



# **Ordinary Meeting of Council**

**13 July 2022**

**UNDER SEPARATE COVER  
ATTACHMENTS**

**ITEMS 9.6 TO 9.9**

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

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# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Council Meeting Attachment**

**13 JULY 2022**

ITEM 9.6 APPLICATION FOR A COUNCIL CULTURAL GRANT

ATTACHMENT 1 CULTURAL GRANTS APPLICATION BRAIDWOOD LIONS CLUB

**QPRC Cultural Grants 2021/22**  
**Application Form QPRC Cultural Grants**  
**Application Cult000222122 From Braidwood Lions Club**  
Form Submitted 18 Jun 2022, 8:13am AEST

## Eligibility

\* indicates a required field

### Applicants: please note

Before completing this application form, you should have read the Qeanbeyan-Palerang Regional Council Donations Policy [here](#).

**The aim of Council's Cultural Grants** is to assist local arts, artists, musicians, performers, writers and arts/cultural groups to develop their own projects, and to improve the Queanbeyan-Palerang community's opportunities for involvement in art and cultural activities. Applications are invited from individuals and Cultural/Community organisations for projects that meet the eligibility criteria and can demonstrate that they will benefit the community through their cultural or artistic outcomes.

Applicants applying for QPRC Cultural Grants assistance need to ensure that any previous funds received have been acquitted. This will include completing an acquittal form, providing copies of receipts and copies of all media and Council acknowledgement. It is also a condition Council Cultural Grants that formal acknowledgement of Council's support appear on all publicity, promotion, media and correspondence relating to the assistance provided. Copies of Council acknowledgement are to be included with the Acquittal Form.

**Applicants should seek guidance and advice from Council's Cultural Services Team on 6285 6170 or our Grants Officer on 6285 6044 before making an application.**

**Privacy Management** - Personal information provided in this form is required in order to process the application. Provision of the information is voluntary; however, if insufficient information is provided, support for the application will be difficult when considering competing requests. Your personal information will not be used without your prior written permission. Queanbeyan-Palerang Regional Council will ensure privacy and confidentiality of information supplied in this application, which will only be used by Council for the purpose of assessing the application, and for statistical reporting purposes in respect to Council's grants and donations schemes.

## Eligibility Criteria - QPRC Cultural Grants

### Eligible Projects

- The projects can be of a capital nature or activity-based
- Applicants must be able to demonstrate that the project is of benefit to the Queanbeyan-Palerang community through its cultural or artistic outcomes
- Applications for 'seed funding' of projects or new organisations will be considered
- Staged projects that have self-contained components, one of which you may be applying for, will be considered.
- Able to complete the project (or stage) within 12 months of receipt of funds

### Eligible Individuals

- Residents of Queanbeyan-Palerang Local Government Area (LGA)
- Emerging, mid-career or established artists, performers or writers for creative projects or performances that take place in the Queanbeyan-Palerang LGA
- Able to demonstrate a matching dollar amount either in cash or in-kind contributions (e.g. number of unpaid work hours dedicated to the project or event)

**Eligible organisations and groups must be:**



**QPRC Cultural Grants 2021/22**  
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- Resident organisation of Queanbeyan-Palerang LGA
- Community based not-for-profit organisations; incorporated or unincorporated
- Working in or with the community of the Queanbeyan-Palerang LGA
- Non-government organisations (e.g. P & Cs, Visual or Performing Arts organisations, Festival Management Committees, Literary groups, Music enterprises etc.)
- Able to demonstrate a matching dollar amount either financial, or in-kind through voluntary contributions

**Ineligible Projects**

- Projects that are for retrospective funding or running costs of organisations
- Projects that are solely commercial ventures and do not engage the QPRC community
- Applications will **not** be considered from previous recipients who have not completed or acquitted their projects or events.

**Funding Amounts**

Grants are available for the following:

- **Up to \$500** for individual artists, performers, writers, for creative projects or performances that take place in the QPRC LGA
- **Up to \$1000** for groups of artists, performers, writers, for creative projects or performances that take place in the QPRC LGA.

*Project examples for the above two categories include, but are not limited to: space hire fees; printing costs of catalogue/publication; promotional material such as flyers/invitations; material costs for project development, equipment hire etc.*

- **Up to \$1500** for not-for-profit unincorporated community groups for creative projects or cultural events that enhance arts opportunities in the QPRC LGA
- **Up to \$3000** not not-for-profit incorporated community groups for creative projects or cultural events that enhance the arts and cultural opportunities in the QPRC LGA, and that employs a local artist or number of artists as part of the project.

*Project examples for the above two categories include, but are not limited to: a performance, festival or event; artists' fees; group exhibitions; publications; special web-based activations, cultural engagements etc.*

**Application Deadlines**

Applications may be submitted at any time of the year, or until funds are exhausted. Applicants should allow two months from submission of their application until notification of the results of their application.

**Selection Criteria**

Grants will be considered if the project meets one or more of the following criteria:

- Employs a professional artist
- Demonstrates an economic benefit to the QPRC LGA creative economy
- Attracts matched funding from another source (including in-kind), other than QPRC grant funds
- Works in partnership with other community groups/government bodies
- A festival, event or project that will engage the broader Queanbeyan-Palerang community
- Advances the cultural and / or creative experiences of the QPRC LGA community
- Demonstrates educational components that seek to advance the creative skills and knowledge of the QPRC LGA community.

**Assessment Process**

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- Applications will be assessed by Council staff to ensure they meet all the required criteria for QPRC Cultural grants. Cultural grants recommendations are presented to the next available Queanbeyan-Palerang Regional Council meeting, and Council makes the final decisions concerning funding of projects. Applicants are notified of the outcome of their application after the relevant Council meeting.

**Ethical Considerations**

QPRC reserves the right to reject any application it deems to not reflect the goals, aspirations and ethos of the *Queanbeyan-Palerang Community Strategic Plan 2018-2028*.

**COVID Compliance**

All applications must include a copy of their COVID SAFE Plan for their event or project.

**IMPORTANT: Please read the information below to assist you in completing your application online.**

**BEFORE YOU BEGIN**

Welcome to the Queanbeyan-Palerang online grant application service, powered by Smartygrants.

You may begin anywhere in this application form. Please ensure you save as you go. For queries about Council's Donations Policy, application deadlines or questions in this form, please contact us on 6285 6044 during business hours or email [Grants@qprc.nsw.gov.au](mailto:Grants@qprc.nsw.gov.au) and quote your application number.

If you need help using this form, download the Help Guide for Applicants, and the Frequently Asked Questions (available under the green Help Button at the top of the screen).

**NAVIGATING (MOVING THROUGH) THE APPLICATION FORM**

On the right hand side of every screen, there is a box which links directly to every page of the application. Click the link to jump directly to the page you want. You can also click 'next page' or 'previous page' on the top or bottom of each page to move forward or backward through the application.

**SAVING YOUR DRAFT APPLICATION**

If you wish to leave a partially completed application, press 'save' and log out. When you log back in and click on the 'My Applications' link at the top of the screen, you will find a list of any applications you have started or submitted. You can reopen your draft application and start where you left off.

**SUBMITTING YOUR APPLICATION**

You will find a 'Review' button at the bottom of the Navigation Panel. You will need to review your application before you can submit it. Once you have reviewed your application you can submit it by clicking on 'Submit' at the top of the screen or on the Navigation Panel. You will not be able to submit your application until all the compulsory questions are completed.

**Once you have submitted your application, no further editing or uploading of support materials is possible.**

When you submit your application, you will receive an automated confirmation email with a copy of your submitted application attached. This will be sent to the email you used to register.

**If you do not receive a confirmation of submission email then your submission has NOT been received.**

**ATTACHMENTS AND SUPPORT DOCUMENTS**

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You may need to upload/submit attachments to support your application. This is very simple, but requires you to have the documents saved on your computer, or on a zip drive, or similar. You need to allow enough time for each file to upload before trying to attach another file. Files can be up to 25MB each; however, we do recommend trying to keep files to a maximum of 5MB - the larger the file, the longer the upload time. If you are not able to upload a document, please contact us for support.

A number of people can work on the application using the same login details as long as only one person is working at a time. Ensure you save as you go.

## Confirmation of Eligibility

**I confirm that the applicant complies with all of the following:**

- has read and understands Council's Donations Policy
- is able to demonstrate alignment between their project and the aims of this program
- is a not-for-profit organisation (includes educational institutions) OR is an individual, or group of individuals not seeking to profit economically
- is located in (and/or supplies services to) the Queanbeyan-Palerang local government area.
- is able to demonstrate financial viability
- does not owe any reports or money to Queanbeyan-Palerang Regional Council as a result of previous funding or grants
- has the appropriate type and level of insurance for the activities that are the subject of this grant

**Please select below: \***

☒ Yes ☐ No

You must confirm that all statements above are true and correct.

## Contact Details

**\* indicates a required field**

### Applicant Type

**Are you an: \***

- ☐ Individual or group of individuals  
☒ An organisation

Please select one of the options above

### Applicant Details - Organisations

**Applicant organisation name \***

Braidwood Lions Club

Please use your organisation's full name. Check your spelling and make sure you provide the same name that is listed in official documentation such as with the ABR, ACNC or ATO.

**Applicant Primary Address**

Park Ln  
Braidwood NSW 2622 Australia

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**Applicant Postal Address \***

Park Ln  
Braidwood NSW 2622 Australia  
Address Line 1, Suburb/Town, State/Province, Postcode, and Country are required.

**Applicant website (if you have one)**

<http://braidwoodyoungwriters.com>  
Must be a URL

**Primary contact person \***

Mr Laurie Ffrench  
This is the person we will correspond with about this grant

**Position held in organisation \***

Secretary  
e.g. Manager, Board Member, Fundraising Coordinator

**Primary phone number \***

0408 465 008  
Must be an Australian phone number.

**Back-up phone number**

0408 465 008  
Must be an Australian phone number.

**Primary contact person's email address \***

ffrenchlaurie@gmail.com  
This is the address we will use to correspond with you about this grant.

**Number of members in the organisation**

20

**Organisation Website (if you have one)**

<https://www.braidwoodyoungwriters.com>  
Must be a URL.

**Is your organisation incorporated**

- ☐ Yes  
☒ No

**Briefly describe the primary purposes and activities of your organisation**

Braidwood Lions Club was formed in 1965 and has been running continuously ever since. Over that time there have been countless instances of our Club working either independently or with other groups or individuals to grow our local community.

The projects we have become involved in are many and varied – some visible to the community some not so. Key projects in recent times have included an annual Billycart Derby (8 years), Antique Fair, 200 Club, Wood Raffles, BBQ's, assisting at the local race meeting and annual Show, various fund raising activities and supporting other community groups. Annually, we raise over \$20,000 with this money gets re-directed to needy causes in our community. Currently the Club has 18 Members.

The Festival of Young Writers is our latest exciting initiative.

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## Project Details

**\* indicates a required field**

**Project Title**

Braidwood Lions Young Writers Festival 2022

**When will your project, event or creative engagement take place, and when will it be completed? \***

This is a bi-ennial event having been held in 2018 and 2020. The 2022 Festival was launched in February by the Deputy Mayor. Entries close on 24 June, category judges will make their selections and an award ceremony will be held on 18 November. At this ceremony a book comprising the best 30 entries will be published and launched.

**Where will your project / activity be conducted?**

The project is being promoted by both local schools and the Home Schooling group.

**Describe in full your project or activity, indicating community groups, businesses or artists involved (if space is insufficient please include attachments) \***

The objective of this Festival is to give young people living or going to school in our community the opportunity to write stories, essays or poetry on any subject. This project encourages young writers to develop their writing skills and will provide them an opportunity to interact with established authors. Entrant's pieces will be judged by a panel of prominent authors with some prizes given for winning entries and encouragement awards. The Business community is being given the opportunity to give sponsorship support.

Must be no more than 200 words.

Provide a short description of your project - what are you out to do?

**Add an attachment as necessary**

*No files have been uploaded*

Add an attachment if necessary, to more fully describe your project

**Describe how you will address the aims of the QPRC Cultural Grants. How will the community participate or be encouraged to participate during the course of the project? \***

The Young Writers Festival has been warmly embraced by the school community, the local business community and the Braidwood community generally.

In both previous Festivals there were about 300 entries.

The Published Book after each festival is well sought after.

Braidwood Lions believe that the Festival helps young writers develop their writing and creative skills.

Must be no more than 200 words

**Who are the primary beneficiaries of this project/program? \***

Age groups > Children and youth (age 0-17) > Children (people aged 3-9)

Education status > Primary school students

Education status > Secondary school students

Family and relationships > Families > Families of choice

No more than 5 choices may be selected.

Please choose only the group/s that are at the very core of this project/program



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**Outline the benefits of this project on the development of your organisation / group, or your individual creative practice**

This project is a major fund raiser for Lions. All excess funds after project costs are re-directed to needy causes in the Braodwood community.

The project helps highlight the good works that can be carried out by volunteer groups such as Lions

Must be no more than 200 words

**Summarise the intended outcomes of your project / event or creative engagement**

\*

1. Involvement of school aged children in the braidwood district - hopefully 300 entries
2. Ongoing interest from children in developing ytheir writing talents
3. Interest and support from local business houses - to date support has been promised by some 30 businesses

Describe three things you want the project to achieve in terms of benefits for participants and/or others (200 words recommended)

**Inputs (Budget)**

\* indicates a required field

**Project Budget (GST exclusive)**

Please provide a clear description of the budget items of expenditure. This could include fees, advertising/promotion costs, administration, venue costs, equipment, costs of materials etc.

Please include details of other funding you have applied for, whether it has been confirmed or not. Please also include any financial donations that you have received for this specific project or event.

Please also include a realistic estimation of the in-kind contribution from your organisation e.g. volunteer labour at \$25 per hour, and donated materials.

Please do not add commas to \$ figures e.g. type \$1000 not \$1,000 - this will ensure your figures for each table total correctly.

