will be captured to allow a full assessment of transactions that are to be included in the related party disclosure per the disclosure requirements contained in AASB 124.

This will also allow CNSWJO's external auditors to perform a full analysis of the entire process that results in the related party transaction disclosure.

All KMP will be required to complete and submit a Related Party Transaction Declaration (Appendix 3) to the Executive Officer, a notification advising of any known related party transactions that have occurred in the past 6 month period and any related party transactions that have the potential of occurring in the next 6 month period. A Nil notification will be required to be submitted to the Executive Officer if no transactions are required to be reported.

These notifications will be due to the Executive Officer by 31 January and 31 July covering the reporting periods from 1 July to 31 December and 1 January to 30 June respectively.

To ensure all related party transactions are captured and recorded, the Executive Officers responsible for reviewing, if required, other sources of information held by CNSWJO including without limitation:

- A register of related parties or KMP and of persons related to the KMP
- CNSWJO's pecuniary interest returns
- Minutes of CNSWJO and Committee meetings
- CNSWJO's Contracts Register

Council's Executive Officer will maintain a register of all declared and independently identified related party transactions.

Required Disclosures and Reporting

AASB124 provides that CNSWJO must disclose the following financial information in its financial statements for each financial year period.

1. *Disclosure of any material related party transactions* – if there have been material transactions between related parties, CNSWJO must disclose the nature of the relationship with the related party, as well as sufficient information about the transactions and outstanding balances, including commitments, necessary for users to understand the potential effect of the relationship on the financial statements.

2. *KMP Compensation Disclosures* – must disclose in the financial statement KMP compensation in total for each of the categories.

If an elected member or staff member is affected by the related party disclosure they will be given a copy of the disclosure to comment before the external audit is finalised. All comments will be considered, however, any deviations from the standard policy will not be included in the final disclosure. The Executive Officer will give the final approval of what will be contained in the disclosure.

Information Privacy

Confidentiality

The following information is classified as confidential and is not available for inspection by or disclosure to the public, including through a GIPA Act application.

- a) Information (including personal information) provided by a KMP in a related party disclosure.
- b) Personal information contained in a register of related party transactions.

Storage of Information

Declarations and registers pertaining to the CNSWJO's related parties and related party transactions will be maintained within a secure and confidential location of CNSWJO's records management system.

When Consent is Required

Except as specified in this Policy, CNSWJO and other permitted recipients will not use or disclose personal information provided in a related party disclosure by a KMP or contained in a register of related party transactions for any other purpose or to any other person except with the prior written consent of the subject KMP.

Permitted Recipients and Permitted Purposes

For the purpose of this policy the following persons are permitted to access, use and disclose the information (including personal information) provided in a related party disclosure or contained in a register of declared related parties and/or related party transactions.

- a) The General Manager

- b) The Director Corporate Services & Finance and the Manager Financial Services
- c) Public Officer
- d) An Auditor of Council (including an Auditor from the NSW Auditor General's Office).

For the purpose of this policy any person specified above may access, use and disclose information (including personal information) in a related party disclosure or contained in a register of declared related parties and/or related party transactions for the following purposes.

- a) To access and verify a notified related party transaction.
- b) To reconcile identified related party transactions against those notified in a related party disclosure or contained in a register of related party transactions.
- c) To comply with the disclosure requirements of AASB124.
- d) To verify compliance with the disclosure requirement of AASB124.

Government Information (Public Access) Act Status

The following documents are not open to or available for inspection by the public:

- a) Related party disclosures provided by a KMP.
- b) A register of related party transactions.

A GIPA Act application seeking access to:

- a) A document or information (including personal information) provided by a KMP in a related party disclosure.
- b) Personal information contained in a register of related party transactions.

will be refused on the grounds that the documents or information comprises information for which there is an overriding public interest against disclosure pursuant to Section 14 of GIPA Act.

A GIPA Act application seeking access to, and release of, transactional information and documentation about the subject of a related party transaction with CNSWJO's will be considered assessed and decided in accordance with CNSWJO's usual procedures regarding applications made under the GIPA Act.

RELATED DOCUMENTS

Code of Conduct



**CENTRAL NSW
JOINT ORGANISATION**

Payment of Expenses and the Provision of Facilities to Board Members Policy



Policy #	Adoption Date	Effective Date
9	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	24 May 2018	Executive Officer	CNSWJO Board	November 2019
2	27 November 2019	Executive Officer	CNSWJO Board	November 2020

Payment of Expenses and the Provision of Facilities to Board Members Policy

9. Payment of Expenses and the Provision of Facilities to Board Members Policy

1. PURPOSE

The JO Expenses and Facilities policy is designed to cover any needs associated with the exercise by Board Members and the Chairperson of their joint organisation functions that are not otherwise covered under member Council's Expenses and Facilities policies.

Board Members and the Chairperson are not entitled to make a claim under a Joint Organisation's expenses and facilities policy where a claim has been covered under a member Council's policy and vice versa.

2. EXPENSES

a. Conferences, Seminars and Inspections – Reimbursement of Costs

Subject to JO approval or approval by the Chairperson if insufficient time for JO approval.

- i. Registration: including official luncheons, dinners and tours relevant to the conference.
- ii. Accommodation: Meal allowances (dinner and lunch) - \$100 (per day)
Accommodation (capital city) - \$400 (per day) Accommodation (country areas) - \$ 200 (per day) and reasonable telephone costs.
- iii. Accommodation for the night before or after the conference where necessary.
- iv. Delegates accompanied by spouse/partner.

Equivalent of single accommodation cost to be met by the JO with additional accommodation cost to be met by delegate/spouse. All additional costs to be met by spouse/partner unless such is related to the official capacity of the delegates partner (eg conference dinner).

b. Travel Expenses

- i. Members cover their own costs for accommodation and travel to and from meetings of the Board and its Committees.

Expenses for use of a private motor vehicle to be based on the relevant kilometre rate in the staff award.

- ii. Attendance at meetings representing the JO in capacity of Chairperson of a JO Committee. Expenses for use of a private motor vehicle to be based on the relevant kilometre rate in the staff award.

Expenses for representing the region will be considered by the Board if sufficient time allows or by the Chair where the request is made before the expense is incurred.

Payment of Expenses and the Provision of Facilities to Board Members Policy

- iii. Conferences and Seminars. Members using private vehicles to be reimbursed according to the relevant kilometre rate in the Local Government Award as was previously the case, where not already covered by the Member Council.

Subject to the total cost not exceeding the economy class airfare as applicable and appropriate.

Travel by air (when required) to be by economy class.

3. FACILITIES

a. Members

The Members are to receive the benefit of the following JO facilities:

- i. Meeting Meals and Refreshments – provision of meals and refreshments associated with JO, Committee and Working Parties/Special Committee meetings.
- ii. Travel – provision of JO motor vehicle (when available) for travel to Conferences, Seminars, etc when on official JO business, where not already covered by a member Council.
- iii. Meeting Rooms – Provision of meeting facilities for the purpose of JO, Committee and Working Parties/Special Committee meetings (and for meeting with constituents), where available.
- iv. Photocopiers – provision of photocopying facilities at the JO's Office for official purposes.

b. Chairperson

In addition to those facilities provided to the Members, the Chairperson is to receive the benefit of:

- i. Secretarial Services – word processing and administrative support provided by the Executive Officer;
- ii. Administrative Support – assistance with functions, organisation, meetings and the like for official purposes.

c. Deputy Chairperson (if appointed)

In addition to those facilities provided to the Members, the Deputy Chairperson is to receive the benefits of the Chairperson when acting in the office of JO Chairperson.

d. Arbitration of Claims

The Chairperson, (the Deputy Chairperson when the claim is made by the Chairperson) and the Executive Officer will be responsible for determining whether all claims are reasonable and within the guidelines as set by the policy adopted by Council. Any Council dissatisfied with the determination can request the matter be submitted to Council for consideration.



CENTRAL NSW JOINT ORGANISATION

Budget and Statement of Revenue Policy

2020-2021



Policy #	Adoption Date	Effective Date
10	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	3 July 2020	Executive Officer	CNSWJO Board	May 2021

10. Budget and Statement of Revenue Policy 2020-2021

The Central NSW Joint Organisation's revenue and accounting policies are kept in accordance with the Australian Accounting Standards Board. CNSWJO abides by the:

- *Local Government Act (1993)*
- *Local Government (General Regulation 2005)*
- *Local Government Code of Accounting Practice & Financial Reporting*

1. FINANCIAL CONTRIBUTIONS BY MEMBER COUNCILS

Financial contributions by member Councils fall into two categories. Firstly, membership fees are levied from all member councils in order to perform the principal functions of delivering on strategic regional priorities, regional leadership and intergovernmental cooperation. The second category is for optional contributions from participating councils for a program of other functions enhancing strategic capacity and direct service delivery. Strategic work by the Joint Organisation will determine the nature of this program.

As outlined in its Charter, the Central NSW Joint Organisation (CNSWJO) member councils must contribute financially based on the following methodology:

- a. The annual financial contribution required to be made by each Member Council is to consist of:
 - i. base fee of the same amount for each Member Council; and
 - ii. a capitation fee [based on the number population drawn from ABS census figures].
- b. The annual financial contribution required to be made by each Associate Member is to be based on a methodology adopted by the Board.
- c. The amount of the base fee, capitation fee and financial contribution by Associate Members for a financial year is to be determined prior to the start of that year by Resolution of the Board.

For 2020-2021, contributions from member councils of the Joint Organisation of \$752,154 has been determined with the following breakdown:

Membership & Administration: \$261,804

- Membership of various programs: \$490,350
(Operational, CNSWJO Water Utilities' Alliance, Tourism & Western Region Academy of Sport)

2. FEES & CHARGES

Under the Local Government Act 1993, the CNSWJO may charge and recover an approved fee for its services.

Budget and Statement of Revenue Policy 2020-2021

CNSWJO must consider the following when establishing approved fees:

- The cost of provision of the service
- Recommended prices suggested by outside bodies
- The importance of the service
- Legislation that regulates certain fees
- Goods & Services Tax legislation.

3. 2020-2021 INCOME STATEMENT

Central NSW Joint Organisation Budget 2020/2021

	Budget 2020/2021
INCOME	
CNSWJO Membership Fees	261,804
CWUA Best Practice Program	241,045
Regional Tourism Group Membership	137,438
CNSWJO Operational Membership	102,600
WRAS Contributions	9,267
	\$752,154
BPAP contribution from other JOs - Stages 2 to 6	48,750
	\$48,750
HR - Regional Training Service Income	100,000
HR - Online Training & Other HR Modules	210,003
	\$310,003
Management Fees from Contracts	103,858
Management Fee from LGP	70,000
	\$173,858
Copyright Licence	17,700
Vehicle Lease Back EO	4,400
Vehicle Lease Back CWUA	5,300
Vehicle Lease Back Operational Program Mgr	5,000
Interest	1,000
	\$33,400
Total Income	\$1,318,165
EXPENDITURE	
Executive Officer Costs	230,000
Executive Officer Vehicle Costs & Depn	13,000
Operational Program Manager	120,000

Budget and Statement of Revenue Policy 2020-2021

Operational Program Manager - Vehicle costs	13,500
Finance Manager	65,000
Training & Program Support Officer	55,000
Executive & Programs Assistant	65,000
CWUA Program Manager & Program costs	122,721
CWUA Membership & Benchmarking Program	118,324
Regional Tourism Group	137,438
BPAP - Stages 2 to 6	65,000
Energy - Southern Lights Project	15,000
Energy - EV Infrastructure Mapping	40,000
HR - Training Service Costs	100,000
HR - Online Training & Other HR Modules	196,191
CBD Project	50,000
Regional Medical Student Scholarship	15,000
WRAS	9,267
Advocacy	15,000
Accounting/Audit/Payroll	30,000
Bank Fees and Sundry costs	2,500
Computer Software/Licences	5,000
Copyright Licence	17,800
Depreciation (excl vehicles)	2,000
Internet Cloud	10,000
Legal	7,500
Printing/Stationery/Postage	2,000
Summit	20,000
Supply Management Administration	5,000
Zoom Conferences	2,000
Website Hosting and costs	3,000
Total Expenditure	\$1,552,241
Net Profit/Loss	-\$234,076



**CENTRAL NSW
JOINT ORGANISATION**

Access to Information



Policy #	Adoption Date	Effective Date
11	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	24 May 2018	Executive Officer	CNSWJO Board	November 2019
2	27 November 2019	Executive Officer	CNSWJO Board	November 2020

11. Access to Information

1. PURPOSE

The objective of this policy is to set out CNSWJO's principles regarding public access to information and to facilitate the processing of requests for such access. This policy is to be read in conjunction with the Access to Information Guidelines.

2. PRINCIPLES

CNSWJO is committed to the following principles regarding public access to documents and information:

- Open and transparent government
- Consideration of the overriding public interest in relation to access requests
- Proactive disclosure and dissemination of information
- Respect for the privacy of individuals

3. IMPLEMENTATION

CNSWJO publishes for inspection, documents listed under Schedule 5 of the Government Information (Public Access) Act held by it, unless there is an overriding public interest not to do so. CNSWJO will keep a record of all open access information that is not published because of an overriding public interest against disclosure.

CNSWJO also publishes specific open access information on our website, and will facilitate public access through other appropriate mediums. There may be a fee associated with this subject to the "Document Printing Policy" found elsewhere in this manual.

CNSWJO also make other general information relating to CNSWJO activities publicly available through media releases and on the internet.

The 'Access to Information Guidelines' document associated with this policy identifies the documents and types of information that are available for public access including any restrictions that may apply.

Depending upon the nature of the request and the form of access requested, charges may be applied in accordance with CNSWJO's Schedule of Fees and Charges and relevant legislation.



**CENTRAL NSW
JOINT ORGANISATION**

Budgeting, Financial Reporting & Purchasing Policy



Policy #	Adoption Date	Effective Date
12	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	24 May 2018	Executive Officer	CNSWJO Board	November 2019
2	27 November 2019	Executive Officer	CNSWJO Board	November 2020

12. Budgeting, Financial Reporting and Purchasing Policy

1. OBJECTIVES

The Objective of this policy is to set out the approved guidelines for purchasing, budgeting and financial reporting by CNSWJO staff. It ensures that CNSWJO staff work within host CNSWJO purchasing guidelines and that CNSWJO staff can demonstrate to the project teams, the Executive Officer and the Board that the purchasing and budgeting process looks for best value.

2. IMPLEMENTATION

All staff of CNSWJO are employees of their host Council and are subject to the policies of that Council. Further, purchase of goods and services for Council uses are subject to legislative parameters which are embraced in the attached purchasing procedure. Purchases in excess of \$150,000 are subject to tender regulations.

In the first instance, all purchases should be included in the budget for the project and subject to review by the project team, at CNSWJO staff meetings and to the General Managers Advisory Committee.

To facilitate confidence, risk management, accountability and transparency, project teams need to be well informed of budget tracking to a level that the project team understand the project and all its expenses.

When determining project budgets, where there is more than one goods or services provider, two quotes should be sought on all expenditure over \$500.

The employment of friends and family is discouraged and must be with the concurrence of both the project team, sponsoring General Manager and the Executive Officer.

RELATED DOCUMENTS

Budgeting and Financial Reporting Procedure
Purchasing Procedure.

