



# **Ordinary Meeting of Council**

**24 June 2020**

**UNDER SEPARATE COVER  
ATTACHMENTS**

**ITEMS 9.15 TO 14.1**



**QUEANBEYAN-PALERANG REGIONAL COUNCIL  
ORDINARY MEETING OF COUNCIL**

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# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Council Meeting Attachment**

**24 JUNE 2020**

ITEM 9.15          INVESTMENT REPORT - MAY 2020

ATTACHMENT 1    MAY 2020 - INVESTMENT REPORT PACK



# Investment Report Pack

Queanbeyan-Palerang Regional Council

As At 31 May 2020



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1. Budget vs Actual Interest Income 1 July 2019 to 30 June 2020
2. Portfolio Valuation As At 31 May 2020
3. Portfolio Compliance As At 31 May 2020
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## 1. Budget vs Actual Interest Income 1 July 2019 to 30 June 2020

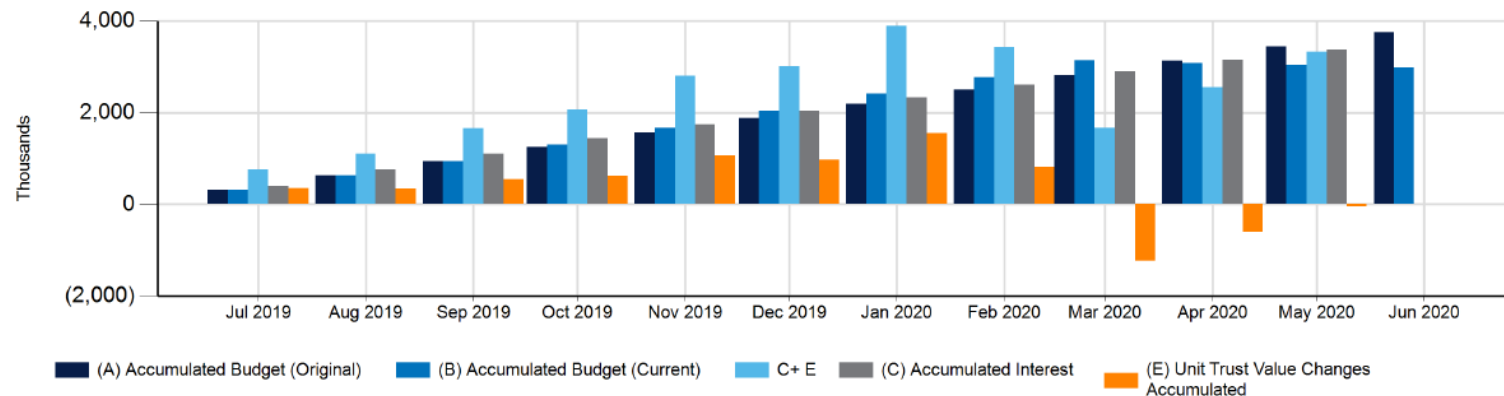
Month / Year	(A) Income Interest Budget (Original) Running Total	Interest Income Budget (Current) For Month	(B) Interest Income Budget (Current) Running Total	(T) Interest Income Received/Accrued For Month	(C) Interest Income Received/Accrued Running Total	Accrued Interest Acquired For Month	Accrued Interest Acquired Running Total	(U) Unit Trust Market Value Changes	(E) Unit Trust Market Value Changes Running Total	'Return' For Month (T+U)
Jul 2019	313,067.08	313,067.08	313,067.08	400,618.33	400,618.33	0.00	0.00	352,555.24	352,555.24	753,173.57
Aug 2019	626,134.16	313,067.08	626,134.16	361,339.06	761,957.39	0.00	0.00	(8,348.19)	344,207.05	352,990.87
Sep 2019	939,201.24	313,067.08	939,201.24	345,892.64	1,107,850.03	0.00	0.00	207,351.25	551,558.30	553,243.89
Oct 2019	1,252,268.32	368,278.20	1,307,479.44	336,177.09	1,444,027.12	0.00	0.00	71,762.23	623,320.53	407,939.32
Nov 2019	1,565,335.40	368,278.20	1,675,757.64	304,101.73	1,748,128.85	0.00	0.00	443,205.57	1,066,526.10	747,307.30
Dec 2019	1,878,402.48	368,278.20	2,044,035.84	296,300.84	2,044,429.69	0.00	0.00	(90,375.74)	976,150.36	205,925.10
Jan 2020	2,191,469.56	368,278.20	2,412,314.04	292,675.10	2,337,104.79	0.00	0.00	584,472.05	1,560,622.41	877,147.15
Feb 2020	2,504,536.64	368,278.20	2,780,592.24	279,488.38	2,616,593.17	0.00	0.00	(738,425.82)	822,196.59	(458,937.44)
Mar 2020	2,817,803.72	368,278.20	3,148,870.44	291,368.94	2,907,962.11	0.00	0.00	(2,051,553.32)	(1,229,356.73)	(1,760,184.38)
Apr 2020	3,130,870.80	(55,822.48)	3,093,047.96	246,102.60	3,154,064.71	0.00	0.00	626,783.25	(602,573.48)	872,885.85
May 2020	3,443,737.88	(55,822.48)	3,037,225.48	225,452.40	3,379,517.11	0.00	0.00	556,560.72	(46,012.76)	782,013.12
Jun 2020	3,756,804.96	(55,822.48)	2,981,403.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		2,981,403.00		3,379,517.11		0.00		(46,012.76)		3,333,504.35

Notes on Table Above

1A. The numbers shown in Column T are the accrual interest amounts for that month combined with the At Call Deposit, Unit Trust and Unassigned interest and distribution income received during that month.

1B. The accruals shown in this section have been calculated using each security's coupon schedule.

### Accumulated Budget vs Actual (Accruals Based Upon Coupon Payment Schedules)







## 2. Portfolio Valuation As At 31 May 2020

	Fixed Interest Security	Security Rating	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Unit Price Notional	Unit Count	Market Value	% Total Value	Running Yield	Weighted Running Yield
<b>At Call Deposit</b>														
	AMP QPRC At Call	S&P ST A2		861,442.12	1.00000000	861,442.12	100.000	0.000			861,442.12	0.45%	0.75%	
	ANZ At Call	S&P AA-		347,311.87	1.00000000	347,311.87	100.000	0.000			347,311.87	0.18%	0.55%	
	BENAU At Call	Moodys A3		17,097.03	1.00000000	17,097.03	100.000	0.000			17,097.03	0.01%	1.00%	
	BENAU transaction At Call	Moodys A3		129,584.56	1.00000000	129,584.56	100.000	0.000			129,584.56	0.07%	0.00%	
	NAB At Call	S&P AA-		578,336.09	1.00000000	578,336.09	100.000	0.000			578,336.09	0.30%	0.55%	
	NAB General At Call	S&P AA-		6,915,193.23	1.00000000	6,915,193.23	100.000	0.000			6,915,193.23	3.59%	0.25%	
	NAB Links At Call	S&P AA-		298,639.12	1.00000000	298,639.12	100.000	0.000			298,639.12	0.16%	0.25%	
				9,147,604.02		9,147,604.02					9,147,604.02	4.75%		0.33%
<b>Flexi Deposit (Fix/Float)</b>														
	Westpac 2.96 25 Oct 2022 1826DAY FD	S&P AA-		2,000,000.00	1.00000000	2,000,000.00	100.000	0.268			2,005,352.32	1.04%	1.06%	
	Westpac 2.89 07 Dec 2022 1827DAY FD	S&P AA-		3,000,000.00	1.00000000	3,000,000.00	100.000	0.681			3,020,427.96	1.57%	1.50%	
				5,000,000.00		5,000,000.00					5,025,780.28	2.61%		1.33%
<b>Floating Rate Deposit</b>														
	Westpac 1.01 17 Apr 2024 1827DAY FRD	S&P AA-		3,000,000.00	1.00000000	3,000,000.00	100.000	0.039			3,001,175.34	1.56%	1.10%	
	Westpac 1.29 Apr 2024 1827DAY FRD	S&P AA-		4,000,000.00	1.00000000	4,000,000.00	100.000	0.006			4,000,238.92	2.08%	1.09%	
	Westpac 0.98 03 Jul 2024 1827DAY FRD	S&P AA-		5,000,000.00	1.00000000	5,000,000.00	100.000	0.080			5,003,976.05	2.60%	1.08%	
				12,000,000.00		12,000,000.00					12,005,390.31	6.23%		1.09%
<b>Floating Rate Note</b>														
	AMP 1.08 10 Sep 2021 FRN	S&P BBB+	AU3FN0044657	3,000,000.00	1.00000000	3,000,000.00	99.911	0.370			3,008,430.00	1.56%	1.65%	
	AMP 1.05 30 Mar 2022 FRN	S&P BBB+	AU3FN0035283	2,000,000.00	1.00000000	2,000,000.00	99.376	0.245			1,992,420.00	1.03%	1.44%	
	Auswide 1.05 17 Mar 2023 FRN	Moodys Baa2	AU3FN0053567	2,500,000.00	1.00000000	2,500,000.00	99.720	0.333			2,501,325.00	1.30%	1.62%	
	BOQ 1.17 26 Oct 2020 FRN	Fitch A-	AU3FN0033023	2,000,000.00	1.00000000	2,000,000.00	100.226	0.120			2,006,920.00	1.04%	1.28%	
	BOQ 1.48 18 May 2021 FRN	Fitch A-	AU3FN0031290	2,000,000.00	1.00000000	2,000,000.00	100.684	0.056			2,014,800.00	1.05%	1.58%	
	BENAU 1.1 18 Aug 2020 FRN	Fitch A-	AU3FN0028361	2,000,000.00	1.00000000	2,000,000.00	100.132	0.043			2,003,500.00	1.04%	1.20%	
	BENAU 1.46 20 Apr 2021 FRN	Fitch A-	AU3FN0030938	1,000,000.00	1.00000000	1,000,000.00	100.773	0.178			1,009,510.00	0.52%	1.59%	
	BENAU 1.05 25 Jan 2023 FRN	Moodys A3	AU3FN0040523	1,500,000.00	1.00000000	1,500,000.00	100.239	0.108			1,505,205.00	0.78%	1.16%	
	CBA 1.15 18 Jan 2021 FRN	S&P AA-	AU3FN0029908	2,000,000.00	1.00000000	2,000,000.00	100.571	0.143			2,014,280.00	1.05%	1.28%	
	CBA 1.11 17 Jan 2022 FRN	S&P AA-	AU3FN0034005	2,000,000.00	1.00000000	2,000,000.00	101.204	0.149			2,027,060.00	1.05%	1.24%	
	CBA 0.88 25 Jul 2022 FRN	Moodys Aa3	AU3FN0037198	2,000,000.00	1.00000000	2,000,000.00	100.944	0.093			2,020,740.00	1.05%	0.99%	
	CBA 0.93 16 Aug 2023 FRN	S&P AA-	AU3FN0044046	1,500,000.00	1.00000000	1,500,000.00	101.204	0.037			1,518,615.00	0.79%	1.03%	
	CBA 1.13 11 Jan 2024 FRN	S&P AA-	AU3FN0046561	5,000,000.00	1.00000000	5,000,000.00	101.822	0.168			5,099,500.00	2.65%	1.34%	
	CredSuis 1.95 09 Mar 2021 FRN	S&P A	AU3FN0030458	1,000,000.00	1.00000000	1,000,000.00	101.115	0.565			1,016,800.00	0.53%	2.50%	