Item of Expenditure	Amount sought from Council	Amount being contributed by your organisation, or yourself	Amount sought from other sources (e.g. sponsors, income etc)
	Must be a dollar amount.	Must be a dollar amount.	Must be a dollar amount.
Publication including and E Book	\$1,500.00	\$3,000.00	\$4,000.00
Prizemoney			\$3,000.00
Website		\$2,000.00	\$1,000.00
Administration		\$6,000.00	\$1,000.00
venue & Hospitality		\$3,000.00	\$2,000.00

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## Funding request

**Total Amount sought from Queanbeyan-Palerang Regional Council**

\$1,500.00

Must be a dollar amount.

What is the total financial support you are requesting in this application?

**Please tell us why you need financial assistance from Council i.e. what financial resources are available to your organisation and why they are not sufficient for your project / event. \***

The Bendigo Bank continues to provide funding to underwrite this project.

Business houses are also providing various levels of support.

This year we are aiming to prepare an eBook after publication of the hard cover book we publish after each Festival

Support from QPRC would enable Lions to prepare and promote an EBook and to offset other publication costs.

Please insert no more than 200 words

**Applicants seeking in excess of \$1,500 funding must attach the following documents:**

1. A copy of the organisation's AGM, Annual, Audit or Treasurers Report, which include audited statements of income and expenditure
2. A copy of your organisation's current financial year budget

If you do not produce an Annual Report, please provide us with your most recent financial statements (may include a Profit and Loss Statement / Statement of Financial Performance and a Balance Sheet / Statement of Financial Position).

**Upload files**

*No files have been uploaded*

or

**Provide web link:**

Must be a URL

## Certification and Feedback

**\* indicates a required field**

### Certification

This section must be completed by an appropriately authorised person (such as an accountable executive officer of the organisation). This person may be different to the contact person listed earlier in this application form.

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Applicants who are individual persons or groups of individuals must also complete this Certification and Feedback Section. The application should be signed and certified by an applying individual.

**I certify that to the best of my knowledge the statements made within this application are true and correct. I am authorised by my group/organisation to complete this form. I understand that if the applicant is approved for this grant, We / I will be required to accept the terms and conditions of the grant in accordance with Council's audit requirements and Council's Sponsorship Policy.**

**I consent to the information contained within this application being disclosed to or by the Council for the purpose of assessing, administering and monitoring my current and any future Council grant applications. I confirm that all relevant health and safety standards and COVID social distancing requirements will be met with the project, and that Council does not accept any liability or responsibility for the project. Queanbeyan-Palerang Regional Council will be acknowledged as a sponsor of the project / activity.**

**I understand that if the Council approves a grant, I will be bound by the contents of my application to carry out my project as I have described, and my application will form part of my contractual agreement with the Council.**

**I agree \***

☒ Yes ☐ No

**Name of authorised person \***

Mr Laurie Ffrench  
Must be a senior staff member, board member or appropriately authorised volunteer

**Position**

Secretary  
Position held in applicant organisation (e.g. CEO, Treasurer)

**Contact phone number \***

0408 465 008  
Must be an Australian phone number.  
We may contact you to verify that this application is authorised by the applicant organisation

**Contact Email \***

wilmont289@gmail.com  
Must be an email address.

**Date \***

07/07/2022  
Must be a date

**Attachments**

*No files have been uploaded*  
Please attach your COVID SAFE Plan for the event / activity and any other relevant documents you wish to submit. This may include site maps, artwork, proposals, quotes and letters of support.

## **Applicant Feedback**

You are nearing the end of the application process. Before you review your application and click the **SUBMIT** button please take a few moments to provide some feedback.

**Please indicate how you found the online application process:**

☐ Very easy ☒ Easy ☐ Neutral ☐ Difficult ☐ Very difficult



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**How many minutes in total did it take you to complete this application? \***

120

Estimate in minutes i.e. 1 hour = 60

**Please provide us with your suggestions about any improvements and/or additions to the application process/form that you think we need to consider.**

## **Next Steps**

Your application will be assessed by QPRC Officers against the aims and selection criteria of the QPRC Cultural Grants Program. The assessment recommendations will then be tabled at the next available monthly meeting of Queanbeyan-Palerang Regional Council, for Council resolution. QPRC staff will contact applicants about whether the funding application has been successful as soon as practicable after the Council meeting.

# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Council Meeting Attachment

13 JULY 2022

ITEM 9.7 SOCIAL MEDIA POLICY

ATTACHMENT 1 SOCIAL MEDIA POLICY



# SOCIAL MEDIA POLICY

<b>Date policy was adopted:</b>	
<b>Resolution number:</b>	
<b>Next Policy review date:</b>	July 2024
<b>Reference number:</b>	
<b>Strategic Pillar</b>	Organisation Capability
<b>Responsible Branch</b>	Workplace & Governance

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## SOCIAL MEDIA POLICY

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### PART 1 – PRINCIPLES

- 1.1 We, the Councillors, staff and other officials of Queanbeyan-Palerang Regional Council, are committed to upholding and promoting the following principles of social media engagement:

**Openness** – Our social media platforms are places where anyone can share and respectfully discuss issues that are relevant to our Council and the community we represent and serve.

**Relevance** – We will ensure our social media platforms are kept up to date with informative content about Council activities, programs and initiatives of interest to the community

**Accuracy** – The content we upload onto our social media platforms and any other social media platform will accurate and we will prioritise the need to correct inaccuracies when they occur.

**Respect** – Our social media platforms are safe spaces. We will uphold and promote the behavioural standards contained in this Policy and our Council's Code of Conduct when using our social media platforms and any other social media platform.

### 2 PART 2 – ADMINISTRATIVE FRAMEWORK FOR COUNCIL'S SOCIAL MEDIA PLATFORMS

#### PLATFORMS

- 2.1 Council may maintain a presence on the following social media platforms or others that may emerge and meet our audience requirements:
- Facebook
  - Twitter
  - Instagram
  - LinkedIn
  - Flickr
  - YouTube
- 2.2 Council's social media platforms must specify or provide a clearly accessible link on the 'House Rules' for engaging on the platform.
- 2.3 The Social Media Policy should be read in conjunction with Council's *Code of Conduct*, specifically Clause 3.1 *General Conduct* and Clause 8.21 *Social Media*.

#### ESTABLISHMENT AND DELETION OF COUNCIL SOCIAL MEDIA PLATFORMS

- 2.4 A new Council social media platform, or a social media platform proposed by a Council related entity (EG: A Council Committee), can only be established or deleted with the written approval of the CEO or their delegate.

## SOCIAL MEDIA POLICY

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- 2.5 Where a Council social media platform is established or deleted in accordance with clause 2.3, the CEO or their delegate may amend clause 2.1 of this Policy without the need for endorsement by the Council's governing body.
- 2.6 The role of the CEO, or their delegate, is to:
- (a) Approve and revoke a staff member's status as an authorised user
  - (b) Develop and/or approve the training and/or induction to be provided to authorised users
  - (c) Maintain a register of authorised users
  - (d) Maintain effective oversight of authorised users
  - (e) Ensure Council adheres to the rules of the social media platform(s)
  - (f) Coordinate with the Council's Communications team to ensure Council's social media platforms are set up and maintained in a way that maximises user friendliness and any technical problems are resolved promptly.
- 2.7 The CEO is an authorised user for the purposes of this Policy.

### AUTHORISED USERS

- 2.8 Authorised users are members of Council staff who are authorised by the CEO, or their delegate, to upload content and engage on social media on Council's behalf.
- 2.9 Authorised users should be members of Council staff that are responsible for managing, or have expertise in, the events, initiatives, programs or policies that are the subject of the social media content.
- 2.10 Authorised users can include social media/marketing agencies and contractors engaged by Council for the purposes of managing a social media presence or campaign
- 2.11 The CEO, or their delegate, will appoint authorised users when required.
- 2.12 An authorised user must receive a copy of this Policy and induction training on social media use and Council's obligations before uploading content on Council's behalf.
- 2.13 The role of an authorised user is to:
- (a) Ensure, to the best of their ability, that the content they upload onto social media platforms is accurate
  - (b) Correct inaccuracies in Council-generated content as soon as practicably possible
  - (c) Engage in discussions and answer questions on Council's behalf on social media platforms
  - (d) Keep Council social media platforms up to date
  - (e) Moderate Council's social media platforms in accordance with Part 5 of this Policy
  - (f) Ensure Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media (see clauses 7.1 to 7.4)
- 2.14 When engaging on social media on Council's behalf on non-Council platforms (such as, but not limited to, on a community group social media page), an authorised user must identify themselves as a member of Council staff but they are not obliged to disclose their name or position within the Council.
- 2.15 Authorised users must not use Council's social media platforms for personal reasons.

### ADMINISTRATIVE TONE

[ 3 ]

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## SOCIAL MEDIA POLICY

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- 2.16 Authorised users upload content and engage on social media on Council's behalf. Authorised users must use language consistent with that function and avoid expressing or appearing to express their personal views when undertaking their role
- 2.17 Authorised users may use more personal, informal language when engaging on Council's social media platforms, for example when replying to comments.

### REGISTER OF AUTHORISED USERS

- 2.18 The CEO, or their delegate, will maintain a register of authorised users. This register is to be reviewed annually to ensure it is fit-for-purpose.

### CEASING TO BE AN AUTHORISED USER

- 2.19 The CEO, or their delegate, may revoke a staff member's status as an authorised user, if:
- (a) The staff member makes such a request
  - (b) The staff member has not uploaded content onto any of the Council's social media platforms in the last six months.
  - (c) The staff member has failed to comply with this Policy
  - (d) The CEO, or their delegate, is of reasonable opinion that the staff member is no longer suitable to be an authorised user

## **3 PART 3 – ADMINISTRATIVE FRAMEWORK FOR COUNCILLORS' SOCIAL MEDIA PLATFORMS**

- 3.1 For the purposes of this Policy, Councillor social media platforms are not Council social media platforms. Part 2 of this Policy does not apply to Councillors' social media platforms.
- 3.2 Councillors are responsible for the administration and moderation of their own social media platforms (in accordance with Parts 3 and 5 of this Policy), and ensuring they comply with the record keeping obligations under the *State Records Act 1998* (see clauses 7.1 to 7.4 of this Policy) and Council's *Records Management Policy* in relation to social media.
- 3.3 Clause 3.2 also applies to Councillors in circumstances where another person administers, moderates, or uploads content onto their social media platform.
- 3.4 Councillors must comply with the rules of the platform when engaging on social media.

### INDUCTION AND TRAINING

- 3.5 Councillors who engage, or intend to engage, on social media must receive induction training on social media use. Induction training can be undertaken either as part of the Councillor's induction program or as part of their ongoing professional development program.

## SOCIAL MEDIA POLICY

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### IDENTIFYING AS A COUNCILLOR

- 3.6 Councillors must identify themselves on their social media platforms in the following format:  
*QPRC Councillor "First Name and Last Name"*
- 3.7 A Councillor's social media platform must include a profile photo which is a clearly identifiable image of the Councillor.
- 3.8 If a Councillor becomes or ceases to be a Mayor, Deputy Mayor, or the holder of another position (EG chairperson of a committee), this must be clearly stated on the Councillor's social media platforms and updated within three months of a change in circumstances.

### OTHER GENERAL REQUIREMENTS FOR COUNCILLORS' SOCIAL MEDIA PLATFORMS

- 3.9 Councillor social media platforms should provide a clearly accessible link to the 'House Rules' for engaging on the platform.
- 3.10 When a platform allows a Councillor's social media platform should include a disclaimer to the following effect:  
*"The views expressed and comments made on this social media platform are my own and not that of the Council."*
- 3.11 Despite clause 3.10, Mayoral or Councillor media releases and other content that has been authorised according to the Council's Media and Communications protocols may be uploaded onto a Councillor's social media platform.
- 3.12 Councillors may upload publicly available Council information onto their social media platforms.
- 3.13 Councillors may use more personal informal language when engaging on their social media platforms.

### COUNCILLOR QUERIES RELATING TO SOCIAL MEDIA PLATFORMS

- 3.14 Questions from Councillors relating to their obligations under this Policy, technical queries relating to the operation of their social media platforms, or managing records on social media may be directed to the CEO in the first instance, in accordance with Council's Councillor requests protocols.

### OTHER SOCIAL MEDIA PLATFORMS ADMINISTERED BY COUNCILLORS

- 3.15 A Councillor must advise the CEO of any social media platforms they administer on which content relating to the Council is, or is expected to be, uploaded. The Councillor must do so within three months of becoming a Councillor

## **4 PART 4 – STANDARDS OF CONDUCT ON SOCIAL MEDIA**

- 4.1 For the purposes of this Policy, a Councillor is a Council Official

[ 5 ]

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## SOCIAL MEDIA POLICY

- 4.2 This Policy only applies to Council officials' use of social media in an official capacity or in connection with their role as a Council official. The Policy does not apply to personal use of social media that is not connected with a person's role as a Council official.
- 4.3 Council officials must comply with Council's Code of Conduct when using social media in an official capacity or in connection with their role as a Council official.
- 4.4 Council officials must not use social media to post or share comments, photos, videos, electronic recordings or other information that:
- (a) Is defamatory, offensive, humiliating, threatening or intimidating to other Council officials or members of the public.
  - (b) Contains profane language or is sexual in nature
  - (c) Constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory.
  - (d) Is contrary to their duties under the Work Health and Safety Act 2022 and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
  - (e) Contains content about the Council, Council officials or members of the public that is misleading or deceptive.
  - (f) Divulges confidential Council information.
  - (g) Breaches the privacy of other Council officials or members of the public
  - (h) Contains allegations of suspected breaches of the Council's Code of Conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*.
  - (i) Could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment
  - (j) Commits the Council to any action
  - (k) Violates an order made by a Court
  - (l) Breaches copyright
  - (m) Advertises, endorses or solicits commercial products or business
  - (n) Constitutes spam
  - (o) Is in breach of the rules of the social media platform
  - (p) Spreads mis-information about Council decision
- 4.5 Council officials must:
- (a) Attribute work to the original author, creator or source when uploading or linking to content produced by a third party
  - (b) Obtain written permission from a minor's parent or legal guardian before uploading content in which the minor can be identified. An exception applies when images of minors are sourced from a subscription-based, or free, stock image library.
- 4.6 Council officials must exercise caution when sharing, liking, retweeting content as this can be regarded as an endorsement and/or publication of the content.
- 4.7 Council officials must not incite or encourage other persons to act in a way that is contrary to the requirements of this Part.
- 4.8 Councillors must uphold and accurately represent the policies and decisions of the Council's governing body but may explain why they voted on a matter in the way that they did (see section 232(1)(f) of the *Local Government Act 1993*.)

