



**LEETON**  
SHIRE COUNCIL

**ORDINARY COUNCIL MEETING**  
**AGENDA**

**22 DECEMBER 2021**  
**6.30PM**

TO BE HELD IN THE  
COUNCIL CHAMBERS  
23-25 CHELMSFORD PLACE  
LEETON NSW 2705

Authorised for release: Jackie Kruger General Manager

**LEETON SHIRE COUNCIL**

**AGENDA**

**ORDINARY COUNCIL MEETING**

**22 December 2021**

**6.30PM**

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1. CIVIC PRAYER
  2. ACKNOWLEDGEMENT OF COUNTRY
  3. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS
  4. CONFIRMATION OF MINUTES AND ANY MATTERS ARISING
- RECOMMENDATION**
- THAT the Minutes of the Ordinary Council Meeting held on Wednesday 24 November 2021, as circulated, be taken as read and CONFIRMED.
5. DISCLOSURES OF INTERESTS
  6. PUBLIC REPRESENTATIONS
  7. MAYORAL MINUTES
  8. REPORTS TO COUNCIL
- GENERAL MANAGER'S MATTERS**
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-

**9. NOTICES OF MOTIONS**

**10. COUNCILLOR ACTIVITY REPORTS**

**11. CONFIDENTIAL MATTERS**

**11.1 OFFER TO PURCHASE 39-45 BROBENAH ROAD LEETON**

It is recommended that the Council resolve into Closed Council with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

**12. CONCLUSION OF THE MEETING**

**Council meetings are now video recorded. Members of the public are advised that their voice and/or image may form part of that recording.**

**PUBLIC REPRESENTATION**

**If any member of the public wishes to formally address the Council in relation to a matter in this agenda they are to register to speak for a maximum of three (3) minutes by 12 noon of the day of the meeting.**

**Contact Kate Weston – 6953 0903**

## ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS,  
OFFICERS AND COMMUNITY COMMITTEES

### ETHICAL DECISION MAKING

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Could your possible conflict of interest lead to private gain or loss at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

### CONFLICT OF INTEREST

- A conflict of interest is a clash between private interest and public duty. There are two types of conflict: Pecuniary – regulated by the Local Government Act and Division of Local Government and, Non-pecuniary – regulated by Codes of Conduct and policy. ICAC, Ombudsman, Division of Local Government (advice only).

### THE TEST FOR CONFLICT OF INTEREST

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest

### IDENTIFYING PROBLEMS

- 1<sup>st</sup> Do I have private interest affected by a matter I am officially involved in?
- 2<sup>nd</sup> Is my official role one of influence or perceived influence over the matter?
- 3<sup>rd</sup> Do my private interest conflict with my official role?

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

### AGENCY ADVICE

Officers of the following agencies are available during office hours to discuss the obligations placed on Councillors, Officers and Community Committee members by various pieces of legislation, regulation and Codes.

Contact	Phone	Email	Website
Leeton Shire Council	6953 0911	<a href="mailto:council@leeton.nsw.gov.au">council@leeton.nsw.gov.au</a>	<a href="http://www.leeton.nsw.gov.au">www.leeton.nsw.gov.au</a>
ICAC	8281 5999 Toll Free 1800 463 909	<a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a>	<a href="http://www.icac.nsw.gov.au">www.icac.nsw.gov.au</a>
Office of Local Government	4428 4100	<a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>	<a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>
NSW Ombudsman	9286 1000 Toll Free 1800 451 524	<a href="mailto:nswombo@ombo.nsw.gov.au">nswombo@ombo.nsw.gov.au</a>	<a href="http://www.ombo.nsw.gov.au">www.ombo.nsw.gov.au</a>

## **GENERAL MANAGER'S MATTERS**

### **ITEM 8.1 NEW COUNCIL OATH OR AFFIRMATION OF OFFICE**

<b>RECORD NUMBER</b>	21/447
<b>RELATED FILE NUMBER</b>	EF11/43/01
<b>AUTHOR/S</b>	Executive Manager IPR, Governance and Engagement
<b>APPROVER/S</b>	General Manager

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### **SUMMARY/PURPOSE**

The Local Government Election was held on 4 December 2021 and the new Council elected accordingly.