Fixed Interest Security	Security Rating	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Unit Price Notional	Unit Count	Market Value	% Total Value	Running Yield	Weighted Running Yield
CUA 1.23 04 Mar 2022 FRN	Moodys Baa1	AU3FN0046793	1,000,000.00	1.00000000	1,000,000.00	100.492	0.428			1,009,200.00	0.52%	1.78%	
CUA 0.9 21 Feb 2023 FRN	S&P BBB	AU3FN0052924	1,100,000.00	1.00000000	1,100,000.00	99.411	0.027			1,093,818.00	0.57%	0.99%	
HBS 1.23 29 Mar 2021 FRN	Moodys Baa1	AU3FN0041646	2,000,000.00	1.00000000	2,000,000.00	100.379	0.275			2,013,080.00	1.05%	1.62%	
HSBCSyd 0.83 27 Sep 2024 FRN	S&P AA-	AU3FN0050498	4,000,000.00	1.00000000	4,000,000.00	98.730	0.224			3,958,160.00	2.05%	1.26%	
MACQ 0.84 12 Feb 2025 FRN	Moodys A2	AU3FN0052908	3,000,000.00	1.00000000	3,000,000.00	99.818	0.048			2,995,980.00	1.56%	0.93%	
RACB 1.05 23 May 2022 FRN	Moodys Baa1	AU3FN0048328	800,000.00	1.00000000	800,000.00	100.275	0.019			802,352.00	0.42%	1.15%	
RACB 0.93 24 Feb 2023 FRN	S&P BBB+	AU3FN0053146	1,850,000.00	1.00000000	1,850,000.00	99.225	0.017			1,835,977.00	0.95%	1.03%	
ME Bank 0.98 18 Jul 2022 FRN	S&P BBB	AU3FN0048948	2,500,000.00	1.00000000	2,500,000.00	99.984	0.124			2,502,700.00	1.30%	1.11%	
NAB 1.17 12 May 2021 FRN	S&P AA-	AU3FN0031274	5,000,000.00	1.00000000	5,000,000.00	100.833	0.066			5,044,950.00	2.62%	1.26%	
NAB 0.9 05 Jul 2022 FRN	S&P AA-	AU3FN0036950	5,000,000.00	1.00000000	5,000,000.00	100.972	0.172			5,057,200.00	2.63%	1.14%	
NAB 0.93 26 Sep 2023 FRN	S&P AA-	AU3FN0044996	3,000,000.00	1.00000000	3,000,000.00	101.235	0.249			3,044,520.00	1.58%	1.38%	
NAB 1.04 26 Feb 2024 FRN	S&P AA-	AU3FN0046777	2,000,000.00	1.00000000	2,000,000.00	101.466	0.016			2,029,640.00	1.05%	1.14%	
NAB 0.92 19 Jun 2024 FRN	S&P AA-	AU3FN0048724	3,200,000.00	1.00000000	3,200,000.00	101.058	0.314			3,243,904.00	1.68%	1.57%	
NPBS 1.1 26 Feb 2021 FRN	S&P BBB	AU3FN0046769	500,000.00	1.00000000	500,000.00	100.243	0.016			501,295.00	0.26%	1.20%	
NPBS 1.4 06 Feb 2023 FRN	S&P BBB	AU3FN0040606	1,250,000.00	1.00000000	1,250,000.00	100.554	0.103			1,258,212.50	0.65%	1.51%	
RABOBK 1.5 04 Mar 2021 FRN	S&P A+	AU3FN0030409	1,000,000.00	1.00000000	1,000,000.00	100.816	0.493			1,013,090.00	0.53%	2.05%	
RABOBK 1.08 03 Mar 2022 FRN	S&P A+	AU3FN0034690	1,000,000.00	1.00000000	1,000,000.00	100.806	0.408			1,012,140.00	0.53%	1.67%	
SunBank 1.25 20 Oct 2020 FRN	S&P A+	AU3FN0029195	2,000,000.00	1.00000000	2,000,000.00	100.334	0.154			2,009,760.00	1.04%	1.38%	
Westpac 1.17 03 Jun 2021 FRN	S&P AA-	AU3FN0031530	2,000,000.00	1.00000000	2,000,000.00	100.878	0.430			2,026,160.00	1.05%	1.76%	
			71,700,000.00		71,700,000.00					72,191,243.50	37.48%		1.35%
Term Deposit													
AMP 1.8 10 Mar 2021 553DAY TD	S&P ST A2		5,000,000.00	1.00000000	5,000,000.00	100.000	1.332			5,066,575.35	2.63%	1.80%	
Auswide 1.75 09 Mar 2022 728DAY TD	Moodys Baa2		5,000,000.00	1.00000000	5,000,000.00	100.000	0.388			5,019,417.80	2.61%	1.75%	
BOQ 3.6 03 Feb 2021 1462DAY TD	Moodys ST P-2		3,000,000.00	1.00000000	3,000,000.00	100.000	1.164			3,034,915.08	1.58%	3.60%	
BOQ 3.6 03 Mar 2021 1456DAY TD	Moodys ST P-2		4,000,000.00	1.00000000	4,000,000.00	100.000	0.878			4,035,112.32	2.09%	3.60%	
DFB 3 24 Feb 2021 728DAY TD	S&P ST A2		2,000,000.00	1.00000000	2,000,000.00	100.000	0.781			2,015,616.44	1.05%	3.00%	
MACQ 1.65 17 Jun 2020 138DAY TD	Moodys ST P-1		10,000,000.00	1.00000000	10,000,000.00	100.000	0.547			10,054,698.60	5.22%	1.65%	
MACQ 1.75 30 Sep 2020 182DAY TD	Moodys ST P-1		5,000,000.00	1.00000000	5,000,000.00	100.000	0.288			5,014,383.55	2.60%	1.75%	
MACQ 1.7 23 Dec 2020 289DAY TD	Moodys ST P-1		5,000,000.00	1.00000000	5,000,000.00	100.000	0.387			5,019,328.75	2.61%	1.70%	
RACB 2.85 15 Jul 2020 547DAY TD	S&P ST A2		2,000,000.00	1.00000000	2,000,000.00	100.000	1.070			2,021,394.52	1.05%	2.85%	
MYS 1.82 16 Sep 2020 182DAY TD	Moodys ST P-2		1,000,000.00	1.00000000	1,000,000.00	100.000	0.369			1,003,689.86	0.52%	1.82%	
NAB 1.6 29 Jul 2020 180DAY TD	S&P ST A1+		10,000,000.00	1.00000000	10,000,000.00	100.000	0.530			10,053,041.10	5.22%	1.60%	
NAB 1.5 09 Dec 2020 364DAY TD	S&P ST A1+		3,000,000.00	1.00000000	3,000,000.00	100.000	0.707			3,021,205.47	1.57%	1.50%	
NPBS 3.7 03 Mar 2021 1822DAY TD	S&P ST A2		1,000,000.00	1.00000000	1,000,000.00	100.000	0.841			1,008,413.70	0.52%	3.70%	
Westpac 2.77 03 Jun 2020 1091DAY TD	S&P ST A1+		3,000,000.00	1.00000000	3,000,000.00	100.000	0.675			3,020,262.75	1.57%	2.77%	
Westpac 2.9 09 Dec 2020 1099DAY TD	S&P ST A1+		3,000,000.00	1.00000000	3,000,000.00	100.000	0.683			3,020,498.64	1.57%	2.90%	



Fixed Interest Security	Security Rating	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Unit Price Notional	Unit Count	Market Value	% Total Value	Running Yield	Weighted Running Yield
			62,000,000.00		62,000,000.00					62,408,553.93	32.40%		2.12%
Unit Trust													
NSWTC IM Cash Fund UT	S&P AAA		7,164,489.19		7,164,489.19			0.9331	7,677,828.8302	7,164,489.19	3.72%		
NSWTC Long Term Growth Fund UT	S&P AAA		14,099,512.85		14,099,512.85			1.0598	13,304,439.5400	14,099,512.85	7.32%		
NSWTC Medium Term Growth Fund UT	S&P AAA		10,587,370.39		10,587,370.39			1.0037	10,547,921.1600	10,587,370.39	5.50%		
			31,851,372.43		31,851,372.43					31,851,372.43	16.54%		
Portfolio Total			191,698,976.45		191,698,976.45					192,629,944.47	100.00%		1.57%
Note: For holdings in unit funds and similar securities, the face value (original and current) columns will display market values.													



### 3. Portfolio Compliance As At 31 May 2020

Short Term Issuer/Security Rating Group	Market Value	% Total Value
A2	19,047,159.39	9.89%
A1	20,088,410.90	10.43%
A1+	19,115,007.96	9.92%
Portfolio Total	58,250,578.25	30.24%

Market Value by Security Rating Group (Short Term)



Long Term Issuer/Security Rating Group	Market Value	% Total Value
BBB+ to BBB-	23,538,227.30	12.22%
A+ to A-	16,734,386.59	8.69%
AA+ to AA-	62,255,379.90	32.32%
AAA	31,851,372.43	16.54%
Portfolio Total	134,379,366.22	69.76%

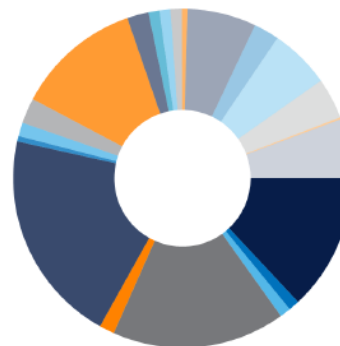
Market Value by Security Rating Group (Long Term)





Issuer	Market Value	% Total Value
AMP Bank Ltd	10,928,867.47	5.67%
ANZ Banking Group Ltd	347,311.87	0.18%
Auswide Bank Limited	7,520,742.80	3.90%
Bank of Queensland Ltd	11,091,747.40	5.76%
Bendigo & Adelaide Bank Ltd	4,664,896.59	2.42%
Commonwealth Bank of Australia Ltd	12,680,195.00	6.58%
Credit Suisse Sydney	1,016,800.00	0.53%
Credit Union Australia Ltd	2,103,018.00	1.09%
Defence Bank Ltd	2,015,616.44	1.05%
Heritage Bank Ltd	2,013,080.00	1.05%
HSBC Sydney Branch	3,958,160.00	2.05%
Macquarie Bank	23,084,390.90	11.98%
Members Banking Group Limited t/as RACQ Bank	4,659,723.52	2.42%
Members Equity Bank Ltd	2,502,700.00	1.30%
MyState Bank Ltd	1,003,689.86	0.52%
National Australia Bank Ltd	39,286,629.01	20.39%
Newcastle Permanent Building Society Ltd	2,767,921.20	1.44%
NSW Treasury Corporation	31,851,372.43	16.54%
Rabobank Nederland Australia Branch	2,025,230.00	1.05%
Suncorp Bank	2,009,760.00	1.04%
Westpac Banking Corporation Ltd	25,098,091.98	13.03%
Portfolio Total	192,629,944.47	100.00%

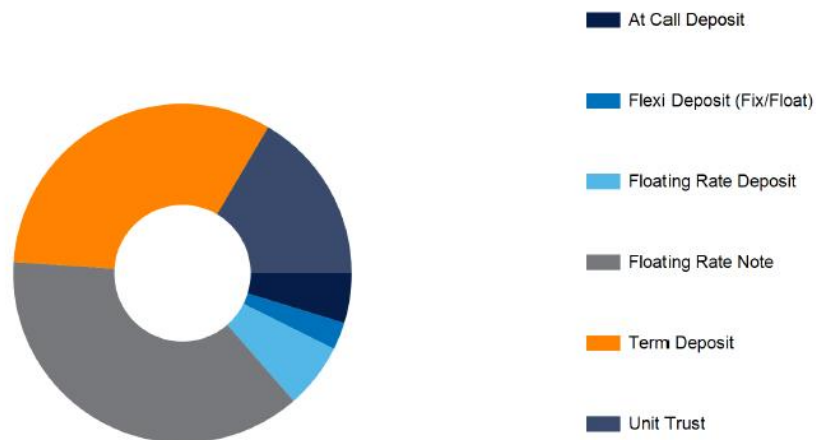
Market Value by Issuer





Security Type	Market Value	% Total Value
At Call Deposit	9,147,604.02	4.75%
Flexi Deposit (Fix/Float)	5,025,780.28	2.61%
Floating Rate Deposit	12,005,390.31	6.23%
Floating Rate Note	72,191,243.50	37.48%
Term Deposit	62,408,553.93	32.40%
Unit Trust	31,851,372.43	16.54%
Portfolio Total	192,629,944.47	100.00%

Market Value by Security Type





Term Remaining	Market Value	% Total Value
0 to < 1 Year	119,036,097.58	61.80%
1 to < 3 Years	39,698,137.58	20.61%
3 to < 5 Years	33,895,709.31	17.60%
Portfolio Total	192,629,944.47	100.00%

Note: Term Remaining is calculated using a weighted average life date (WAL) where appropriate and available otherwise the interim (initial) maturity date is used.

Market Value by Term Remaining



Investment Policy Compliance

Legislative Requirements	Fully compliant
Issuer	Fully compliant (29 limits)
Security Rating Group	Fully compliant (7 limits)
Term Group	Fully compliant (4 limits)



#### 4. Portfolio Statistics For Period Ending 31 May 2020

Trading Book	1 Month	3 Month	12 Month	Since Inception
Queanbeyan-Palerang Regional Council				
Portfolio Return (1)	0.48%	-0.06%	2.07%	2.57%
Performance Index (2)	0.01%	0.16%	0.97%	1.46%
Excess Performance (3)	0.47%	-0.22%	1.10%	1.11%

##### Notes

- 1 Portfolio performance is the rate of return of the portfolio over the specified period
- 2 The Performance Index is the Bloomberg AusBond Bank Bill Index (Bloomberg Page BAUBIL)
- 3 Excess performance is the rate of return of the portfolio in excess of the Performance Index

Trading Book	Weighted Average Running Yield
Queanbeyan-Palerang Regional Council	1.57





Disclaimer:

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Report Code: TEPACK080EXT-00.07  
Report Description: Investment Report Pack 080  
Parameters:  
Trading Entity: Queanbeyan-Palerang Regional Council  
Trading Book: Queanbeyan-Palerang Regional Council  
Settlement Date Base  
Period End Date: 31 May 2020  
Financial Year Start Date: 1 Jul 2019  
Financial Year End Date: 30 Jun 2020  
History Start Date: 1 Jan 2000  
Exclude Cash  
Exclude Unallocated Cash  
Exclude Negative Unit Holdings  
Trading Limit Parameters:  
Use Face Value  
Use Security Rating Group  
Eliminate Issuer Parent Child Effect? No  
Trading Entity Limits Only? No

# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Council Meeting Attachment**

**24 JUNE 2020**

ITEM 9.16            UPDATING AND HARMONISATION OF COUNCIL POLICIES

ATTACHMENT 1    RECORDS POLICY

# Records Policy

<b>Date policy was adopted:</b>		<b>CEO Signature and date</b>
<b>Resolution number:</b>		
<b>Next Policy review date:</b>		
<b>Reference number:</b>		
<b>Strategic Pillar</b>		
<b>Responsible Branch</b>		DD/MM/YYYY

## 1. OUTCOMES:

Ensure all Councillors and staff, including Contractors, meet their record keeping requirements as required by NSW legislation.

## 2. POLICY:

- 2.1 Council is committed to meeting its record management responsibilities as required by the State Records Act 1998.
- 2.2 Council must ensure that full and accurate records of all its activities and decisions are created, managed and retained or disposed of appropriately, and in accordance with the requirements of NSW legislation.

## 3. SCOPE OF THE POLICY:

- 3.1 This policy applies to all Council Officials which includes Council Staff and Councillors who deal with corporate records and anyone who performs work on Council's behalf including casuals, volunteers, contractors and consultants.
- 3.2 This policy applies to all Council records in any format, created, received or maintained by Council for official business.

## 4. DEFINITIONS:

**Council Official** - includes councillors, members of staff of a council, administrators, council committee members and delegates of council.

### **Recordkeeping**

Making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information.

### **Recordkeeping requirements**

Requirements arising from regulatory sources, business needs and community expectations that identify the types of records that should be created and the management framework needed in order to have, and accountably manage, all the business information that is necessary for an organisation.

### **Recordkeeping systems**

Recordkeeping systems are business information systems capable of:

- capturing
- maintaining and
- providing access to records over time.

### **Records**

Information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business.

AS ISO 15489 Part 1 Clause 3.15

Record means any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means. State Records Act 1998(NSW).

*NOTE: This can also include personal/private information generated by Council officials on Council owned systems and hardware.*

### **Records management**

Field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposal of records, including processes for capturing and maintaining evidence of and information about business activities and transactions in the form of records AS ISO 15489 Part 1 Clause 3.16

### **Records management program**

A records management program encompasses the management framework, the people and the systems required within an organisation to manage full and accurate records over time. This includes the identification and protection of records with longer-term value that may be required as State archives.

## **5. LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS:**

- State Records Act 1998
- Local Government Act 1993
- Government Information (Public Access) Act 2009
- Copyright Act 1968
- Environmental Planning & Assessment Act 1979
- Government Information (Public Access) Act 2009
- Privacy & Personal Information Act 1998
- International Standard on Records Management AS ISO 15489-2017
- QPRC Information Management Strategic Plan 2019
- QPRC Code of Conduct

## **6. CONTENT:**

### **6.1 Purpose of this Policy**

The purpose of this Records Policy is to ensure that full and accurate records of all activities and decisions of the Council are created, managed and retained or disposed of appropriately, and in accordance with relevant legislation. This will:

- Enable the Council to achieve information accessibility, business enhancement and improvement.
- Allow Council to meet its obligations for accountability while ensuring that it protects the rights and interest of the Council.
- Ensure that Council is complying with NSW legislative requirements in respect of record management

### **6.2 Application of this policy**

All Council Officials must comply with the policy, and associated Records Management Directive and Business Rules, in their conduct of official business for the Council. This policy applies to records in all formats.