## 5 PART 5 – MODERATION OF SOCIAL MEDIA PLATFORMS



## SOCIAL MEDIA POLICY

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**Note:** Councils and Council officials should be aware that they may be considered a 'publisher' of any content uploaded onto a social media platform they administer, including content that:

- Is uploaded by a third party; and/or
- Appears on their social media platform because they have 'liked', 'shared', or 'retweeted' the content, or similar

- 5.1 Council officials who are responsible for the moderation of the Council's or Councillor's social media platforms may hide or remove content and 'block' or ban a person from those platforms as per clause 5.6. Such actions must be undertaken in accordance with this Part.
- 5.2 For the purposes of this Part, 'social media platform' and 'platform' means both the Council's and Councillor's social media platforms.

### HOUSE RULES

- 5.3 Social media platforms must state or provide an accessible link to the 'House Rules' for engaging on the platform.
- 5.4 At minimum, the House Rules should specify:
- (a) The principles of social media engagement referred to in clause 1.1 of this Policy
  - (b) The type of behaviour or content that will result in that content being removed or 'hidden', or a person being blocked or banned from the platform.
  - (c) The process by which a person can be blocked or banned from the platform and rights of review
  - (d) A statement relating to privacy and personal information (see clause 7.4 of this Policy)
  - (e) When the platform will be monitored (ie, weekdays 9am-5pm)
  - (f) A notice indicating that comments may be turned off from time to time when resources are not available to monitor and moderate comments or when the nature of comments has become unsociable.
- 5.5 That the social media platform is not the official channel to make complaints about the Council or Council officials. Council's *Complaints Handling Policy* should be referred to in these instances.
- 5.6 For the purposes of clause 5.4(b), third parties engaging on Council's social media platforms must not post or share comments, photos, videos, electronic recordings or other information that:
- (a) Is defamatory, offensive, humiliating, threatening or intimidating to Council officials or members of the public,
  - (b) Contains profane language or is sexual in nature
  - (c) Constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory.
  - (d) Contains content about the Council, Council officials or members of the public that is misleading or deceptive
  - (e) Breaches the privacy of Council officials or members of the public
  - (f) Contains allegations of suspected breaches of the Council's Code of Conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*.
  - (g) Violates an order made by a court

## SOCIAL MEDIA POLICY

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- (h) Breaches copyright
- (i) Advertises, endorses or solicits commercial products or business
- (j) Constitutes spam
- (k) Would be in breach of the rules of the social media platform

### REMOVING OR 'HIDING' OF CONTENT

- 5.7 Where a person uploads content onto a social media platform that, in the reasonable opinion of the moderator, is of a kind specified under clause 5.6, the moderator may remove or 'hide' that content.
- 5.8 Prior to removing the content, the moderator must make a record of it (EG, a screenshot).
- 5.9 If the moderator removes the content under clause 5.6, they must, where practicable, notify the person who uploaded the content that it has been removed and the reason(s) for its removal and their rights of review.
- 5.10 A person may request a review of a decision by a moderator to remove content under clause 5.6. The request must be made in writing to the CEO and state the grounds on which the request is being made.
- 5.11 Where a review request is made under clause 5.9, the review is to be undertaken by the CEO or a member of staff nominated by the CEO who is suitably qualified and who was not involved in the decision to remove the content.
- 5.12 Clause 5.9-5.11 does not apply in the case of spam content or accounts. Moderators may remove spam posts and block or ban spam accounts as long as a record is kept.

### BLOCKING OR BANNING

- 5.13 If a person regularly uploads content that is removed or 'hidden' under clause 5.6 of this Policy, that person may be blocked or banned from that particular social media platform
- 5.14 A person may only be blocked or banned from a Council social media platform with the approval of the CEO or when a Councillor determines to block or ban a person. This clause does not apply to blocking or banning a person from a Councillor's social media platform. As per 5.12, this Clause does not apply to spam content.
- 5.15 Prior to blocking or banning a person from a social media platform, the person must, where practicable, be advised of the intention to block or ban them from the platform and be given a chance to respond. Any submission made by the person must be considered prior to a determination being made to block or ban them.
- 5.16 The duration of the block or ban is to be determined by the CEO or in the case of a Councillor's social media platform, the Councillor.
- 5.17 Where a determination is made to block or ban the person from a social media platform, the person must, where practicable, be notified in writing of the decision and the reasons for it. The written notice must also advise the person which social media platforms they are blocked or banned from and the duration of the block or ban and inform them of their rights of review.
- 5.18 Despite clauses 5.12 to 5.16, where a person uploads content of a kind referred to under clause 5.6, and the moderator is reasonably satisfied that the person's further engagement on the social media platform poses a risk to health and safety or

## SOCIAL MEDIA POLICY

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another substantive risk (such as the uploading of defamatory content), an interim block or ban from the platform may be imposed on the person immediately for a period no longer than 12 months.

- 5.19 A person who is blocked or banned from the platform under clause 5.17, where practicable, be given a chance to respond to the interim block or ban being imposed. Any submission made by the person must be considered when determining whether the interim block or ban is to be removed or retained under clauses 5.12 to 5.16.
- 5.20 A person may request a review of a decision to block or ban them from a social media platform. The request must be made in writing to the CEO and state the grounds on which the request is being made.
- 5.21 Where a review request is made under clause 5.19, the review is to be undertaken by the CEO or a member of staff nominated by the CEO who is suitably qualified and who was not involved in the decision to block or ban the person. Where the decision to block or ban the person was made by the CEO, the review must be undertaken by another senior and suitably qualified member of staff who was not involved in the decision.
- 5.22 Where a person that is the subject of a block or ban continues to engage on a social media platform(s) using an alternative social media account, profile avatar, etc., a moderator may block or ban the person from the platform(s) immediately. In these circumstances, clauses 5.12 to 5.20 do not apply.
- 5.23 A record of blocked/banned users and deleted comments, and the reason why these actions have been taken should be maintained in a register along with screenshots of offending posts. Hidden comments, due to their less serious nature, would not need to be recorded in the register.

## 6 PART 6 – USE OF SOCIAL MEDIA DURING EMERGENCIES

- 6.1 During emergencies, such as natural disasters or public health incidents, the Communications team at Queanbeyan-Palerang Regional Council will be responsible for the management of content on Council's social media platforms
- 6.2 To ensure consistent messaging both during and after an emergency, authorised users and council officials must not upload content onto Council's or their own social media platforms which contradicts advice issued by the agency coordinating the emergency response, or agencies supporting recovery efforts.
- 6.3 Training on social media use during emergencies should be included in training and/or induction provided to authorised users and Councillors

## 7 PART 7 – RECORDS MANAGEMENT AND PRIVACY REQUIREMENTS

- 7.1 Social media content created, sent and received by Council officials (including Councillors) acting in their official capacity is a Council record and may constitute open access information or be subject to an information access application made under the *Government Information (Public Access) Act 2009*. These records must be managed in accordance with the requirements of the *State Records Act 1998* and the Council's approved *Records Management Policy* and practices.
- 7.2 You must not destroy, alter, or remove social media content unless authorised to do so. If you need to alter or remove social media content, you must do so in accordance with this Policy, and consult with the Council's Records Team Leader and comply with the requirements of the *State Records Act 1998*.

## SOCIAL MEDIA POLICY

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- 7.3 When/if a Councillor's term of office concludes, the Councillor must contact Council's Records Team Leader and CEO to manage/transfer records of social media content created during their term of office and comply with the requirements of the *State Records Act 1998*.
- 7.4 In fulfilling their obligations under clauses 7.1 to 7.3, Council officials should refer to any guidance issued by the State Archives and Records Authority of NSW relating to retention requirements for Councils' and Councillors' social media content.

### PRIVACY CONSIDERATIONS AND REQUIREMENTS

- 7.5 Social media communications are in the public domain. Council officials should exercise caution about what personal information, if any, they upload onto social media.
- 7.6 The *Privacy and Personal Information Protection Act 1998* applies to the use of social media platforms by the Council and Councillors. To mitigate potential privacy risks, Council officials will:
- (a) Advise people not to provide personal information on social media platforms
  - (b) Inform people if any personal information they may provide on social media platforms is to be used for official purposes
  - (c) Moderate comments to ensure they do not contain any personal information
  - (d) Advise people to contact the Council or Councillors through alternative channels if they have personal information they do not want to disclose in a public forum.
  - (e) Council officials must ensure they comply with the *Health Records and Information Privacy Act 2002* when engaging on and/or moderating social media platforms. In fulfilling their obligations, Council officials should refer to any guidance issued by the Information and Privacy Commissioner of NSW, such as, but not limited to, the Health Privacy Principles.

## 8 PART 8 – PRIVATE USE OF SOCIAL MEDIA

Note: Activities on social media websites are public activities. Even though privacy settings are available, content can still be shared and accessed beyond the intended recipients.

The terms and conditions of most social media sites state that all content becomes the property of the site on which it is posted.

### WHAT CONSTITUTES 'PRIVATE' USE?

- 8.1 For the purposes of this Policy, a Council official's social media engagement will be considered 'private use' when the content they upload:
- (a) Is not associated with, or refers to, Council, any other Council official, contractors, related entities or any other person or organisation providing services to or on behalf of Council, and
  - (b) Is not related to or does not contain privileged or confidential information acquired by virtue of, their employment or role as a Council official



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SOCIAL MEDIA POLICY

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**9 PART 9 – CONCERNS OR COMPLAINTS**

- 9.1 Concerns or complaints about the administration of a Council's social media platforms should be made to the Council's CEO in the first instance.
- 9.2 Complaints about the conduct of Council officials (including Councillors) on social media may be directed to the CEO or nominated representative.
- 9.3 Complaints about a CEO's conduct on social media platforms may be directed to the Mayor.

**10 PART 10 – DEFINITIONS**

In this Social Media Policy, the following terms have the following meanings:

- **Authorised User** – Members of Council staff who are authorised by the CEO, or their delegate, to upload content and engage on Council's social media platforms on the Council's behalf
- **Council Official** – Councillors, members of staff and delegates of Council (including members of committees that are delegates of Council)
- **Minor** – for the purposes of clause 4.4(b) of this Policy, is a person under the age of 18 years of age
- **Personal Information** – information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
- **Social media** – online platforms and applications – such as but not limited to social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards – that allow people to easily publish, share and discuss content. Examples of social media platforms include, but are not limited to Facebook, Twitter, Snapchat, LinkedIn, Yammer, YouTube, Instagram, Flickr, TikTok and Wikipedia.

# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Council Meeting Attachment

13 JULY 2022

ITEM 9.8            REVIEWED POLICIES

ATTACHMENT 1    TOURISM POLICY



# TOURISM POLICY

Date policy was adopted:	
Resolution number:	
Next Policy review date:	July 2024
Reference number:	
Strategic Pillar	Community Choice
Responsible Branch	Business & Innovation

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## TOURISM POLICY

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### 1. CONTEXT:

Council understands the need to have a robust and diverse economic base for the Queanbeyan-Palerang Regional Council (QPRC) region. Council recognises tourism as one of the sectors that can sustain economic growth and can be further developed, enhanced and expanded through effective leadership and partnership models and that Local Government plays a major role in tourism and is engaged in tourism in many ways.

This Tourism Policy seeks to establish:

- a. a clearly defined role for Council role as:
  - i. the provider of tourism infrastructure and visitor services including information provision, experience interpretation and itinerary planning, the promoter of Queanbeyan-Palerang as a destination,
  - ii. a representative advocate for its tourism stakeholders in regional tourism forums such as the Canberra Region Joint Organisation (CRJO), Canberra Region Tourism Leaders Forum and the Southern Tablelands Steering Committee,
  - iii. a proactive leader in establishing and maintaining a partnership approach to optimise strategic outcomes with organisations as Visit Canberra, Destination NSW and Destination Southern NSW, and
  - iv. the facilitator of tourism product and experience development, building the capacity of industry, community groups and other stakeholders to grow visitor economy outcomes.
- b. recognition of forward planning and budget allocations for tourism are essential for an integrated and co-ordinated approach.
- c. recognition that the visitor economy is a significant part of the region's economy and tourism promotion plays an important role in destination attraction.
- d. clarity to stakeholders of Council's commitment to a collaborative effort.

### 2. PURPOSE:

Tourism is an important driver of economic development and employment growth. The purpose of a Tourism Policy for QPRC is:

- a) To recognise tourism as a key contributor to the region's economy and employment generator.
- b) To establish and foster a welcoming community that understands and appreciates the social benefits of tourism.
- c) To ensure Council will guide and influence the sustainable development of tourism within the municipality, including the protection and conservation of natural, cultural and built heritage.
- d) To provide the basic facilities and infrastructure sufficient to encourage appropriate tourism development.



## TOURISM POLICY

- e) To ensure facilities within the area are adequate to cater for visitors and residents.
- f) To increase the number of visitors, length of stay and visitor spend within Queanbeyan-Palerang.
- g) To encourage a range of suitable activities, facilities and attractions that support and increase tourist visitation and fits with community values and aspirations.
- h) To progress the Southern Tablelands as a recognised destination to increase visitor awareness, visitor spend and length of stay, as well as to increase the value of the region to government stakeholders, such as Destination NSW and Visit Canberra.

These points must be read taking into account Council's financial structures and viability of the time.