In accordance with Section 233A of the *Local Government Act 1993*, at the first meeting after the election, all councillors must take an oath or make an affirmation of office. Councillors are not permitted to participate in meetings until they have done so.

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### **RECOMMENDATION**

THAT Council:

1. Notes the oaths or affirmations completed by each Councillor elected at the Local Government Election held on 4 December 2021.
  2. Notes the minutes of this meeting will serve as the official record of the completion of the oath or affirmation by each councillor.
- 

### **REPORT**

#### **(a) Background**

Section 233A of the *Local Government Act 1993* is as follows:

#### **233A Oath and Affirmation for Councillors**

1. A councillor must take an oath of office or make an affirmation of office at or before the first meeting of the council after the councillor is elected.
  2. The oath or affirmation may be taken or made before the General Manager of the council, an Australian legal practitioner or a justice of the peace and is to be in the following form:
-

### **Oath**

*I [name of councillor] swear that I will undertake the duties of the office of councillor in the best interests of the people of [name of council area] and the [name of council] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.*

### **Affirmation**

*I [name of councillor] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of [name of council area] and the [name of council] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.*

3. A councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office in accordance with this section is not entitled to attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected to the office or a meeting at which the councillor takes the oath or makes the affirmation) until the councillor has taken the oath or made the affirmation.
4. Any absence of a councillor from an ordinary meeting of the council that the councillor is not entitled to attend because of this section is taken to be an absence without prior leave of the council.
5. Failure to take an oath of office or make an affirmation of office does not affect the validity of anything done by a councillor in the exercise of the councillor's functions.
6. The general manager must ensure that a record is kept of the taking of an oath or the making of an affirmation (whether in the minutes of the council meeting or otherwise).

Council circular 17-22 issued by the Office of Local Government states that any Councillor unable to attend the first council meeting whereby the oath or affirmation will be undertaken will be required to take the oath or affirmation at another location in front of the General Manager, a Justice of the Peace or Australian Legal Practitioner and a Council staff member.

### **(b) Discussion**

The completion of the oath or affirmation satisfies the requirements of Section 233A of the Act. Councillors should also note they are required to uphold the Leeton Shire Council Code of Conduct (**Attachment 1**).

### **(c) Options**

Nil

## **IMPLICATIONS TO BE ADDRESSED**

### **(a) Financial**

Nil

### **(b) Policy**

Leeton Shire Council Code of Conduct  
Leeton Shire Council Code of Meeting Practice

### **(c) Legislative/Statutory**

*Local Government Act 1993*

### **(d) Risk**

A councillor who fails, without a reasonable excuse, to take the oath or affirmation of office, will not be entitled to attend council meetings until they do so and will be taken to be absent without leave.

If a councillor is absent without leave for three consecutive ordinary council meetings their office is automatically declared vacant and a by-election (or countback within the first 18 months of the election if the Council has resolved that this will be the case) must be held.

## **CONSULTATION**

### **(a) External**

NSW Office of Local Government

### **(b) Internal**

Executive Manager IPR, Governance and Engagement

## **LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)**

Under the Key Priority Area Outcome Six: STRONG LEADERSHIP within Council's adopted Delivery Program/Operational Plan – 18 - A community that has politicians who act and listen - 18 b - Strengthen Leeton Shire Council's governance capabilities - Attract a strong and diverse pool of candidates for deferred Local Government elections in 2021.