Consultation Policy



**CENTRAL NSW
JOINT ORGANISATION**

Logo –

Policy #	Adoption Date	Effective Date
13	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	27 August 2020	Executive Officer/RLE	CNSWJO Board	November 2020

13. Consultation Policy - Codesigned by Regional Leadership Executive

1. OBJECTIVE

1. To provide guidance for consultation with Local Government in Central NSW
2. To deliver a codesigned communication through the collaboration between the Regional Leadership Executive and the Central NSW Joint Organisation
3. To leverage the potential of the new relationships being forged from the outcomes of the Joint Organisation Legislation

2. INTRODUCTION

The CNSWJO/RLE Consultation Policy has been codesigned by the Central NSW JO and the Regional Leadership Executive for Orana and the Central West to provide guidance to other levels of government and industry when considering consultation with Local Government in Central NSW. It has been approved by the CNSWJO Board and the RLE.

Recognising the challenges of short deadlines, high expectations and consultation fatigue, these guidelines seek to leverage the collaboration and cooperation between the Regional Leadership Executive and the Joint Organisation. This can be particularly useful when there are several consultations in region from agencies that may be aware of the other activity in the region.

Consultation methodologies will differ depending on a variety of factors, not the least resourcing and timeframes. Agencies are asked to adapt the following advice to best suit their circumstance.

3. VALUES AND PRINCIPLES

Consultation in this region is based on the following values and principles:

1. mutual respect
2. thoughtful contribution
3. acting in the public interest
4. intergenerational equity
5. timely and appropriate responsiveness
6. willingness and commitment
7. accountability and transparency
8. sharing and positive intent
9. adding value

In order to consult using these values and principles, the following approaches are encouraged:

1. Ensuring fit for purpose processes;

Consultation Policy – Codesigned by Regional Leadership Executive

2. Setting clear, central goals, policies, and oversight that add value- then decentralising implementation
3. Pursuing a customised response, not one-size-fits-all
4. Using incentives in place of disincentives where possible
5. Being respectful of Council governance arrangements and timelines
6. Placing a greater reliance on risk management than on risk avoidance
7. Emphasising being performance and outcomes based rather than process and compliance focused in accountability and oversight
8. Recognising that consulting with the Joint Organisation is not an alternative to working directly with Councils, but an opportunity to optimise and codesign consultation in the interested of Joint Organisation members.

The region supports local decision making and decentralised, place based and collaborative implementation.

The Central NSW Joint Organisation is embedded in its membership and their communities and seeks advice through Councils from community. The Joint Organisation recognises it is well positioned for interfacing between Councils, their communities and other levels of government. The Central NSW Joint Organisation recognises a need in the nation for a more detailed understanding of our communities, their assets and aspirations. The Joint Organisation therefore seeks to work in collaboration with other levels of government to optimise our ability to develop and share our deep knowledge of the region.

4. PROCEDURES

The Joint Organisation or RLE should be the first point of call when considering consultation in Central NSW. What may be a priority for those undertaking the consultation may not be a priority for stakeholders. Understanding this and what is happening in region are important considerations to ensuring optimal outcomes from a consultation.

Where possible, a consultation and or communication plan should be codesigned with the RLE and Joint Organisation.

Recommended approaches	What does this look like
Ensuring fit for purpose processes	<ul style="list-style-type: none"> • Ensuring you have the right people in the room • The Agenda will be provided by email at least one week before meeting. Any background reading should be provided one week before to allow attendees time to prepare. A power point format with slides clearly numbered will be shared where necessary. • Sufficient time for agenda items eg 5 • minutes on risk management won't get you there' • Feedback loops are important - what happened with the adv ice provided? • Only use confidentiality clauses, documents and agreements when it is required . • Ideally the process is codesigned with the Joint

Consultation Policy – Codesigned by Regional Leadership Executive

	<p>Organisation and RLE.</p>
<p>Setting clear, central goals, policies, and oversight that add value- then decentralising implementation</p>	<ul style="list-style-type: none"> • It is important to understand why you are consulting. • Try not to over promise and under deliver. • Try to include local departmental staff of the appropriate delegation. • Authorised representatives engaged in the consultation must have the necessary delegation to make informed and binding decision necessary to comply with policy and code of the Joint Organisation, any statutory requirements of the Local Government Act 1993 or Regulation or any other law, rule or regulation affecting Joint Organisation.
<p>Pursuing a customised response, not one-size- fits-all;</p>	<ul style="list-style-type: none"> • Seek advice from the JO or RLE on the Local Government landscape. • Every region and every Council have different priorities and different capacities to engage. • Ideally the consultation process is codesigned with the Joint Organisation.
<p>Using incentives in place of disincentives where possible</p>	<ul style="list-style-type: none"> • Councils are often asked for data which they do not have, thoughtful approaches to resourcing data collection will lead to better outcomes.
<p>Being respectful of Council governance arrangements and timelines</p>	<ul style="list-style-type: none"> • Notice should be given for a meetings/workshops at least 6 weeks in advance; • Meetings will take place in a central location or via an audio-visual platform; • Meetings should go no longer than two hours; • Workshops/meetings will aim to finish before 3pm in order to allow for travel. • Bearing in mind that stakeholders in Central NSW may have travelled for hours to attend a consultation. • Refreshments should be provided for face-to-face meetings. • If the consultation seeks to have an adopted position of a Council or a Joint Organisation, sufficient time should be allowed for the requisite governance process; • Returning data collected from Councils to Councils.

Consultation Policy – Codesigned by Regional Leadership Executive

	<ul style="list-style-type: none"> • Include feedback loops on what happened as a result of the consultation.
Placing a greater reliance on risk management than on risk avoidance	<ul style="list-style-type: none"> • Only using confidentiality clauses and other processes when they are really required. • A bias towards sharing information where possible, so for example using "cabinet in confidence" when this is actually the case.
Emphasising being performance and outcomes based rather than process and compliance focused in accountability and oversight	<ul style="list-style-type: none"> • Codesigning consultation will help achieve this. • The use of online platforms that allow for collaboration on outputs. • The use of issues papers co-written by stakeholders. • Ticking a box approaches are usually recognised by local government as just that.
Recognising that consulting with the Joint Organisation is not an alternative to working directly with Councils, but an opportunity to optimise and codesign consultation in the interested of Joint Organisation members	<ul style="list-style-type: none"> • Consultation enables Council engagement coordinated by the JO. • Adequate time frames etc - see above. • Approach the RLE/JO for advice and support.



CENTRAL NSW JOINT ORGANISATION

Register of Political Donations Disclosures



Policy #	Adoption Date	Effective Date
14	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	24 May 2018	Executive Officer	CNSWJO Board	November 2019
2	27 November 2019	Executive Officer	CNSWJO Board	November 2020

14. Register of Political Donations Disclosures

Local Government authorities are required under S:328A of the Local Government Act (1993) to keep a register of current declarations of disclosures of political donations;

328A General manager to keep register of political donation disclosures

- 1) The General Manager is required to keep a register of copies of current declarations of political donations lodged with the New South Wales Electoral Commission by or on behalf of councillors of the council concerned (including in their capacity as candidates for election as councillors).
- 2) For the purposes of this section, current declarations of disclosures of political donations are declarations lodged under part 6 of the Election Funding, Expenditure and Disclosures Act 1981 in respect of the relevant disclosure period that includes the date of the last election (other than a by-election) and all subsequent relevant disclosure periods.

It is anticipated that this requirement will also pertain to Joint Organisations. Each of the Member Councils has a link on their websites to the NSW Electoral Commission, which facilitates access to declarations of disclosures. The links satisfy the needs of Section 328A of the Local Government Act. Accordingly, please see the JO website for a link to the Commission's website to achieve compliance with this requirement. <http://www.elections.nsw.gov.au/fd>

The link allows access to disclosures by Councillors of the member Councils.

15. Donations Policy

All requests are considered, on application, by the Board.



CENTRAL NSW JOINT ORGANISATION

Email and Internet Policy



Policy #	Adoption Date	Effective Date
16	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	24 May 2018	Executive Officer	CNSWJO Board	November 2019
2	27 November 2019	Executive Officer	CNSWJO Board	November 2020

16. Email and Internet Policy

1. OBJECTIVE

To provide direction to the CNSWJO staff regarding the use and record keeping of email and internet.

2. POLICY STATEMENT

1. All Staff that have access to email and internet have a responsibility to maintain the integrity of the records system.
2. Use of email and internet by staff, is authorised and encouraged where such use is appropriate for business purposes and supports the goals and objectives of CNSWJO.
3. Email and internet will be incorporated into the records system if it provides evidence of CNSWJO's business activities.
4. Email and internet that becomes CNSWJO's records must be retained in accordance with the approved retention periods listed in the General Disposal Schedule issued by State Records.
5. Email and internet are part of CNSWJO's computer network and all information processed, transmitted or stored in the system is the property of CNSWJO.
6. Email and internet must not include any material or information which is offensive, racist or discriminatory. Such behaviour is unacceptable and will result in disciplinary action.
7. Email and internet that is retained as CNSWJO's records are accessible to the public under Government Information (Public Access) (GIPA) Act and Privacy Legislation.

3. PROCEDURES FOR THE USE OF EMAIL

1. Email is a business tool. Staff must make sure that email is brief, concise and business related and is kept in the system only as long as required.
2. Email should not be assumed to be secure and viewing by third parties may occur. Staff should be aware of the potential risks involved in sending confidential or sensitive information.
3. Email may continue to exist long after it has been deleted. Deletion eliminates the email or file name from the computer directory but the information still exists in the backup system until it has been overwritten.

4. Email is subject to the full range of laws applying to other communications, including copyright, breach of confidence, defamation, privacy, contempt of court, harassment and criminal laws.
5. Email related to the governance, activities, commitments and funding of CNSWJO programs should be filed electronically and appropriately on R Drive.

4. PROCEDURES FOR THE USE OF INTERNET

1. Internet use will be for CNSWJO business purposes. Limited Staff private use may be endorsed by their supervisor, subject to it not interfering with normal CNSWJO business.
2. Each internet session will be as brief as possible.
3. Staff will not upload, download or transmit commercial software or copyrighted materials, without the authority of the owner of the software or material.

RELATED DOCUMENTS

Code of Conduct



**CENTRAL NSW
JOINT ORGANISATION**

Review of Internally Restricted Reserves



Policy #	Adoption Date	Effective Date
17	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	24 May 2018	Executive Officer	CNSWJO Board	November 2019
2	27 November 2019	Executive Officer	CNSWJO Board	November 2020

Review of Internally Restricted Reserves

17. Review of Internally Restricted Reserves

1. BACKGROUND

Each financial year CNSWJO carries over internally restricted funding for the following reasons:

- To continue programming from year to year
- To ensure that funds from members for water are reserved for water activities
- As directed by the Board to manage emergent priority

Best practice suggests that these funds should be reviewed annually by the Board.

2. PROCESS

The Finance Officer and Executive Officer will provide a report in July of each year identifying internally restricted reserves with options for their management.

All queries regarding the above process are to be directed to the Executive Officer Jenny Bennett on 0428 690 935 or jenny.bennett@centraljo.nsw.gov.au



**CENTRAL NSW
JOINT ORGANISATION**

Credit Card Use Policy



Policy #	Adoption Date	Effective Date
18	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	24 May 2018	Executive Officer	CNSWJO Board	November 2019
2	27 November 2019	Executive Officer	CNSWJO Board	November 2020

18. Credit Card Use Policy

The Central NSW Joint Organisation (CNSWJO) Credit Card Use Policy is administered by the Forbes Shire Council Corporate Credit Card Use Policy version 18 July 2019. Central NSW Joint Organisation staff abide by the following.

PURPOSE

Corporate Credit Cards can often be an efficient procurement method for low risk purchases (Category A) where other methods of payment are unavailable. The purpose of this Policy is to provide a clear framework to enable the appropriate use of corporate credit cards issued to CNSWJO staff. This policy aims to incorporate necessary controls to support the mitigation of risks associated with corporate card usages whilst acknowledging that they are an alternative procurement method which can be a more efficient and effective payment management system.

SCOPE

This policy applies to all CNSWJO staff who are issued with a corporate credit card to undertake appropriate transactions in the course of their official business. This Policy must be read in conjunction with CNSWJO's Procurement Policy and the Delegations Register.

Council Officers who are issued with a corporate credit card must also hold a delegation from the Executive Officer authorising them to do so.

DEFINITIONS

Central NSW JO Staff	Refers to employees who have been issued a corporate credit card.
Category A	As defined in Council's Procurement Policy is purchases of goods and services up to \$4,999 (inc GST)

POLICY STATEMENT

The Central NSW Joint Organisation commits itself to ensuring that an accountable credit card expenditure framework is established to regulate usage of corporate credit cards.

1. PROCEDURES

1.1 Eligibility

- 1.1.1 The Executive Officer has delegated authority to authorise the issuing of corporate credit cards to CNSWJO staff. A business case for the issue of a corporate card is to be established to warrant the application and submitted to the Executive Officer.
- 1.1.2 The Executive Officer is responsible for approving the issue of all corporate credit cards.

1.2 Credit Limits

1.2.1 Corporate credit cards will have a limit determined by the Executive Officer.

1.3 Condition of Use

1.3.1 Credit cards must only be used for official CNSWJO business, such as travelling expenses, training activities and general goods and services purchases. Credit cards may be used for over-the-counter or e-commerce transactions (over the phone or internet).

1.3.2 Credit cards must not be used for:

- Cash advances;
- Purchases that are beyond expenditure limits or entitlements;
- To purchase any goods or services for personal benefit such as rewards scheme (Frequent Flyer Programs or Flybuys, etc); and
- The payment of fines, even where these are incurred while the cardholder is engaged in JO business.

1.3.3 Corporate credit cards are not to be used for private or unauthorised transactions. Cardholders will be personally liable for purchases that cannot be shown to be related to CNSWJO business.

1.3.4 Corporate credit cards should only be used in situations where it is not reasonably possible to go through the CNSWJO's normal procurement procedures for the ordering and/or payment for goods and services.

1.3.5 The Executive Officer may delegate authority for the CNSWJO staff to use a corporate card for CNSWJO business on a case by case basis. Written approval must be obtained from the Executive Officer before the transaction is conducted and the above conditions of use apply. The written approval and any documentation and receipts must be provided to the Finance Manager.

1.4 Cardholder Responsibilities

1.4.1 Cardholders will be personally responsible and accountable for the safekeeping of the card. PIN numbers are not to be disclosed to anyone.

1.4.2 All transaction slips and supporting tax invoices are to be retained and submitted to the Finance Manager on a monthly basis.

1.4.3 Statutory declarations must be provided to reconcile transactions where the documentation outlined in cl. 5.4.2 is not provided.

1.4.4 Lost or stolen cards are to be cancelled immediately and reported to the CNSWJO Finance Manager.

1.5 Reconciliation

- 1.5.1 Corporate credit card holders will be distributed monthly statements. The cardholder must reconcile the expenditure and provide receipts to the Finance Manager within ten (10) working days of the 22nd of the month which represents the end of the credit card cycle. This is in accordance with cl. 5.4.2.
- 1.5.2 Cardholders who fail to comply with the provisions outlined in cl. 5.5.1 will be subject to cl. 5.6.1.
- 1.5.3 Monthly reconciliations are to be signed off by the card holder and approved by the Executive Officer.
- 1.5.4 The Executive Officer's reconciliation will be approved by the Finance Manager.
- 1.5.5 All reconciliations will be reviewed and approved by the Finance Manager.