### SUPPORTING ACTIONS:

To achieve the purpose, Council will:

- a) Implement the recommendations and outcomes of the QPRC Tourism Plan, the Queanbeyan-Palerang Destination Action Plan and the Southern Tablelands Destination Development Plan.
- b) Consider annually a budget allocation for tourism/promotion expenditure.
- c) Encourage tourism product development and investment, especially that identified in the QPRC Tourism Plan.
- d) Seek financial involvement from other sources whenever possible in the provision of tourist facilities.
- e) Actively seek State and Federal support of tourism-related infrastructure.
- f) Work closely with government, community organisations and private enterprise in all aspects of tourist development.
- g) Maintain productive relationships and work with the CRJO, Southern Tablelands, Visit Canberra, Destination NSW and Destination Southern NSW to ensure that the tourism industry is developed and marketed within the context of the competitive advantages of the region.
- h) Identify and evaluate priority market opportunities for the region's tourism industry.
- i) Build public awareness of QPRC as a destination and create a desire amongst tourists to visit and stay in the region.
- j) Provide sponsorship funding and associated administrative and logistical support for the hosting of events and festivals that provide evidence of the potential to benefit both community and visitors in the area.
- k) Seek to increase the impact of local tourism through the support of local festivals, art shows and events etc. This is to be primarily through the provision of in-kind support and moderate financial support and events are expected to be financially independent thereafter.

## TOURISM POLICY

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- l) Foster responsive and efficient planning, development and events approval processes.
- m) Provide relevant information signage, directional signage and interpretive signage to assist the visitor to navigate within the LGA and to access major tourist destinations.
- n) Provide appropriate print and digital information to potential and in-market visitors, as well as support the volunteer committee of the Braidwood Visitor Information Centre.
- o) Consider opportunities to work collaboratively with the local property owners and the retail sector to promote the region's town centres.
- p) Continue to support and facilitate community markets throughout the municipality.
- q) Consider the welfare of the whole community and the social, cultural, economic and environmental impacts of any proposal within the area when assessing tourism development and the provision of facilities.
- r) Ensure that where delicate environmental, historic, heritage or cultural areas exist, these areas will be adequately protected in relation to development or usage.
- s) Support the improvement of National Parks, enhancement of specific natural features and the conservation of areas of outstanding beauty and biodiversity.
- t) In the preparation of local laws and regulations, Council will have regard to their impact on tourism and the balanced development of the Council area.

### 3. DEFINITIONS

Nil

### 4. LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

- a) Visitor Economy Strategy 2030  
The NSW Government's Visitor Economy Strategy 2030 provides a roadmap to support all industries involved in the visitor economy to recover from the impact of drought, bushfires and COVID-19 and to grow in the future.
- b) Statewide Destination Management Plan (DMP)  
The Statewide DMP is designed to provide a high-level framework to achieve alignment across NSW and assist coordinated delivery of the vision and goals for the NSW visitor economy. It identifies local and state strengths and unique points of difference, as well as areas of commonality across the regions. The Statewide DMP functions as a living document, to be used as a reference tool to further develop the NSW visitor economy and respond to market changes
- c) Destination Southern NSW Destination Management Plan
- d) Tablelands Destination Development Plan

## TOURISM POLICY

### 5. STRATEGIC ALIGNMENT:

Local government's prioritisation of tourism aligns with Federal and State government priorities which identify tourism as a key future growth industry in Australia.

The NSW Government's Visitor Economy Strategy 2030 provides a roadmap to support all industries involved in the visitor economy to recover from the impact of drought, bushfires and COVID-19 and to grow in the future. The strategy sets a bold vision for NSW to be the premier visitor economy of the Asia-Pacific by 2030, underpinned by five strategic pillars:

1. Road to recovery
2. Build the brand
3. Showcase our strengths
4. Invest in world class events
5. Facilitate growth
6. Focus on outcomes

A reform in 2016 of regional tourism funding in NSW resulted in the creation of six Destination Networks (DNs), funded by Destination NSW, to facilitate visitor economy growth at a local level. QPRC is part of the Destination Southern NSW Network. Each of the DNs have developed a Destination Management Plan (DMP) for their region, to focus on local issues. However, a bigger picture statewide DMP was required to align all levels of Government and industry across NSW. Destination NSW, in consultation with the Chairs and General Managers of the six Destination Networks, has developed a NSW Statewide Destination Management Plan which is designed to:

- Provide a high level framework to encourage alignment across NSW and assist coordinated delivery of the vision and goals for the NSW visitor economy.
- Be the delivery mechanism for the VEIAP and encompass local insights and priorities from the Destination Network DMPs and other existing strategic documents, such as the NSW Aboriginal Tourism Action Plan 2017-2020 and the NSW Food & Wine Strategy & Action Plan 2018-2022.
- Set a strong strategic foundation on which industry can develop customer centric destination marketing.
- Identify local and state strengths and unique points of difference, as well as areas of commonality across the regions.
- Encourage local industry 'self-reflection' to harness the most productive markets for their product/service/destination.
- Focus resources on the most appropriate visitor segments and sectors.
- Provide opportunity for greater collaboration between all stakeholders.
- Provide a more compelling case for government and private sector investors via clearly defined strategic priorities.
- Equip the Destination Networks with a plan to share with stakeholders that clearly identifies where their product/service/destination fits.

QPRC is guided by the following strategic hierarchy, noting the QPRC Tourism Plan has also informed upward to the development of actions in the Queanbeyan-

## TOURISM POLICY

Palerang Destination Action Plan and Southern Tablelands Destination Development Plan:



## Roles and Responsibilities



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TOURISM POLICY

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**6. PERFORMANCE INDICATOR**

Visitor expenditure within the Queanbeyan-Palerang region.

# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Council Meeting Attachment**

**13 JULY 2022**

ITEM 9.8          REVIEWED POLICIES

ATTACHMENT 2    PETITION POLICY



# PETITION POLICY

Date policy was adopted:	
Resolution number:	
Next Policy review date:	July 2024
Reference number:	
Strategic Pillar	Organisation Capability
Responsible Branch	Workplace & Governance

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## PETITION POLICY

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### 1. OUTCOMES:

- 1.1 The purpose of this policy is to set out the parameters for submitting petitions to Council and how they will be dealt with.
- 1.2 Although not specified within the provisions of the *NSW Local Government Act 1993* and the *Local Government Regulation 2005* Council recognises that petitions form part of the democratic process which allows residents to engage with the Council on matters of concern and interest.
- 1.3 This policy aims to ensure that a consistent process applies to each petition so that they are treated in a timely manner and effectively come to the notice of councillors and relevant staff.

### 2. POLICY:

- 2.1 Queanbeyan-Palerang Regional Council welcomes the submission of petitions from members of its community and recognises them as being part of the community engagement process allowing community members to express their views to the body politic.
- 2.2 A petition must pertain to the legislative responsibilities of Queanbeyan-Palerang Regional Council. Petitions relating to issues/matters outside of Council's direct area of responsibility will not be accepted.
- 2.3 Council will not accept petitions that:
  - Do not relate to Council's functions or legislative responsibilities
  - Are vexatious, libellous, abusive, discriminatory or otherwise inappropriate
  - Pertain to any current court or legislative proceedings
  - Are the same or very similar to petitions that Council has already considered in the previous 12 months
  - Relate to any individual or personal circumstances of individual councillors or employees of Council
  - Contain false information such as names of people who have not consented to be signatories of the petition or do not meet the property owner/residency/work requirements to be a signatory
  - Do not clearly specify who is the Petition Organiser.
- 2.3 To be considered a petition, the document must contain the name and address of at least five people who either own property, reside or work within the Queanbeyan-Palerang Local Government Area.
- 2.4 Each Petition must have a designated Petition Organiser who is responsible for coordinating the production of the petition and whom Council can contact to discuss the petition's submission and processing. Each petition must outline the name, contact details (address, telephone number and email address) of the Petition Organiser.
- 2.6 Petitions must be submitted in writing to the Chief Executive Officer via email to [council@qprc.nsw.gov.au](mailto:council@qprc.nsw.gov.au) or via mail, or delivery to the following address:  
QPRC  
PO Box 90  
Queanbeyan NSW 2620



## PETITION POLICY

### 3. SCOPE OF THE POLICY:

- 3.1 This policy applies to the submission of petitions to Council for its consideration.

### 4. DEFINITIONS:

**Petition** - is a formally drawn up request to Council seeking action or special consideration of a particular matter pertaining to the legislative responsibilities of Queanbeyan-Palerang Regional Council, which is signed by a minimum of five property owners/residents/members of the public who either live or work in the Queanbeyan-Palerang Local Government Area.

**Petition Organiser** - is the person who is coordinating the production of the petition and whom Council can contact to discuss the submission and processing of the petition.

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

- 5.1 The Office of Local Government's *Meetings Practice Note No. 16* advises that there is no statutory basis under either the *Local Government Act 1993* or the *Local Government Regulation 2005* which requires councils to either recognise or deal with petitions. However, it does advise, "...it is a matter for each council to decide what to do with petitions and to set this out in its Meeting Code."(p.21)
- 5.2 Petitions will form part of the Public Forum at Ordinary Council meetings. Petitions will be tabled at each Public Forum with the CEO/General Manager responsible through their delegate (the Service Manager, Workplace and Governance) for distribution to the appropriate operational area of Council for consideration.

### 6. CONTENT:

- 6.1 Petitions must be accompanied by contact details including an address, telephone number and email address for the Petition Organiser. If a petition does not clearly identify a Petition Organiser, Council reserves the right to reject the petition.
- 6.1.1 The Petition Organiser is to ensure that the petition contains:
- (a) A clear and concise statement identifying the subject matter of the petition.
  - (b) A statement specifying the number of pages to the petition and the number of signatories.
  - (c) The full name, address, phone number and signature of the person lodging the petition (the Petition Organiser), together with the name of the organisation/group they represent, if the petition is submitted on behalf of that organisation or group.
  - (d) Only names and signatures of persons who meet the requirements set out in Clause 2.3
- 6.2 The Petition must contain the following details:
- (a) A heading on each page indicating the subject matter of the petition.
  - (b) The legible name, address and signature of those people who are signatories of the petition. Council reserves the right to reject a petition

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PETITION POLICY

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if it is found to contain false names or the names of people who have not consented to being a signatory.

A sample petition lodgment form is attached to this policy

- 6.3 A Petition Organiser may lodge a petition with the Council by forwarding it to the CEO at Council's postal address, by hand-delivery at the CEO Office in Queanbeyan or via email to [council@qprc.nsw.gov.au](mailto:council@qprc.nsw.gov.au).
- 6.5 The CEO/General Manager, via the Service Manager, Workplace and Governance, will ensure that the Petition is tabled at the next Public Forum which precedes each Ordinary Meeting of Council. Petitions received less than seven days before an Ordinary Meeting will be held over to the next meeting. The Petition Organiser will be advised of the date which the petition will be tabled and is able to speak to the petition for up to three minutes.
- 6.6 Council will decide what action, if any, it will take on a petition after the petition is tabled at its Ordinary meeting.
- 6.7 Council will record in the minutes for the Public Forum the subject matter of the petition, the number of signatories to the petition, and what action, if any, it will take. The Petition will not be published on Council's website or form part of a Business Paper report.
- 6.8 The Service Manager, Workplace and Governance will inform the Petition Organiser of Council's decision within 21 days after the petition is tabled.
- 6.9 Information provided to Council in a petition is protected by the *Privacy and Personal Information Protection Act, 1998*. This is embodied in Council's *Privacy Management Plan* which is available on Council's website or on request. Any questions concerning privacy or the use of personal information should be referred to Council's Service Manager, Workplace and Governance. Details of persons signing a petition will generally only be used by Council to verify that the signatories qualify as having a direct interest in the Queanbeyan-Palerang Local Government Area as required by this policy.

## PETITION POLICY

### Petition lodgment form

To the Mayor and Councillors of Queanbeyan-Palerang Regional Council:

Please find attached a petition concerning the following subject.

**SUBJECT OF PETITION:** \_\_\_\_\_

<b>Number of persons who have signed the petition and number of signed pages attached</b>	
<b>Signature of person lodging petition[The Petition Organiser]</b>	
<b>Name</b>	
<b>Address</b>	
<b>Contact details</b>	<b>Mobile/home phone number</b> <b>Email address:</b>
<b>If acting on behalf of organisation/group, name of organisation/group</b>	

**Note:** Telephone numbers will be used to enable contact between Council and the person lodging this petition.

### Privacy Statement

Apart from petitions in relation to development applications, information provided to Council in a petition is protected by the *Privacy and Personal Information Protection Act, 1998*. This is embodied in Council's *Privacy Management Plan* which is available on Council's website or on request. Any questions concerning privacy or the use of personal information should be referred to Council's Service Manager, Workplace and Governance.

Details of persons signing a petition will generally only be used by Council to verify that the signatories qualify as having a direct interest in the Queanbeyan-Palerang Local Government Area as required by this policy.

PETITION POLICY

## Petition

To the Mayor and Councillors of Queanbeyan-Palerang Regional Council

**SUBJECT OF PETITION:** \_\_\_\_\_

**ACTION REQUESTED:** We, the undersigned, petition the Mayor and Councillors of Queanbeyan-Palerang Regional Council to: *[clear and precise statement setting out what the petitioners are asking council to do]*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name (please print)	Address (please print)	Signature

Attach additional pages as necessary

# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Council Meeting Attachment**

**13 JULY 2022**

ITEM 9.8            REVIEWED POLICIES

ATTACHMENT 3    PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF  
CONDUCT



## **Procedures for the Administration of the Code of Conduct**

<b>Date policy was adopted:</b>	
<b>Resolution number:</b>	
<b>Next Policy review date:</b>	July 2024
<b>Reference number:</b>	
<b>Strategic Pillar</b>	Organisation Capability
<b>Responsible Branch</b>	Workplace & Governance

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PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

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## PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

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### 1 INTRODUCTION

The QPRC Procedures for the Administration of the Code of Conduct are based on the Model Procedures ("the Model Code Procedures") that are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct").

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

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

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

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

### 2 DEFINITIONS

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has

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PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

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	delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	means the Chief Executive Officer of QPRC
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 400O of the LGA
LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures

## PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

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wholly advisory  
committee

a council committee that the council has not delegated  
any functions to

### 3 ADMINISTRATIVE FRAMEWORK

#### The establishment of a panel of conduct reviewers

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

PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

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functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.