## **ATTACHMENTS**

1 [Leeton Shire Council Code of Conduct](#)



LEETON  
SHIRE COUNCIL

**LEETON SHIRE COUNCIL  
CODE OF CONDUCT**

MARCH, 2019



## DOCUMENT AUTHORISATION

<b>RESPONSIBLE OFFICER</b>	Governance and Corporate Planning Coordinator				
<b>REVIEWED BY</b>	Council				
<b>DATE ADOPTED:</b>	27 March 2019				
<b>ADOPTED BY:</b>	Leeton Shire Council				
<b>RESOLUTION NO: (IF RELEVANT):</b>	19/069				
<b>REVIEW DUE DATE:</b>	September 2021				
<b>REVISION NUMBER:</b>	5				
<b>PREVIOUS VERSIONS:</b>	<b>DATE</b>	<b>DESCRIPTION OF AMENDMENTS</b>	<b>AUTHOR/EDITOR</b>	<b>REVIEW/ SIGN OFF</b>	<b>MINUTE NO (IF RELEVANT)</b>
1	30 January 2013	Advice from Circular No 12-45	Director Corporate Services	Council	13/008
2	26 June 2013	Post-election review of Council policies/ Formal adoption	Director Corporate Services	Council	13/136
3	27 January 2016	Advice Circular No 15-41/17	Director Corporate Services	Council	16/004
4	22 February 2017	Post-election review of Council policies/ Formal adoption	Director Corporate Services	Council	17/008

## REVIEW OF THIS CODE

This Code will be reviewed within 12 months of a Local Government election or as required in the event of legislative changes. The Code may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of the Model Code of Conduct. Any amendment to the Code must be by way of a Council Resolution.

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## 1. PURPOSE

Leeton Shire Council's Code of Conduct has been developed using the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") and is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

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

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

## 2. TO WHOM DOES THIS CODE APPLY?

Councillors, administrators, members of staff, delegates of council (including members of council committees that are delegates of a council) and any other person engaged in activities for and on behalf of Council must comply with the applicable provisions of Leeton Shire Council's Code of Conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

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

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

### 3. DEFINITIONS

In this code the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of "council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
conduct	includes acts and omissions
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns

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

## 4. GENERAL CONDUCT OBLIGATIONS

### General conduct

- 4.1 You must not conduct yourself in a manner that:
- is likely to bring the council or other council officials into disrepute
  - is contrary to statutory requirements or the council's administrative requirements or policies
  - is improper or unethical
  - is an abuse of power

- e) causes, comprises or involves intimidation or verbal abuse
- f) involves the misuse of your position to obtain a private benefit
- g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.

4.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (section 439).

### **Fairness and equity**

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

4.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

4.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

### **Harassment and discrimination**

4.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.

4.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:

- a) is not wanted by the person
- b) offends, humiliates or intimidates the person, and
- c) creates a hostile environment.

### **Bullying**

4.8 You must not engage in bullying behaviour towards others.

4.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:

- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and
- b) the behaviour creates a risk to health and safety.

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

- a) aggressive, threatening or intimidating conduct
- b) belittling or humiliating comments

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

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

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

#### **Work health and safety**

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

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

#### **Land use planning, development assessment and other regulatory functions**

4.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.



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

#### **Binding caucus votes**

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

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

4.17 Clause 4.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.

4.18 Clause 4.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

#### **Obligations in relation to meetings**

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

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

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

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

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

## 5. PECUNIARY INTERESTS

### What is a pecuniary interest?

5.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 5.3.

5.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 5.6.

5.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:

- (a) your interest, or
- (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
- (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.

5.4 For the purposes of clause 5.3:

- (a) Your "relative" is any of the following:
  - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
  - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
  - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
- (b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

5.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 5.3(b) or (c):

- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
- (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
- (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

### What interests do not have to be disclosed?

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

- (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
- (l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
- (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

5.7 For the purposes of clause 5.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

#### **What disclosures must be made by a designated person?**

5.8 Designated persons include:

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

5.9 A designated person:

- (a) must prepare and submit written returns of interests in accordance with clauses 5.21, and
- (b) must disclose pecuniary interests in accordance with clause 5.10.

5.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest

the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

5.11 Clause 5.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.

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

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

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

5.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.

5.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 5.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

#### **What disclosures must be made by council advisers?**

5.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.