1.6 Disputed Purchases

- 1.6.1 When a dispute occurs, the cardholder should notify the Finance Manager and attempt to correct the situation with the Merchant. In many cases, a simple telephone call can resolve any problems without delay. Should this not be the case the Finance Manager will attempt to resolve the matter and may involve the bank particularly for matters such as duplicate charges, non-receipt of goods ordered or credits not processed.

1.7 Breach of Policy

- 1.7.1 All suspected breaches of this policy must be immediately reported to the Executive Officer or the Finance Manager for investigation.
- 1.7.2 Failure to adhere with provisions outlined in this policy or the misuse of funds may result in suspension or cancellation of a corporate credit card and/or disciplinary action.

2. VARIATION

Central NSW Joint Organisation reserves the right to vary the terms and conditions of this policy subject to a report to both the CNSWJO Board and Forbes Shire Council.

RELATED DOCUMENTS

Delegations Register
Procurement Policy
Code of Conduct



**CENTRAL NSW
JOINT ORGANISATION**

Organisational Documentation Policy



Policy #	Adoption Date	Effective Date
19	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	24 May 2018	Executive Officer	CNSWJO Board	November 2019
2	27 November 2019	Executive Officer	CNSWJO Board	November 2020

19. Organisational Documentation Policy

1. OBJECTIVES

- 1.1 To set out the approved guidelines for all CNSWJO documentation including timeliness and governance expectations surrounding Minutes and Agendas.
- 1.2 To ensure a Style Guide and organisational standards are carried out across CNSWJO.

2. INTRODUCTION

The Organisational Documentation Policy has been developed to set the organisational standards with corporate style guides, documentation layout, templates, naming conventions and advice in timeliness for governance purposes.

This document will assist in setting a standard structure across CNSWJO.

Contractors are requested to take note of the expectations regarding timeliness and content for minutes and agendas for meetings they conduct on CNSWJO's behalf.

3. DEFINITIONS

Executive Assistant - a support position responsible for correspondence for CNSWJO and the formatting of Board and GMAC agendas and minutes.

4. STYLE GUIDE

The Style Guide is the main reference for the upkeep of the CNSWJO' corporate identity. The logo, guidelines and templates outlined in this Style Guide are to be followed at all times and can only be altered after consultation and approval from the Executive Officer.

To ensure the corporate identity is promoted to its full potential, it is important that all corporate documentation is produced within these guidelines. When designing additional documents, eg memos or faxes, the Style Guide must be followed to ensure all documentation complies and meets the company standards.

Font

Calibri 11pt

The use of capitals

Capitals are not to be used for whole words except in the case of acronyms. They are hard to read and do not spell check.

Generally, capitalise:



Organisational Documentation Policy

The first letter of a sentence and the names of people, places and things, e.g. Laura Burgett lives at Bathurst in New South Wales, and works for Central NSW Councils Regional Training Service.

Use title case for headings: **Characteristics of an Effective Team**

Dating convention

Delete all unnecessary information from dating and make it modern and scannable. Note the numbered day comes before the month.

- 22 May 2007 **right**
- May 22 2009 **wrong**
- 27th of May 2007 **worse**

Titles, Headings and Paragraphs

CNSWJO has specific formats for document types, for example submission cover pages and agendas. Please see the attached formats. For use in all documents including reports and submission the following title, headings and subheadings conventions apply.

Titles

Titles for documents such as this include the CNSWJO logo left justified and the document title in a grey box with white text.

Calibri Bold 18pt Centred, Grey Filled Text Box, No Border

Style Guide

Document Covers

For submissions, annual reports, policy documents and the like, CNSWJO has a proforma cover which can be found in the templates folder on the CNSWJO Shared Drive.

Headings

Headings will be font Calibri Bold at 12 points left justified. To provide spacing, there are two returns between headed sections. For example:

Heading at 12 point

<space>

Body of text

<space>

Body of text

<space>
Resolutions of the last meeting is a heading at 12 point
<space>
<space>
Another heading at 12 point
<space>
Body of text

Subheadings

Subheading 1 is to be bold, left justified and in Calibri 11 point. For example:

Resolutions of the last meeting is a heading at 12 point
<space>
That CNSWJO staff receive acclamation for their services is a level 1 subheading at 11 point
<space>
Body of text
<space>
That the LGSA be sent a letter of thanks is a level 1 subheading at 11 point
<space>
<space>
Advice regarding forward program is a heading at 12 point
<space>
Body of text

Subheading 2 is bold text as a bullet point, again with no extra spacing. For example:

Resolutions of the last meeting is a heading in 12 point
<space>
That CNSWJO staff receive acclamation for their services is a level 1 subheading
<space>
• **The shiny halo award is a level 2 subheading**
Body of text
<space>
• **Letters of appreciation**
Body of text
<space>
That the LGSA be sent a letter of thanks is a level 1 subheading

At the end of a page, do not separate a heading from a following paragraph.
Do not type a full stop or a comma at the end of a heading but type an exclamation mark or question mark when appropriate.

Bullet Points and Numbering

- bullet point level one - please note the indent which is approx. 1cm both sides of the point
 - bullet point level two indents again by another centimetre

Organisational Documentation Policy

- number one has a full stop after the number and also indents 1 cm eg
 - 1.
- indenting under numbers is with letters eg.
 1.
 - a.

Punctuation

Open punctuation is the business standard as it saves time and space. It is easy to read and looks attractive. Only functional commas and full stops are used.

Wrong

B.J. Soban of Blayney N.S.W. won first prize in the raffle on 22 May, 2007

Right

B J Soban of Blayney NSW won first prize in the raffle on 22 May 2007

Abbreviations and Numbers

Type as words in full:

- Longhand abbreviations such as dept, info, nxt and yr
- Numbers are written text from one to nine and any number that starts a sentence, after this numerals can be used
- The ampersand (&) as [and] except when part of a registered business name or when joining titles in an address such as Mr & Mrs Soban

Type consistently money amounts and decimals. Do not include cents. In spreadsheets, right justify amounts. Always use excel to develop your budgets to ensure accuracy. See the budget template attached for guidance.

Titles and Honorifics

Use Ministers correct titles. Do not assume, look them up. A “member” is not a “Minister”

In all documentation address all personnel formally as follows

Mr J Bell
Dr P Regular
Cr B Good
Ms C Frenly

John Bell, Roger or Mr Plod are example of poor usage.

Genre

Write from the objective view. Include dates and facts that can be used in the future when tracking the progress of your initiative. Remember at all times that everything written can be used as evidence and a vast majority of reports and correspondence are on the public record.

Write sparingly while ensuring that sufficient advice is provided to either provide understanding of the situation or in correspondence, persuade the reader of your point of view.

For example;

Neville and I went to see Bob and talked about our problem. **Wrong.**

A meeting was arranged for 2 September in Bathurst between The Hon B Debus, Ms J Bennett and Cr N Castle. Support was sought to arrange meetings with Federal representatives to seek funding for Lake Rowlands. The Hon B Debus gave the following commitments.... **Right.**

Do not write in first or second person.

Stationery Colours

The colours CNSWJO use to print stationery etc are;

PMS

Orange: PMS 158

Grey: PMS Cool Grey 11

RGB

Orange: R=237; G=125, B=49

Dark Grey: R=127; G=127; B=127

Light Grey: R=191; G=191; B=191

CMYK

Orange: C=0; M=60; Y=94; K=0

Grey: C=0; M=0; Y=0; K=79

Logos

Logos exist for a number of CNSWJO programs. All programs may vary the logo to suit their purpose with permission from the Executive Officer. Logos can be found on the Shared Drive in the CNSWJO Governance tab under Logos.

Logos exist for:

- Central NSW Joint Organisation
- Water Utilities Alliance
- Regional Training Service
- WHS/Risk Management Group
- TAGI
- Square Deal

- Beyond the Range
- Screen Central

5. PAGE NUMBERING

General Documents

With the exception of minutes, all documents page number from page 2 where numbers are Calibri 11 pt right justified at the bottom of the page.

Minutes

As minutes need to be inserted into other documents, they are numbered in the body of the text, centred at the top of the page in bold. See minutes template attached.

6. REPORT FORMAT

GMAC & Board

A template for all CNSWJO reports can be found in the CNSWJO Template Document located in the CNSWJO filing system. Please see `:\Governance\Templates`. Please note that the Board and GMAC provide constant feedback to improve report format to meet their needs. Staff are requested to keep abreast of these changes with the template to be updated annually by the Executive Officer.

Financial Reporting

A template for a budget can be found in the CNSWJO Template Document located in the CNSWJO filing system. Please see `:\Governance\Templates`. Advice regarding budgeting forms part of the Budgeting, Financial Reporting and Purchasing Policy (Policy No.2.) .

Agendas and Minutes for all CNSWJO Project Teams

The professionalism of CNSWJO activities relies on good enough support for CNSWJO Project teams. Where a CNSWJO staff member is providing minutes, agendas and follow-up support to a regional program the Minutes and Agenda templates will be used. These can be found in the CNSWJO Template Document located under `:\Governance\Templates`.

Please note that there is also a timing imperative with this type of support.

All agendas are to be provided seven days before a meeting. The agenda must be approved by the Sponsoring General Manager for the project.

All meetings are to be minuted including an actions list from previous meetings. Minutes are to be approved by the Sponsoring General Manager and circulated within seven days of the meeting.

All incomplete actions are to be reviewed by the meeting and resubmitted or deleted as required.

“Discussion” is not included in CNSWJO project team minutes.

7. RECORDS MANAGEMENT

File Naming Convention

The following conventions will be applied to all saved files, this will allow for ease of finding files. The intention is to ensure that files can be sorted according to the date most relevant to them (usually the creation date). As this is not always stored this should be included in the filename:

- yymmdd_BriefDescriptor_bjs.doc
- yymmdd_BriefDescriptor_bjs.xls

The dd is the day (yy is the last two digits of the year, if single digit month put a zero before it i.e. 02, mm is the month (if single digit month put a zero before it i.e. 02) by doing this it will ensure that the day the document was edited is clearly shown. It is important to save the document with the date it was edited, so changes and older files are easy to identify.

Underscore is used to separate the descriptor paths. The subject identifiers need to be appropriate to the file (no more than 10 characters if possible), finally the initials of the person saving the file.

Email Naming Convention

Subjects in emails should refer to the content of the email. For example, if the purpose of the email is to send a Board paper or other document, the subject should be the title of the document.

Version control

All final versions of submission, grants, board business papers minutes etc should have both a word and pdf copy saved side by side in the CNSWJO shared filing system.

All drafts of these documents are to be deleted once the Board or other relevant entity has approved them. This will ensure maximum space is maintained in the filing system and that wrong versions are not accidentally disseminated.

All staff are responsible for ensuring this procedure adhered to.

8. CORRESPONDENCE

Correspondence register

All incoming and outgoing mail is to be scanned and recorded and filed on a quarterly basis, i.e. Board meeting to Board meeting, on this register.

New staff are to seek advice from their immediate supervisor as to correspondence that can be sent on behalf of the organisation where the general rule is all correspondence is to be approved by the Executive Officer.

The Executive Assistant is responsible for maintaining the correspondence register on the CNSWJO shared filing system.

CNSWJO staff are responsible for the process of emailing scanned correspondence to the Executive Assistant.

Correspondence approval

CNSWJO staff have the challenge of issuing correspondence from multiple locations often requiring Chair signature.

The Executive Assistant keeps a spreadsheet accounting for the status of all correspondence. All correspondence to be sent under the hand of the Chair is to be recorded on this spreadsheet.

9. USE OF ELECTRONIC SIGNATURE

Electronic signatures for the Executive Officer or Chair can only be used with emailed permission from the Executive Officer, as per the Delegations Register.

10. TEMPLATES

Templates provide a common structure and help ensure a consistent approach to document formatting. All new document templates must be approved by the Executive Officer before being implemented. Templates for commonly used documents can be found on the CNSWJO shared drive in the Templates file.

Letter Head

Letter Head templates exist for a number of CNSWJO programs. All programs may vary the template to suit their purpose with permission from the Executive Officer.

All programs must register their template in the Style Guide.

Correspondence templates include:

- CNSWJO Executive
- Regional Training Service

11. DESTRUCTION OF RECORDS

1. CNSWJO authorise the destruction of all existing obsolete records in accordance with the General Records Disposal Schedule for Local Government in New South Wales.

2. CNSWJO delegate authority to the Executive Officer to implement a records disposal programme for the disposal and destruction of obsolete records in accordance with the requirements of the General Records Disposal Schedule for Local Government in New South Wales.

RELATED DOCUMENTS

Delegations Register
Records Management Policy
Media Policy
Budgeting, Financial Reporting and Purchasing Policy
Template Media Release from CNSWJO
Template Board & GMAC Reports
Template for Project Team Agendas
Template for Project Team Meeting Minutes
Template for Budget Format



**CENTRAL NSW
JOINT ORGANISATION**

Documentation Printing Policy



Policy #	Adoption Date	Effective Date
20		

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	24 May 2018	Executive Officer	CNSWJO Board	November 2019
2	27 November 2019	Executive Officer	CNSWJO Board	November 2020

20. Document Printing Policy

1. PURPOSE

- 1.1 To set out the approved guidelines pricing structure for the printing of submissions & reports held by CNSWJO
- 1.2 To ensure pricing is in line with printing charges of other local government entities
- 1.3 To ensure information is equitably available to all sectors of the community including those without access to the internet
- 1.4 To ensure all applicants are advised that documents are free from the CNSWJO website
- 1.5 To ensure confidentiality, any publications not available on the web are to be approved for printing by the Executive Officer of CNSWJO prior to printing

2. DEFINITIONS

Publication: A written document produced by CNSWJO or a third party for or on behalf of CNSWJO.

Submission: A written document produced by CNSWJO for submission to a third party.

Report: A written document produced by CNSWJO for the advise to the Board and General Managers Advisory Committee

3. GENERAL

- 3.1 All non-confidential publications, reports and submissions are available from the CNSWJO website
- 3.2 Any requests for confidential documents must be approved by the Executive Officer of CNSWJO prior to release.
- 3.3 Requests for film or photographs of CNSWJO employees, properties or events must be referred to the Executive Officer for prior approval.
- 3.4 All CNSWJO documents that are on the public record are open to perusal by the public, except those relating to employees, confidential legal advice and commercial in-confidence matters.
- 3.5 Unauthorised release of CNSWJO documents by employees or Board Members will be subject to disciplinary action in accordance with the Code of Conduct.

4. PRINTING FEE STRUCTURE

- 4.1 The printing of documents will be on a sliding scale. Please note that those individuals requesting documents be advised that all public documents can be downloaded for free from the CNSWJO website.

Pages	1- 10	\$1.00 per page
Pages	11-40	\$0.60 per page
Pages	41-80	\$0.50 per page
Pages	81-160	\$0.40 per page

Ring Binding \$4.00 per copy

Add 10% GST to the final cost for printing and binding.

For documents greater than 160 pages, a quote from a professional printing organisation should be sought.

5. RESPONSIBILITY/ACCOUNTABILITY

5.1 All staff of CNSWJO

5.2 In the absence of the Executive Officer, the Executive Secretary is to provide approval prior to the release of confidential material.