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

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

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



## PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

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### The appointment of complaints coordinators

- 3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19 The general manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the Public Interest Disclosures Act 1994.
- 3.21 The role of the complaints coordinator is to:
- a) coordinate the management of complaints made under the council's code of conduct
  - b) liaise with and provide administrative support to a conduct reviewer
  - c) liaise with the Office, and
  - d) arrange the annual reporting of code of conduct complaints statistics.

## **4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?**

### What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
- a) complaints about the standard or level of service provided by the council or a council official
  - b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
  - c) complaints about the policies or procedures of the council
  - d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.



## PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

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

### When must a code of conduct complaint be made?

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

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

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

### How may a code of conduct complaint about the general manager be made?

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

## PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

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

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

#### Delegation by general managers and mayors of their functions under this Part

- 5.1 A general manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the general manager or mayor are also to be taken to be references to their delegates.

#### Consideration of complaints by general managers and mayors

- 5.2 In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

#### What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a) is not a code of conduct complaint, or
  - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
  - c) is trivial, frivolous, vexatious or not made in good faith, or
  - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
  - e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

#### How are code of conduct complaints about staff (other than the general manager) to be dealt with?

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the

## PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

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Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.

- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

### How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.

PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

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- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
  - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
  - c) prosecution for any breach of the law
  - d) removing or restricting the person's delegation
  - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
  - b) the person must be given an opportunity to respond to the allegation, and
  - c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are code of conduct complaints about administrators to be dealt with?

- 5.18 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The general manager must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

- 5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
  - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.



## PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

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- 5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

### How are code of conduct complaints about the general manager to be dealt with?

- 5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other

## PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

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than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

### How are complaints about both the general manager and the mayor to be dealt with?

- 5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:
- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
  - b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

### Referral of code of conduct complaints to external agencies

- 5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.



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### Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
  - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
  - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
  - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
  - e) it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

### Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the Public Interest Disclosures Act 1994. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer

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the complaint to the Office for consideration. Such a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

### Special complaints management arrangements

- 5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
  - b) impeded or disrupted the effective administration by the council of its code of conduct, or
  - c) impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
  - b) the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

## **6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT REVIEWERS**

### Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined

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- or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
  - b) a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interest in relation to the matter referred to them, or
  - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
  - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
  - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.

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- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
  - b) comply with a lawful and reasonable request by the complaints coordinator, or
  - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
  - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - d) to refer the matter to an external agency
  - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.



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- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
  - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and
  - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
  - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
  - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
  - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

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### Referral back to the general manager or mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

### Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
  - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
  - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
  - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
  - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
  - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
  - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
  - i) any previous proven breaches of the council's code of conduct
  - j) whether the conduct complained of forms part of an ongoing pattern of behaviour



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- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

### **7 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER**

#### What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an “investigator”) may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.
- 7.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

#### How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
  - a) disclose the substance of the allegations against the respondent, and
  - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
  - c) advise of the process to be followed in investigating the matter, and
  - d) advise the respondent of the requirement to maintain confidentiality, and
  - e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
  - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator

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considers reasonably necessary for the respondent to identify the substance of the allegation against them.

- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
  - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
  - c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

#### Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

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### How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

### Referral or resolution of a matter after the commencement of an investigation

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
  - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
  - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.

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- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

### Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

### Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,



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- b) make a determination that the conduct investigated either,
  - i. constitutes a breach of the code of conduct, or
  - ii. does not constitute a breach of the code of conduct, and
- c) provide reasons for the determination.

7.36 At a minimum, the investigator's final report must contain the following information:

- a) a description of the allegations against the respondent
- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
- c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
- d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
- e) a description of any attempts made to resolve the matter by use of alternative means
- f) the steps taken to investigate the matter
- g) the facts of the matter
- h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- i) the investigator's determination and the reasons for that determination
- j) any recommendations.

7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:

- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
- b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
- c) in the case of a breach by a councillor, that the council resolves as follows:
  - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
  - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.

7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.

7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:

- a) that the council revise any of its policies, practices or procedures
- b) that a person or persons undertake any training or other education.

7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.

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- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
  - b) the investigator's determination and the reasons for that determination
  - c) any recommendations, and
  - d) such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.
- 7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

Consideration of the final investigation report by council

- 7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.
- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.
- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.



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- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
  - b) seek an opinion from the Office in relation to the report.
- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
  - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
  - c) in the case of a breach by a councillor:
    - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
    - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.
- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

## 8 OVERSIGHT AND RIGHTS OF REVIEW

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### The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

### Complaints about conduct reviewers

- 8.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

### Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

### Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.

PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

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- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
  - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
  - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
  - b) the council must:
    - i. review its decision to impose the sanction, and
    - ii. consider the Office's recommendation in doing so, and
    - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

## PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

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### 9 PROCEDURAL IRREGULARITIES

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
- a) the non-compliance is isolated and/or minor in nature, or
  - b) reasonable steps are taken to correct the non-compliance, or
  - c) reasonable steps are taken to address the consequences of the non-compliance.

### 10 PRACTICE DIRECTIONS

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

### 11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE GENERAL MANAGER

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
  - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
  - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
  - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
  - e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
  - f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
  - g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.
- 11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.



## PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

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### 12 CONFIDENTIALITY

- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the general manager or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.
- 12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
- a) the complainant
  - b) the complaints coordinator
  - c) the Office, and
  - d) any other person the general manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the Government Information (Public Access) Act 2009 or to receive information under the Public Interest Disclosures Act 1994 in relation to a complaint they have made.

# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Council Meeting Attachment**

**13 JULY 2022**

ITEM 9.8            REVIEWED POLICIES

ATTACHMENT 4    SEWER CONNECTIONS - LIMIT OF COUNCIL  
RESPONSIBILITY





# Sewer Connections – Limit of Council Responsibility

<b>Date policy was adopted:</b>	
<b>Resolution number:</b>	
<b>Next Policy review date:</b>	July 2024
<b>Reference number:</b>	
<b>Strategic Pillar</b>	Community Connections
<b>Responsible Branch</b>	Utilities

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SEWER CONNECTIONS – LIMIT OF COUNCIL RESPONSIBILITY

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**1. OUTCOMES:**

- 1.1 To define the limit of responsibility that Council will accept for the maintenance of sewer infrastructure that services a particular property.

**2. POLICY:**

- 2.1 Council maintains sewer infrastructure within its sewerage scheme areas. This policy sets out the limits of council responsibilities with property owners.

**3. SCOPE OF THE POLICY:**

- 3.1 This policy applies to any property connected to a Queanbeyan-Palerang Regional Council sewerage scheme for which it is the Local Water Utility under the terms of the Local Government Act 1993.

**4. DEFINITIONS:**

**Boundary riser:** A vertical shaft located at or in near proximity to the property boundary that joins the inlet of a boundary connection to ground level to provide access to the drain for inspection, cleaning or maintenance. The riser is covered with a cap or lid. The facility may incorporate a trap.

**Council Sewer:** Any pipe, pump, well, fixture or other appurtenant works owned and operated by the Council that exists for the collection, transport and treatment of sewage; regardless of whether that infrastructure is located on private or public land

**Subject Property:** The property served by the sewer.

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

- 5.1 This policy does not change Council's insurable legal risk in respect of infrastructure located on public land. The individual property owner will retain the insurable risk with regard to infrastructure located on private land.

**6. CONTENT:**

- 6.1 Council is responsible for the maintenance of sewer infrastructure as follows:
- 6.1.1 For sewer connections with a boundary riser, trap or inspection opening located within two (2) metres of the property boundary: To and including the boundary riser.
- 6.1.2 For sewer connections without a boundary riser, trap or inspection opening or with a boundary riser, trap or inspection opening located greater than two (2) metres from the property boundary: To the point of connection (interface) of Council's main only.
- 6.2 Property-owners are responsible for:

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## SEWER CONNECTIONS – LIMIT OF COUNCIL RESPONSIBILITY

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6.2.1 Maintaining the presence and accessibility of any boundary riser on their serviced premises to ensure that access to such is not obstructed in any way.

6.2.2 Covered, inaccessible or otherwise non-discoverable boundary risers will be assessed according to clause 6.1.2 above.

### 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 2024].

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**


**13 JULY 2022**

ITEM 9.9            POLICIES FOR RESCISSION

ATTACHMENT 1   PRIVATE WORKS PREPAYMENT POLICY



## Private Works – Prepayment Policy

<b>Date policy was adopted:</b>	19 December 2018	<b>CEO Signature and date</b> 
<b>Resolution number:</b>	454/18	
<b>Next Policy review date:</b>	December 2020	
<b>Reference number:</b>	SF160365	
<b>Strategic Pillar</b>	Connection	
<b>Responsible Branch</b>	Contracts and Projects	20 December 2018

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## Private Works – Prepayment Policy

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### 1. OUTCOMES:

- 1.1 Occasionally Queanbeyan-Palerang Regional Council may be requested to undertake private works by individuals or organisations. In undertaking these works Council needs to ensure it is not financially exposed.

### 2. POLICY:

- 2.1 That Council requires pre-payment in full before any works are carried out on behalf of private individuals or organisations.

### 3. SCOPE OF THE POLICY:

- 3.1 This policy applies to individuals and/or organisations which request Council to undertake private works on their behalf.

### 4. DEFINITIONS:

- 4.1 Nil.

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

- 5.1 Nil.

### 6. CONTENT:

- 6.1 Nil.

### 7. PERFORMANCE INDICATOR:

- 7.1 No private works undertaken prior to full payment being received.



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# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Council Meeting Attachment**

**13 JULY 2022**

ITEM 9.9                      POLICIES FOR RESCISSION

ATTACHMENT 2      QCC LOOSE-FILL ASBESTOS INSULATION RATES RELIEF  
POLICY



# **Loose Fill Asbestos Insulation – Rates Relief Policy**

<b>Date policy was adopted by Council:</b>	24 June 2015
<b>Resolution number:</b>	260/15 & 278/15
<b>Previous Policy review date:</b>	New Policy
<b>Next Policy review date:</b>	September 2016
<b>Reference number:</b>	C15112769

**Policy**

**Loose Fill Asbestos Insulation – Rates Relief Policy**

**All Divisions**

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**1. OUTCOMES:**

This policy is to give owners of homes affected by loose fill asbestos insulation (also known as Mr Fluffy asbestos) rates relief pending the outcome of the NSW State Government's consideration of the report of the NSW Loose Fill Asbestos Insulation Taskforce into the most cost effective options for a Government purchase/demolition scheme for affected homes.

**2. POLICY:**

Loose fill asbestos insulation has the potential to make a property difficult to tenant or in some cases may prevent occupation of a home. Until a decision on the Taskforce's recommendations is made by the State Government, Council will provide rate relief to owners suffering consequential hardship, by deferring the recovery of rates and associated charges interest free for a twelve month period. If further relief is required at the end of this period a further application will be required.

**3. DEFINITIONS**

Affected Home – Means any single dwelling or any form of multi-unit dwelling (including flats, townhouses, units, dual occupancy or the like) which has at one time or another had loose fill asbestos insulation installed at those premises.

**4. LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS**

Section 577 of the Local Government Act 1993, allows a council to extend rate concessions to avoid Hardship.

**5. CONTENT:**

To be eligible for rates relief the Affected Home must be:

- On the NSW Register of Homes Affected by Loose Fill Asbestos; and
- Vacant and unable to be tenanted or occupied; and
- The owner must be experiencing financial hardship and demonstrate that hardship by completing a hardship application form.

These hardship applications will be assessed by a committee comprising the Chief Rates Officer, Chief Financial Officer and a representative from the Environment and Health section.

Where the committee is satisfied that hardship can be demonstrated the recovery of rates will be deferred and no interest charges shall be payable.

At the end of each financial year a report is to be presented to Council detailing the number of properties being granted this concession. The report will include a recommendation to write-off any interest charges which would have been due on the deferred rates.

**Policy**


**Loose Fill Asbestos Insulation – Rates Relief Policy**

**All Divisions**

**6. PERFORMANCE INDICATOR**

Nil

<b>POLICY:-</b>	
<b>Policy No:</b>	
<b>Policy Title:</b>	Loose Fill Asbestos Insulation – Rates Relief Policy
<b>Date Policy was adopted by Council:</b>	24 June 2015
<b>Resolution Number:</b>	260/15 and 278/15
<b>Previous Policy Review Date:</b>	New Policy
<b>Next Policy Review Date:</b>	September 2016
<b>PROCEDURES/GUIDELINES:-</b>	
<b>Date Procedure/Guideline (if any) was developed:</b>	Nil
<b>RECORDS:-</b>	
<b>Container Reference in TRIM: Policy</b>	SF080616
<b>Container Reference in TRIM: Procedure</b>	N/A
<b>Other locations of Policy:</b>	Intranet (linked to TRIM Container)
<b>Other locations of Procedures/Guidelines:</b>	N/A
<b>DELEGATION (if any):-</b>	
<b>RESPONSIBILITY:-</b>	
<b>Draft Policy developed by:</b>	Chief Rates Officer
<b>Committees (if any) consulted in the development of the Draft Policy:</b>	Nil
<b>Responsibility for Implementation:</b>	Chief Financial Officer
<b>Responsibility for Review of Policy:</b>	Chief Financial Officer
<b>INTEGRATED PLANNING FRAMEWORK:</b>	
<b>Community Strategic Plan:</b>	Theme No.6
<b>Delivery Program Title:</b>	Environmental Health
<b>Operational Plan:</b>	Program No. 520

<b>Senior Authorising Officer</b>	<b>Position</b> General Manager	<b>Signature/Date</b> 
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**Policy**

**Loose Fill Asbestos Insulation – Rates  
Relief Policy**

**All Divisions**

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<b>ACTION</b>	<b>COUNCIL MEETING DATE</b>	<b>RESOLUTION NUMBER</b>	<b>REPORT ITEM NUMBER</b>
<b>NEW/RECONFIRMED/ AMENDED</b>			
New	24 June 2015	260/15 & 278/15	Item 15.2 (Closed)

<b>DATE REVIEWED</b>	<b>REVIEWER POSITION</b>	<b>REVIEWER NAME</b>

# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Council Meeting Attachment**

**13 JULY 2022**

ITEM 9.9            POLICIES FOR RESCISSION

ATTACHMENT 3    REQUESTS FOR ASSISTANCE WITH LEGAL COSTS POLICY





## Request for Assistance with Legal Costs Policy

<b>Date policy was adopted:</b>	24 April 2019	<b>CEO Signature and date</b> 
<b>Resolution number:</b>	141/19	
<b>Next Policy review date:</b>	April 2021	
<b>Reference number:</b>	C1960216	
<b>Strategic Pillar</b>	Capability	
<b>Responsible Branch</b>	Legal & Risk	24 April 2019

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## Request for Assistance with Legal Costs Policy

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### 1. OUTCOMES:

- 1.1 The policy provides structure and process in the administration of requests for legal assistance from outside agencies like Local Government NSW.