5.17 A person does not breach clause 5.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

#### **What disclosures must be made by a council committee member?**

5.18 A council committee member must disclose pecuniary interests in accordance with clause 5.28 and comply with clause 5.29.

5.19 For the purposes of clause 5.18, a "council committee member" includes a member of staff of council who is a member of the committee.

#### **What disclosures must be made by a councillor?**

5.20 A councillor:

- a) must prepare and submit written returns of interests in accordance with clause 5.21, and
- b) must disclose pecuniary interests in accordance with clause 5.28 and comply with clause 5.29 where it is applicable.

#### **Disclosure of interests in written returns**

5.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in Schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:

- a) becoming a councillor or designated person, and
- b) 30 June of each year, and
- c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

5.22 A person need not make and lodge a return under clause 5.21, paragraphs (a) and (b) if:

- a) they made and lodged a return under that clause in the preceding 3 months, or
- b) they have ceased to be a councillor or designated person in the preceding 3 months.

5.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

5.24 The general manager must keep a register of returns required to be made and lodged with the general manager.

5.25 Returns required to be lodged with the general manager under clause 5.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.

5.26 Returns required to be lodged with the general manager under clause 5.21(c) must be tabled at the next council meeting after the return is lodged.

5.27 Information contained in returns made and lodged under clause 5.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

#### **Disclosure of pecuniary interests at meetings**

5.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

5.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:

- a) at any time during which the matter is being considered or discussed by the

council or committee, or

- b) at any time during which the council or committee is voting on any question in relation to the matter.

5.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.

5.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.

5.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:

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

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

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

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

5.35 Despite clause 5.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.

5.36 Clause 5.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:

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

interest before the commencement of the meeting.

5.37 A special disclosure of a pecuniary interest made for the purposes of clause 5.36(c) must:

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

5.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

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

5.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 5.38, must still disclose the interest they have in the matter in accordance with clause 5.28.



## 6. NON-PECUNIARY CONFLICTS OF INTEREST

### What is a non-pecuniary conflict of interest?

6.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 5.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.

6.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.

6.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 6.2.

6.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.

6.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

### Managing non-pecuniary conflicts of interest

6.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 6.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.

6.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 6.6.

6.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

6.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 5.1, but it involves:

- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such

as a current or former spouse or de facto partner, a relative for the purposes of clause 5.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household

- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 5.6) that is not a pecuniary interest for the purposes of clause 5.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

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

- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 5.28 and 5.29.

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

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

6.13 Despite clause 6.10(b), a councillor who has a significant non-pecuniary

conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

6.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

### **Political donations**

6.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.

6.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:

- a) made by a major political donor in the previous four years, and
- b) the major political donor has a matter before council,

you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 5.28 and 5.29. A disclosure made under this clause must be recorded in the minutes of the meeting.

6.17 For the purposes of this Part:

- a) a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
- b) "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018*.

6.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 6.9 and take the appropriate action to manage them.

6.19 Despite clause 6.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

### **Loss of quorum as a result of compliance with this Part**

6.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:

- a) the matter is a proposal relating to:
  - i. the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area,or

- ii. the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 6.6.

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

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

6.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 6.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 6.6.

#### **Other business or employment**

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

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

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

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

6.27 Members of staff must ensure that any outside employment, work or business they engage in will not:

- a) conflict with their official duties
- b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
- c) require them to work while on council duty

- d) discredit or disadvantage the council
- e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

#### **Personal dealings with council**

6.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

6.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

## 7. PERSONAL BENEFIT

7.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.

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

### Gifts and benefits

7.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.

7.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

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

- 7.5 You must not:
- a) seek or accept a bribe or other improper inducement
  - b) seek gifts or benefits of any kind
  - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
  - d) subject to clause 7.7, accept any gift or benefit of more than token value as defined by clause 7.9
  - e) accept an offer of cash or a cash-like gift as defined by clause 7.13, regardless of the amount
  - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
  - g) personally benefit from reward points programs when purchasing on behalf of the council.