### **6.3 It is the responsibility of Council Officials to ensure that records created by them in the performance of their duties are properly preserved in Council's Record Management System (ECM).**

- 6.4 All records and documents (regardless of format) created and/or received by Council Officials on Council-owned systems/hardware belong to QPRC and as such are assets for the use of Council and the community where appropriate.
- 6.5 It is the responsibility of Council Officials to comply with Council's record management processes to ensure they meet their record keeping responsibilities and that the records they create are full and accurate and saved into Council's Record Management System (ECM).
- 6.6 In particular Council Officials have an obligation to:
- Make records to support the conduct of their business activities
  - **Make file notes to record verbal advice provided to customers in face-to-face meetings or on the telephone**
  - Register records into Council's Records Management System (ECM)
  - Learn how and where records are kept within council
  - Not dispose of or destroy records (see Cl.6.7)
  - Not lose records (if in hardcopy format)
  - Meeting their training requirements for 'good record management'
- 6.7 Disposal of Records
- The disposal of Council records is only to be carried out by authorised QPRC Council staff in accordance with the State Records General Disposal Authorities (GA39, GA45) and in consultation with the Team Leader Records.
- 6.8 Council Officials are obliged to attend Records Management education and training courses to ensure their compliance with recordkeeping requirements as set out in this policy and the Information Management Strategic Plan.
- 6.9 Council Officials need to understand their general conduct obligations as set out in the QPRC Code of Conduct which requires them to '*act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out [their] functions...*' This requirement applies directly to the obligations as set out in Clause 6.6 of this policy.

## 7. REVIEW

- 7.1 This policy is a local policy and accordingly will be **reviewed or confirmed within the first 12 months** after the declaration of the poll for the next NSW general local government election, unless revoked sooner by Council. [**Note:** automatic revocation of this policy is provided for under s.165(4) of the *Local Government Act 1993*. The next general local government election is scheduled to be held in September 2020].

This policy may be reviewed and updated as necessary if:

- (a) legislation requires it, or
- (b) Council's functions, structure or activities change.

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# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Council Meeting Attachment

24 JUNE 2020

ITEM 9.16            UPDATING AND HARMONISATION OF COUNCIL POLICIES

ATTACHMENT 2    PUBLIC ART POLICY



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# Public Art Policy

Date policy was adopted:		CEO Signature and date
Resolution number:		
Next Policy review date:		
Reference number:		
Strategic Pillar		
Responsible Branch		DD/MM/YYYY

## 1. OUTCOMES:

- 1.1 Queanbeyan-Palerang Regional Council is committed to the development of a tolerant, diverse and rich natural and cultural heritage.
- 1.2 The rationale for having in place a public art policy is:
  - 1.2.1 Council supports Public Art in the region, and believes in building a sense of place and local identity through appropriate and high quality art pieces.
  - 1.2.2 Public Art can enhance public spaces by reflecting local stories, community interests and themes.
  - 1.2.3 Public Art can be a local attraction which may result in strong economic benefit to the region.
  - 1.2.4 Public Art can also be a medium which grows community engagement, culture, and identity.
  - 1.2.5 Public Art is a visible consequence of community 'place-making'.
- 1.3 As the most visible and accessible art form, public art plays an important role in contributing to the life of the region and as such the key purpose of this policy is to integrate public art into the fabric of the region and to enrich the public domain.

## 2. POLICY

- 2.1 This policy guides the development of public art within the Queanbeyan-Palerang Local Government Area which also covers the acquisition, commissioning, placement, management, maintenance and decommissioning of public art work within the region.

## 3. SCOPE OF THE POLICY:

- 3.1 This policy will guide and form the criteria for assessment of all public art:
  - commissioned and managed by Council
  - commissioned or developed by associations, property developers, businesses and individuals or groups within the community in partnership with the Council.
  - donated or commissioned by external bodies (including government) for the benefit of the community.
- 3.2 This policy is supported by the 'Implementation Guidelines for Public Art' developed by the QPRC internal Public Art Working Party.
- 3.3 Unapproved graffiti, signage and art pieces on private property are **not** considered 'public art' and are not covered by this policy.

## 4. DEFINITIONS:

- 4.1 **'Public Art'** refers to any art medium planned to be in a public place or precinct or building accessible to the general public. Pieces can be long term (permanent intent) or temporary (such as pop-up installations, street art, projection art, or similar). Art Concepts and design features in buildings and precincts can be classified as Public Art.
- 4.2 **Public Art** is **not** 'functional' park equipment or seating, natural landscape features, most gardens, heritage items or historic memorials.
- 4.3 **'Public Spaces'** includes streets, public parks and facilities, civic buildings and precincts, foyers and spaces in public buildings, and outdoor spaces accessible from public buildings.

## 5. LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS:

5.1 The Public Art Policy aligns with:

***Strategic Pillar 1: Community***

*1.1.1 We build on and strengthen our community cultural life and heritage*

***Strategic Pillar 2: Choice***

*2.1.1 We will continue the ongoing revitalisation of the Queanbeyan CBD Suburban Centres and rural villages.*

5.2 All public art installations will comply with the relevant QPRC Plans, Strategies and Guidelines and Council building requirements along with any relevant Australian Standards, WHS and Intellectual Property legislation, and any relevant contract obligations.

## 6. CONTENT:

### 6.1 GUIDELINES AND CRITERIA FOR PUBLIC ART

Evaluation and approval of all proposed public artworks proposed for the Queanbeyan-Palerang Region will be based on the following criteria:

- 6.1.1 Relevance to the objectives and actions of the Community Strategic plan and other relevant Council planning and transformation strategies;
- 6.1.2 Standards of excellence and innovation;
- 6.1.3 The integrity of the work;
- 6.1.4 Relevance and appropriateness of the work to the context of its site;
- 6.1.5 Consistency with current planning, heritage and environmental policies; Plans of Management;
- 6.1.6 Consideration of public safety and the public's access to and use of the public domain;
- 6.1.7 Consideration of maintenance and durability requirements;
- 6.1.8 Evidence of funding source and satisfactory budget including an allocation for ongoing maintenance;
- 6.1.9 Non-duplication of monuments commemorating the same or similar events; and
- 6.1.10 Consideration for a holistic approach to public art in the City.

### 6.2 THE QPRC PUBLIC ART WORKING GROUP

- 6.2.1 Council has established a Public Art Working Group to examine the feasibility of public art options within its place-making framework.
- 6.2.2 The QPRC Public Art Working Party will include representatives from:
  - Urban Landscapes
  - Culture and Art (including community representatives)
  - Place-making

- Development and Planning
- Finance and Assets (when applicable)

6.2.3 This group will review the guidelines for implementing the Public Art Policy.

6.2.4 The working group will manage Council processes which may include installation, ongoing maintenance and repair and de-installation of public art works.

6.2.5 The working group will report to Council to seek endorsement of public art projects arising from its deliberations.

### 6.3 FUNDING NEW PUBLIC ART

6.3.1 The QPRC Culture and Art team and Grants Officer will assist Council staff, community groups and individuals to apply for appropriate grant funding for Public Art Projects.

6.3.2 Council will proactively seek to include contributions toward the provision of public art when Local Infrastructure Policies and Fixed Levy Contribution Plans are being reviewed or a Local Planning Agreement is being negotiated as part of development proposals in key areas such as CBDs, town centres and special precincts within Queanbeyan-Palerang.

6.3.3 Donations and Gifts of artworks intended for public places will be assessed, in accordance with the policy, by the QPRC Cultural Development and Public Art Committee.

### 6.4 PLACEMENT OF PUBLIC ART

6.4.1 QPRC will seek to incorporate visual arts components or design features in any new Council buildings, recreation facilities and parks throughout the region.

6.4.2 Council will endeavour to add to the identity of our towns and villages with visible art works as visitors enter or leave the areas.

6.4.3 Council will support public art programs which invigorate our public spaces.

6.4.4 Where possible, Public Art will tell a story reflecting the unique strengths, achievements and history of our region.

## 7. REVIEW

7.1 This policy is a local policy and accordingly will be reviewed or confirmed within the first 12 months after the declaration of the poll for the next NSW general local government election, unless revoked sooner by Council. [Note: automatic revocation of this policy is provided for under s.165(4) of the *Local Government Act 1993*. The next general local government election is scheduled to be held in September 2020].

This policy may be reviewed and updated as necessary if:

- (a) legislation requires it, or
- (b) Council's functions, structure or activities change.

# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Council Meeting Attachment**

**24 JUNE 2020**

ITEM 9.16            UPDATING AND HARMONISATION OF COUNCIL POLICIES

ATTACHMENT 3    UNSOLICITED PROPOSALS POLICY

# **Unsolicited Proposals** **Policy**

<b>Date policy was adopted:</b>		<b>CEO Signature and date</b>
<b>Resolution number:</b>		
<b>Next Policy review date:</b>		
<b>Reference number:</b>		
<b>Strategic Pillar</b>		
<b>Responsible Branch</b>		DD/MM/YYYY

## 1. OUTCOMES:

- 1.1 Council has developed this policy to provide guidance on dealing with approaches by the private sector and individuals with proposals for the Council dealing with land purchases, business development, participation in a joint venture and other proposals.
- 1.2 The aim of the policy is to:
- Ensure good governance is followed by Council in dealing with these proposals
  - A clear and transparent process is followed to assist the Council and private sector working together to develop and deliver innovative outcomes for the community, and
  - Provide consistency and certainty for proponents as to how their unsolicited proposal will be assessed within a transparent framework.

## 2. POLICY:

- 2.1 In its daily operations the Council, Councillors and Council staff are sometimes approached by the private sector and individuals with specific proposals for the Council to consider. The *Unsolicited Proposals Policy* works in concert with Council's *Unsolicited Proposals Procedure* to provide guidance to both Council and proponents on proposals which it has not publicly sought expressions of interest.

## 3. SCOPE OF THE POLICY:

- 3.1 This policy applies to all unsolicited proposals submitted by the private sector and individuals as described in Section 1.1.

## 4. DEFINITIONS:

**Assessment Criteria** - The criteria upon which Unsolicited Proposals will be assessed

**Intellectual Property** - Inventions, original designs and practical applications of good ideas protected by statute law through copyright, patents, registered designs, circuit layout rights and trademarks; also trade secrets, proprietary know-how and other confidential information protected against unlawful disclosure by common law and through additional contractual obligations such as Confidentiality Agreements.

**Proponent** - The person or organisation that submits an Unsolicited Proposal

**Unsolicited Proposal** - An approach to the Council from a Proponent with a proposal to deal directly with the Council over a commercial proposition, where the Council has not requested the proposal. This may include proposals to build and/or finance infrastructure, provide goods or services, or undertake a major commercial transaction.

## 5. LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS:

- *Unsolicited Proposals – Guide for Submission & Assessment*, NSW Government, August 2017

- *NSW Public Private Partnerships Guidelines 2017*, NSW Treasury, TPP17-07
- *Environmental Planning & Assessment Act 1979*
- *Local Government Act 1993*
- *QPRC Unsolicited Proposals Procedure*

## 6. CONTENT:

- 6.1 Council is sometimes approached by the private sector and individuals with specific proposals for it to consider including, land purchases, business development, participation in a joint venture and other proposals. To assist with this process Council has developed this policy and a procedure to consider these unsolicited proposals to ensure a transparent and streamlined approach to assist the Council and the private sector working together to develop and deliver innovative ideas.
- 6.2 The aim of this policy and procedure is to provide consistency and certainty to the private sector as to how any unsolicited proposal to the Council will be assessed within a transparent framework.
- 6.3 The focus of unsolicited proposals is on unique and innovative projects or services and is not designed to replace applicable environmental and planning assessment processes.
- 6.4 If Council decides to progress an unsolicited proposal it should not be interpreted as any form of explicit or tacit support for the required planning approvals. All proposals will be required to meet the required approvals as set out in the relevant legislation.
- 6.5 Council will apply a three stage assessment process to guide the evaluation of any unsolicited proposal consisting of:

### **Stage 1**

- 6.5.1 **Initial Submission and Preliminary Assessment** where Council staff will undertake a Preliminary Assessment of the proposal to determine if the submission constitutes an unsolicited proposal and if it contains sufficient potential grounds to justify direct dealing and a Stage 1 assessment.
- 6.5.2 **Strategic Assessment of Initial Submission** which includes a comprehensive initial assessment of the proposal to identify the potential benefit to Council of further consideration and development with the Proponent.

### **Stage 2**

- 6.5.3 **Detailed Proposal** which requires the Proponent and Council to work cooperatively in the development and assessment of a Detailed Proposal.

### **Stage 3**

- 6.5.4 **Negotiation of Final Binding Offer** which involves the finalisation of all outstanding issues with a view to entering into a binding agreement, should the Council accept the final offer.



- 6.6 The Guiding Principles for dealing with and assessing unsolicited proposals will be:
- 6.6.1 **Optimising Outcomes** - Proposals must be considered in light of the wider benefits and strategic outcomes that may be derived.
- 6.6.2 **Uniqueness** - the uniqueness needs to apply to both the proposal and the proponent by clearly demonstrating the unique benefits of the proposal and the unique ability of the proponent to deliver the proposal. *Note: Proposals that are NOT considered unique are unlikely to be progressed.*
- 6.7 The following assessment criteria will be applied to any proposal consisting of:
- Uniqueness
  - Value for Money
  - Return on Investment
  - Capability and Capacity
  - Affordability
  - Risk Allocation
- 6.8 Where the Council assesses a proposal as not meeting the criteria, including uniqueness, the Council reserves its usual right to go to market. The Proponent will be provided with the opportunity to participate in the procurement process should the concept be offered to the market.
- 6.9 Council will take all the necessary steps to conduct its commercial dealings with integrity through the application of established probity principles and in accordance with the Council's adopted probity framework which will ensure it:
- Maintains impartiality
  - Maintains accountability and transparency
  - Manages conflicts of interest
  - Maintains confidentiality, particularly in respect of commercial confidentiality and the protection of intellectual property, and
  - Obtains value for money
- 6.10 Council's *Unsolicited Proposal's Procedure* will set out the steps and processes to be followed to ensure it addresses the guiding principles, assessment criteria and probity requirements for dealing with any such proposal.

## 7. REVIEW

- 7.1 This policy is a local policy and accordingly will be reviewed or confirmed within the first 12 months after the declaration of the poll for the next NSW general local government election, unless revoked sooner by Council. [Note: automatic revocation of this policy is provided for under s.165(4) of the *Local Government Act 1993*. The next general local government election is scheduled to be held in September 2020].