### 2. POLICY:

- 2.1 To assist NSW Councils or other organisations faced with substantive costs resulting from a legitimate legal action where the issues arising from and/or outcomes of such legal proceedings could benefit Queanbeyan-Palerang Regional Council.

### 3. SCOPE OF THE POLICY:

- 3.1 From time to time, the Council receives requests, usually from the Local Government NSW requesting that Council provide financial assistance to help off-set costs incurred in relation to legal proceedings in which the Council or organisation has been involved. Many such requests are minor and operational in nature and can be dealt with during the normal course of business.

### 4. DEFINITIONS:

- 4.1 Nil

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

- 5.1 In accordance with Section 356 of the Local Government Act 1993 (*financial assistance to others*), Council must approve any financial contributions to assist other Councils with legal costs.

### 6. CONTENT:

- 6.1 Any requests from the Local Government NSW or others for financial assistance with legal costs will only be granted if the issues arising from and/or outcomes of legal proceedings could benefit Queanbeyan-Palerang Regional Council.
- 6.2 The General Manager in consultation with the Mayor will assess any such request to gauge its relevance to Council; if the request is supported, the General Manager can arrange reimbursement up to \$2,000 within an approved budget.
- 6.3 Any request greater than \$2,000 shall be referred to the Council for consideration together with an Officers report on the matter recommending support or otherwise.
- 6.4 A summary of requests for financial assistance under this policy and a summary of such requests will be included in the quarterly report on Legal Matters submitted to the Council and the Schedule of Donations in the Council Annual Report.

### 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:



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## Request for Assistance with Legal Costs Policy

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



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# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Council Meeting Attachment**

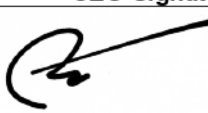
**13 JULY 2022**

ITEM 9.9            POLICIES FOR RESCISSION

ATTACHMENT 4    COMMUNITY MEETINGS POLICY



# Community Meetings Policy

<b>Date policy was adopted:</b>	24 April 2019	<b>CEO Signature and date</b> 
<b>Resolution number:</b>	141/19	
<b>Next Policy review date:</b>	April 2021	
<b>Reference number:</b>	C1960210	
<b>Strategic Pillar</b>	Capability/Council	
<b>Responsible Branch</b>	Customer & Communications	24 April 2019

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## Community Meetings Policy

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### 1. OUTCOMES:

- 1.1 To establish a means of consulting/communicating with residents across the Queanbeyan-Palerang Local Government Area.

### 2. POLICY:

- 2.1 Council wishes to directly engage residents via public meetings in Queanbeyan, Bungendore, Braidwood at least twice a year and in other towns and villages within the Local Government Area as required.

### 3. SCOPE OF THE POLICY:

- 3.1 The community meetings provide an opportunity for the wider community to come along and hear from Council representatives about key council initiatives which affect their local area and also to ask questions.

### 4. DEFINITIONS:

- 4.1 Nil

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

- 5.1 Nil

### 6. CONTENT:

- 6.1 Council holds a community meeting at least twice a year in April/May and October/November each year at a community-based locations in Queanbeyan City, Bungendore and Braidwood to discuss local issues and concerns.
- 6.2 The Community Meetings also constitute part of the community engagement process for the development of Council's Draft Integrated Plans.
- 6.3 The meetings are to commence at 6pm at an advertised location within the three localities.
- 6.4 Council will hold meetings with residents of the region's other towns, villages and rural areas on an 'as required basis' depending on issues/initiatives which may impact upon or be of interest to them.
- 6.5 Where required, standalone project, or issue specific, community meetings will be held if they do not align with schedule community meetings and will be advertised accordingly.
- 6.6 A generic agenda for the meetings will include the following items:
- Welcome,
  - Council presentation – overview of Council initiatives and/or issues of interest to the local community,
  - Council presentation – current works program for the Council which is occurring in the locality, and
  - Questions and Answers – issues and concerns raised by residents.
- 6.7 Members of the community be invited to submit items for the agenda. These items may be included in the Council presentation. Submission of agenda items will close one week prior to the meeting.
- 6.8 For each meeting, a minimum of 4-6 weeks notice of the meeting be provided
- 6.7 Notification of the meetings and a copy of the updated agenda will be placed on Council's website and social media accounts.
- 6.8 Council will provide advice of the community meeting opportunities via QPRC newsletters.



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## Community Meetings Policy

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- 6.9 Council will also use the dedicated page of advertisements and information in the Queanbeyan, Bungendore and Braidwood newspapers to advise the community of upcoming consultation opportunities

### 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**

**13 JULY 2022**

ITEM 9.9            POLICIES FOR RESCISSION

ATTACHMENT 5    DECISION MAKING FRAMEWORK POLICY



# Decision Making Framework Policy

<b>Date policy was adopted:</b>	25 September 2019	<b>CEO Signature and date</b> 
<b>Resolution number:</b>	325/19	
<b>Next Policy review date:</b>	September 2021	
<b>Reference number:</b>		
<b>Strategic Pillar</b>	Capability	
<b>Responsible Branch</b>	Governance	26 September 2019

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## Decision Making Framework Policy

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### 1. OUTCOMES:

- 1.1 Queanbeyan-Palerang Regional Council (QPRC) has developed a Decision-Making Framework Policy to provide guidance that ensures that decisions made by Councillors and staff align with the legislative principles contained in Section 8A(2) of the *NSW Local Government Act 1993* (the Act). These principles are:
- *Councils should recognise diverse local community needs and interests*
  - *Councils should consider social justice principles*
  - *Councils should consider the long-term and cumulative effects of actions on future generations*
  - *Councils should consider the principles of ecologically sustainable development*
  - *Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.*
- 1.2 The Policy is accompanied by a Framework (**Attachment 1**) and a Procedure which sets out how the Council makes its decisions.
- 1.3 The Policy recognises the role and relationship of planned and unplanned decisions (**Schedule 1**).
- 1.4 The Policy incorporates a number of tools Council uses to assist with its decision-making process (**Schedules 2 -8**).

### 2. SCOPE OF THE POLICY:

- 2.1 This Policy applies to all QPRC officials who are responsible for corporate and community-driven decision-making.

### 3. DEFINITIONS

*Capability Maturity Model* — is a process improvement approach employed to assess the maturity of existing processes and identify how these processes can be improved.

*Council officials* — QPRC Councillors, members of management staff of Council and other approved delegates.

*Determination reports* — those reports prepared by staff that are included in the business paper for Ordinary and Planning & Strategy Committee of the Whole meetings to inform Councillors of the potential implications of matters and to assist them in their decision-making.

*Executive staff* — Council's Executive staff comprise the CEO/General Manager, and the Portfolio General Managers of Community Connection, Community Choice, Natural and Built Character and Organisational Capability.

*Notices of motion* — notice given by Councillors of motions to be moved at a Council meeting in accordance with s.241 of the *NSW Local Government (General) Regulation 2005* and the QPRC Code of Meeting Practice.



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## Decision Making Framework Policy

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*Resolution Action Sheet* — record of resolutions carried at Council's Ordinary meetings and Planning & Strategy Committee of the Whole meetings, the responsible staff member and the progress of actions taken to implement the resolutions.

*Staff member* — any person employed, contracted or providing services by, for, or on behalf of QPRC with delegations to make decisions or determinations on behalf of Council (e.g. CFO, development planners).

### 4. LEGISLATIVE OBLIGATIONS AND RELEVANT STANDARDS

- 4.1 This Framework and Policy is to be read in conjunction with the following State legislation:
- *NSW Local Government Act 1993* (the Act)
  - *Local Government (General) Regulation 2005*
  - *NSW Local Government (General) Amendment (Regional Joint Organisations) Regulation 2018*
- 4.2 This Framework and Policy is to be read in conjunction with the following document:
- Office of Local Government Councillor Handbook 2017
- 4.3 This Framework and Policy is to be read in conjunction with the following QPRC documents:
- Code of Conduct
  - Code of Meeting Practice
  - Gifts and Benefits Policy
  - Community Strategic Plan
  - Delivery Program
  - Operational Plan
  - Risk Management Policy
  - Communications Strategy
  - Community Engagement Strategy
  - Delegations
  - Resolution Action Sheet
  - Governance Framework
  - Complaint Management Framework
  - Document Framework
  - Legislative Compliance Policy
- 4.4 Section 439 of the Local Government Act provides the following in relation to the duty of care and diligence for each QPRC official:

*Every councillor, member of staff of a council and delegate of a council must act honestly and exercise a reasonable degree of care and diligence in carrying out his or her functions under this or any other Act.*

This requirement is further reinforced by Clause 3.2 of QPRC's Code of Conduct:

*You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA Act or any other Act.*

### 5. ROLES

- 5.1 The role of Councillors (Section 232 of the Act) is to set direction, consider strategy, establish policy and provide advocacy on behalf of residents and businesses in the LGA.



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## Decision Making Framework Policy

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- 5.2 The role of a Joint Organisation (i.e. Canberra Region JO) per the *Local Government (General) Amendment (Regional Joint Organisations) Regulation 2018* is to provide strategy and advocacy on a regional scale, and potentially consider opportunities for joint procurement and shared services.
- 5.3 The role of the CEO/General Manager is to manage the day-to-day operation of the organisation and to implement the lawful decisions (policy) of the Council whilst ensuring the provision of timely information and advice so that the Council can make informed decisions. The authority to implement decisions is provided by the CEO/GMs Instrument of Delegation. All other delegations/authorities for staff flow from this Instrument of Delegation (**Schedule 7**).
- 5.4 The role of the Executive is to assist the CEO/General Manager to initiate, respond to and guide strategy, policy, procedure and administrative actions related to Council's day-to-day operations.
- 5.5 The role of the staff is to assist the CEO/General Manager and Senior Managers (Portfolio GMs and Service Managers) to implement Council's policy decisions and assist with the day-to-day operation of the organisation in the delivery of services, programs and projects to the community.
- 5.6 The role of committees and panels is to provide advice to Council on matters under its consideration, or to manage reserves, halls or buildings on behalf of Council. Those matters are to be noted or, where relevant, actions or funding requests are to be endorsed by Council.
- 5.7 The business of Council is guided by:
- legislation
  - strategy
  - policy
  - procedure/guidelines
  - reports (from staff)
  - service requests (from community)
  - notices of motion (from Councillors)
  - complaints (by community)
  - natural events and emergencies
  - the Audit, Risk and Improvement Committee (ARIC)

## 6 POLICY

- 6.1 Council's Decision-Making Framework and Policy aligns with the Legislative Principles under Section 8(A) (2) of the *NSW Local Government Act 1993*. The principles are stated in section 1.1 of this Framework.
- 6.2 The authority to implement decisions flows from the CEO/GM's Instrument of Delegation (**Schedule 7**).
- 6.3 Decisions will be guided by the Strategic Framework (see **Attachment 1** for details of the Framework) and Decision-Making for Planned and Unplanned Decisions (**Schedule 1**).
- 6.4 Significant strategy and project decisions will be guided and ranked by nett costs or benefits identified through the quadruple bottom line (QBL) tool and the Decision Support Tool. The QBL philosophy refers to social, environmental, economic and civic leadership considerations (see **Schedules 2 and 3** for an explanation of factors within each consideration).



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## Decision Making Framework Policy

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- 6.5 All Council decisions will be developed and implemented within the context of the Integrated Planning & Reporting Framework as required by Section 8c of the Local Government Act (**Schedule 4**).
- 6.6 Significant strategy and project decisions will be guided by risk assessments informed by Council's Asset Strategy and Risk Framework and Council's Risk Appetite Statement (**Schedule 5**).
- 6.6 Formal Council and Executive decisions will be recorded in minutes and distributed for attention to relevant service managers. The status of those decisions will be monitored and compiled for the information of Councillors and the Executive.
- 6.7 Decisions to initiate, progress or conclude key projects are informed by respective project boards who in turn report on business case, status, risk and resources to the Project Management Committee (comprising the Executive and Service Manager Contracts and Projects).
- 6.8 Projects will be managed and implemented via the Project Framework which is based around Identify, Plan, Develop, Deliver and Close (**Schedule 8**).

### 7. RISK

- 7.1 Council's appetite for risk may guide decisions on strategy and projects (see **Schedule 5**). In reaching each decision, Council officials must consider risks associated with:
- financial matters
  - infrastructure
  - environment
  - reputation
  - legal
  - people

### 8. HIERARCHY OF DECISIONS

- 8.1 Many of Council's decisions will be informed and guided by its strategy hierarchy (consisting of Study, Strategy, Plan, Policy) (**Schedule 6**). In line with the Project Management Framework, decisions to proceed with a strategic action or project may be influenced by that action or project progressing through relevant gateways (e.g. justification, strategic, business case, delivery).

### 9. MONITORING

- 9.1 Council's CEO/General Manager and Executive staff will monitor the Framework and Policy to:
- (a) ensure its alignment with the legislative principles contained in Section 8A(2) of the Act;
  - (b) identify and correct deficiencies in the operation of the system.
- 9.2 Monitoring may include the use of a Capability Maturity Model, audits, assessments or evaluations.



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## Decision Making Framework Policy

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- 9.3 Resolutions of Council, the Executive and Project Management Committee are recorded in a suitable software package. The status of actioning those decisions is tabulated and reported quarterly to Council.