7.6 Where you receive a gift or benefit of any value other than one referred to in clause 7.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:

- a) the nature of the gift or benefit
- b) the estimated monetary value of the gift or benefit
- c) the name of the person who provided the gift or benefit, and
- d) the date on which the gift or benefit was received.

7.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

#### **Gifts and benefits of token value**

7.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:

- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
- b) gifts of alcohol that do not exceed a value of \$50
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$50 in value.

#### **Gifts and benefits of more than token value**

7.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 7.5(d) and, subject to clause 7.7, must not be accepted.

7.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

7.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.

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

#### **“Cash-like gifts”**

7.13 For the purposes of clause 7.5(e), “cash-like gifts” include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

#### **Improper and undue influence**

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

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



## 8. RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

### Obligations of councillors and administrators

8.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.

8.2 Councillors or administrators must not:

- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
- b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
- c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
- d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.

8.3 Despite clause 8.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

### Obligations of staff

8.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

8.5 Members of staff of council must:

- a) give their attention to the business of the council while on duty
- b) ensure that their work is carried out ethically, efficiently, economically and effectively
- c) carry out reasonable and lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

### **Inappropriate interactions**

- 8.6 You must not engage in any of the following inappropriate interactions:
- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
  - b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
  - c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
  - d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
  - e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
  - f) councillors and administrators being overbearing or threatening to council staff
  - g) council staff being overbearing or threatening to councillors or administrators
  - h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
  - i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
  - j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
  - k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
  - l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

## 9. ACCESS TO INFORMATION AND COUNCIL RESOURCES

### Councillor and administrator access to information

- 9.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 9.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 9.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 9.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 9.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 9.6 Despite clause 9.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

### Councillors and administrators to properly examine and consider information

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

### Refusal of access to information

- 9.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 9.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 9.6). The general manager or public officer must state the reasons for the decision if access is refused.

### **Use of certain council information**

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

### **Use and security of confidential information**

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

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

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

### **Personal information**

9.12 When dealing with personal information you must comply with:

- a) the *Privacy and Personal Information Protection Act 1998*
- b) the *Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) the council's privacy management plan
- e) the Privacy Code of Practice for Local Government

### **Use of council resources**

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

9.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

9.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.

9.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

9.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

9.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:

- a) for the purpose of assisting your election campaign or the election campaign of others, or
- b) for other non-official purposes.

9.19 You must not convert any property of the council to your own use unless properly authorised.

#### **Internet access**

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

#### **Council record keeping**

9.21 You must comply with the requirements of the *State Records Act 1998* and the Leeton Shire Council's records management policy & procedures.

9.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.

9.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether

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

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

#### **Councillor access to council buildings**

9.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.

9.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.

9.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

## 10. MAINTAINING THE INTEGRITY OF THIS CODE

### Complaints made for an improper purpose

10.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.

10.2 For the purposes of clause 10.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

- a) to bully, intimidate or harass another council official
- b) to damage another council official's reputation
- c) to obtain a political advantage
- d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
- e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
- f) to avoid disciplinary action under the Procedures
- g) to take reprisal action against a person for making a complaint alleging a breach of this code
- h) to take reprisal action against a person for exercising a function prescribed under the Procedures
- i) to prevent or disrupt the effective administration of this code under the Procedures.

### Detrimental action

10.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.

10.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.

10.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:

- a) injury, damage or loss
- b) intimidation or harassment
- c) discrimination, disadvantage or adverse treatment in relation to employment
- d) dismissal from, or prejudice in, employment
- e) disciplinary proceedings.

### Compliance with requirements under the Procedures

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

10.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.

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

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

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

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

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

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

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

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

#### **Complaints alleging a breach of this Part**

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

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



## SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 5.21

### PART 1: PRELIMINARY

#### Definitions

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

*address* means:

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

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

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

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

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

*interest* means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

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

*occupation* includes trade, profession and vocation.

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

*property* includes money.