6. DELEGATIONS OF AUTHORITY

6.1 As issued by the CNSWJO Executive

RELATED DOCUMENTS

Code of Conduct
Protected Disclosures Act
Freedom of Information Act
Local Government Act
Delegations Register



**CENTRAL NSW
JOINT ORGANISATION**

Communication Policy



Policy #	Adoption Date	Effective Date
21	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	24 May 2018	Executive Officer	CNSWJO Board	November 2019
2	27 November 2019	Executive Officer	CNSWJO Board	November 2020

21. Communication Policy

1. PURPOSE

1.1 To provide direction and ensure stakeholders including the community, State and Federal Government, Board members, members, project teams representatives and member staff and CNSWJO staff are informed of:

- a. decisions,
- b. policies,
- c. issues,
- d. events and
- e. programs of Council.

1.2 To ensure that this information is provided consistently, accurately and through the appropriate channels.

2. APPLICABILITY

- a. Board members,
- b. project teams,
- c. staff and
- d. contractors of CNSWJO.

3. GENERAL

The attached procedure outlines the communications methods and tools frequently used by Council to communicate with its stakeholders.

The procedure is the responsibility of the Executive Officer. All media statements are prepared in accordance with CNSWJO's standard format and approved prior to release by the Mayor/ Chair. The Mayor/Chair or nominee provides all media comment and is the voice of CNSWJO

Board members may communicate with the media provided their comments are not perceived as representing official CNSWJO position or policy.

CNSWJO employees may communicate with the media as private individuals, with the following restrictions:

- that they do not comment on CNSWJO business or policy
- that they are not identified as CNSWJO employees
- that their comments are not perceived as representing official CNSWJO's position or policy

Contractors or service providers employed by CNSWJO must refer all media enquiries relating to the Executive Officer.

Requests to film or photograph CNSWJO employees or events for news and current affairs purposes must be referred to Executive Officer for approval.

CNSWJO Committee members must refer all media enquiries to the Chairperson of the Committee who will then refer it to the Executive Officer.

All CNSWJO meetings are open to the media, except those dealing with employee issues, confidential legal advice or commercial in-confidence matters.

All CNSWJO documents that are on the public record are open to perusal by the media, with the exception of those relating to employees, confidential legal advice and commercial in-confidence matters. All file perusals by the media are subject to the provisions of related legislation and member Council policies dealing with privacy and freedom of information.

Unauthorised release of CNSWJO documents by employees or Board members will be subject to disciplinary action as directed by the Board.

RELATED DOCUMENTS

Communication Implementation Procedure (see Procedures)
Code of Conduct
Protected Disclosures Act
Freedom of Information Act
Local Government Act



**CENTRAL NSW
JOINT ORGANISATION**

Social Media Policy



Policy #	Adoption Date	Effective Date
22		

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	24 May 2018	Executive Officer	CNSWJO Board	November 2019
2	27 November 2019	Executive Officer	CNSWJO Board	November 2020

22. Social Media Policy

1. OBJECTIVE

To provide direction to employees and Board members while informing the community, regarding the use of social media by CNSWJO

2. BACKGROUND

Social media refers to the means of interactions among people in which they create, share, and exchange information and ideas in virtual communities and networks. It depends on mobile and web-based technologies to create highly interactive platforms through which individuals and communities share, co-create, discuss and modify user-generated content. It introduces substantial and pervasive changes to communication between organisations, communities and individuals.

Social media is rapidly changing the way we work. Key to this policy is that comments published or broadcast via social media are in the public realm. CNSWJO believes this new model for interaction can support better outcomes for both the region's advocacy and operational objectives.

For these reasons and at the direction of Fair Work Australia⁴ CNSWJO has an obligation to provide social media policy.

This policy provides parameters that direct employees, Board members and service providers regarding social media use in their professional capacity in the workplace and when representing CNSWJO. Advice is also provided to inform employees of the risks associated with social media when used in a personal capacity.

3. POLICY

Responsibilities – Staff and Board members

The following policy **directs** all CNSWJO employees, contractors and the Board members when they are acting in their professional capacity. This policy should be read in conjunction with CNSWJO's Media Policy and respective Council Codes of Conduct.

1. The law must be followed;
2. Respective Council Codes of Conduct must be followed, including in digital environments;
3. Personal online activities should not interfere with work performance;
4. CNSWJO is a transparent and accountable organisation;
5. Confidentiality should be maintained; and
6. CNSWJO is polite and respectful.

CNSWJO respects the private life of its staff and Board members. At the same time given that social media is a public platform and CNSWJO has an advocacy agenda that can be put at risk, policy **advice** is provided to staff and Board members regarding their personal use of social media time when it has a clear and close connection with CNSWJO.

⁴ Footnote advice on Fair Work Australia decision



Social Media Policy

CNSWJO advises that:

6. Promotion of the advocacy agenda of CNSWJO is welcomed;
7. Promotion of CNSWJO member operational support is welcomed; and
8. Care should be taken when referring to CNSWJO that commentary reflects well on the organisation.

Responsibilities - Executive Officer

The CNSWJO Executive Officer is responsible for the implementation of this policy, the provision of facilities and support outlined in the following procedures.

RELATED DOCUMENTS

Email and Internet Policy
Communication and Media Policy
Social Media Guidelines
Social Media Community Guidelines
Social Media Crisis Management Policy
Communication Implementation Procedure



**CENTRAL NSW
JOINT ORGANISATION**

Regional Procurement Policy



Policy #	Adoption Date	Effective Date
23	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	24 May 2018	Executive Officer	CNSWJO Board	November 2019
2	27 November 2019	Executive Officer	CNSWJO Board	November 2020
	4 December 2020	Executive Officer	CNSWJO Board	

23. Regional Procurement Policy

1. PURPOSE

To provide direction and guidelines for the execution and management of regional procurement activities through CNSWJO that:

1. offer value for money
2. comply with legislation
3. are transparent and accountable
4. keep members informed

2. SCOPE

This policy applies to all CNSWJO staff.

3. DEFINITIONS

For the purposes of this policy, the following definitions apply:

Term	Definition
Act	Local Government Act
Board	The CNSWJO Board as described in the Local Government (Regional Joint Organisations) Proclamation 2018.
CNSWJO Contract	A contract between CNSWJO and the service provider/contractor. The contract may either be as a CNSWJO project out of the CNSWJO budget, or behalf on councils who are invoiced from CNSWJO (<i>Type 1 contract</i>)
Council Contract	this type of contract is used mainly for the provision of goods and services on an ongoing basis, or where there would be a risk to CNSWJO if the work is classed as high risk. The contract is signed between Council and the service provider/contractor and Council is invoiced directly (<i>Type 2 contract</i>)
eProcure	Software used to receive and evaluate responses
GIPA Act	Government Information (Public Access) Act 2009 (NSW)
GMAC	General Managers Advisory Committee
Open Tendering	Mean the tendering method as detailed in the Regulations
Regional Contract	A contract developed by CNSWJO to benefit CNSWJO member councils who wish to partake in said contract
Regional Project Team/Group	Are made up of staff from each CNSWJO member council working collaboratively as determined by the CNSWJO management plan. Regional teams/groups include, but are not limited to Water Utilities Alliance, Roads Technical Committee, WHS/Risk Management Group, HR Group, IT Group, Energy Group.
RFQ	Request for Quotation

RFT	Request for Tender as per the Local Government (General) Regulation 2005 (Part 7 Tendering) and Tendering Guidelines for NSW Local Government
RFX	Request for Quotation/Tender – used when the value of the contracts (Type 2) varies for member councils between over and under the tendering threshold, which allows the same process to be conducted and meet the requirements for all participating councils. RFXs are conducted the same as an RFT.
Value for Money	Value for money is determined by considering all factors that are relevant to the proposed contract and may include: experience, quality, reliability, timeliness, service, risk profiles and initial and ongoing costs. There are all factors that can make a significant impact on benefits and costs. Value for money does not automatically mean the 'lowest price'. (Source: Tendering Guidelines for NSW Local Government – NSW Officer of Local Government)

4. POLICY STATEMENT

CNSWJO commits itself to conducting procurement activities in a manner that consistently complies with the following:

1. Obtaining value for money in the procurement of goods and services through open and effective competition to ensure optimum quality, price, timely delivery and service.
2. Where applicable, capacity and capability, safety, quality, delivery, service and price shall generally be considered the main criteria in assessing responses to procurement requests for goods and services.
3. CNSWJO expects service providers to comply with ethical business standards and practices in its procurement activities.
4. CNSWJO shall strictly implement its Code of Conduct Policy and other relevant policies on matters relating to its procurement activities.
5. All CNSWJO Officers are required to consistently apply, implement and uphold the requirements of CNSWJO's procurement policies and procedures in a manner that is transparent and accountable. Appropriate remedial action and consequential action shall be taken for noncompliance.
6. Supporting the regional economy and enhancing the capabilities of local businesses and industry.

5. FINANCIAL LIMITS

CNSWJO's methods of procurement are based on financial categories. These financial categories must be adhered to in accordance with this policy and the Delegations Register.

Splitting of purchases to circumvent the financial limit or the multiple purchases of the same items of a period of time is not permitted in any category or whilst undertaking any method of procurement.

Category	Value of Goods and Services (inc. GST)	Process	Approval Summary
A	Up to \$4,999	Minimum 1 written quotation	Executive Officer
B	\$5,000 to \$49,999	Minimum 3 written quotations using the short form RFQ template	Executive Officer
C	\$50,000 to \$199,999	Formal RFQ	CNSWJO Chair and Sponsoring General Managers of the Inter-Council Cooperation Priority
D	Over \$200,000	RFT	CNSWJO Board

5.1 Category A up to \$4,999 (including GST)

Requirement

Providing the pricing is competitive, a supplier may be selected, and direct procurement may occur where expenditure on a good, service or material will not exceed \$4,999 (inc. GST) or where such goods, services or materials may be obtained under long term supply contract.

Where the quotations are being sought on behalf of member councils, each participating council must provide written confirmation of their participation.

Approval

A single quotation must be obtained in writing for the purchase of goods, services and materials. This does not preclude the obtaining of competitive quotations where they may be readily obtained at little administrative cost or inconvenience. All quotations received are to be given due consideration in accordance with the Procurement Policy principles.

Exclusions from the requirement for a single quote include sundry office and administrative expenses considered low value and capped at the amount of \$250. An officer with a financial delegation as per CNSWJO's Delegation Register can approve the purchase up to the limit of their specific delegation on the proviso that there is an existing budget line item for that expense. If there is not a budget line item the quote must be approved by the Executive Officer.

5.2 Category B \$5,000 to \$49,999 (including GST)

Requirement

A competitive process is required with a minimum of three (3) written quotations obtained. This will ensure that an open, fair and transparent process is carried out, resulting in the facilitation of Value for Money judgement. The selected offer is to be documented in writing and the process is to be fully documented including maintaining copies of all instructions and quotes.

Approval to conduct the RFQ must be obtained from the Executive Officer where there is existing budget. Where the goods or services are outside of the existing budget, approval is required from the Board.

Where the quotations are being sought on behalf of member councils, each participating council must provide written confirmation of their participation by using the agreement to participate form, which must be signed by a Director of General Manager.

Approval

Should the minimum number of quotations not be obtained, supporting commentary justifying this must be provided to the Executive Officer for approval.

All purchases in this category must be approved by the Executive Officer.

The Executive Officer is delegated authority to amend the number of quotations required. There may be instances when there are insufficient suppliers in the market place to require minimum three (3) quotations, whilst there may be times when goods, materials or services are available in a highly competitive market and it is in the best interest to obtain a greater number of quotations.

5.3 Category C \$50,000 to \$199,999 (including GST)

Requirement

A competitive process is required with a minimum of three (3) written quotations obtained.

Approval to conduct a formal RFQ must be obtained by the Board.

The instruction to seek quotation must be in the form of a specification as if a tender was to be invited and the response from the supplier must be in writing and include all details requested in the instruction/specification. The selected offer for goods and services is to be documented in writing and records kept of all instructions and quotes.

Where the RFQ is being conducted on behalf of member councils, each participating council must provide written confirmation of their participation by:

1. using the agreement to participate form, which must be signed by a Director of General Manager, or
2. copy of a Council resolution

Approval

The Executive Officer may determine that it is in the public interest to invite either public quotations or tenders if the nature of the work or service is such that the quotation system does not adequately cover CNSWJO's risks.

The acceptance of a quotation in this category must be approved by the Chair and Sponsoring General Managers of the Inter-Council Cooperation Priority and reported to the Board.

5.4 Category D \$200,000 (including GST) and greater

Tenders or Expressions of Interest are to be publicly tendered in accordance with:

1. Local Government Act 1993;

2. Local Government Amendment (Governance and Planning) Act 2016;
3. Local Government (General) Regulation 2005; and
4. CNSWJO's relevant Policies and Procedures

Requirement

Approval to conduct a formal RFT (or RFX) must be obtained by the Board.

Where the RFT (or RFX) is being conducted on behalf of member councils, each participating council must provide written confirmation of their participation by:

1. using the agreement to participate form, which must be signed by a Director of General Manager, or
2. copy of a Council resolution

Approval

Where the contract is with CNSWJO, the acceptance of a tender must be by resolution of the Board. Where the timing for the acceptance of a tender is outside of the usual Board meeting cycle, an extraordinary meeting may be called for the purpose of accepting a tender.

Where the contract is with participating member councils, the acceptance of a tender is as per the participating member council's procurement policy.

6. METHODS OF PROCUREMENT

6.1 Quotations

A quotation is an external supplier's bid or offer to provide goods or services. A quotation represents a statement of price, terms of sale and description of goods or services offered by the supplier to CNSWJO. Quotations are utilised to ensure CNSWJO receives value for money based on fair competition. All quotations must be in writing and, subject to financial limits, are obtained for all the potential procurement costs of goods, equipment or services. All quotations for all categories excluding Category A are required to be submitted through the eProcure portal.

6.2 Tenders

Tenders are utilised by CNSWJO to implement a contract in accordance with the requirements outlined within the Act and Regulation. All quotations for all categories excluding Category A are required to be submitted through the eProcure portal. Tenders must be sought before entering into any contracts outlined within Section 55 of the Act. The opening of tenders is to be undertaken in accordance with Clause 175 of the Regulation.

6.3 Types of Regional Contracts

The two types of regional procurement contracts managed by CNSWJO are:

1. Type 1 – CNSWJO contract
2. Type 2 – individual member council contract

A risk management approach is undertaken by CNSWJO when designating a contract to be either Type 1 or Type 2. A report is provided to the CNSWJO Board outlining the recommended contract type when approval is sought to conduct the procurement process. Execution of Type 1 contracts is delegated as follows:

1. Category A – delegated to Executive Officer
2. Category B – delegated to Executive Officer
3. Category C – written approval required from CNSWJO Chair, along with the Sponsoring General Managers of the Inter-Council Cooperation Priority, with execution of the contract then delegated to the Executive Officer.
4. Category D – Resolution required from the CNSWJO Board, with execution of the contract then delegated to the Executive Officer.

Execution of Type 2 contracts is as per the participating council's procurement policy.

7. REGIONAL PROCUREMENT OPPORTUNITIES

Regional procurement opportunities are identified in one of three ways. These are:

1. ideas from a Regional Team/Group
2. CNSWJO staff are contacted by a supplier
3. presentation by a supplier to GMAC

Following the identification of a regional purchase opportunity, CNSWJO staff will then scope the value of the regional approach to the procurement.