### 10. REVIEW

- 10.1 This Policy is a local policy and accordingly will be automatically revoked 12 months after the declaration of the poll for the next general NSW local government election, unless revoked sooner by Council. [Note: automatic revocation of the 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.]
- 10.2 This Framework may be reviewed and updated as necessary if:
- (a) legislation requires it, or
  - (b) Council's functions, structure or activities change.

### Attachments:

#### Attachment 1: QPRC Decision-Making Framework

Schedule 1:	Decision-Making Framework for Planned and Unplanned Decisions
Schedule 2:	Quadruple Bottom-line Considerations
Schedule 3:	Decision Support Tool
Schedule 4:	Integrated Planning & Reporting Framework
Schedule 5:	Risk Framework & Risk Appetite Statement
Schedule 6:	Strategy Hierarchy
Schedule 7:	Instrument of Delegation CEO/GM
Schedule 8:	Project Management Framework



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## Decision Making Framework Policy

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### Attachment 1: QPRC Decision-Making Framework

### QPRC Decision Making Framework

QPRC has developed a Decision Making Framework (See **Figure 1**) to provide guidance to ensure its decisions made by Councillors and staff align with the legislative principles and intent contained within the Local Government Act 1993. The principles for local government are set out in Chapter 3 of the Act which consist of three parts:

- Section 8A: Guiding Principles for councils
- Section 8B: Principles of Sound Financial Management
- Section 8C: Integrated Planning & Reporting Principles that apply to Councils

These governing principles influence the relationship between the Body Politic (the elected Council) and the community whom they are there to serve. This relationship is determined by the community setting out their vision and aspirations through the Community Strategic Plan and via the four yearly elections where they vote in their representatives. The Body Politic in return provides civic leadership and undertakes community engagement to ensure they are in tune with community views. The LG Act further recognises that there exists a dual relationship between the Body Politic and the Staff (CEO). The Body Politic has only 'one employee' – the CEO. This relationship is set out in Sections 223 and 335 of the Act.

In its simplest form the Council (the Body Politic) sets the policy direction of the organisation and monitors its progress in achieving this, whilst the CEO is responsible for:

- The day to day operation of the organisation
- Providing policy advice and information in a timely manner to the Body Politic so they can make informed decisions, and
- Implementing policy set by the Body Politic.

The CEO, as the sole employee, is delegated authority by the Body Politic via an Instrument of Delegation to employ staff and resources to assist in his/her roles of providing for the day-to-day operation of the organisation and the provision of policy advice and policy implementation.

To assist with policy implementation Council employs a range of processes/tools to ensure it can efficiently and effectively do so. These consist of:

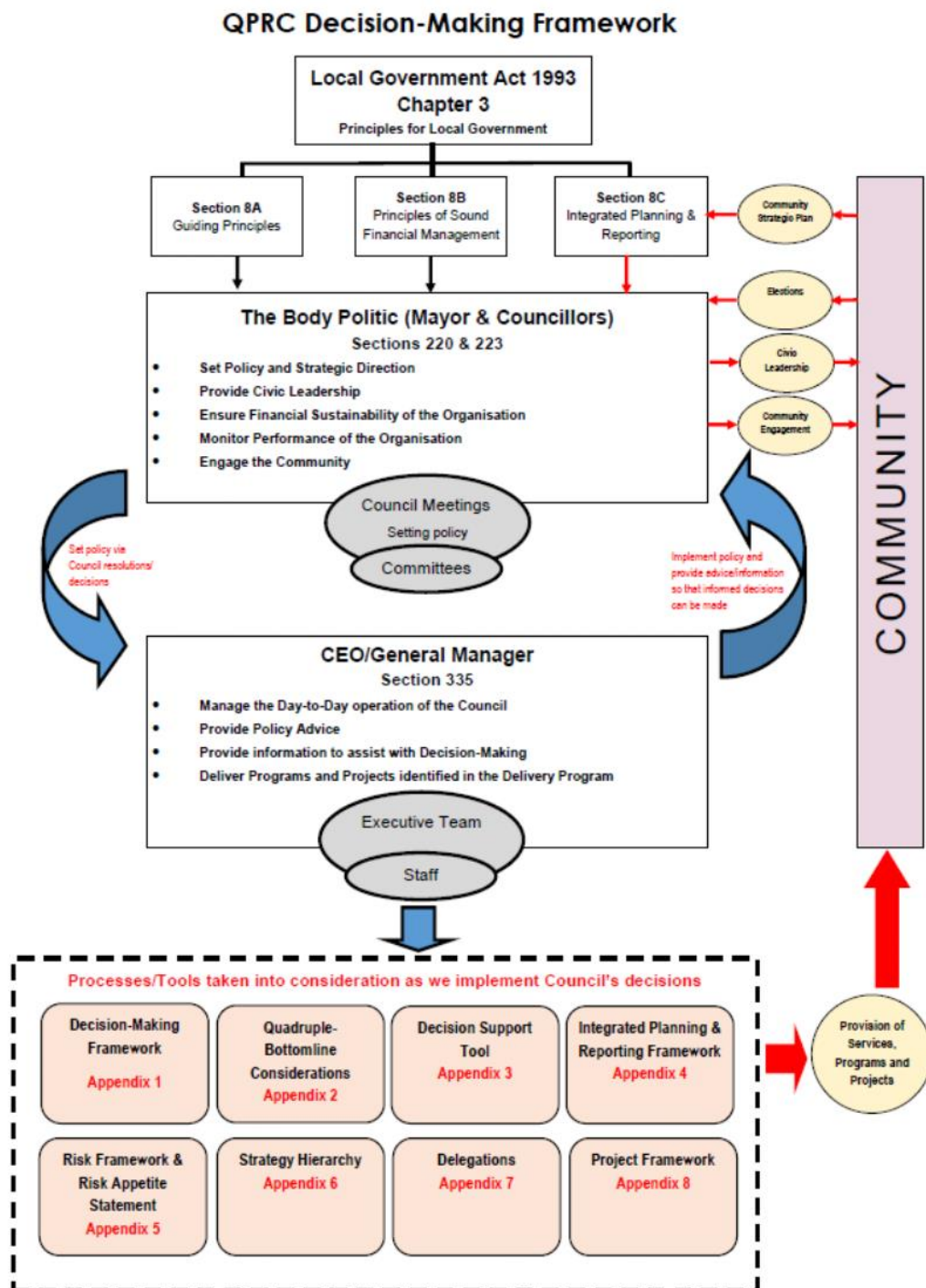
- **Decision Making Framework** – which sets out how Council can handle planned and unplanned decisions in a fair and transparent manner.
- **Quadruple Bottomline (QBL) Considerations** – to ensure Council's decisions meet the QBL requirements of Integrated Planning and Reporting.
- **Decision Support Tool** – which allows Council to prioritise decision implementation within a fair and equitable framework.
- **Integrated Planning & Reporting Framework** – which ensures that Council meets the requirements of IP&R as defined by S\*C of the LG Act.
- **Risk Framework and Risk Appetite Statement** – to ensure that risk minimization and risk management is built into all Council's decisions.
- **Strategy Hierarchy** – to ensure that information is produced in such a way to keep the Body Politic and community well informed.
- **Delegations** – to ensure that staff have the required authorities to implement Council decisions. All staff delegations flow from the authorities approved in the CEO's Instrument of Delegation.
- **Project Framework** – to ensure projects are effectively and efficiently delivered.



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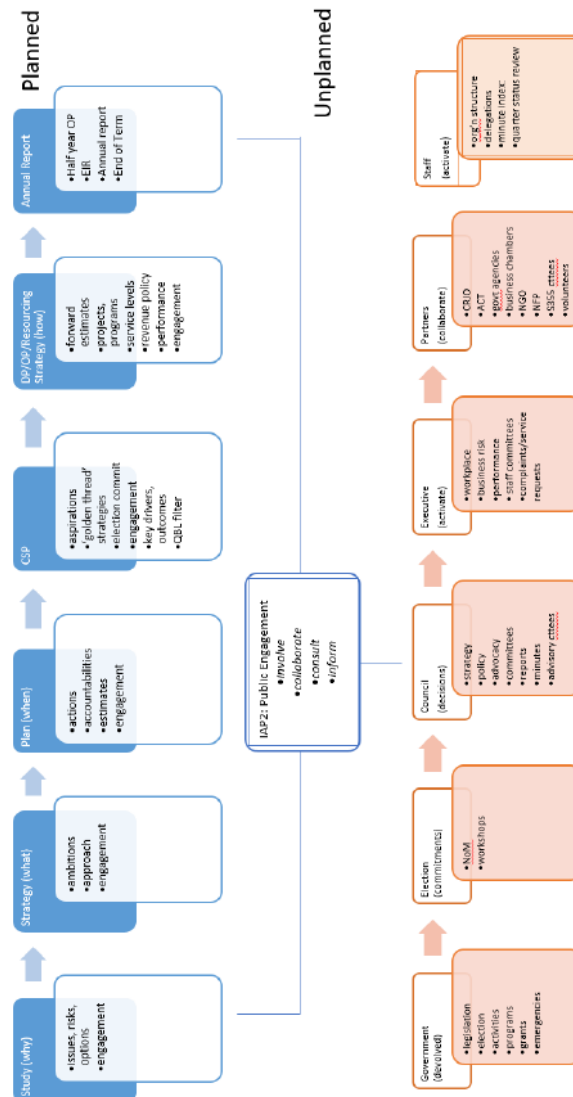
## Decision Making Framework Policy

Figure 1: QPRC's Decision Making Framework



## Decision Making Framework Policy

Schedule 1: QPRC Decision-Making Framework for Planned and Unplanned Decisions



## Decision Making Framework Policy

**Schedule 2: Quadruple Bottom-line Considerations**

<b>Social</b>	<b>Environmental</b>	<b>Economic</b>	<b>Civic Leadership</b>
Access and equity issues	Total water cycle management	Regional economic profiles and opportunities	Policy frameworks
Cultural activities	Preserving biodiversity	Economic sustainability strategies	Decision-making principles and allocation of priorities
Recreation and active living	Waste management	Commercial and industrial opportunities	Leadership and representation
Built environment – urban design and planning for growth	Protecting specific environmental features	Small business strategies	Levels of service
Providing and maintaining community facilities	Climate change impacts and initiatives	Tourism	Council's role as a responsible employer
Heritage issues	Alternative energy sources	Providing vocational pathways	Business efficiency and probity expectations of the council
Consultation networks	Air quality	Supply chain issues	Ethical practices
Public health and safety	Environmental impact of development	Transport and trade links with other centres	Consultation and community participation in decision-making
Affordable housing	Environmentally sound operation of assets	Financial sustainability of the council	Community ownership and implementation of the strategic plan
Education			
Transport links between communities in our LGA			



## Decision Making Framework Policy

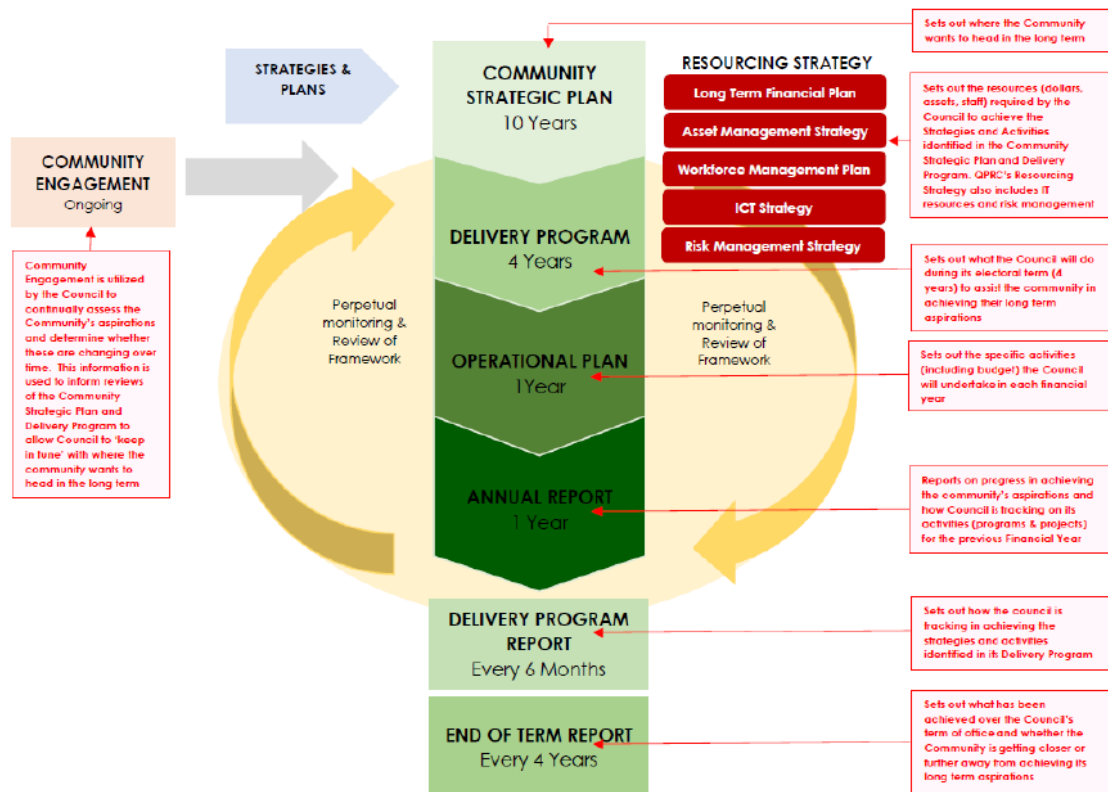
### Schedule 3: QPRC Decision Support Tool