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# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Council Meeting Attachment**

**24 JUNE 2020**

ITEM 9.16            UPDATING AND HARMONISATION OF COUNCIL POLICIES

ATTACHMENT 4    PROBITY POLICY



# PROBITY POLICY

<b>Date policy was adopted:</b>		<b>CEO Signature and date</b>
<b>Resolution number:</b>		
<b>Next Policy review date:</b>		
<b>Reference number:</b>		
<b>Strategic Pillar</b>		
<b>Responsible Branch</b>		DD/MM/YYYY

Please note: Apart from definitions, all paragraphs are to be numbers. ie 1.1, 1.2 etc

## 1. OUTCOMES:

- 1.1 Queanbeyan-Palerang Regional Council may from time-to-time become involved in development projects within the local government area either as a land owner or as a partner in a joint-venture development.
- 1.2 This Probity Policy has been developed to ensure that probity principles are followed so that the community can be assured that fair, open and ethical behaviour is followed by Council in all its dealings.

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## 2. POLICY:

### 2.1 Role of Council in Development Projects

Council may have a number of potential roles in respect of Development Projects that are to be undertaken, including:

- 2.1.1 As landowner;
- 2.1.2 As potential vendor of properties;
- 2.1.3 A responsibility for undertaking procurements relating to Development Projects;
- 2.1.4 As policy maker, acting on behalf of the community;
- 2.1.5 As the potential consent authority for the development of a property; and
- 2.1.6 As a developer, either in its sole capacity or jointly with another party.

### 2.2 The Council and Council officials have certain legal, policy and ethical obligations applying to their conduct in relation to the development activities, including in relation to, and arising from, the following:

- 2.2.1 The Council's Code of Conduct;
- 2.2.2 The responsibility of the CEO/General Manager to ensure the efficient and effective operation of the Council under section 335 of the *Local Government Act 1993* (NSW) (LGA);
- 2.2.3 Conducting tenders (including for the purposes of this Probity **Policy** and any related Probity Plan any calls for expressions of interest) in accordance with the LGA and the *Local Government (General) Regulation 2005* (NSW) (LGR); and
- 2.2.4 Any other obligations that Council officials and members of Council's committees (including advisory committees) have under law and policy, including the *Local Government Act 1993* (LGA), *Local Government Regulation 2005* (LGR) and related Council policies (including the Council's

Code of Conduct, Statement of Business Ethics, Decision-Making Framework, Governance Framework, Legislative Compliance Policy, Procurement Policy and Unsolicited Proposals Policy).

- 2.3 The community and stakeholders involved in the Development Activities have a legitimate expectation that Councillors and other personnel involved in the Development Activities, will perform their duties in an open, fair and unbiased way and that the decisions they make will not be affected by self-interest or personal gain.
- 2.4 The purpose of the Probity Policy is to:
- 2.4.1 Establish broad principles for identifying and managing probity issues that arise from the date of approval of the Policy until the conclusion of all significant Development Projects the Council may be party to or directly involved in within the Queanbeyan-Palerang Local Government Area (LGA);
  - 2.4.2 Complement and support the objectives of any specific Probity Plans (e.g. plans that may apply to Procurement Personnel or Development Personnel, as outlined in section 6 below); and
  - 2.4.3 Ensure that Council's deliberations in relation to the Development Activities and the conduct of Project Personnel (described in section 0) always reflect due process and occur in accordance with recognised probity principles as well as other applicable legal, policy and ethical obligations as referred to in section 6.2 and
  - 2.4.4 Provide a policy framework against which probity reviews can be undertaken, if and when required.
  - 2.4.5 Provide general guidance to Councillors, Council staff, parties that may do business with Council and the general community on the management of probity issues
- 2.5 This Probity Policy and any related Probity Plan does not replace, but is in addition to, any other obligations applying to the Council and Council officials, including under the LGA, LGR, *State Records Act 1998* (NSW), the *Government Information (Public Access) Act 2009* (NSW) or other relevant law or applicable policy.

### **3. SCOPE OF THE POLICY:**

- 3.1 This Probity Policy applies to the following personnel who may be involved in Development Activities or who may have access to information relating to the same, including:
- 3.1.1 Councillors;
  - 3.1.2 Members of any Council committees, advisory (or similar) committees, including Councillors and members of such committees who are not Councillors;
  - 3.1.3 Members of Council staff; and

- 3.1.4 Any advisors or consultants (including sub-contractors) to the Council or any committee working on, considering, or providing services in relation to a Development Project or Development Activities.
- 3.2 This Probity Policy applies to all Project Personnel and may be extended to include additional individuals over time, as those individuals commence participating in the project governance forums and/or any Development Projects.
- 3.3 Project Personnel will be provided with a copy of this Probity Policy and are required to complete a conflict of interest declaration (see Schedule 1) and confidentiality agreement (in the form of the Schedule 2 Confidentiality Agreement) relevant to their role in the Development Activities and/or any Development Project.
- 3.4 All Project Personnel are required to read, understand and comply with this Probity Policy.

#### **4. DEFINITIONS:**

- 4.1 **Probity:** in the context of this policy is defined as acting with 'integrity, uprightness and transparency' to ensure that Council acts in an open and fair manner demonstrating the highest levels of integrity consistent with the public interest in all its dealings relating to development projects it may have involvement and/or an interest in.

#### **5. LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS:**

- 5.1 The following legislation and policies are relevant for the provisions of this policy:
- Local Government Act 1993
  - Local Government (General Regulation) 2005
  - QPRC Code of Conduct
  - QPRC Procurement Policy
  - QPRC Legislative Compliance Policy
  - QPRC Governance Framework
  - QPRC Decision-Making Framework
  - QPRC Decision-Making Policy
  - QPRC Records Policy
  - QPRC Unsolicited Proposals Policy
  - Government Information (Public Access) Act 2009
  - QPRC Statement of Business Ethics

#### **6. Content**

##### **6.1 Probity Policy and Probity Plans**

- 6.1.1 The Council has established this Probity Policy to govern all Development Activities with a view to ensuring adherence to the probity principles described in Section 6.2 below throughout all Development Activities.

- 6.1.1 This Probity Policy includes the general probity principles that will apply for the duration of all these significant Development Activities, to assist Project Personnel to manage information and conduct their roles appropriately.
- 6.1.2 Where any specific procurement activity is to be undertaken as part of these significant Development Activities, a separate Probity Plan in substantially the same form as the Schedule 3 Probity Plan template that will be established for that procurement activity. Project Personnel involved in the relevant procurement will be required to read, understand and comply with that Probity Plan, in addition to this Probity Policy.
- 6.1.3 Where specific development or divestment activity is to be undertaken as part of the Development Activities (i.e. other than procurement), the Council may choose to establish a separate Probity Plan in substantially the same form as the Schedule 3 Probity Plan template for that activity if Council considers that such a Probity Plan (additional to this Probity Policy) is necessary to maintain probity in that particular activity. Project Personnel involved in that development or divestment activity will be required to read, understand and comply with any such Probity Plan, in addition to this Probity Policy. Where such a Probity Plan is not developed, this Probity Policy continues to apply to those activities.
- 6.1.4 The Probity Plan(s) will include the specific Probity Protocols that the relevant Project Personnel will be required to follow for the nominated Development Activities.

## **6.2 Development Activity Probity Principles**

- 6.2.1 Council and all Project Personnel, in all dealings, must endeavour to be fair and open, and demonstrate the highest levels of integrity consistent with the public interest.
- 6.2.2 Probity principles are an important aspect of conducting open, fair, accountable and consistent processes relating to all Council activities including Development Activities.
- 6.2.3 In all commercial dealings undertaken in connection with the Development Activities, Council and all Project Personnel will observe the highest standard of probity.
- 6.2.4 The applicable probity principles are reflected in the LGA, LGR and Council policies. In addition, and without affecting such obligations, all Development Activities will comply with the following probity principles:
  - 6.2.4.1 Honesty and impartiality;
  - 6.2.4.2 Identification and management of conflicts of interest;
  - 6.2.4.3 Appropriate security and confidentiality arrangements;
  - 6.2.4.4 Consistency, fairness and due diligence;
  - 6.2.4.5 Use of open and competitive processes, as required;

6.2.4.6 Compliance with legal and policy Policy,

in conjunction with the Council's Code of Conduct, Statement of Business Ethics, Decision-Making Framework and Policy, Governance Framework and Policy, Legislative Compliance Policy, Procurement Policy and Unsolicited Proposals Policy and other relevant Council policies as well as relevant NSW Government guidance materials.

- 6.2.5 All Development Activities should be documented to record a clear audit trail. This will provide evidence that all Development Activities have been carried out appropriately, and may assist in demonstrating that Council and Project Personnel have acted in accordance with the above probity principles, this Probity Policy and any related Probity Plan and applicable obligations under law and policy.

### 6.3 Fundamental Principles

- 6.3.1 In order to ensure that all members of the public can have complete confidence in the integrity of the Development Activities, all Project Personnel must respect and adhere to the following fundamental principles of ethical conduct (Fundamental Principles).

- 6.3.2 These Fundamental Principles will apply to all Council Development Activities and Development Projects, in addition to the protocols set out in any Probity Plan made in conjunction with this Probity Policy.

- 6.3.3 Perception of breach

Project Personnel must:

- 6.3.3.1.1 ensure that their conduct does not give rise to a perception that would allow for the erosion of industry and community confidence in the way the Development Activities are conducted; and
- 6.3.3.1.2 avoid any conduct that may increase the risk of issues of the integrity of the Development Activities being raised as a matter of public concern.

- 6.3.4 Honesty and Impartiality

Project Personnel must act:

- 6.3.4.1.1 impartially and not give preferential treatment to any government entity, council, private organisation or individual; and
- 6.3.4.1.2 lawfully, fairly, honestly and in the best interests of the Council.

- 6.3.5 At all times during the Development Activities, any potential suppliers, developers or purchasers must be treated in a fair, honest, and equitable manner.



6.3.6 Consistency of Information:

- 6.3.6.1 Consistent and uniform information must be provided to the community and relevant industry participants as part of the Development Activities to ensure that any single party does not receive an unfair advantage over another in any Development Project.
- 6.3.6.2 Schedule 4 provides guidelines for the provision of information to tenderers to ensure consistency of information and that no one receives an unfair advantage over another.
- 6.3.6.3 Where appropriate, responses to enquiries to Council or a related committee in relation to the Development Activities should be provided to the community and relevant industry participants more broadly, subject to any editing necessary to maintain confidentiality.
- 6.3.6.4 Council and Project Personnel must not disclose proprietary information to any person who is not authorised to receive such information.
- 6.3.6.5 Consideration should be given to appointing a single point of contact for all enquiries in relation to any Development Activities (Contact Officer) (noting that specific Development Projects may have a different single point of contact appointed as provided for in the applicable Probity Plan.
- 6.3.6.6 With the exception of the Contact Officer, Project Personnel who are contacted by the community and/or relevant industry participants in the course of the Development Activities must direct them to the Contact Officer and not provide any information relating to the Development Project.

6.3.7 Conflicts of Interest

- 6.3.7.1 Conflicts of interest arise when persons are influenced, or appear to be influenced by personal or private interests when carrying out their public or professional duty. The failure to properly manage conflict of interest issues arising in the course of the Development Activities could result in:
  - 6.3.7.1.1 The perception that the Development Activities lack independence; or
  - 6.3.7.1.2 The potential for corruption,which could affect the integrity of the Development Activities.
- 6.3.7.2 To avoid the potential for conflicts of interest to arise, Project Personnel:

- 6.3.7.2.1 Must exercise their powers and discharge their duties (if any) in good faith in the best interests of Council, and for a proper purpose; and
- 6.3.7.2.2 Should avoid placing themselves under any financial or other obligation that might unduly influence them in the performance of their role in Development Activities.

6.3.7.3 Project Personnel must:

- 6.3.7.3.1 Place loyalty to laws and ethical principles above private gain and any such personnel must not hold pecuniary interests that conflict with the performance of their role in the Development Activities;
- 6.3.7.3.2 Not engage in financial transactions using non-public Council information or allow the improper use of such information to further any private interest;
- 6.3.7.3.3 Endeavour to avoid any actions creating the appearance that they are violating the law or these ethical principles;
- 6.3.7.3.4 Declare any relationship that could give rise to a real or apparent conflict of interest or a potential or perceived conflict of interest in relation to the process by completing the relevant declaration, either Schedule 1A - Declaration for Councillors, Schedule 1B - Declaration for non-Councillors or Schedule 1C - Declaration for Council staff.

6.3.7.4 Project Personnel must also:

- 6.3.7.4.1 Declare any conflicts of interest that arise during the Development Activities; and
- 6.3.7.4.2 Act in accordance with the Council's Code of Meeting Practice in relation to declaring conflicts of interest at Council meetings and meetings of Council committees (other than advisory committees),

6.3.7.5 Project Personnel must provide a copy of their declaration of conflict of interest to the Contact Officer. The Contact Officer may refer declarations to the Probity Advisor for advice. In the event that the Contact Officer has a conflict of interest, the matter must be referred to either:

- 6.3.7.5.1 The Council's Public Officer; or
- 6.3.7.5.2 The Probity Advisor directly.

6.3.7.6 The Contact Officer should maintain registers of the following documents provided by Project Personnel:

6.3.7.6.1 A register of conflicts of interest declarations; and

6.3.7.6.2 A register of confidentiality agreements.

6.3.8 Conflict of interest arising from Council's varying roles

6.3.8.1 Council is committed to ensuring that, in the exercise of its regulatory functions, it acts consistently, transparently and without bias, particularly where an activity of the Council is affected.

6.3.8.2 Council's varying roles in respect of the Development Activities include those roles listed in section 2.1.

6.3.8.3 A conflict of interest on Council's part could also arise or be perceived to arise where Council exercises other statutory functions in relation to Development Activities.

6.3.8.4 The risk is that Council's commercial interest in the matter could influence Council's exercise of its statutory duties or functions, or be perceived to do so.

6.3.8.5 For example, in its role as the relevant statutory planning authority, Council may also have to make decisions in relation to:

6.3.8.5.1 Preparing, considering or determining draft plans (including local environmental plans, development control plans) or other strategic planning instruments, plans, policies or codes in connection with Development Activities; and

6.3.8.5.2 Considering and making determinations in relation to development applications that may be lodged with Council in relation to its property portfolio.

6.3.8.6 A situation where a transaction (arising from the Development Activities) taints or is seen to taint Council's exercise of its discretion as a statutory planning authority or as the consent authority must be avoided.