A trial of a good/service may occur with one or more member councils in order to evaluate on a smaller scale the benefits that may or may not be present by utilising this service/product.

If the good/service is deemed beneficial to CNSWJO members, a thorough review of other suppliers offering the same service is undertaken. This may occur through research into the industry, communication with other councils/JO's utilising the service, or an EoI. The results of the review and recommendations are reported to GMAC for direction. Should GMAC recommend to proceed to a procurement process on behalf of member councils, the Board will receive a report for approval to conduct the procurement process.

8. REGIONAL PREFERENCE

CNSWJO will include, where applicable and appropriate, a regional preference in the evaluation of pricing in requests for quotations and tenders up to \$199,999. For clarity, a regional preference does not apply for Category D procurements. These criteria will hold the following weight:

Local Preference Evaluation Weighting	Definition
5% concession	Businesses where the head or sole premises of operation is located within the CNSWJO region
1% concession	Businesses where the head or sole premises of operation is located within New South Wales.

Understanding that CNSWJO member councils may have their own local preference policies that may not all align across the region, the regional preference is only to be used on Type 1 contracts.

CNSWJO reserves the right to amend the weighting in individual quotations and tenders via approval from the Executive Officer.

9. EXCLUSIONS

Refer to the CNSWJO Credit Card Use Policy for purchases made via credit card where this is the usual or only payment method available.

10. RESPONSIBILITY/ACCOUNTABILITY

1. Project Teams are responsible for informing CNSWJO of possible regional contract opportunities
2. CNSWJO is responsible for following the procedures required for managing and evaluating regional tenders;
3. CNSWJO is responsible for ensuring that the correctly delegated authority has signed regional contracts;
4. CNSWJO is responsible for ensuring a thorough review of the market is completed and reported to GMAC;
5. GMAC is responsible for considering a report regarding the trialled product/services and making the final decision as to whether it is to be recommended to all CNSWJO members via a report to the Board, or not.

RELATED DOCUMENTS

Credit Card Use Policy

Delegations Register

Reviewing Regional Contracts Policy

Purchasing Procedure

Letting and Evaluating a Tender Procedure

Regional Procurement Procedure

Agreement to Participate in a CNSWJO Regional Procurement Project (form)



**CENTRAL NSW
JOINT ORGANISATION**

Reviewing Regional Contracts



Policy #	Adoption Date	Effective Date
24	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	24 May 2018	Executive Officer	CNSWJO Board	November 2019
2	27 November 2019	Executive Officer	CNSWJO Board	November 2020
	4 December 2020	Executive Officer		

24. Reviewing Regional Contracts

1. PURPOSE

To set out the approved guidelines for reviewing regional contracts.

2. SCOPE

This policy applies to all CNSWJO staff and is relevant to:

1. Various CNSWJO Teams/Groups
2. GMAC
3. All CNSWJO member councils utilising CNSWJO regional contracts

3. DEFINITIONS

For the purposes of this policy, the following definitions apply:

Term	Definition
CNSWJO Contract	A contract between CNSWJO and the service provider/contractor. The contract may either be as a CNSWJO project out of the CNSWJO budget, or behalf on councils who are invoiced from CNSWJO (<i>Type 1 contract</i>)
Council Contract	this type of contract is used mainly for the provision of goods and services on an ongoing basis, or where there would be a risk to CNSWJO if the work is classed as high risk. The contract is signed between Council and the service provider/contractor and Council is invoiced directly (<i>Type 2 contract</i>)
GMAC	General Managers Advisory Committee
Board	The CNSWJO Board as described in the Local Government (Regional Joint Organisations) Proclamation 2018.
Regional Project Team/Group	Are made up of staff from each CNSWJO member council working collaboratively as determined by the CNSWJO management plan
Regional Contract	A contract developed by CNSWJO to benefit CNSWJO member councils who wish to partake in said contract

4. GENERAL

On a quarterly basis, the spend statistics for the previous quarter are requested from the service providers by CNSWJO staff and will be emailed to each participating member council along with links to contract feedback surveys. At each regional team/group meeting contracts will be discussed generally however the survey is the main form of feedback. Any contract receiving negative feedback will be placed under review.

The review process will be as follows:

1. CNSWJO will contact the relevant supplier and negative feedback explained

2. Response to feedback will be noted and presented at next GMAC meeting
3. Feedback regarding any change in behaviour of contract/suppliers under review will be noted and followed up by CNSWJO

Should a contract have negative feedback three times in a nine-month period, a report will be provided to GMAC recommending action for resolution, which may include the contract being revoked through no fault clause and the process for a new contract beginning where the contract was not a panel arrangement. If a panel arrangement is in place, the contract may be revoked for the contractor in question and the remaining supplier contracts will remain in effect until the end of the contract period.

5. RESPONSIBILITY/ACCOUNTABILITY

1. Each regional Team/Group is responsible for providing any negative feedback relating to regional Contracts in written form to CNSWJO.
2. CNSWJO is responsible for relaying any written feedback received from the regional team/group to the relevant supplier.
3. CNSWJO is responsible for relaying the suppliers comments back to the regional team/group
4. CNSWJO is responsible for communicating any issues and the communication channel through to GMAC and advising on any action that may need to be taken and where GMAC determines the need, it will then be reported to the Board.
5. GMAC is responsible for making the final decision as to whether or not a regional tender is to be re-let based on the process outlined in this policy.

RELATED DOCUMENTS

Procurement Policy
Regional Procurement Procedure



**CENTRAL NSW
JOINT ORGANISATION**

Reviewing Regional Contracts



Policy #	Adoption Date	Effective Date
25	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	24 May 2018	Executive Officer	CNSWJO Board	November 2019
2	27 November 2019	Executive Officer	CNSWJO Board	November 2020
	4 December 2020	Executive Officer		

25. Records Management Policy

1. INTRODUCTION

The Central NSW Joint Organisation recognises that records are a vital asset to:

- facilitate information accessibility and enhance business by supporting program delivery, management and administration;
- deliver customer services in an efficient, fair and equitable manner;
- provide evidence of actions and decisions, and precedents for future decision making; and
- protect the rights and interest of government, Member Councils, their communities and JO staff

2. SCOPE

This policy applies to all CNSWJO staff.

3. DEFINITIONS

A record is any document or other source of information compiled, recorded or stored in written form, on film, by electronic process, or in any other manner or by any other means, as defined by the *State Records Act 1998, Part 1*.

Examples include:

- records of formal decisions taken by staff under delegation that are documented in memorandum, letters or email messages, etc;
- inwards and outwards communications from/to external persons and bodies;
- meeting papers of formally established Committees of the JO (including agendas, minutes, reports and decision papers);
- financial transactions held electronically or in hard copy format;
- personnel transactions (including letters of appointment, performance reviews and other dealings between staff and the JO);
- photographs taken by a staff member which provide evidence of an event or occurrence; and
- anything on which there are marks, symbols or notations having meaning for persons qualified to interpret them, and also includes a part of a document and copy, reproduction or duplicate of a document or a part of a document.

4. PURPOSE, AUTHORITY AND APPLICATION OF THIS POLICY

4.1 Purpose of this Policy:

The purpose of the Records Management Policy is to ensure that full and accurate records of all activities and decisions of the JO are created, managed, retained and disposed of appropriately, in accordance with relevant legislation. This will enable the JO to achieve information accessibility, business enhancement and improvement. It will also meet its obligations for accountability while ensuring it protects the rights and interests of government, the JO, staff, member councils and their communities.

A **record management program** has been established by the JO in accordance with s. 12(2) of the *State Records Act 1998*. This policy provides a framework and outlines the responsibilities for the operation of Central NSW Joint Organisation's records management program.

4.2 Authority of this Policy

Ownership of this policy rests with the Executive Officer who is responsible for reporting to State Records NSW regarding compliance with legislative requirements and record keeping standards.

4.3 Application of this Policy

All Board members, staff, contractors and consultants must comply with this policy, and associated *Records Management Procedures*, in their conduct of official business for the JO. This policy applies to records in all formats, including electronic records.

5. RECORDS MANAGEMENT PROGRAM

5.1 Objective of the Records Management Program

A records management program is a planned, co-ordinated set of policies, procedures, systems and activities that are required to manage records.

The JO's records management program seeks to ensure that:

- it has the records it needs to support and enhance ongoing business and customer service, meet accountability requirements and members expectations;
- these records are managed efficiently;
- records are stored cost-effectively and can be easily accessed and used for as long as they are required;
- records when they are no longer required are disposed of in a timely and efficient manner;
- it complies with all requirements concerning records and records management practices including the NSW Government's objectives for records keeping; and
- records of longer term value are identified and protected for historical and other research.

5.2 Elements of the Records Management Program

Creation and Capture

The formats endorsed by the Joint Organisation have been outlined in the Organisational Documentation Policy. These formats have been chosen to streamline the ongoing management of records and should be the only formats used for the creation of records.

Staff should ensure they create or capture official records of all decisions and actions made in the course of their official business. For example, file notes of the key points in the conversation and emails.

To assist in promoting the responsible creation of records, to capture of essential information and the management of records over time, CNSWJO has developed the following:

- paper and electronic templates;
- definition of recordkeeping requirements and business rules; and
- procedures, standard creation rules, other guidelines etc.

All records defined by the organisation as important must be captured into the JO's recordkeeping systems so they can be managed appropriately. The information required to be recorded about each record is described in the *Records Management Procedures*. (once developed).

Storage

Rarely used records or records no longer in use for official purposes that are still required to be retained should be forwarded to the CNSWJO Bathurst Office Storage Room for storage.

Electronic records may either be retained online or offline (on USB or other removable media). Records of long term or archival value should be retained online wherever possible and managed in accordance with the *Records Management Procedures*.

Records are regularly stored on removable media, copies are made and kept in the CNSWJO Bathurst Office Storage Room.

Disposal

The JO disposes of records in accordance with the *State Records NSW General Disposal Authority – GA 39*. The *Records Management Procedures* contain information on how records are disposed.

No records of the CNSWJO can be disposed of unless in accordance with the retention and disposal authority. Any sentencing of records for destruction must be overseen by the Executive Officer.

Transfer

Records required as State Archives in the *Retention and Disposal Authority* will be transferred, in accordance with the *Records Management Procedures* to State Records NSW when no longer in use for official purposes.

Access

Records must be available to all authorised staff that require access for business purposes. Reasons for restricting access are outlined in the *Records Management Procedures*.

All access to CNSWJO's records by members of the public will be in accordance with the requirements of the *Government Information (Public Access) Act 2009*.

Any requests from the general public must first be approved by the Executive Officer.

Contractors and Outsourced Functions

All records created by a contractor performing work on behalf of the CNSWJO belong to CNSWJO, and are State Records under the *State Records Act 1998*. This includes the records of external service providers. Contracts should clearly state that ownership of records resides with CNSWJO, and instruction regarding creation, management, and access to the records created.

6. RESPONSIBILITIES

6.1 Executive Officer

The Executive Officer is responsible for ensuring Council complies with the regulations and requirements of the *State Records Act, 1998*.

The Executive Officer also:

- has ownership of the Records Management Policy;
- ensures that the Records Management Program is adequately resourced;
- represents records management interests;
- reports to the State Records Authority on the records management program e.g. responds to records management surveys;
- authorises the disposal of records;
- Monitors compliance with the Records Management Policy and Procedures (once developed) and standards across the JO and makes recommendations for improvement or modification of practices;
- ensures all staff are aware of their recordkeeping responsibilities;
- responsible for the conduct of records management operations;
- ensures contracts with service providers contain records management clauses in accordance with this Records Management Policy;
- ensures the information management policies and projects take into account the special nature of records;
- responsible for the management of existing data;
- ensures that data is regularly backed up;
- ensures that records are created and managed within the Records unit in a way which complies with the Records Management Policy and Procedures;
- ensure staff are trained in the creation and management of records; and
- ensures that the essential characteristics of digital records are identified prior to any preservation process taking place.

6.2 All Staff

Staff are responsible for

- Complying with *Records Management Policy and Procedures*;
- creating full and accurate records of their business activities including records of all decisions and actions made and location of work undertaken in the course of their official business;
- ensuring that all records are captured into the organisation's recordkeeping systems.

6.3 Contractors

Contractors must manage records that they create on behalf of the CNSWJO according to the terms of their contract.

6.4 Information Technology Contractor

The IT Contractor are responsible for:

- maintenance of all servers and data storage equipment;
- management of existing data; and
- ensuring that data is regularly backed up.
- providing support and infrastructure to ensure that records kept in electronic form are managed so that they are accessible, readable, inviolate, complete, comprehensive, and authentic for as long as required;
- liaising with Council regarding counter disaster planning for electronic records; and
- implementing information security measures.

RELATED DOCUMENTS

IT Contractor Agreements
Records Management Procedure
Organisational Documentation Policy



CENTRAL NSW JOINT ORGANISATION

Delegations Register



Policy #	Adoption Date	Effective Date
26	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	4 December 2020	Executive Officer		November 2021

Code	Title	Name
CWUAPM	CNSWJO Water Utilities Alliance Program Manager	Meredith Macpherson
EA	Executive Assistant	Verity Page
EO	Executive Officer	Jennifer Bennett
FM	Finance Manager	Ann Thomas
OPM	Operational Program Manager	Kate Barker
TPSO	Training and Program Support Officer	Carolyn Griffin

Delegations by the CNSWJO Board

DELEGATIONS BY CNSWJO BOARD		
Type	Delegation	Position
Corporate/ Executive	To conduct the day-to-day management of the Joint Organisation in accordance with the strategic regional priorities and other plans, programs, strategies and policies of the JO.	EO
Corporate/ Executive	To carry on the regular services, functions and operations of the JO in accordance with any resolution or policy of the Joint Organisation.	EO
Corporate/ Executive	Advise and respond to enquiries from the media on matters relative to the affairs of the Joint Organisation and issue media releases on behalf of the Joint Organisation in line with the Media Policy where the Chair or delegate is the spokesperson for the organisation.	EO
Corporate/ Executive	To maintain custody of the JO's Common Seal and affix same to documents, as authorised, in the presence of either the Chairperson or one (1) other Board member, both parties attesting by their signatures that the Common Seal was affixed in their presence.	EO
Corporate/ Executive	Approve or refuse access to Joint Organisation's records by Board Members.	EO
Corporate/ Executive	Approve payment and/or reimbursement of expenses and provision of facilities for Board Members in accordance with Joint Organisation's Policy adopted under section 252 of the Local Government Act 1993.	EO
Corporate/ Executive	Arrange settlement on Joint Organisation's insurance up to the current excess applicable for each policy.	EO
Corporate/ Executive	Authorise action to be taken in connection with any complaints or requests received.	EO
Corporate/ Executive	Authorise any action necessary to comply with any policy or code of the Joint Organisation, any provision or statutory requirements of the Local Government Act 1993 or Regulation or any other law, statutory, rule or regulation affecting Joint Organisation.	EO
Corporate/ Executive	Authorise any works which are deemed urgent, provided that such expenditure is reported to the Joint Organisation at its next Ordinary meeting, where funds have not been voted by Joint Organisation.	EO
Corporate/ Executive	Authorise Joint Organisation participation in tenders called by CNSWJO on behalf of the participating Member Councils	EO