Schedule of Q1-RS Decision Support Tool				Quadruple Bottom Line (QBL) Matrix - rank: -2 (detrimental) to +2 (positive impact)					
QBL	Strategic Goal			Project number 1-11					
				1	2	3	4	5	6
Environment	Character	consider environmental impacts of development urban landscapes promote community pride natural landscapes and resources are sustainable promote sound resource conservation future planning is well coordinated							
Environmental sum				0	0	0	0	0	0
Environmental rank									
Social	Community	strengthen cultural life and heritage access to opportunities and support services safe community learning community active and healthy lifestyle							
Social sum				0	0	0	0	0	0
Social rank									
Economic	Choice	revitalisation of CBD and town centres promote Q-P as tourist destination local businesses are well run and environmentally sound							
Economic sum				0	0	0	0	0	0
Economic rank									
Infrastructure Connection									
transport network well planned and maintained access to secure potable water safe sewer, stormwater and recycled water supply promote sound waste and resource conservation regional facilities with better social connection infrastructure planning in line with future growth									
Infrastructure sum				0	0	0	0	0	0
Infrastructure rank									
TBL sum				0	0	0	0	0	0
TBL rank									
QBL	Strategic Goal			Project number 1-11					
				1	2	3	4	5	6
Financial	score > 5	Capital cost Maintenance cost Operating cost (Annualised maintenance or renewal cost) (,000)							
							0	0	0
Delivery Program									
source of funds (top priority projects)									
Debt Grants s94 contributions Crown Land In kind (,000)							0	0	0

## Decision Making Framework Policy

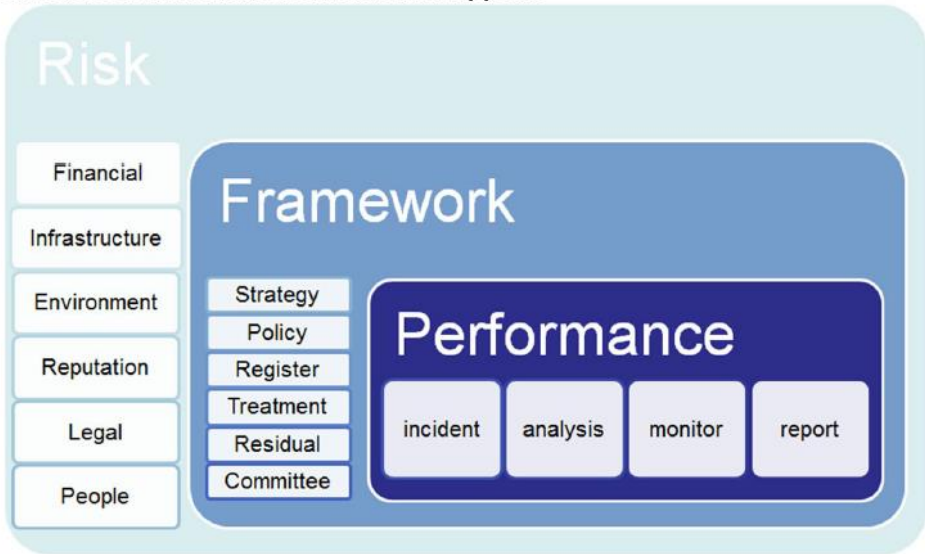
### Schedule 4: Integrated Planning & Reporting Framework

#### INTEGRATED PLANNING & REPORTING FRAMEWORK



Decision Making Framework Policy

Schedule 5: Risk Framework and Risk Appetite



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## Decision Making Framework Policy

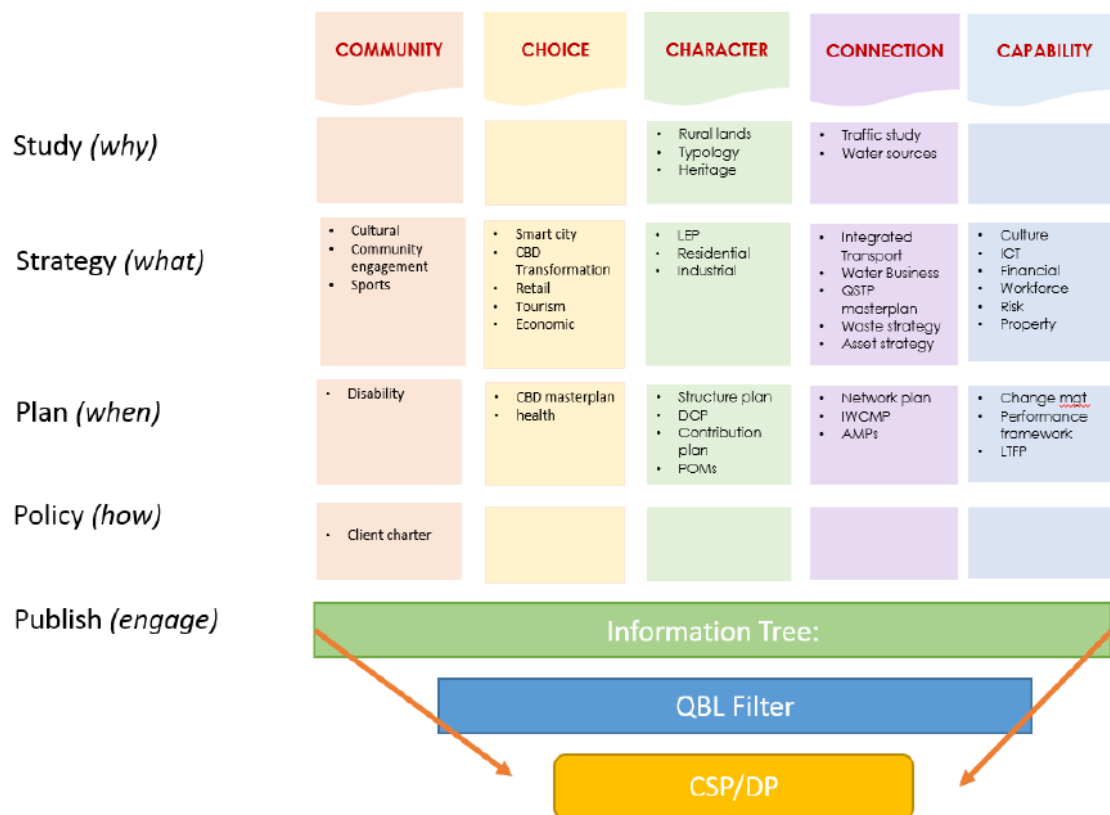
Risk Category	Risk Appetite Statement
Council Objectives, Actions and Projects	<p><b>Manage:</b></p> <p>In order to achieve the objectives set out in the Integrated Planning and Reporting and Stronger Council's frameworks, Council will have to take some level of calculated risk. This may include some financial, service delivery and reputational risk.</p>
Community/ratepayer/customer safety and wellbeing	<p><b>Minimise:</b></p> <p>Council has little or no appetite for acts or omissions that result in injury or illness to third parties, property damage or negative impact on community wellbeing. Council will attempt to control risks of this nature as far as possible within available resources.</p> <p><b>Manage:</b></p> <p>Council will manage the risks arising from use of public infrastructure such as roads and footpaths by allocating the limited resources available to maintain assets in accordance with the priorities set out in its asset management plans and strategies.</p>
Environmental	<p><b>Minimise:</b></p> <p>Council has little or no appetite for environmental damage arising from normal business activities and will ensure controls are in place to minimise such risks.</p> <p><b>Manage:</b></p> <p>Council recognises that trade-offs between environmental and economic objectives may be necessary to achieve some objectives. This may result in the need to provide offsets for loss of bio diversity.</p>
Financial	<p><b>Minimise:</b></p> <p>Council has little or no appetite for financial loss arising from normal business activities and will ensure controls are in place to minimise financial risks.</p> <p><b>Manage:</b></p> <p>Financial risks associated with major capital projects will need to be assessed on a case by case basis. Council may accept some commercial risk associated with delivery of infrastructure and economic development initiatives. This may include risks associated with partnerships and joint venture arrangements.</p>
Legal/regulatory	<p><b>Minimise:</b></p> <p>Council has little or no appetite for significant breaches of legal obligations emanating from legislation or contractual arrangements that result in fines, penalties or significant reputational damage.</p> <p><b>Manage:</b></p> <p>Council will generally manage legal or regulatory breaches by the community, for which Council is the regulatory authority, through education in the first instance and fines and penalties for subsequent breaches. Council will make commercial judgements on whether to proceed with, contest or settle legal matters.</p>
Reputation (Good governance)	<p><b>Minimise</b></p> <p>Council has a low appetite for risks that may result in reputational damage but understands that negative publicity may occur as a consequence of making decisions in an environment where there are competing priorities and interests.</p> <p><b>Eliminate:</b></p> <p>Council has zero appetite for any form of fraud or corruption.</p>

## Decision Making Framework Policy

Service Delivery (Customer Satisfaction)	<b>Minimise:</b> Council has little or no appetite for poor quality service, service disruption and/or customer dissatisfaction. Council will strive to meet service standards set out in the Customer Service Charter.
	<b>Manage:</b> Council has a moderate appetite for risks associated with implementation of new systems and improved methods of service delivery. Council is prepared to take a risk based approach to pricing of services. Where service standards are not met Council will act to mitigate the impact.
Staff Wellbeing	<b>Minimise:</b> Council has no appetite for risks which might result in negative impact on staff wellbeing or the working culture of the organisation.
	<b>Manage:</b> Council recognises that it will have to accept some risk of higher than usual staff turnover during a period of organisational transformation.
Work Health and Safety	<b>Eliminate or minimise:</b> Council has no appetite for avoidable lost time injuries or illnesses to workers or visitors to Council workplaces and will attempt to eliminate or control all safety hazards as far as reasonably practical and in accordance with legislative requirements. Where injuries do occur Council will implement rehabilitation, Return to Work and effective claims management strategies to reduce the impact on the worker and Council.

## Decision Making Framework Policy

### Schedule 6: Strategy Hierarchy





## Decision Making Framework Policy

### Schedule 7: Instrument of Delegation for CEO/GM

#### *Instrument of Delegations to CEO/General Manager*

On Wednesday, 20 September 2017, the Queanbeyan-Palerang Regional Council ("**Council**") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. The person who from time to time holds the position of General Manager of Council ("**General Manager**"), being at the date of this instrument Peter Tegart, be delegated authority under section 377 of the LG Act, to exercise and/or perform on behalf of Council the Council's Functions under all Legislation in force and as amended from time to time:
  - 2.a **Subject to** any condition or limitation on a Function specified in Schedule 1; and
  - 2.b **Excluding** those Functions:
    - i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
    - ii. which are expressly required by legislation to be exercised by a resolution of the Council.
3. The General Manager be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the Council set out in **Schedule 2**, **excluding** those Functions which pursuant to the terms of the delegation to the Council may not be sub-delegated.
4. The General Manager be conferred authority to carry out the Policy Authorities listed in **Schedule 3** and undertake any administrative actions necessary to carry out those Policy Authorities.
5. The General Manager be delegated any Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the LG Act.
6. In the absence of the General Manager that a person appointed by resolution to act as General Manager assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.
7. These delegations and authorities are subject to, and are to be exercised in accordance with:
  - a. The requirements of the relevant legislation;
  - b. Any conditions or limitations set out in **Schedule 1** and **Schedule 3**; and
  - c. Any resolution or policy, procedure or budget adopted from time to time by the Council.
8. These delegations and authorities are effective from the date of the resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
9. In this delegation:
  - "**Functions**" means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
  - "**Legislation**" means legislation enacted by the Parliament of New South Wales and the Parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
  - "**LG Act**" means the *Local Government Act 1993* as amended.

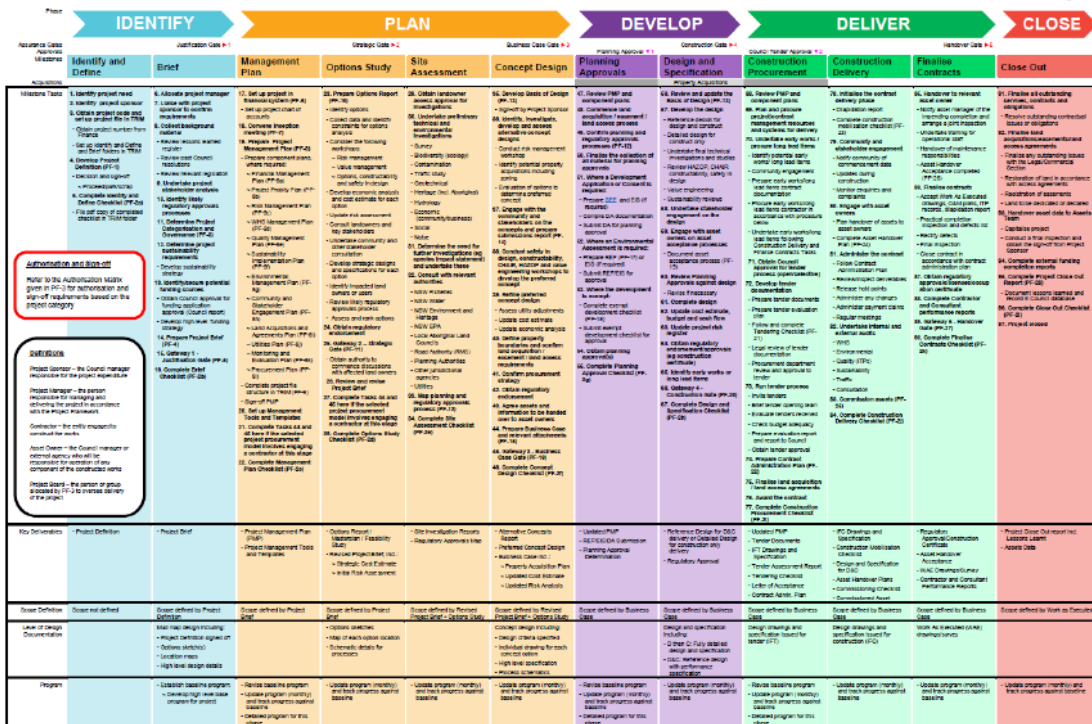
#### Schedule 1: Limitations

Part A – Limitations applicable to specific statutory Function (if any)	
Legislation	Limitation (if any)
N/A	N/A
Part B – General Limitations	
N/A	

# Decision Making Framework Policy

## Schedule 8: Project Management Framework

### PROJECT FRAMEWORK - INFRASTRUCTURE & BUILDINGS



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