6.3.8.7 Accordingly, having regard to the recommendations of the Independent Commission Against Corruption (including in particular, Recommendation 9 of the ICAC position paper, *Corruption risks in NSW development approval processes*, dated September 2007), Council will take steps to engage suitably qualified experts to provide an independent assessment of development applications submitted in respect of its properties where such proposed development arises from or is in some way connected with the Development Activities. This independent assessment will include a consideration of the planning merits of the development proposal and any submissions received from the public.

6.3.8.8 The independent assessor will be required to provide Council with a report outlining its findings, which Council will take into consideration when deliberating on whether to approve the proposed development. Council will make this report publicly available.

## **6.4 Probity Advisor**

- 6.4.1 Council will appoint a Probity Advisor from within its Legal Panel to assist with ensuring it meets all probity requirements in respect Development Activities it may be involved in. The Service Manager Legal and Risk will select the Probity Advisor in consultation with Council's General Manager/CEO.
- 6.4.2 The Probity Advisor will assist in establishing processes intended to ensure:
  - 6.4.2.1 Open, fair, accountable and consistent practices, designed to help the Council realise the objectives of Development Activities, consistent with the Council's legal and policy obligations;
  - 6.4.2.2 Defensibility of process and activities conducted as part of the Development Activity, including those arising from legal challenge;
  - 6.4.2.3 That actual, potential or perceived conflicts of interest are identified and effectively managed;
  - 6.4.2.4 Public confidence is preserved in the Council's processes related to the Development Activities; and
  - 6.4.2.5 That all confidential information is secured.
- 6.4.3 The role of the Probity Advisor is to provide probity advice and to assist the Council in ensuring compliance with its probity obligations, this Probity Policy, any related Probity Plan and any significant Development Project process.
- 6.4.4 The Probity Advisor does not play any part in recommending or deciding the outcome of any part of the Development Activities and as such will not take part in any evaluation or assessment discussions (but may independently observe and provide advice on such discussions).
- 6.4.5 The Probity Advisor's role includes:
  - 6.4.5.1 Providing probity briefings to Project Personnel and relevant stakeholders as required by the Council;
  - 6.4.5.2 Review of documentation related to the Development Activities from a probity perspective; and
  - 6.4.5.3 Providing probity advice to the Council, including advice in relation to any conflicts of interest that might arise, strategic probity issues and probity aspects of the Development activities generally.

- 6.5 Except as otherwise provided for in this Probity Policy or a Probity Plan, any probity issues that arise during Development Activities should be brought to the attention of the Contact Officer who will coordinate the provision of probity advice as required. However, where it is not practicable to do so due to urgency or for technical reasons, probity issues may be raised directly with the Probity Advisor with the Contact Officer being subsequently made aware of such probity issues as soon as possible by relevant person.

**7. Amendment to this Probity Policy**

- 7.1.1 Any amendments to, or departures from, the requirements of this Probity Policy will be subject to the instruction of the Council's CEO/General Manager in consultation with the Probity Advisor.

**8. REVIEW**

**Choose the applicable statement**

- 8.1 This policy is a local policy and accordingly will be reviewed or confirmed within the first 12 months after the declaration of the poll for the next NSW general local government election, unless revoked sooner by Council. **[Note:** automatic revocation of this policy is provided for under s.165(4) of the *Local Government Act 1993*. The next general local government election is scheduled to be held in September 2020].

This policy may be reviewed and updated as necessary if:

- (a) legislation requires it, or
- (b) Council's functions, structure or activities change.

**Or**

This is a statutory policy in accordance with Section .... of the *NSW Local Government Act 1993*, and will be reviewed within 12 months after a general local government election.

## **SCHEDULES:**

- **Schedule 1A – Declaration for Councillors**
- **Schedule 1B – Declaration for Non-Councillors**
- **Schedule 1C – Declaration for Council Staff**
- **Schedule 2 – Confidentiality Agreement**
- **Schedule 3 – Probity Plan Template**
- **Schedule 4 – Communication Protocols**
- **Schedule 5 – Business As Usual (BAU) Protocols**



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## Schedule 1 A - Declaration for Councillors

### Queanbeyan-Palerang Regional Council Development Activities (Project)

A copy of this declaration must be forwarded to the Contact Officer.

Name \_\_\_\_\_

Position Title, Organisation \_\_\_\_\_

Role in Project \_\_\_\_\_

**1. I acknowledge that:**

- 1.1 I am a QPRC Councillor whose duties involve participating in the Development Activities.
- 1.2 As a Councillor, I am subject to certain requirements and obligations under law, including the *Local Government Act 1993 (NSW)* and *Local Government (General) Regulation 2005* relating to conflicts of interest;
- 1.3 I am aware of my responsibility to act in accordance with the QPRC Code of Conduct; and
- 1.4 I am required to declare any conflicts of interest (such as private interests or relationships) which could or could be seen to influence or impact on the performance of my role in the Development Activities.

**2. I declare that:**

- 2.1 The list of any conflict of interest identified below has been prepared on the basis of my personal circumstances and particular role in the Development Activities, including my role in any particular Council Development Projects.
- 2.2 With the exception of any conflict of interest identified below, to the best of my knowledge and belief, no actual, potential or perceived conflict of interest exists which may hinder or prevent me from exercising fairly and impartially, and in the best interests of the QPRC, any activity related to the Development Activities.
- 2.3 I will use my best endeavours to ensure that no situation arises which may give rise to an actual, potential or perceived conflict of interest.
- 2.4 I will notify the QPRC Council in accordance with the Development Activities Probity Policy immediately if any circumstances arise during the course of Development Activities, including in relation to any Development Projects, which may give rise to an actual, potential or perceived conflict of interest and will comply with any directions for dealing with that conflict of interest.
- 2.5 I undertake to immediately inform QPRC of any changes to:
  - 2.5.1 my responsibilities or to the issue or subjects on which I am required to make decisions or give advice; and
  - 2.5.2 my personal circumstances that could affect the contents of this declaration and to provide an amended declaration/s using this pro forma.



I declare that to the best of my knowledge neither I nor any member of my immediate family have any interests (pecuniary or otherwise) which could possibly be construed as having any influence, or perceived to have any influence, on the proper and objective performance by me of my duties in relation to the Development Activities other than as detailed below.

**Note:** Council staff completing this form should consider whether the conflicts of interest declared below (if any) also need to be declared in their annual written disclosure of interests.

*Declaration Listing:*  
*[if Nil to declare – write NIL]*

Signature:

Name:

Date:

---

## Schedule 1      B - Declaration for non-Councillors

***[Note: This declaration form is intended to be used by persons who are not Councillors or members of the Council's staff but who will be participating in the Development Activities (for example, a non-Councillor member of a Council committee). Council staff should use the declaration form at Schedule 1C below]***

### **QPRC Property Development Activities (Project)**

A copy of this declaration must be forwarded to the Contact Officer.

**Name** \_\_\_\_\_

**Position Title, Organisation** \_\_\_\_\_

**Role in Project** \_\_\_\_\_

**1. I acknowledge that:**

- 1.1 I will be participating in the Development Activities.
- 1.2 Queanbeyan-Palerang Regional Council requires full probity in the Development Activities, including communications in regards to information about the Development Activities, and all Project Personnel must not be influenced by any conflict of interest.
- 1.3 If any circumstances exist or occur which may give rise to an actual, potential or perceived conflict of interest, full disclosure of the circumstances must be provided immediately to the Council, who will take appropriate steps to ensure the actual, potential or perceived conflict of interest does not adversely affect the Development Activities.

**2. I declare that:**

- 2.1 The list of any conflict of interests identified below, has been prepared on the basis of my personal circumstances and particular role in the Development Activities, including my role in any particular Development Projects.
- 2.2 With the exception of any conflict of interest identified below, to the best of my knowledge and belief, no actual, potential or perceived conflict of interest exists which may hinder or prevent me from exercising fairly and impartially, and in the best interests of the Council, any activity related to the Development Activities.
- 2.3 I will use my best endeavours to ensure that no situation arises which may give rise to an actual, potential or perceived conflict of interest.
- 2.4 I will notify the Council in accordance with the Development Activities Probity Policy immediately if any circumstances arise during the course of Development Activities, including in relation to any Development Projects, which may give rise to an actual, potential or perceived conflict of interest and will comply with any directions for dealing with that conflict of interest.
- 2.5 I will undertake to immediately inform Council of any changes to:

- 2.5.1 my responsibilities or to the issue or subjects on which I am required to make decisions or give advice; and
- 2.5.2 my personal circumstances that could affect the contents of this declaration and to provide an amended declaration/s using this pro forma.

I declare that to the best of my knowledge neither I nor any member of my immediate family have any interests (pecuniary or otherwise) which could possibly be construed as having any influence, or perceived to have any influence, on the proper and objective performance by me of my duties in relation to this Project other than as detailed below.

*Declaration Listing:*  
*[if Nil to declare – write NIL]*

Signature:

Name:

Date:

---

## Schedule 1 C - Declaration for Council staff

### Queanbeyan-Palerang Regional Council Property Development Activities (Project)

A copy of this declaration must be forwarded to the Contact Officer.

Name \_\_\_\_\_

Position Title within Council, \_\_\_\_\_

Role in Project \_\_\_\_\_

**1. I acknowledge that:**

1.1 I am a staff member of QPRC whose duties involve participating in the Development Activities.

1.2 **[For senior staff and 'designated persons' only]** I am subject to certain requirements and obligations under law, including the *Local Government Act 1993* (NSW) and *Local Government (General) Regulation 2005* relating to conflicts of interest.

1.3 I am aware of my responsibility to act in accordance with Council's Code of Conduct.

1.4 I am required to declare any conflicts of interest (such as private interests or relationships) which could or could be seen to influence or impact on the performance of my role in the Development Activities.

**2. I declare that:**

2.1 The list of any conflict of interest identified below has been prepared on the basis of my personal circumstances and particular role in the Development Activities, including my role in any particular Development Projects.

2.2 With the exception of any conflict of interest identified below, to the best of my knowledge and belief, no actual, potential or perceived conflict of interest exists which may hinder or prevent me from exercising fairly and impartially, and in the best interests of the Council, any activity related to the Development Activities.

2.3 I will use my best endeavours to ensure that no situation arises which may give rise to an actual, potential or perceived conflict of interest.

2.4 I will notify Council in accordance with the Development Activities Probity Policy immediately if any circumstances arise during the course of Development Activities, including in relation to any Development Projects, which may give rise to an actual, potential or perceived conflict of interest and will comply with any directions for dealing with that conflict of interest.

2.5 I undertake to immediately inform Council of any changes to:

2.5.1 my responsibilities or to the issue or subjects on which I am required to make decisions or give advice; and

2.5.2 my personal circumstances that could affect the contents of this declaration and to provide an amended declaration/s using this pro forma.

I declare that to the best of my knowledge neither I nor any member of my immediate family have any interests (pecuniary or otherwise) which could possibly be construed as having any influence, or

perceived to have any influence, on the proper and objective performance by me of my duties in relation to the Development Activities other than as detailed below.

**Note:** Council staff completing this form should consider whether the conflicts of interest declared below (if any) also need to be declared in their annual written disclosure of interests.

*Declaration Listing:*  
*[if Nil to declare – write NIL]*

Signature:

Name:

Date:

---

## Schedule 2 Confidentiality Agreement

THIS DEED POLL is made by,

Name: \_\_\_\_\_

Address: \_\_\_\_\_

(the **Confidant**), for the benefit of Queanbeyan-Palerang Regional Council (**Council**).

---

### 1. Background

- a. **[For Councillors and Council staff]** The Confidant is a **Councillor / member of Council staff** whose duties involve participation in the Council's Development Activities.

[OR]

**[For use by other participants]** The Confidant is participating in the Council's Development Activities.

- b. The Confidant provides the undertakings set out below in respect of their involvement and information to be acquired, directly or indirectly, in connection with the Development Activities.
- c. The Council will provide the Confidant with information in the course of their involvement in the Development Activities, which may include information which is Confidential Information to the Council.
- d. The Confidant may also be provided with information in the course of their involvement in the Development Activities, which includes information which is Confidential Information or Personal Information to other parties.
- e. The Confidant acknowledges their responsibility to act in accordance with the Council's *Code of Conduct* in the relation to the use and security of Confidential Information and personal Information.
- f. The Council requires, and the Confidant agrees, that it is necessary to take all reasonable steps (including the execution of this confidentiality deed poll) to ensure that Confidential Information is kept confidential and any privacy obligations with respect to Personal Information are complied with.

---

### 2. Definitions

**Confidential Information** means information that:

- (a) is by its nature confidential;
- (b) is designated by the Council as confidential;
- (c) in the case of the Council's Confidential Information, a party knows or ought to know is confidential; or
- (d) is comprised in or relates to the Material, but does not include information which:
- (e) is or becomes public knowledge other than by breach of this Deed or any other confidentiality obligation; or

- (f) has been independently developed or acquired as established by written evidence.

**Development Activities** mean the development, divestment and related procurement activities, as well as any other activities connected with the planning, undertaking, or implementation, of those activities, conducted by the Council in relation to its properties.

**Material** means any material that is provided by the Council to the Confidant for the purpose of their involvement in the Development Activities, as well as any material which is copied or derived from the material so provided, including, but not limited to, documents, equipment, information and data stored by any means.

**Personal Information** means the information or an opinion:

- (a) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion; and
- (b) of which the Confidant becomes aware because of their involvement in the Development Activities.

**Privacy Act** means the *Privacy and Personal Information Protection Act 1998* (NSW).

---

### 3. Non-disclosure

- 3.1 The Confidant undertakes to treat as secret and confidential all Confidential Information and Personal Information to which the Confidant has access or which is disclosed to the Confidant.
- 3.2 If the Council grants its consent for the Confidant to disclose Confidential Information, it may impose conditions on that consent.
- 3.3 The Confidant undertakes to immediately, if lawful, notify the Council if the Confidant becomes aware that any of the Confidential Information:
- (a) has been used, copied or disclosed in breach of this deed; or
- (b) is required to be disclosed by law or regulatory body.
- 3.4 The Confidant's obligations under this deed poll will not be taken to have been breached where the Confidant is legally required to disclose the Confidential Information.

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### 4. Restriction on use

- 4.1 The Confidant undertakes to use the Confidential Information and Personal Information for the sole purpose of their involvement in the Development Activities.
- 4.2 The Confidant undertakes not to disclose or reproduce the Confidential Information or Personal Information to any person without the prior approval of the Council, and to take all necessary precautions to prevent unauthorised access to or copying of the Confidential Information and Personal Information in the Confidant's control.

---

**5. Privacy and Personal Information Protection Act 1998**

- 5.1 In respect of the Personal Information, the Confidant will comply with the *Privacy and Personal Information Protection Act 1998* (NSW) as if they were a “public sector official” as defined in that Act.