Delegations Register

Corporate/ Executive	Authorise goodwill payments for Public Liability/Public Indemnity claims up to \$2,000.	EO
Corporate/ Executive	Carry on the regular services and operations of the Joint Organisation within the sums voted by the Joint Organisation for expenditure thereon and in accordance with any resolution of Joint Organisation.	EO
Corporate/ Executive	Carry out the destruction of records of the Joint Organisation in accordance with the provisions of the Local Government Act 1993, the State Records Act 1998 and Local Government Records Disposal Schedule.	EO
Corporate/ Executive	To lay information; to make applications for search warrants; to make complaints; to initiate and carry on any proceedings and to represent the JO in any Court on any matter.	EO
Corporate/ Executive	Determine applications for internal review made under the Freedom of Information Act 1989.	EO
Corporate/ Executive	Determine applications for internal review made under the Privacy and Personal Information Protection Act 1998.	EO
Corporate/ Executive	Determine applications made under the Freedom of Information Act 1989.	EO
Corporate/ Executive	Determine applications made under the Privacy and Personal Information Protection Act 1998.	EO
Corporate/ Executive	Determine levels of public liability insurance required in accordance with Joint Organisation's adopted policy.	EO
Corporate/ Executive	Determine matters which are included in the Business Papers of Joint Organisation and its Committees, subject to the inclusion of the following items when they arise, namely: (i) reports on matters which cannot be determined under delegated authority; (ii) reports required to be submitted under any Act, Ordinance or Regulation; (iii) reference to any deputations which the Council has agreed to receive; (iv) matters requiring a determination of Policy; (v) reports directed by the Joint Organisation to be submitted; (vi) matters essential for the Joint Organisation's information; (vii) matters requested by the Chairperson; (viii) matters requiring a vote.	EO
Corporate/ Executive	To obtain quotations and authorise the purchase of goods, works and services to the limits authorised by the Joint Organisation.	EO
Corporate/ Executive	To obtain, accept and determine quotations for the supply of JO equipment, plant and motor vehicles provided that such tenders are not those which are required under the Local Government Act 1993 to be invited by the JO.	EO
Corporate/ Executive	Determine whether the calling of Tenders is to be by Open Tendering for a proposed contract, which is invited by public advertisement.	EO

Delegations Register

Corporate/ Executive	Disclose Joint Organisation records pursuant to Section 12(6) of the Local Government Act 1993 and in accordance with any other legal obligation of any other Act or Regulation and any resolution of the Joint Organisation.	EO
Corporate/ Executive	To expend unbudgeted funds of up to \$1,000 and report any such expenditure to the next meeting of the JO.	EO
Corporate/ Executive	Engage consultants to undertake projects, on behalf of the Joint Organisation, in those circumstances where Joint Organisation does not have the capacity or the expertise to undertake the project. Further, other than in an emergency, the engagement of a consultant must be in accordance with a specific decision of the Joint Organisation, or a general budgetary provision and the consultancy is not to exceed \$50,000.	EO
Corporate/ Executive	To engage contractors on a daily or, as required, basis.	EO
Corporate/ Executive	To determine in consultation with the Chairperson whether any group or individual should be invited to address any Joint Organisation or Committee meeting.	Board, Chair or Chair of Committee, EO
Corporate/ Executive	Perform all necessary activities, serve any notices or orders, undertake inspections, issue or refuse license and permits, exercise the power of entry, appoint appropriate staff as an authorised officer, authorised person, authorised Joint Organisation employee, or impounding officer as the case may be, exercise the functions of those positions under the following acts and associated regulations and to implement the provisions as relating to the operation of Joint Organisation of the following Acts and associated regulations, including but not limited to: <ul style="list-style-type: none"> • Local Government Act 1993 • Privacy and Personal Information Protection Act 1998 	EO
Corporate/ Executive	Prepare an Annual Performance Statement in accordance with the provisions of the Local Government Act 1993.	EO
Corporate/ Executive	Prepare and lodge applications for grants provided such action is consistent with Joint Organisation's Statement of Regional Priorities or Joint Organisation Policy.	EO
Corporate/ Executive	Reject Motor Vehicle, Industrial Risk and Public Liability claims up to Joint Organisation's excess.	EO
Corporate/ Executive	Review Joint Organisation's exposure to risk on a continuing basis and effect any changes by way of insurance, retention or transfer to protect Joint Organisation's interest.	EO
Corporate/ Executive	To sell the JO's surplus property which has an estimated value not greater than \$20,000 on the condition that such property with an estimated value of \$4,000 or more is sold in line with host council policies or advertised, whichever is more appropriate.	EO

Delegations Register

Corporate/ Executive	Sign any document which the Joint Organisation would be required to sign for the purpose listed as follows: <ul style="list-style-type: none"> • Agreement for the sale or purchase of any property • Guarantees and indemnities by the Joint Organisation • Agreements for the provision of services by the Joint Organisation • Joint Venture agreements • Licences for the use of any property or to permit any activity • Deposit of money with any financial institution 	EO
Corporate/ Executive	Sign legal contracts in line with the Procurement Policy or where Joint Organisation has approved the making of that Contract.	EO
Corporate/ Executive	Sign working documents, including contracts, specifications, plans and annexures or any other documents deemed necessary to form part of the contract, relating to all contractual agreements entered into.	EO
Corporate/ Executive	To sign routine correspondence and forms emanating from relevant department under his/her own name and title necessary to support Council's functions.	EO
Corporate/ Executive	To adopt on behalf of Council the Agency Information Guide required under Section 20 of the Government Information (Public Access) Act 2009.	EO
Employee/ Industrial	Authorise and present a gift to a value not exceeding \$750, to long serving employees who meet the following criteria: <ol style="list-style-type: none"> (1) Continuous service with for 20 years and above (2) Cessation of employment is on the basis of Retirement, Retirement due to ill health, Redundancy or Resignation 	EO
Employee/ Industrial	Authorise employees time off for fighting fires within the boundaries of the Joint Organisation area without loss of pay if properly called out by the Fire Brigade or the Rural Fire Service, where employees of the Joint Organisation are members of the Voluntary Fire Brigade or Volunteer Rural Fire Service Brigades.	EO
Employee/ Industrial	Rearrange and reorganise staff in all departments.	EO
Employee/ Industrial	To control, direct and appoint staff in accordance with the organisation structure and the resources approved by the JO.	EO
Employee/ Industrial	To implement the requirements of the Work Health and Safety Act.	EO
Employee/ Industrial	To approve timesheets of CNSWJO staff	EO
Finance	Authorise any work within sums provided in the Joint Organisation's budget, which is urgent at a cost not exceeding \$50,000.	EO
Finance	Authorise the disposal of surplus materials and goods.	EO
Finance	To invest money in accordance with Section 625 of the Local Government Act 1993.	EO
Finance	Authorise the investment of surplus Joint Organisation funds and sign such application and redemption documents as may be required.	EO

Delegations Register

Finance	To authorise the payment of the salaries and wages of the staff of the Joint Organisation within the sum voted by the Joint Organisation for expenditure thereon.	EO
Finance	Authorise the release of any bond or bank guarantee where the required works or services have been completed in accordance with approvals granted by Joint Organisation.	EO
Finance	Certify that prices and computations on records have been checked and are correct, and as far as able to be ascertained, are fair and reasonable and are in accordance with any quotation/contract under which the goods/services were supplied.	EO
Finance	Designate an employee of Joint Organisation as the responsible accounting officer in accordance with Clause 196 of the Local Government (General) Regulation 2005.	EO
Finance	Keep accounts of the Joint Organisation and present to audit in accordance with the requirements made by or under the Local Government Act 1993 and Regulations.	EO
Finance	Lay information, issue Summonses, swear statements and Affidavits for enforcing Default Judgements and institute any other legal and approved procedure necessary for the recovery outstanding amounts and debts owing to the Joint Organisation.	EO
Finance	Sign and countersign cheques/EFTs drawn on Joint Organisation's various Bank Accounts in accordance with the provisions of Regulations under the Local Government Act 1993.	EO
Finance	Sign as the responsible accounting officer the statement of financial position with respect to Budget Review Statements in accordance with the Regulation.	EO
Finance	Sign Income and Expenditure statements in relation to Grant applications.	EO
Finance	To accept payment of charges due and payment by an entity in accordance with an agreement made with the entity and to write off or reduce interest accrued on charges if the entity complies with the agreement.	EO
Legal	Commence legal proceedings pursuant to the Environmental Planning and Assessment Act 1979, the Local Government Act 1993 and the Protection of the Environment Operations Act 1997.	EO
Legal	Allow persons to show cause by written and/or oral submission why legal proceedings should not be instigated against them and determine whether legal proceedings should then be commenced or not.	EO
Legal	Authorise the withdrawal of legal proceedings where such action is in the best interests of Joint Organisation as determined or as advised by Joint Organisation's Solicitors.	EO
Legal	Institute, conduct and defend legal proceedings with respect to Joint Organisation's activities in all Courts, and instruct and engage Joint Organisation's Solicitors and Counsel where necessary.	EO
Legal	To obtain legal advice from Council's Solicitors or Counsel where necessary.	EO
Legal	Execute contracts as per the Procurement Policy	EO

DELEGATIONS BY EXECUTIVE OFFICER		
Legal	To obtain legal advice from Council's Solicitors or Counsel where necessary in relation to procurement and contract management only, up to the value of \$3,000.	OPM
Employee/ Industrial	To approve timesheets of staff limited to the Delegate's Department	OPM
Corporate/ Executive	To insert the electronic signatures of the Executive Officer with written authority.	EA, FM, OPM, WUAPM, TPSO
Finance	Sign and countersign cheques/EFTs drawn on Joint Organisation's various Bank Accounts in accordance with the provisions of Regulations under the Local Government Act 1993.	FM (approved Forbes Shire Council Finance staff)
Finance	Sign as the responsible accounting officer the statement of financial position with respect to Budget Review Statements in accordance with the Regulation.	FM (in conjunction with EO)
Finance	Keep accounts of the Joint Organisation and present to audit in accordance with the requirements made by or under the Local Government Act 1993 and Regulations.	FM
Finance	Certify that prices and computations on records have been checked and are correct, and as far as able to be ascertained, are fair and reasonable and are in accordance with any quotation/contract under which the goods/services were supplied.	FM

FINANCIAL DELEGATIONS		
Jennifer Bennett	\$5,000 credit card limit Up to \$49,999 where there is existing budget as per Procurement Policy.	EO
Meredith Macpherson	\$2,000 credit card limit. Maximum \$250 per transaction where there is existing budget and as per Procurement Policy, unless otherwise directed by the Executive Officer.	WUAPM
Kate Barker	\$2,000 credit card limit. Maximum \$250 per transaction where there is existing budget and as per Procurement Policy, unless otherwise directed by the Executive Officer.	OPM

RELATED DOCUMENTS

Procurement Policy
Code of Conduct



CENTRAL NSW JOINT ORGANISATION

Budgeting and Financial Reporting Procedure



Procedure	Adoption Date	Effective Date
1	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	24 May 2018	Executive Officer	CNSWJO Board	November 2019
2	27 November 2019	Executive Officer	CNSWJO Board	November 2020
	4 December 2020	Executive Officer		

Budgeting and Financial Reporting Procedure

1. Budgeting and Financial Reporting Procedure

Budgets must be in the following format where income and expenditure may include the following items and must include lease back payments and interest as income.

Project Financial Position as at Date			Budget	Actual to	Expected
			2006/2007	11/05/2007	30/06/2007
Income					
	Fees				
	Project income				
	Grant Money				
	Rebates				
	Interest				
	Vehicle lease back				
	Other Income				
		Total Income			
Expenditure					
	Wages (per employee)				
	Wages oncosts				
	Vehicle Lease				
	Sub Project costs (itemised down to \$500 units)				
	Depreciation				
	Audit Fees				
	Telephone				
	Host Council Costs				
	Website				
	Sundry Costs				
		Total Expenditure			
		Net Profit/(Loss)			
Notes to the Accounts					
Include here any explanations of significant variations against budget					

Budgeting and Financial Reporting Procedure

1. Budgets with variations must be reported to project teams quarterly and CNSWJO staff meetings quarterly.
2. Anticipated budget variations of more than \$500 in any sub project must be reported to the project team leader and Executive Officer, for example where an event or sub project has had to be cancelled or significantly changed.
3. All minuted decisions involving project expenditure must have a dollar figure included where advice is provided to the team accordingly. This advice should demonstrate that the staff member has sought best value.

For example:

“The project team approves that venue hire to be at Smiths Lake” is not sufficient.

This should read:

“Viewing the quotes obtained, the project team approves venue hire at Smiths Lake for three days at a cost of \$750.”

4. Budgets must be reviewed annually and advice provided to CNSWJO regarding forward planning to the next financial year by the second week of October each year. While this can be challenging, this is to inform the General Managers Annual Planning session. The advice need not be too detailed at this stage.
5. A detailed budget for the following financial year should be provided by the end March each year. This should have been approved by the project team and funding entity if required.
6. With projects being managed through member Councils, tracking ownership of CNSWJO capital can be difficult. Using assistance from the financial administrator, staff must keep a register of items for depreciation up to date. For the purpose of tracking ownership, this includes items which are expensed out for the year.
7. Projects funded through outside agencies typically require a reporting regime including budgeting. Staff members driving such projects are to familiarise themselves with reporting expectations and adhere to them.



**CENTRAL NSW
JOINT ORGANISATION**

Communication Implementation Procedure



Procedure	Adoption Date	Effective Date
2	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	24 May 2018	Executive Officer	CNSWJO Board	November 2019
2	27 November 2019	Executive Officer	CNSWJO Board	November 2020
	4 December 2020	Executive Officer		

Communication Implementation Procedure

2. Communication Implementation Procedure

COMMUNICATION TOOL	DESCRIPTION	IMPLEMENTATION
Website	CNSWJO website was launched in 2008. The purpose of the website is to provide information for members, the media and the public regarding CNSWJO programming.	The website is live and under constant review.
Blogs	Historically CNSWJO has used blogs with Project teams. This tool has been replaced with the use of Facebook.	All advocacy blog material is developed by the Executive Officer where content of a political or advocacy nature if at the direction of the Chair
Facebook	Facebook is used for advocacy purposes, including support for members councils. It has been particularly successful with the Beyond the Range Health project.	All posts are developed by the Executive Officer at the direction of the Chair The Beyond the Range content is controlled by a consultant who focuses on following the pages of key health related & Central NSW organisations
Twitter	Twitter replaces the “media alert” and is used by the Mayor for advocacy purposes.	All twitters are developed by Executive Officer at the direction of the Chair
Media Releases	Council and CNSWJO issue media releases from the Mayor/Chair to a database of outlets.	Media releases are issued as needed. The proformas for media releases is an attachment
Staff e-Newsletter	Council provides an e-newsletter to all staff updating them on Council activities and providing advice on operational matters such as social events, HR and OHS.	The newsletter is sent out at the direction of Executive Officer.
Surveys	Surveys via a CNSWJO branded Survey Monkey are regularly sent out to the appropriate target audiences.	All Surveys are to be approved by the Executive Officer.
Corporate Publications and Policies	CNSWJO produces range of publications including the Annual Report, the Management Plan, Agendas, Business Papers and Minutes, various strategic documents and submissions.	Members of the public are entitled to have access to the majority of CNSWJO documents. Inspection of CNSWJO documents is generally free, although reasonable photocopying charges are payable for hard copies copy. Most of these documents are available on the CNSWJO website.