---

**6. Powers of the Council**

- 6.1 Immediately on request by the Council, the Confidant must deliver to the Council all documents in the Confidant’s possession or control containing Confidential Information.
- 6.2 If at the time of such a request the Confidant is aware that documents containing Confidential Information are beyond the Confidant’s possession or control, then the Confidant must provide full details of where the documents containing the Confidential Information are, and the identity of the person who has control of them.

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**7. Survival**

- 7.1 The obligations in this deed are perpetual.

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**8. Applicable law**

- 8.1 This deed will be governed by and construed in all respects in accordance with the law of the State of New South Wales and the Confidant agrees to submit to the applicable jurisdiction of the courts of that State in respect of all matters arising under, or in relation to, this deed.

**EXECUTED** as a Deed Poll

**Signed sealed and delivered by**

\_\_\_\_\_

in the presence of

←

←

\_\_\_\_\_  
Signature of witness

\_\_\_\_\_  
Signature of Confidant

\_\_\_\_\_  
Name of witness (print)

\_\_\_\_\_  
Name of Confidant (print)

\_\_\_\_\_  
Date of execution

\_\_\_\_\_  
Date of execution



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## Schedule 3 Probity Plan

**NOTE:**

*The Probity Policy provides for the development and implementation of separate tailored Probity Plans for procurement and divestment activities.*

*This template Probity Plan is intended to apply to Council Development Projects in conjunction with the Probity Policy for Queanbeyan-Palerang Regional Council Development Activities.*

*In finalising the Probity Plan, Council should read the notes and fill in any missing details.*

*Council's Probity Advisor can provide further advice and assistance in drafting, finalising and implementing any Probity Plan. The Probity Advisors contact details can be obtained from the Service Manager Legal & Risk*

### 1. Background to the Project

- 1.1 The Council is undertaking [**insert name of Project**] as part of its Development Activities within the Queanbeyan-Palerang Local Government Area.
- 1.2 The Project relates to [**insert details**].

**NOTE:**

*Insert in this part details about the Project, including key outcomes sought and whether it is a procurement, development or divestment process.*

*In particular, Council should outlined who the relevant stakeholders in the Process are, whether the Process will include a competitive element such as a tender or, in the case of sale, whether processes such as an auction will be implemented.*

*These details will give context to the application of the probity principles and guide application of the probity protocols in this Probity Plan.*

- 1.3 This Probity Plan has been prepared for the Project, which is a Council Development Project within the meaning of the Probity Policy.

### 2. Probity Plan and Probity Policy

- 2.1 This Probity Plan and the Probity Protocols build on the probity principles in the Probity Policy, in particular in relation to specific probity issues that may arise during the Project.
- 2.2 This Probity Plan should be read and understood in accordance with the Council's Probity Policy for Development Activities. Words and expressions used in the Policy are given the same meaning in this Probity Plan.
- 2.3 The purpose of the Probity Plan and Probity Protocols is to ensure that probity is observed at all times during the Project. This Probity Plan and the Probity Protocols apply throughout the Project Process in addition to the Probity Policy.
- 2.4 This Probity Plan and Probity Protocols does not replace, but is in addition to, any other obligations of Project Personnel, including under the *Local Government Act 1993 (NSW)* (LGA), *Local Government (General) Regulation 2005 (NSW)* (LGR), *State Records Act 1998 (NSW)* or other relevant law.

- 2.5 This Probity Plan and Probity Protocols apply to Project Personnel involved in the Project or who may have access to information relating to the same.

### 3. Probity Principles

- 3.1 The Probity Principles outlined in the Probity Policy apply to the Project, including:
- 3.1.1 honesty and impartiality;
  - 3.1.2 identification and management of conflicts of interest;
  - 3.1.3 appropriate security and confidentiality arrangements;
  - 3.1.4 consistency, fairness and due diligence;
  - 3.1.5 transparency;
  - 3.1.6 use of open and competitive processes, as required;
  - 3.1.7 compliance with legal and policy provisions,
- 3.2 in conjunction with Council's Code of Conduct, Council's Decision-Making Framework, Governance Framework, Legislative Compliance Policy, Statement of Business Ethics, Procurement Policy and Unsolicited Proposals Policy, relevant Independent Commission Against Corruption guidance material<sup>1</sup> and other relevant Council policy.
- 3.3 Project Personnel must also adhere to the Fundamental Principles outlined in the Probity Policy, including in relation to perception of breach.

### 4. Amendment

- 4.1 Any amendments to, or departures from, the requirements of this Probity Plan will be subject to the same approval requirements as the Probity Policy.

### 5. Probity Protocols (Procurement)

#### **NOTE**

*These Probity Protocols are relevant to competitive procurement focused Projects.*

*If the Project relates a divestment process or development process, these protocols should be deleted, as well as the Business as Usual protocols.*

*Council will need to assess the need for the Business as Usual Protocols (e.g. where there is an incumbent provider), see further below.*

#### 5.1 Application

- 5.1.1 These Probity Protocols are applicable to, and must be observed by, all Project Personnel, including members of the Tender Evaluation Team or equivalent (**TET**).

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<sup>1</sup> See, for example: 'Probity and probity advising: Guidelines for managing public sector projects', November 2005, available at <http://ict-industry-reports.com/wp-content/uploads/sites/4/2013/10/2005-Guidelines-for-Probity-in-Public-Sector-Projects-ICAC-Nov-2005.pdf>; 'Corruption risks in NSW development approval processes: Position paper', September 2007, available at [http://www.icac.nsw.gov.au/documents/doc\\_download/1280-corruption-risks-in-nsw-development-approval-processes-position-paper](http://www.icac.nsw.gov.au/documents/doc_download/1280-corruption-risks-in-nsw-development-approval-processes-position-paper); and 'Corruption risks in NSW Government procurement: The management challenge', December 2011, available at [http://www.icac.nsw.gov.au/documents/doc\\_download/3852-corruption-risks-in-nsw-government-the-management-challenge-december-2011](http://www.icac.nsw.gov.au/documents/doc_download/3852-corruption-risks-in-nsw-government-the-management-challenge-december-2011).

- 5.1.2 The Probity Protocols apply throughout the entirety of the Project, from prior to approaching the market (**ATM**) for goods and/or services relating to the Project (for example, by issuing a Request for Proposals, Request for Expressions of Interest or Request for Tender), up to the time a contract is entered into (if any).

## 5.2 Breaches of these Probity Protocols

- 5.2.1 If any person becomes aware of, or believes there is likely to occur, a breach of these Probity Protocols, they should communicate their concerns to the chairperson of the TET (or equivalent, referred to as **Chair of the TET** throughout this Probity Plan) or, if the breach involves the Chair of the TET, to the Probity Advisor directly.

## 5.3 Distribution

- 5.3.1 A copy of the Probity Protocols (and any approved amended version) will be provided to Project Personnel, including:
- (a) the Chair of the TET;
  - (b) all members of the TET;
  - (c) the advisors, including the technical advisors; and
  - (d) any other personnel who may have access to sensitive information relating to procurement activities.
- 5.3.2 It is the responsibility of each of the above Project Personnel to read, understand, and to comply with, the requirements of these Probity Protocols.

## 5.4 Evaluation

- 5.4.1 The evaluation of tenders, proposals or expressions of interest (or equivalent, referred to as **Tenders** throughout this Probity Plan) will be conducted in accordance with:
- (a) the Request For Tender (or equivalent);
  - (b) the Tender Evaluation Plan (or equivalent);
  - (c) rules for conducting tenders outlined in the LGA and LGR (if applicable)<sup>2</sup>; and
  - (d) any relevant Council policies.
- 5.4.2 The roles of Project Personnel involved in the evaluation process will be detailed in the Tender Evaluation Plan.
- 5.4.3 With the exception of the Contact Officer identified in the ATM documents, the identity of members of the TET or any other personnel involved with the Project should not be disclosed to or discussed with any Tenderer.

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<sup>2</sup> The rules for conducting tenders at Chapter 6, Part 3, Division 1 (Tendering) of the LGA and Part 7 (Tendering) of the LGR apply to contracts of the kind specified at section 55 of the LGA.

## 5.5 Gifts and hospitality

- 5.5.1 Members of the TET and any other Project Personnel must not accept gifts or gratuities from Tenderers. Gratuities include, but are not limited to items such as entertainment, transportation, lodging, or services.

## 5.6 Offers of employment

- 5.6.1 Members of the TET and any other Project Personnel must not knowingly solicit or accept future employment or business opportunities from Tenderers or possible future competing Tenderers during the evaluation process.
- 5.6.2 Members of the TET and any other Project Personnel who are approached by a Tenderer regarding the possibility for employment (whether the employment is intended for a period during or after the completion of the Project) must notify the Chair of the TET or the Probity Advisor immediately.

## 5.7 Business meetings and social functions

- 5.7.1 Members of the TET and any other Project Personnel must not attend or participate in social functions or conferences that are primarily sponsored or organised by a Tenderer unless given express permission by the Chair of the TET.
- 5.7.2 Where members of the TET and any other Project Personnel attend or are involved in social or conference activities that are not sponsored or organised by a Tenderer, but where representatives from Tendering entities may be present, discretion and care should be exercised in discussions with Tenderers at such functions in accordance with the Schedule 4 Communications Protocol (the Procurement Process must not be discussed, and, should the Tenderer raise it, they must be told to direct their query to the Contact Officer specified in the RFT, and the conversation must be recorded in writing as soon as possible).
- 5.7.3 It is possible that some personnel may have previous or on-going personal or business relationships with members of Tenderers or with companies in competition with the Tenderer's outside the RFT process. Such individuals should attempt to avoid situations likely to engender a conflict of interest. If a conflict of interest does arise or could be seen to be occurring, the individuals must immediately bring such matters to the attention of the Chair of the TET who will document the matter and inform the Probity Advisor. It is the individual's responsibility to immediately inform the Chair of the TET or Probity Advisor.

### NOTE:

*If council is conducting a procurement where there is an incumbent provider, Council should consider including the BAU Protocols in Schedule 4.*

*If the BAU Protocols are retained then sections 5.7.4 and 5.7.5 should be retained. Otherwise, those sections can be deleted, along with the BAU Protocols schedule.*

- 5.7.4 The requirements of section 5.7.3 are in addition to the requirements in the Schedule 5 Business as Usual (BAU) Protocols and to the obligation to declare conflicts of interest in the Probity Policy.
- 5.7.5 The Schedule 5 Business as Usual (BAU) Protocols is a detailed Protocol for dealing with the incumbent provider. All members of the TET and any other personnel involved in the Procurement Process who have a need to communicate

with the incumbent service provider must comply with the Schedule 5 Business as Usual (BAU) Protocols.

## 5.8 Confidentiality and Information Security

- 5.8.1 In accordance with Part 7, Division 3 of the LGR, all Tenders received by the Council must be securely stored:
- (a) if received in hardcopy, in a secure tender box; and
  - (b) if received by electronic means, in a secure container in TRIM on the Council's computer network,
- and must only be accessible by appropriate Project Personnel.
- 5.8.2 In accordance with Council's Code of Conduct and Statement of Business Ethics Councillors must protect and maintain the integrity and security of confidential information in their possession.
- 5.8.3 All details of Tenders and matters relating to evaluation of them are to be treated as confidential during the Project.
- 5.8.4 Limited copies of Tenders may be made with the prior approval of the Chair of the TET for the purpose of evaluation, provided that each copy is noted in a register maintained by the Chair of the TET, and its confidentiality preserved.
- 5.8.5 Once the Tenders have been evaluated and Council has determined how it will proceed, the destruction of any copies will need to comply with Council policy and Council's legal obligations, including under the LGA and *State Records Act 1998*.
- 5.8.6 The Chair of the TET must ensure that any confidential information (electronic and hard copy) handled by Project Personnel is maintained securely at Council's Offices (**Secure Location**).
- 5.8.7 Confidential information must only be accessible to Project Personnel who have a need-to-know and who have signed a declaration of interests and confidentiality agreement substantially in the form attached to the Probity Policy.
- 5.8.8 Electronic Confidential information will be maintained in a secure environment within Council's electronic document management system (EDRMS) with restricted access.
- 5.8.9 The Chair of the TET is to create and maintain a register to track any documents circulated outside of the Secure Location. Approval to remove Confidential Information from the Secure Location may be provided by the Chair of the TET provided that the security of the confidential information can be assured, and the removal is tracked in the register. As far as practicable, confidential information should not be removed from the Secure Location.
- 5.8.10 Copies of confidential information are not to be produced without the prior written approval of the Chairperson.
- 5.8.11 Where it is necessary to remove confidential information and such approval is approved, its safe keeping is the responsibility of the person removing the information. Confidential information must at all times be either in the personal possession of the individual or locked in a secure environment.

## 6. Probity Protocols (Divestment by Tender)

### **NOTE**

*These Probity Protocols are relevant to divestments undertaken by tender.*

*If the Project relates to a procurement or development, the relevant protocols above or below should be adopted and these protocols removed.*

### **6.1 Application**

- 6.1.1 These Probity Protocols are applicable to, and must be observed by, all Project Personnel.
- 6.1.2 The Probity Protocols apply throughout the entirety of the Project, from prior to approaching the market for tenders up to the time the relevant contract is entered into.

### **6.2 Breaches of these Probity Protocols**

- 6.2.1 If any person becomes aware of, or believes there is likely to occur, a breach of these Probity Protocols, they should communicate their concerns to the Chair of the TET or, if the breach involves the Chair of the TET, to the Probity Advisor directly.

### **6.3 Distribution**

- 6.3.1 A copy of the Probity Protocols (and any approved amended version) will be provided to Project Personnel, including:
  - (a) the Chair of the TET;
  - (b) all members of the TET;
  - (c) the advisors, including the technical advisors; and
  - (d) any other personnel who may have access to sensitive information relating to divestment activities.
- 6.3.2 It is the responsibility of each of the above Project Personnel to read, understand, and to comply with, the requirements of these Probity Protocols.

### **6.4 Evaluation**

- 6.4.1 The evaluation of Tenders will be conducted in accordance with:
  - (a) the Request For Tender;
  - (b) the Tender Evaluation Plan;
  - (c) rules for conducting tenders outlined in the LGA and LGR (if applicable); and
  - (d) any relevant Council policies.
- 6.4.2 The roles of Project Personnel involved in the evaluation process will be detailed in the Tender Evaluation Plan.

- 6.4.3 With the exception of the Contact Officer identified in the ATM documents, the identity of members of the TET or any other personnel involved with the Project should not be disclosed to or discussed with any Tenderer.