Attachments – proformas of relevant media communication

Media Release proforma



MEDIA RELEASE

For immediate release

Approved for release by: <insert who approves media releases>

Date for release:< insert date>

Media Contact: <insert name of media contact>

Short sentence with punchy title.

Intro paragraph summarising story.

“Quote,” said <Insert name of Mayor/GM/Nominee>

ENDS

Insert media contact

Tips for Media Releases

- Heading should catch the eye
- Keep it short (one page if possible)
- Use snappy, succinct paragraphs, written in newspaper style (eg use quotes as well as facts)
- In many cases, a well-written press release makes life easier for the journalist and is more likely to appear as is.
- Try to whet the journalist’s news appetite so that he or she will be back to you for more information. Put a contact number on the release and make sure the contact person is available to answer questions

Make sure you include any relevant embargoes.

Example of an e-newsletter

Central NSW Councils Newsletter

[Click here to see this newsletter in your web browser](#)



Issue 1 :: August 19, 2011



From the Chair

Welcome to our first newsletter developed in response to requests from the staff of our 17 member Councils. I would like to thank all council staff on our regional teams, be it Supply, OHS and Risk, Centroc Water Utilities Alliance, HR, Infrastructure or Sustainability teams for their contribution in our recent award winning year.

For information on other Centroc activities please visit our website or contact Jenny Bennett on 0428 690 935.

Councillor Phyllis Miller OAM

Events

GMAC Meeting
Orange, Feb 3

Sustainability Forum
Orange, Feb 9

Supply Management Team
Orange, Feb 16

HR Team Meeting
Bathurst, Feb 22

Water Utilities Alliance
Cowra, Feb 25
Note Date Change

Board Meeting
Harden, Feb 24

OHS & Risk Meeting
Bathurst, March 1

E21

Centroc has brokered a regional deal to enable Councils to use a web based program called e21 to analyse electricity consumption and costs. This program allows councils to understand where they can save money on their electricity bills. Updates on savings will be provided regularly. Click [here](#) to read more about e21.

More information on other activities in the Compliance & Cost Savings Program can be found on our [website](#)

New Team - Centroc Water Utilities Alliance

With funding assistance from the Federal and State Governments, a review of each council's Best Practice in Water Management has been undertaken. Collaborative action is being undertaken to deliver compliance in best practice while also reducing costs and improving efficiencies. Water Engineers from member councils are meeting regularly to progress this program. [Read More](#)

Take Your Daughter to Work Day

Central NSW Councils

Centroc represents over 236,000 people covering an area of more than 70,000sq kms, an area the size of Tasmania, about half the population and twice the GDP.

Centroc is comprised of the following Local Government Areas:

- Bathurst
- Blayney
- Boorowa
- Cabonne
- Cowra
- Forbes
- Harden
- Lachlan
- Lithgow
- Oberon

[https://showtheworld.createsend.com/t/ViewEmail/t/3BD6307679B59F75/C67FD2F38AC4859C/\[19/08/2011 11:40:04 AM\]](https://showtheworld.createsend.com/t/ViewEmail/t/3BD6307679B59F75/C67FD2F38AC4859C/[19/08/2011 11:40:04 AM])



CENTRAL NSW JOINT ORGANISATION

Social Media Procedure



Procedure	Adoption Date	Effective Date
3	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	24 May 2018	Executive Officer	CNSWJO Board	November 2019
2	27 November 2019	Executive Officer	CNSWJO Board	November 2020
	4 December 2020	Executive Officer		

3. Social Media Procedure

1. GENERAL

These procedures direct our employee's Board's and contractor's responsible use of social media when working for or representing CNSWJO and inform them regarding risks in the personal sphere.

The procedure informs and directs, employees and Board members regarding the use of social media via our 3 Rules of Engagement, the Personal Use of Social Media and the Professional Use of Social Media.

2. THE LAW AND RESPECTIVE COUNCIL CODES OF CONDUCT MUST BE FOLLOWED INCLUDING IN DIGITAL ENVIRONMENTS

2.1 When representing or working for CNSWJO, employees, Board members and contractors must follow the law, read and comply with respective Council Code of Conduct and apply them in the digital sphere. Please see Attachment 1 which summarises relevant sections of the Model Code of Conduct 2013 which are the minimum to be followed. Individual Councils may have additional direction and CNSWJO representatives.

2.2 The current social media platforms supported by CNSWJO are:

- Facebook
- Twitter and
- LinkedIn
- YouTube

Should staff wish to use other platforms, they should read, consider and if appropriate, recommend these to the Executive Officer for approval.

2.3 As staff become aware that the terms of agreement for Facebook, Twitter, LinkedIn and YouTube change, these should also be approved by the Executive Officer.

3. PERSONAL ONLINE ACTIVITIES SHOULD NOT INTERFERE WITH WORK PERFORMANCE

3.1 To facilitate compliance with the Code of Conduct, separation of work digital identities and digital identities is necessary.

3.2 CNSWJO staff will not use their personal online identities at work with the exception of LinkedIn. Please see advice on LinkedIn below.

3.3 A Facebook page named CNSWJO will be ongoing. The CNSWJO Executive Officer and staff as directed by the CNSWJO Executive Officer will have administration rights.

This page will include postings and dialogue concerning topics across the breadth of CNSWJO activities.

3.4 CNSWJO staff, Board members or special project staff requiring a Facebook presence would apply to the Executive Officer to establish a new page with the agency's or project's name.

This would ensure the CNSWJO Executive Officer will have administrator rights on all CNSWJO sites. This will maintain some level of initial design consistency and will provide an additional level of monitoring.

3.5 CNSWJO staff, Board members or special project staff requiring a new page should undertake pre-planning about factors such as

- target audience,
- material to be posted,
- frequency of postings, including a target of a number of posts per day
- an assessment of how much staff time would be involved,
- an assessment of staff familiarity with Facebook and need for further staff training.

This planning would include discussion of material to be posted including factors such as:

- making posts effective by making them interesting and engaging,
- using original on-site photographs,
- posting relevant links.

3.6 The CNSWJO Executive Officer will determine which staff are authorised to have administrator rights for their page. These staff members will be responsible for producing and maintaining content posted to the Facebook page and should develop measures and routines to deal with moderating the page.

3.7 Under current Facebook operating rules, a personal Facebook profile is needed in order to establish, make posts to a 'Page' and make full use of the features of Facebook 'Pages'.

3.8 As well as making routine posts on their agency page, staff who are authorised to use Facebook at work shall be allowed to promote their agency's page by engaging with other pages and Facebook 'Friends' and 'Likes' communities.

3.9 Staff shouldn't need to seek clearance when writing posts about factual, uncontroversial matters, however they should seek authorisation from a manager before posting any information which could be perceived as relating beyond their agency's niche community or which could be interpreted as speaking on behalf of CNSWJO.

3.10 As well as producing original posts, authorised staff are responsible for moderating material posted to the agency's page by members of their 'Like' community and others.

3.11 A key part of the value of a Facebook presence is dialogue between the agency and members of their niche community. The frequency of external posts will vary from agency to agency, however posts should encourage dialogue.

3.12 Staff should monitor pages at least twice each working day to monitor and where appropriate respond to new posts in a timely manner.

3.13 External posts that require a request for information or action should be addressed promptly. In some cases an initial post to acknowledge the request should be made, with a more detailed answer posted in due course. Check spelling and grammar.

- 3.14 Staff should determine if a posted request should be passed on to the Executive Officer for further action.
- 3.15 Staff should exercise their judgement, or if necessary consult with their manager, to determine whether the topic of a posting is a valuable source of genuine discussion within the target group, or more rarely, if the posting has stepped over the line into an inappropriate topic or manner of discussion, and should be deleted.
- 3.16 Staff who feel the need for a Facebook presence but are unable to provide an adequate level of monitoring could opt not to accept posts from outside the agency, and for their page to be a form of 1-way communication.
- 3.17 When representing or working for CNSWJO, employees, Board members and contractors must not use their personal online presences. LinkedIn is the exception and further advice on LinkedIn is below.

4. THE CNSWJO CHAIR IS THE SPOKESPERSON FOR CNSWJO POLICY AND ADVOCACY.

- 4.1 The CNSWJO Media Policy should be read in conjunction with this policy.
- 4.2 The Chair is the spokesperson for CNSWJO. A twitter account will be set up for the Chair at the Chair's discretion and managed by CNSWJO staff at the Chair's direction.
- 4.3 In line with the Media Policy all commentary from the Chair is to be approved by the Chair.
- 4.4 All published media releases have been approved by the Chair and commentary on CNSWJO advocacy can be drawn from these.

5. SPECIAL ADVICE REGARDING THE USE OF LINKEDIN. RECOGNISING THAT LINKED IN IS AN OPPORTUNITY TO PROMOTE BOTH THE INDIVIDUAL AND CNSWJO, THE FOLLOWING ADVICE IS PROVIDED TO CNSWJO STAFF

- 6.1 LinkedIn Accounts are personal and owned by the individual.
- 6.2 CNSWJO requests that for the term of employment at CNSWJO, Linked In Accounts-
 - 5.2.1 Use a similar look and feel where this is to be agreed by CNSWJO staff at a CNSWJO staff meeting and will fit with the CNSWJO Style Guide where possible;
 - 5.2.2 Promote the breadth of CNSWJO activities;
 - 5.2.3 Are updated regularly, for example by each CNSWJO staff meeting e.g. projects, skills, knowledge, professional learning;
 - 5.2.4 Seek out networks that support the breadth of CNSWJO activities;
 - 5.2.5 Reflect the advocacy agenda of CNSWJO and
 - 5.2.6 Reflect the operational agenda of CNSWJO

6. ADVICE REGARDING YOUR PERSONAL USE OF SOCIAL MEDIA.

CNSWJO does not aim to discourage or unduly limit employees and Board members personal use of social media. Employees and Board members should be aware of and understand the potential risks

and damage to CNSWJO that can arise, either directly or indirectly, from the personal use of social media.

Employees are personally responsible for content published in their personal capacity on any form of social media platform.

CNSWJO provides the following content to inform employees and Board members of the implications of using social media in a personal capacity and should seek guidance from CNSWJO's other related policies and procedures.

6.3 Distinguish between your professional and personal life

6.4 Revisit personal settings regularly.

6.5 Employment at CNSWJO creates an association between what is said online and CNSWJO itself.

6.6 Employees should:

Always make sure that you are clear as to whether you are participating in an official or a personal capacity. Expressly state when an opinion is personal. Be aware that participating online may attract media interest in you as an individual, so proceed with care regardless of what capacity you are acting in.

Adhere to the terms of use set out by the social media platform or website, and adhere to legislation including copyright, privacy, defamation, contempt of court, discrimination, harassment and any other applicable laws.

6.7 Employees should not:

- 5.7.1 Post material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringes copyright, constitutes a contempt of court, breaches a Court suppression order, is unlawful, is for personal gain, or encourages others to break the law.
- 5.7.2 Imply that they are authorised to speak as representatives of CNSWJO, nor give the impression that the views expressed are those of CNSWJO
- 5.7.3 Use their CNSWJO email address or any CNSWJO logos or insignia that may give the impression of official support or endorsement of their personal comment.
- 5.7.4 Use or disclose any confidential information or personal information obtained in their capacity as a worker or contractor of CNSWJO
- 5.7.5 Post material that is, or might be construed as, threatening, harassing, bullying or discriminatory towards another worker or contractor of CNSWJO.
- 5.7.6 Comment or post any material that might otherwise cause damage to CNSWJO's reputation or bring it into disrepute.

1.6 COMPLIANCE

A breach of the social media policy or procedure may result in disciplinary action being taken that may include dismissal from CNSWJO's employment or service.

1.7 IDENTIFYING AND REPORTING INAPPROPRIATE USE

Where an employee or member of the public becomes aware of inappropriate or unlawful online content that relates to CNSWJO, or content that may otherwise have been published in breach of this policy, the situation and circumstances should be reported immediately to the Executive Officer for resolution.

RELATED DOCUMENTS

Email and Internet
Communication and Media Policy
Social Media Policy
Code of Conduct
Communication and Implementation Procedure

ATTACHMENT 1

RELEVANT EXCERPTS FROM THE MODEL CODE OF CONDUCT AUGUST 2020

GENERAL CONDUCT

1.1 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.

1.2 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).

HARASSMENT AND DISCRIMINATION

1.3 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family

1.4 responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

1.5 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

1.6 You must not engage in bullying behaviour towards others.

1.7 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.

1.8 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.*

1.9 *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.*

USE AND SECURITY OF CONFIDENTIAL INFORMATION

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

1.11 *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 not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person*
- e) not use confidential information with the intention to cause harm or detriment to the council or any other person or body*
- f) 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

1.12 *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

- 1.13 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.*
- 1.14 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.*
- 1.15 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.*
- 1.16 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.*
- 1.17 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.*
- 1.18 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.*

INTERNET ACCESS

- 1.19 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.*



**CENTRAL NSW
JOINT ORGANISATION**

Purchasing Procedure



Procedure	Adoption Date	Effective Date
4	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	24 May 2018	Executive Officer	CNSWJO Board	November 2019
2	27 November 2019	Executive Officer	CNSWJO Board	November 2020
	4 December 2020	Executive Officer		

4. Purchasing Procedure

1. GENERAL

- 1.1 Upon employment by a host Council, the staff members must familiarise themselves with all purchasing policies and procedures of that Council. They must also forward these documents to the Executive Officer.
- 1.2 Staff need to be able to account to their project teams in terms of best value, in line with the CNSWJO Procurement Policy.
- 1.3 Purchases outside the budget and between meetings must be ratified by both the Executive Officer and the Project Chair.

2. TRAVEL AND ACCOMMODATION

- 2.1 Accommodation, conference attendance and travel should be booked in advance.
- 2.2 The following procedure should be applied regarding travel:
 - Consider whether flying or driving is better value in terms of time and money.
 - It is always better to attend any event with another staff member either from the project or from the CNSWJO Board or staff. Travel with this person increases time spent to grow the project and reduces cost.
 - Check an internet accommodation provider to keep costs down.

3. CARS

- 3.1 If the staff member requires travel by car and does not have a leased vehicle as part of their role, the following procedure applies:
 - Be aware of the Councils policy on pooling and sharing vehicles including giving notice
 - Give ample notice, where possible, of the need for travel
 - Hire a vehicle only when you can demonstrate other options have been exhausted
 - The use of personal vehicles for CNSWJO business is not permitted as you are uninsured for this
 - Regarding 5d, there may be variations to this in exceptional circumstances and permission will need to be sought from the hosting Council

4. PETTY CASH

- 4.1 Petty cash is discouraged. However, should a higher level of service be demonstrated by the use of petty cash, up to \$300 is available annually through the Executive Officer where receipts must be provided.

5. PRE-PAYMENTS

- 5.1 The pre-payment of project activities with receipts tendered after the event is not permitted.

6. CREDIT CARDS

- 6.1 Some CNSWJO staff are provided with corporate credit cards, which are to be used in line with the Credit Card Use Policy and the Delegations Register.
- 6.2 If a corporate credit card is not available for use by a CNSWJO staff member who has not been issued a corporate credit card, the staff member's own credit card should be used and then the staff member should seek reimbursement with the approval of the Executive Officer.

7. RECEIPTING

- 7.1 All expenditure must be receipted and receipts with ABN provided to the Finance Officer. Monies will be reimbursed upon approval.

8. EMPLOYING FRIENDS AND FAMILY

- 8.1 The use of public monies for employing friends and family can be seen as a conflict of interest and is not permitted. Staff members must absent themselves from employment panels where friends or family have made application for position. Permission must be sought for any payment of any type to friends or family and this must be sought from the Sponsoring General Manager and the Executive Officer. Permission for the employment of friends and family will only be given where both best value can be demonstrated and it is clear that there is no other alternative.

9. RESPONSIBILITY/ACCOUNTABILITY

6. The Executive Secretary approves the purchasing, budgeting and financial reporting policy.
7. All CNSWJO staff are responsible for the development and reporting of their individual project budgets, variations and requests for expenditure as outlined above.
8. All CNSWJO staff are accountable under this policy.
9. The Finance Officer is responsible for reporting against the budget to GMAC and the Board.

RELATED DOCUMENTS

Procurement Policy
Credit Card Use Policy



**CENTRAL NSW
JOINT ORGANISATION**

Regional Procurement Procedure



Procedure	Adoption Date	Effective Date
5	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	24 May 2018	Executive Officer	CNSWJO Board	November 2019
2	27 November 2019	Executive Officer	CNSWJO Board	November 2020
	4 December 2020	Executive Officer		

5. Regional Procurement Procedure

1. GENERAL

- 1.1 CNSWJO has developed a flow chart to which outlines the process by which CNSWJO seeks interest from councils for participating in regional contracts and implementing the contracts into the councils once the procurement process has been completed. This enables CNSWJO to have a more accurate procurement process which creates stronger responses.
- 1.2 CNSWJO utilises eProcure to advertise all procurement requests as well as corresponding with all respondents through the forum. eProcure is also used for receiving and evaluating tenders.
- 1.3 eProcure provides an electronic platform for ease of tender evaluations. The platform provides all responses in an electronic format which can easily viewed by the evaluation panel members once they have been set up and assigned to the procurement request. eProcure allows each response to be evaluated in the same manner making evaluations simpler and faster. eProcure has the capability of providing data that can be easily inserted into evaluation reports providing the governance and probity requirements of Local Government.
- 1.4 In a small number of circumstances, CNSWJO may decide that the online evaluation through eProcure is not suitable for the evaluation panel members. In such instances, the responses will be downloaded and emailed to the evaluation panel members once they have signed and returned a confidentiality and conflict of interest form. Scoring of responses will be via a spreadsheet provided by CNSWJO.

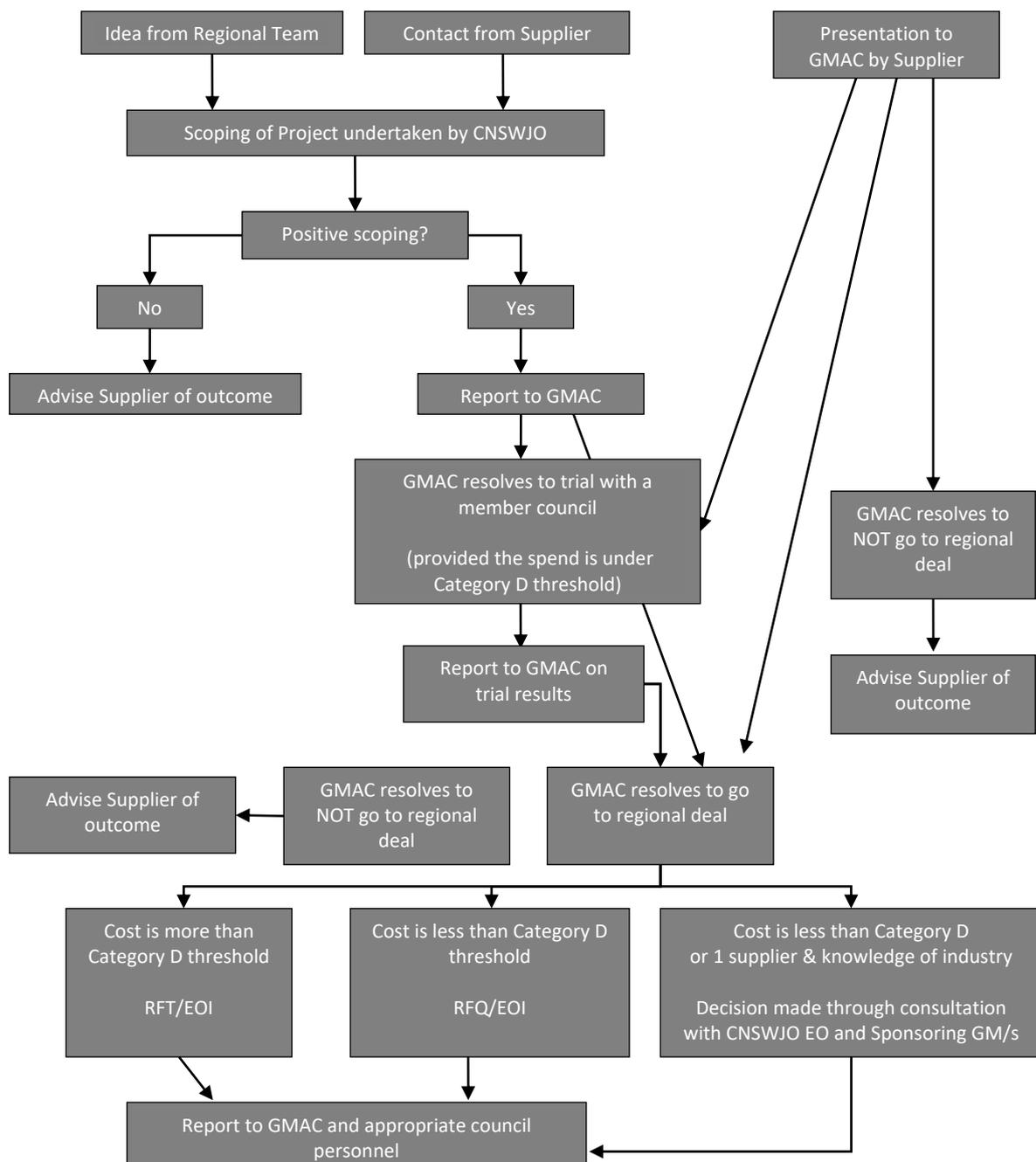
2. REGIONAL PROCUREMENT OPPORTUNITIES

- 2.1 Regional procurement opportunities are identified in one of three ways. These are:
 1. ideas from a Regional Team/Group
 2. CNSWJO staff are contacted by a supplier
 3. presentation by a supplier to GMAC
- 2.2 In order to spare all members going through the initial learning stages of dealing with a new product or service, one or more councils volunteer to trial the process whereby CNSWJO and the council/s can go through all the learnings prior to rolling it out regionally.
- 2.3 A trial can last anywhere from 3 months to 12 months depending on the requirements of the council and the participation of council staff with the supplier.
- 2.4 Once savings or efficiencies have been identified or the project has reached completion, a report and recommendation is made to GMAC with regards to how CNSWJO members should proceed.

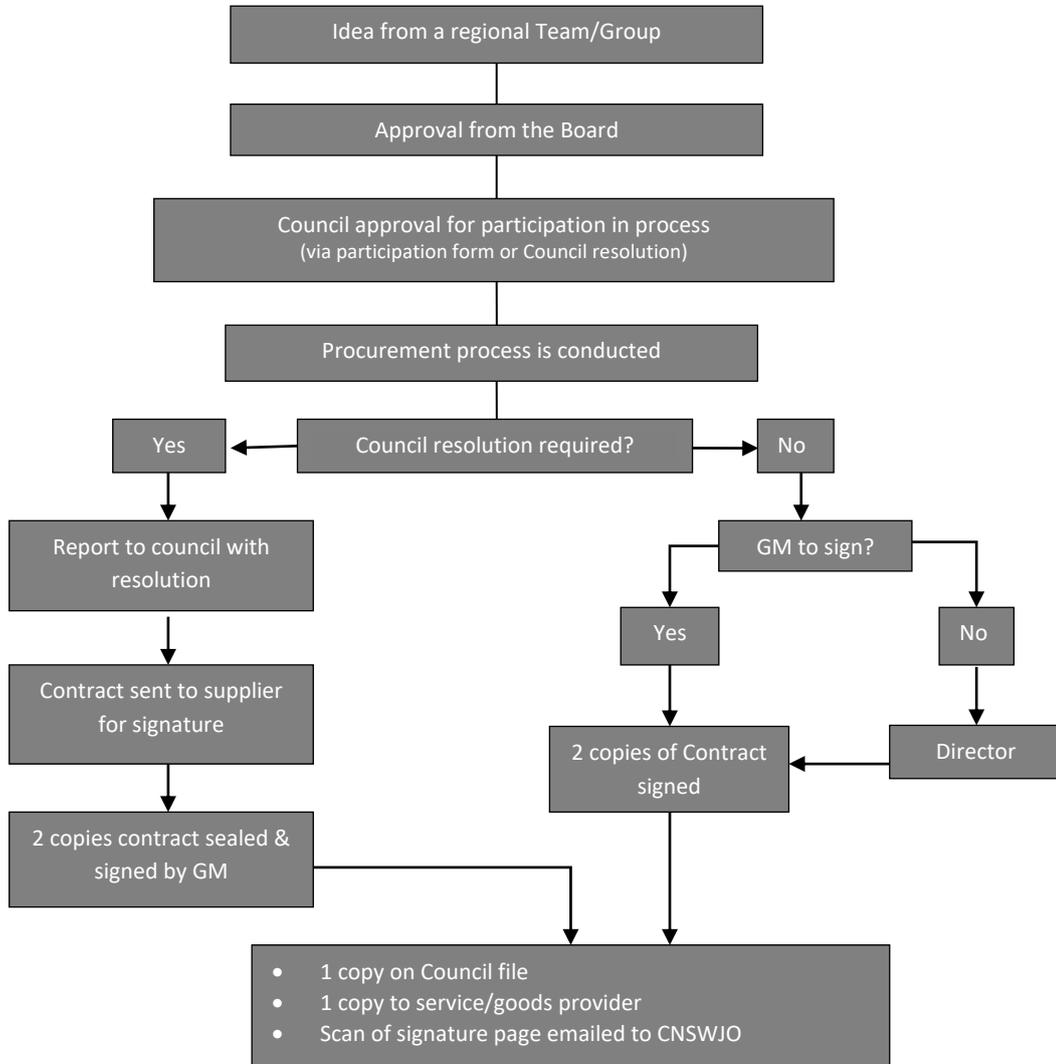
2.5 GMAC may resolve to recommend a Request for Tender (or quotation) for procurement of goods or services based on what was learned through the trial. If a procurement process is recommended by GMAC, a report will be provided to the Board for approval.

2.6 GMAC may however decide that there are no other suppliers in the market that offer the service and therefore it may be recommended to proceed with the supplier that was utilised in the trial. Thorough research of competitive organisations would be undertaken by CNSWJO staff and reported through to GMAC for approval.

3. APPROVAL FOR REGIONAL TRIAL - FLOWCHART



4. REGIONAL PROCUREMENT - FLOWCHART



RELATED DOCUMENTS

Procurement Policy

Agreement to Participate in a CNSWJO Regional Procurement Project (form)



**CENTRAL NSW
JOINT ORGANISATION**

Letting and Evaluating a Tender Procedure



Procedure	Adoption Date	Effective Date
6	4 December 2020	

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
1	24 May 2018	Executive Officer	CNSWJO Board	November 2019
2	27 November 2019	Executive Officer	CNSWJO Board	November 2020
	4 December 2020	Executive Officer		

6. Letting and Evaluating a Tender Procedure

1. GENERAL

This procedure is to be used in conjunction with the Procurement Policy. The procurement of goods and services in categories B, C and D are to follow this procedure.

2. PREPARATION AND LETTING OF A TENDER

- 2.1 Form an evaluation panel consisting of a minimum of 3 staff from any of the councils participating in the regional procurement process.
- 2.2 Obtain participation approvals and any relevant estimated spend information from participating councils.
- 2.3 Develop specifications in conjunction with evaluation panel and set weightings for weighted questions.
- 2.4 Liaise with Statewide to determine levels of insurance required from service providers of the relevant procurement request.
- 2.5 Upload into eProcure the response questions spreadsheet, tender document, CNSWJO proforma contract (which is to be updated to include any specific clauses relevant to the goods/services being procured) and any other necessary documentation.
- 2.6 Arrange necessary advertising.

3. OPENING OF TENDERS

- 3.1 All responses are received electronically through the eProcure portal.
- 3.2 A minimum of two people will view the opening of responses to a procurement request and a time-stamped screenshot will be taken and filed.

4. EVALUATION

- 4.1 Where possible, evaluation of the responses by evaluation panel members will be conducted electronically using the eProcure system. Where CNSWJO deems an online evaluation through eProcure not suitable for the evaluation panel members, the responses will be downloaded and emailed to the evaluation panel members once they have signed and returned a confidentiality and conflict of interest form. Scoring of responses will be via a spreadsheet provided by CNSWJO.
- 4.2 Evaluation panel members will be set up in the eProcure system as evaluators and are required to agree to confidentiality and conflict of interest terms prior to viewing any responses.

Letting and Evaluating a Tender Procedure

- 4.3 Prior to the commencement of the online evaluation, the CNSWJO procurement officer will conduct compliance checks on responses and advise the evaluation panel of any that are non-compliant.
- 4.4 Evaluation panel members will be given sufficient time to conduct evaluations through the eProcure portal prior to attending a face to face or tele/web-conference meeting.
- 4.5 The CNSWJO staff member responsible for procurement will ensure sufficient training has been provided to evaluation panel members in evaluating responses through the eProcure portal.
- 4.6 Once scores and comments have been submitted through the eProcure portal by evaluation panel members, the CNSWJO procurement officer will conduct a moderation. Any questions where there is inconsistency in the scoring will be discussed at the evaluation panel meeting.
- 4.7 The CNSWJO procurement officer will compile a spreadsheet of prices from the respondents for easy comparison by the evaluation panel.
- 4.8 The evaluation panel members are responsible for recommending the next step:
 - Preferred respondent or respondents (for panel contract) or shortlist
 - Determine whether any presentations or demonstrations are necessary prior to selecting the preferred respondent
 - Determine whether any clarifications need to be sought from respondents prior to making a decision.
- 4.9 CNSWJO staff will conduct reference checks on the preferred provider/s and advise the evaluation panel if any checks were of concern.
- 4.10 The CNSWJO procurement officer is responsible for seeking clarifications and undertaking any negotiations as per request from the evaluation panel. This includes seeking legal advice where necessary.

5. PREPARATION OF DOCUMENTATION AND REPORTS

- 5.1 The CNSWJO procurement officer is responsible for preparing all documentation and reports and circulating to participating member councils where applicable.
- 5.2 Councils are to send their approval to proceed to contract either through written confirmation from a General Manager or Director, or via Council resolution where required.
- 5.3 The CNSWJO procurement officer will prepare the contracts for each participating council, along with attachments and a cover letter.
- 5.4 Once executed by Council and the service provider, the Council is asked to send a copy of the signature page to the CNSWJO procurement officer.

Letting and Evaluating a Tender Procedure

- 5.5 The CNSWJO procurement officer will notify unsuccessful respondents of the outcome through the eProcure portal.

RELATED DOCUMENTS

Procurement Policy

Agreement to Participate in a CNSWJO Regional Procurement Project Form