## **6.5 Gifts and hospitality**

- 6.5.1 Members of the TET and any other Project Personnel must not accept gifts or gratuities from Tenderers. Gratuities include, but are not limited to items such as entertainment, transportation, lodging, or services.

## **6.6 Offers of employment**

- 6.6.1 Members of the TET and any other Project Personnel must not knowingly solicit or accept future employment or business opportunities from Tenderers or possible future competing Tenderers during the evaluation process.
- 6.6.2 Members of the TET and any other Project Personnel who are approached by a Tenderer regarding the possibility for employment (whether the employment is intended for a period during or after the completion of the Project) must notify the Chair of the TET or the Probity Advisor immediately.

## **6.7 Business meetings and social functions**

- 6.7.1 Members of the TET and any other Project Personnel must not attend or participate in social functions or conferences that are primarily sponsored or organised by a Tenderer unless given express permission by the Chair of the TET.
- 6.7.2 Where members of the TET and any other Project Personnel attend or are involved in social or conference activities that are not sponsored or organised by a Tenderer, but where representatives from Tendering entities may be present, discretion and care should be exercised in discussions with Tenderers at such functions in accordance. The Divestment Process must not be discussed, and, should the Tenderer raise it, they must be told to direct their query to the Contact Officer specified in the RFT, and the conversation must be recorded in writing as soon as possible.
- 6.7.3 It is possible that some personnel may have previous or on-going personal or business relationships with members of Tenderers or with companies in competition with the Tenderer's outside the RFT process. Such individuals should attempt to avoid situations likely to engender a conflict of interest. If a conflict of interest does arise or could be seen to be occurring, the individuals must immediately bring such matters to the attention of the Chair of the TET who will document the matter and inform the Probity Advisor. It is the individual's responsibility to immediately inform the Chair of the TET or Probity Advisor.

## **6.8 Confidentiality and Information Security**

- 6.8.1 In accordance with Part 7, Division 3 of the LGR, all Tenders received by the Council must be securely stored:
- (a) if received in hardcopy, in a secure tender box; and
  - (b) if received by electronic means, in a secure container in TRIM on the Council's computer network,
- and must only be accessible by appropriate Project Personnel.

- 6.8.2 In accordance with Council's Code of Conduct and Statement of Business Ethics Councillors must protect and maintain the integrity and security of confidential information in their possession.
- 6.8.3 All details of Tender and matters relating to evaluation of them are to be treated as confidential during the Project.
- 6.8.4 Limited copies of Tenders may be made with the prior approval of the Chair of the TET for the purpose of evaluation, provided that each copy is noted in a register maintained by the Chairperson, and its confidentiality preserved.
- 6.8.5 Once Tenders have been evaluated and Council has determined how it will proceed, the destruction of any copies will need to comply with Council policy and Council's legal obligations, including under the LGA and *State Records Act 1998* (NSW).
- 6.8.6 The Chair of the TET must ensure that any confidential information (electronic and hard copy) handled by Project Personnel is maintained securely at Council's Offices (**Secure Location**).
- 6.8.7 Confidential information must only be accessible to Project Personnel who have a need-to-know and who have signed a declaration of interests and confidentiality agreement substantially in the form attached to the Probity Policy.
- 6.8.8 Electronic Confidential information must be maintained in a secure environment on Council's computer network and secured by a password, which is available only to relevant Project Personnel and systems administrators.
- 6.8.9 The Chair of the TET is to create and maintain a register to track any documents circulated outside of the Secure Location. Approval to remove Confidential Information from the Secure Location may be provided by the Chair of the TET provided that the security of the confidential information can be assured, and the removal is tracked in the register. As far as practicable, confidential information should not be removed from the Secure Location.
- 6.8.10 Copies of confidential information are not to be produced without the prior written approval of the Chairperson.
- 6.8.11 Where it is necessary to remove confidential information and such approval is approved, its safe keeping is the responsibility of the person removing the information. Confidential information must at all times be either in the personal possession of the individual or locked in a secure environment.

## 7. Probity Protocols (Development Project)

### **NOTE**

*These Probity Protocols are relevant to Project involving development, such as the consideration of development applications and related decisions by Council (and related Project Personnel).*

*If the Project relates to a procurement or divestment, the relevant protocols above should be adopted and these protocols removed.*

### 7.1 Application

- 7.1.1 These Probity Protocols are applicable to, and must be observed by, all Project Personnel.



- 7.1.2 The Probity Protocols apply throughout the entirety of the Project, from prior to approaching the market for tenders up to the time the relevant contract is entered into.

## **7.2 Breaches of these Probity Protocols**

- 7.2.1 If any person becomes aware of, or believes there is likely to occur, a breach of these Probity Protocols, they should communicate their concerns to the Contact Officer.

## **7.3 Distribution**

- 7.3.1 A copy of the Probity Protocols (and any approved amended version) will be provided to all Project Personnel.
- 7.3.2 It is the responsibility of each of the above Project Personnel to read, understand, and to comply with, the requirements of these Probity Protocols.

## **7.4 Project Conduct**

- 7.4.1 The Project, including the assessment of development applications and related decision making, will be conducted in accordance with the LGA, LGR and other Council policies relevant to development.
- 7.4.2 These Probity Protocols create specific obligations on Project Personnel who may deal with development applications (Applications) or the entities who have lodged such Applications (**Developers**).

## **7.5 Gifts and hospitality**

- 7.5.1 Project Personnel must not accept gifts or gratuities from Developers. Gratuities include, but are not limited to items such as entertainment, transportation, lodging, or services.

## **7.6 Offers of employment**

- 7.6.1 Project Personnel must not knowingly solicit or accept future employment or business opportunities from Developers, in particular when related Applications are being assessed.
- 7.6.2 Project Personnel who are approached by a Developer regarding the possibility for employment (whether the employment is intended for a period during or after the completion of the Project) must notify the Contact Officer or the Probity Advisor immediately.

## **7.7 Business meetings and social functions**

- 7.7.1 Project Personnel involved in the assessment of Applications or related decision making must not attend or participate in social functions or conferences that are primarily sponsored or organised by a Developer.
- 7.7.2 Where Project Personnel involved in the assessment of Applications or related decision making attend or are involved in social or conference activities that are not sponsored or organised by a Developer, but where representatives from Developers may be present, discretion and care should be exercised in discussions with Developers at such functions in accordance. The Project must not be discussed, and, should the Developer raise it, they must be told to direct their

query to the Contact Officer, and the conversation must be recorded in writing as soon as possible.

- 7.7.3 It is possible that some personnel may have previous or on-going personal or business relationships with Developers or with companies in competition with a Developer outside of the Project. Such individuals should attempt to avoid situations likely to engender a conflict of interest. If a conflict of interest does arise or could be seen to be occurring, the individuals must declare that conflict of interest in accordance with the Probity Policy and inform the Probity Advisor. It is the individual's responsibility to make such a declarations and inform the Chair of the TET or Probity Advisor.

## **7.8 Confidentiality and Information Security**

- 7.8.1 All Applications must be kept secure.
- 7.8.2 In accordance with Council's Code of Conduct and Statement of Business Ethics Councillors must protect and maintain the integrity and security of confidential information in their possession
- 7.8.3 All details of Applications and matters relating to assessment of them are to be treated as confidential during the Project.
- 7.8.4 Limited copies of Applications may be made for the purpose of assessment, provided that each copy is noted in a register maintained by the assessment team, and its confidentiality preserved.
- 7.8.5 Once the Applications have been assessed and Council has determined how it will proceed, the destruction of any copies will need to comply with Council's Records policy and Council's legal obligations, including under the LGA and State Records Act 1998.
- 7.8.6 Confidential information must only be accessible to Project Personnel who have a need-to-know and who have signed a declaration of interests and confidentiality agreement substantially in the form attached to the Probity Policy.
- 7.8.7 Project Personnel must ensure that any confidential information (electronic and hard copy) is maintained securely at Council's Offices (Secure Location).
- 7.8.8 Electronic confidential information must be maintained in a secure environment on Council's computer network.
- 7.8.9 The assessment team is to create and maintain a register to track any documents circulated outside of the Secure Location. Confidential information must only be removed from the Secure Location where there is a genuine need and provided that the security of the confidential information can be assured. Any such removal must be tracked in the register. As far as practicable, confidential information should not be removed from the Secure Location.
- 7.8.10 Copies of confidential information are to be kept to a minimum.
- 7.8.11 Where it is necessary to remove confidential information and such approval is approved, its safe keeping is the responsibility of the person removing the information. Confidential information must at all times be either in the personal possession of the individual or locked in a secure environment.

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## Schedule 4 Communications Protocols

### 1. Communications Protocol

- 1.1 The Communications Protocol provides guidelines for the provision of information to Tenderers, and the formulation of responses to enquiries. These guidelines are intended to provide a process for the dissemination of information that will:
- 1.1.1 be appropriate to the Project,
  - 1.1.2 be open and fair,
  - 1.1.3 maintain appropriate security and confidentiality, and
  - 1.1.4 meet the needs of Tenderers and be capable of being accommodated within the resources of all parties.
- 1.2 Consistent and uniform information must be provided to all Tenderers to ensure that one Tenderer does not receive an unfair advantage over another.

### 2. General Enquiries

- 2.1 Project Personnel shall refer any general enquiries that are received in relation to the Request for Tender (or equivalent, RFT) to the Contact Officer for further details.
- 2.2 Any enquiries received prior to the RFT being released should be directed to the Contact Officer.
- 2.3 Under no circumstances should Project Personnel (with the exception of the Contact Officer as provided for in the Probity Policy or Probity Plan) make any comment about the RFT process, including comments about timing, the content of the RFT or the identity of any evaluation personnel.

### 3. Telephone and/or Verbal Enquiries and Conversations

- 3.1 The RFT informs interested parties that all requests for further information relating to the RFT must be made by email to the Contact Officer email address nominated in the RFT.
- 3.2 If members of the TET or any other Project Personnel are contacted by any Tenderer or any other person seeking information about the RFT, they must direct the person making the enquiry to the Contact Officer email address and must not say anything about the Project.

### 4. Written Correspondence

- 4.1 The RFT informs Tenderers that all requests for further information relating to the RFT must be made by email to the Contact Officer nominated in the RFT.
- 4.2 All draft responses to requests for further information must be approved by the Chair of the TET.
- 4.3 Draft responses to requests for further information will be referred, where appropriate, by the Chair of the TET to the Probity Advisor for advice before being issued.
- 4.4 All responses to Tenderers must be sent by email through the Contact Officer email address.
- 4.5 All email correspondence will be recorded and stored securely by Council.

## 5. Meetings

- 5.1 During the period after release of the RFT and until conclusion of the procurement process, contact with Tenderers will be limited to written correspondence or any other form of contact expressly provided for in the RFT.
- 5.2 Meetings with Tenderers as provided for in the RFT must only be held or attended:
- 5.2.1 if permitted by the Chair of the TET;
  - 5.2.2 in accordance with any guidelines determined by the Chair of the TET in consultation with the Probity Advisor. These guidelines may include requirements such as the following:
    - (a) that there be an agenda for each meeting;
    - (b) proceedings at the meetings are to be documented;
    - (c) responses to questions asked by Tenderers are to be confirmed in writing and provided to all other Tenderers;
  - 5.2.3 in accordance with the principles that any communications made at those meetings must not:
    - (a) give, or give rise to the perception of, an unfair advantage to a Tenderer;
    - (b) reveal proprietary or confidential information of another Tenderer; or
    - (c) unfairly disadvantage a Tenderer; and
  - 5.2.4 in accordance with any business as usual protocols where there is an incumbent provider.

## 6. Social functions and other business meetings

- 6.1 If members of the TET or other Project Personnel involved in the procurement are permitted to attend a meeting with, or attend a conference or social function with, an entity that may be a potential Tenderer or is a Tenderer, the following key points should be kept in mind:
- 6.1.1 **no advantage** – any contact with potential or current Tenderers should be undertaken in a way that does not:
    - (a) give, or give rise to the perception of, that that Tenderer has received an unfair advantage;
    - (b) reveal proprietary or confidential information;
    - (c) unfairly disadvantage a potential or current Tenderer;
    - (d) breach the requirements of any business as usual protocols.
  - 6.1.2 **no details of RFT** – at no time should details of the RFT be discussed with a potential or current Tenderer;
  - 6.1.3 **verbal discussions** - any discussions about the RFT process should be conducted so that they cannot be overheard by anyone who does not have a need to know, particularly potential or current Tenderers. Business matters that could affect or are connected to the procurement should not be discussed. Where an

individual attempts to raise issues in respect of the Procurement Process, they should be told that it is not appropriate to discuss such matters. The Chair of the TET should be notified of any such situations; and

- 6.1.4 **email groups** - under no circumstances should information about the RFT be disseminated via an email group which includes any personnel of a potential or current Tenderer, particularly incumbent providers (if any).

**7. Media**

- 7.1 Any media contacts or requests concerning the procurement should be directed to the Contact Officer and notified to the Chair of the TET.

**8. Amendment**

- 8.1 Any amendments to, or departures from, the requirements of this Communications Protocol will be subject to the same approval requirements as the Probity Policy.

**1.1.1**

## Schedule 5 Business As Usual (BAU) Protocols

### 1. Application

- 1.1 In addition to the Probity Protocols in the Probity Plan and the Schedule 4 Communications Protocol, the following BAU Protocols are intended to specifically address probity risks in relation to the 'incumbent' service provider, given that it will likely be responding to the RFT.
- 1.2 The BAU Protocols recognise that Project Personnel, including some members of the Tender Evaluation Team, must be able to continue to communicate with the incumbent service provider, its subcontractors and staff (**Current Provider**) to enable the performance and administration of the current contract to continue unhindered. These Protocols refer to such communication as Business as Usual contact (**BAU contact**).

#### NOTE

*The following section relate in part to transition out of a current incumbent contract. There may also be occasions where transition out is not necessarily relevant and Council could consider removing related sections.*

*The Probity Advisor can provide further advice and assistance in drafting changes to the BAU Protocols.*

- 1.3 They also recognise that specific communication will be required between members of the Tender Evaluation Team and the Current Provider in order to facilitate access to information which will be required for the Procurement Process and to plan for and implement any phase out of the existing contract. These Protocols refer to such communications as **Transition Out contact**.
- 1.4 It is important that BAU contact and Transition Out contact does not provide the Current Provider with any advantage or perception of advantage as against other Tenderers. The BAU Protocols accordingly set in place a regime which, as far as possible, will ensure equal opportunity of access to information about the procurement process by both the Current Provider and all other potential Tenderers.

### 2. Communications with the incumbent

- 2.1 Members of the Tender Evaluation Team must avoid all communications relating to the procurement process with the Current Provider. In particular, details regarding selection criteria, terms and conditions of tender, scope of services, timing of the procurement processes, proposed responses, membership of the Tender Evaluation Team and other related matters should not be discussed under any circumstances, except as provided for in the relevant response documents.
- 2.2 Only those Project Personnel who have legitimate requirements (that is, a requirement which is clearly and expressly part of their appointment, employment or contractual responsibility) and who are authorised to do so, should communicate with the Current Provider.
- 2.3 If members of the Tender Evaluation Team or any other person who is directly involved in the procurement have a legitimate requirement to contact the Current Provider, they should do so only after being cleared to do so by the Chair of the TET. Unless it is clearly authorised by the Chair of the TET, any contact with the Current Provider must not include information about the procurement process.
- 2.4 All internal e-mail groups to be used to disseminate procurement information need to be reviewed to establish whether any of the Current Provider's officers or employees are included in the group.
- 2.5 If approached by the Current Provider to discuss matters relating to the procurement process, members of the Tender Evaluation Team and any other personnel directly involved in the procurement process should inform the Current Provider that such discussions are inappropriate and cannot be continued. The Current Provider should be referred to the Contact Officer for all further communications relating to the procurement process.

- 2.6 Members of the Tender Evaluation Team and any other person involved in the procurement process must immediately report to the Chair of the TET any approach by the Current Provider to discuss matters relating to the procurement process.

### **3. Seeking advice from Probity Advisor**

- 3.1 Prior to authorising contact with the Current Provider, the Chair of the TET may seek advice from the Probity Advisor. The Probity Advisor will consider:
- 3.1.1 whether the proposed contact, the Current Provider and the information to be provided could provide the Current Provider with an advantage over other potential respondents;
  - 3.1.2 whether Council's requirement could be met in another way; and
  - 3.1.3 whether any potential advantage to the Current Provider will be addressed by implementing other processes (for example, by the providing of the same information to all potential Tenderers).

### **4. Contact register**

- 4.1 BAU contact between the Current Provider and Council does not need to be recorded unless it potentially impacts upon the procurement process (for example, if problems with the current level of service provision are discussed, or options for improvement. Any substantial BAU contact – such as feedback on performance, or discussions relating more complex projects or relating to the dispute - should be by way of meetings which are minuted.
- 4.2 Transition Out contact should also be in the form of meetings which are minuted.
- 4.3 Minutes and records of contact with the Current Provider are to be made available to the Probity Advisor on request. The Chair of the TET will discuss with the Probity Advisor in advance of each meeting whether the Probity Advisor should attend.

### **5. Storage of information**

- 5.1 In accordance with the document security provisions in the Probity Plan, any information concerning the procurement process held by Council must be stored securely and Current Provider are not to be permitted access under any circumstances.
- 5.2 Meetings conducted in premises that the Current Provider has access to should be behind closed doors to ensure that discussions are not overheard.
- 5.3 Any unauthorised access to the designated secure area by the Current Provider that comes to the attention of Council must be immediately reported to the Contact Officer. The Contact Officer will initiate further investigations into the matter, as required.

### **6. Amendment**

- 6.1 Any amendments to, or departures from, the requirements of this BAU Protocol will be subject to the same approval requirements as the Probity Policy.

## PROBITY POLICY ACKNOWLEDGEMENT

I acknowledge that I have received a copy of the Probity Policy for the Development Activities and have read and understood my obligations, roles and responsibilities under the Probity Policy.

I acknowledge that I may be subject to further obligations under a corresponding Probity Plan in relation to a specific Council Development Project in conjunction with the Probity Policy as development activities progress.

Signature:

Print Name:

Title:

Date:



# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Council Meeting Attachment**

**24 JUNE 2020**

ITEM 11.1      BUNGENDORE TOWN CENTRE AND ENVIRONS COMMITTEE  
MEETING MINUTES

ATTACHMENT 1      BUNGENDORE TOWN CENTRE AND ENVIRONS COMMITTEE  
MEETING MINUTES 25 MAY 2020



## Bungendore Town Centre and Environs s355 Committee Meeting

25 May 2020 commencing at 6.30 pm

Bungendore Woodworks Gallery, Malbon Street

### MINUTES

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1. **Present:** Andrew Riley (Chair)  
David Mac Laren  
Alan Longhurst

**Also Present:**  
Murray Gough (President BCCI)

The meeting opened at 6.35 pm

2. **Apologies:** Peter Evans
3. **Declaration of Conflicts of Interest**
- 3.1 None declared.
4. **Minutes of Previous Meeting**

The Minutes of the previous meeting on 3 March 2020 were accepted. (Mac Laren/Riley).

5. **Business Arising/Outstanding Actions**

**Treasure Trail**

It was noted that the QPRC's Treasure Trail initiative is on hold due to the Covid 19 restrictions.

**Banners**

Held over. Noted that the BCCI Bush Fire Recovery Project item could be combined with the Committee's action item. To be discussed with QPRC as a post Covid activity.

**Public Art Work.** Members again discussed the process for temporary installation of art works in the context of the Ellendon Street Arts Link. (See the Committee's **RESOLUTION 4/2018 of 6 December 2018** which recommended that Council make such planning provision.) There had been some discussion with Council raising questions about how other jurisdictions tackled such issues. QPRC staff have queried whether BCCI could organise art display.

ACTION: Committee members meet with QPRC staff to discuss further.

**Project Action List**

The Project Action List developed by P Evans to be progressed taking account of new projects listed by BCCI.

**Malbon Street Parking**

Nothing heard from QPRC re reduction in parking adjacent to the Ellendon Street intersection.

**Malbon Street Roundabout**

QPRC had provided reassurance re traffic disruption associated with constructing the roundabout. This information had been passed to BCCI.

**6. Correspondence.**

6.1 **In**  
Nil

6.2 **Out**  
Nil

**7. New Business**

7.1 **Draft Local Strategic Planning Statement.** Members discussed the Draft Planning Statement, and in particular those sections pertaining to Bungendore outcomes. The Committee considered that overall, the Draft Statement was an excellent piece of work, but a wording change to do with the description of the character of the village would remove an implied limitation to Bungendore's path forward.

**RESOLUTION 3/2020**

That the Secretary make a submission to Council endorsing the Draft Local Strategic Planning Statement and requesting a wording change such that on Page 40 Planning Outcomes for Bungendore the words "retains a country/heritage feel" be deleted and the words "retains a country, heritage and contemporary feel that caters for a diverse range of living and business opportunities" be substituted.

**Proposed:** D Mac Laren

**Seconded:** A Longhurst

**Carried:** All

**8. Reports and Discussion.**

8.1 **BCCI Project List and New Funding.** BCCI will provide an update on the project list and status of items. Members noted the potential for new funding in light of Covid 19 remediation and the forthcoming bye-election.

8.2 **Central Car Park.** Members noted the progress of planning and the imminent release of tender documents.

8.3 **Malbon Street Roundabout.** Members noted that work on services had commenced.

8.4 **Project Action Plan.** On hold.

**9. Any Other Business**  
Nil

**10. Close/Next Meeting**  
The meeting closed at 8.00pm. Next meeting: Monday 22 June at 6.00pm



# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Council Meeting Attachment**

**24 JUNE 2020**

ITEM 14.1      RESPONSES TO COUNCILLORS' QUESTIONS

ATTACHMENT 1      RESPONSES TO COUNCILLORS QUESTIONS

### QPRC COUNCILLORS' QUESTIONS

No.	Date rec'd	Question / Request	Responsible staff	Response	Date of reply	COMPL Y/N
203	13/06/20	Following community exchanges, Cr Harrison enquired about the following in relation to Dargues Mine in Majors Creek: 1. Arrangements for water being trucked in at a significant rate given that water restrictions ended recently. 2. Truck movements and the applicable (mine) licence conditions. 3. Do they have a licence to draw water from the Shoalhaven?	Service Manager, Utilities	1. The source of the water is recycled water from Bungendore (not potable water). 2. Planning approval restricts heavy vehicle movements on Majors Creek Road during school bus times. 3. Council has no knowledge of water being drawn from the Shoalhaven by the mine.	15/06/20	Y
202	03/06/20	Cr Winchester requested confirmation that QPRC will be applying for a share of the Federal Government Local Road and Community Infrastructure Program, and if so, what projects will Council be putting forward.	Portfolio GM Community Connection	Council has received funding and what to spend it on will be considered at 10 June Planning and Strategy meeting.	05/06/20	Y
201	28/05/20	Cr Marshall enquired about an announcement that the Mayor may be attending with State MP for Monaro in relation to Council assets.	CEO	It was announced that work will start soon on Captains Flat Road - a \$10 million upgrade to ensure a safer journey for motorists and other users travelling the busy route.	29/05/20	Y
200	25/05/20	Cr Winchester requested staff action an abandoned unregistered vehicle.	Portfolio GM Community Connection	This is the first time it has come to Council's attention, however, the vehicle in question is currently being managed.		Y
199	24/05/20	Following an email from a resident, Cr Winchester requested a refresher on the background and an update on the Bungendore Carpark.	Portfolio GM Community Connection	The Bungendore Carpark project has been a project with Council before the merger occurred. The carpark was to facilitate commercial development that was proposed in that area of Bungendore. It's understood that the IGA were initially looking at a site in that block for their store. They subsequently chose the site where it now sits.	27/05/20	Y

				<p>In addition to the IGA proposal, other properties in that block have also flagged future development and the carpark was developed to support these other developments also. Some of these developments already have conditions requiring the payment of contributions towards the carpark.</p> <p>Since the merger, the Bungendore carpark project has been:</p> <ul style="list-style-type: none"> <li>· included in the structure plan recently adopted by Council.</li> <li>· developed as part of the long term vision to assist in commercial development for Bungendore in the area where development is most likely to occur.</li> <li>· publicly exhibited and the design adjusted as a result of the feedback received during consultation.</li> <li>· included in the long term financial plan.</li> <li>· included in the 19/20 budget.</li> <li>· amended to include public toilets.</li> <li>· broken into 2 stages. Initial work will deliver stage 1 only.</li> </ul> <p>The current design allows for the extension of the carpark in the future. To permit stage 2 to occur, further land will be required. This land is presently private property and Council will need to purchase this land.</p> <p>Current stage 1 estimate is around \$1.8m. Council has a budget of \$2.5m. The remaining funds were to be directed towards the commencement of the proposed Braidwood carpark.</p> <p>Staff are currently preparing a DA to be submitted for the toilet block. This will go to tender in the coming month or so depending on approvals progress.</p>		
198	21/05/20	Cr Schweikert enquired if a resident made a submission to the Rates Harmonisation activity, and if so, he requested a copy.	CFO	The resident did make a submission and a copy was provided.	21/05/20	Y

196	26/04/20	On behalf of a resident, Cr Winchester raised issues with drainage and water damage to a property in Queanbeyan during recently heavy storms, and requested history, information and potential solutions.	Portfolio GM Community Connection	<p>It appears that the kerb and guttering installed has been sporadically installed by the residents, or as part of smaller development applications. Generally, this type of stormwater is internally managed by the property owner.</p> <p>This property is on the low side and would be receiving the runoff from the road only. There are no table drains along this side of the road to channel the stormwater in any one direction. The stormwater would generally sheet off the road and follow the natural lay of the land.</p> <p>Council has no current plans to install kerb and guttering along this section of road.</p>	30/04/20	N
	30/04/20	Following response, Cr Winchester enquired if staff are able to meet on site and assist the resident with recommending a solution.				
194	22/04/20	Following a quote from the Heritage Assessment on Foxlow Bridge (by Philip Leeson Architects Pty Ltd) in the 22 April 2020 business paper, Cr Marshall requested a copy of this document be provided to Councillors.	Portfolio GM Community Connection	Copy provided to Councillors.		Y
176	18/02/20	Cr requested an update to the bus Council received from the NSW Government.	Portfolio GM Community Choice	<p>The bus that was initially gifted to Council from the NSW Department of Transport was a 14.5 metre bus when a 12 metre had been requested. The fleet team deemed this articulated bus too large to travel safely on Council roads. It was returned to the Department, and the originally agreed 12 metre bus was provided as a replacement.</p> <p>When the bus was due for transfer of registration, it did not pass inspection, with work required estimated to be in the order of \$30,000.</p>	unknown	N



				As the agreement stipulated a 'fit for purpose' bus, the team are negotiating for the Department of Transport to either pay for the repairs or to agree to take the bus back. 19/05/20 - There has still been no reply from the Department of Transport.		
173	04/02/20	Following an enquiry from a resident, Cr Winchester queried if QPRC would consider using a new device which is currently being trialed at the Sunshine Coast to reduce animal strikes. Following the staff response, Cr Winchester requested Councillors be provided with the information following the trial.	Portfolio GM Community Connection	Staff advised they are waiting to see how the trial goes and will then follow up to find out details regarding the system (installation, costs and potential for vandalism threats, etc).	05/02/20	N
169	09/12/19	Cr Marshall was alerted to issues at heritage listed properties in Bungendore and requested staff investigate.	Portfolio GM Natural & Built Character	A confidential response has been provided to Councillors.	10/12/19	N
76	26/04/18	Cr Schweikert requested a discussion be held on fencing regulations in the LEP when residential land abuts rural land.	Service Mgr Land-Use Planning	This will be considered when the Palerang Development Control Plan 2014 and the Queanbeyan Development Control Plan 2012 are combined. Also it needs to be noted that certain types of fencing in certain rural zones, environmental protection zones and Zone R5 are exempt development if it meets the development standards of Subdivision 18 of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> . In addition it is understood that a particular area of interest was the subdivision which fronts Mecca Lane and backs onto the undeveloped area of Bungendore East. In this case the reason a rural fence was required at the rear property boundary and not a 1.8m solid fence was to reduce the visual impact of development, particularly when viewed from the Kings Highway. This was originally intended to be	15/01/19	N

				used in conjunction with a landscape buffer to provide privacy but much of this buffer has now been removed or not cared for.		
63	26/04/18	Cr Schweikert conveyed a request from the Bungendore War Memorial s.355 Committee for a condition survey to be done on the Bungendore Cenotaph as water is seeping from some of the joints. The survey could assist when the Committee applies for future grant applications.	Portfolio GM Community Connection	Staff have liaised with the s.355 Committee and put forward options for the survey.  Staff are also investigating remediation options to prevent further seepage.	20/03/18  20/06/18	N
6	4/10/17	Request the Local Traffic Committee review the intersection of Canberra Avenue and Stornaway Road and advise if a stop sign for vehicles entering Stornaway Road from Canberra Ave (similar to the one at the previous intersection with Ross Road) can be implemented.	Portfolio GM Community Connection	A review of this intersection is underway and a report provided to Council once completed.	21/03/18	N