*return date* means:

- a) in the case of a return made under clause 5.21 (a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 5.21 (b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 5.21 (c), the date on which the councillor or designated person became aware of the interest to be disclosed.

*relative* includes any of the following:

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

*travel* includes accommodation incidental to a journey.

### **Matters relating to the interests that must be included in returns**

2 *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.

3 *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.

4 *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

## **PART 2: PECUNIARY INTERESTS TO BE DISCLOSED IN RETURNS**

### **Real property**

- 5 A person making a return under clause 5.21 of this code must disclose:
- a) the street address of each parcel of real property in which they had an interest on the return date, and
  - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
  - c) the nature of the interest.
- 6 An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
- a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
  - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
- 7 An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
- 8 For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

### **Gifts**

- 9 A person making a return under clause 5.21 of this code must disclose:
- a) a description of each gift received in the period since 30 June of the previous financial year, and
  - b) the name and address of the donor of each of the gifts.
- 10 A gift need not be included in a return if:
- a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
  - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - c) the donor was a relative of the donee, or
  - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
- 11 For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

### **Contributions to travel**

- 12 A person making a return under clause 5.21 of this code must disclose:
- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
  - b) the dates on which the travel was undertaken, and
  - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

- 13 A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
  - b) was made by a relative of the traveller, or
  - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
  - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
  - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
- 14 For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

#### **Interests and positions in corporations**

- 15 A person making a return under clause 5.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
  - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
  - c) the nature of the interest, or the position held, in each of the corporations, and
  - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
- 16 An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
  - b) required to apply its profits or other income in promoting its objects, and
  - c) prohibited from paying any dividend to its members.
- 17 An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
- 18 An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

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

- 19 A person making a return under clause 5.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20 For the purposes of clause 19 of this schedule:

- a) *close associate*, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.
- b) *property developer* has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

#### **Positions in trade unions and professional or business associations**

21 A person making a return under clause 5.21 of the code must disclose:

- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
- b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
- c) a description of the position held in each of the unions and associations.

22 A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

#### **Dispositions of real property**

23 A person making a return under clause 5.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

24 A person making a return under clause 5.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

25 A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

#### **Sources of income**

26 A person making a return under clause 5.21 of this code must disclose:

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

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

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

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

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

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

### Debts

31 A person making a return under clause 5.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:

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

32 A liability to pay a debt must be disclosed by a person in a return made under clause 5.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.

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

- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
  - i. the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
  - ii. the amounts to be paid exceeded, in the aggregate, \$500, or
- b) the person was liable to pay the debt to a relative, or
- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
  - i. the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
  - ii. the goods or services were supplied in the ordinary course of any occupation

- of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

#### **Discretionary disclosures**

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

## **SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 5.21**

### **'Disclosures by councillors and designated persons' return**

1 The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

2 If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.

3 If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.

4 If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.

4 This form must be completed using block letters or typed.

6 If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

7 If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

### **Important information**

This information is being collected for the purpose of complying with clause 5.21 of the Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 5.23 of the Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

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



Information contained in returns made and lodged under clause 5.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

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

A copy of the blank Disclosure Form appears on the following pages:



**DISCLOSURE OF PECUNIARY INTEREST AND OTHER MATTERS  
 BY COUNCILLORS AND DESIGNATED PERSONS RETURN**

Disclosure of Pecuniary Interests and other matters by

.....  
 (full name of councillor or designated person)

in respect of the period from 1 July 20## to 30 June 20## (return period)

.....  
 (councillor's or designated person's signature)

.....  
 (date)

<b>A. Real Property</b>		
Address of each parcel of real property in which I had an interest at any time during the return period.		Nature of interest.
<b>B. Sources of income</b>		
1. Sources of income I reasonably expect to receive from an occupation at any time during the return period commencing on the first day after the return date and ending on the following 30 June, 20##. Sources of income I received from an occupation at any time since 30 June, 20##:		
Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
2. Sources of income I reasonably expect to receive from a trust during the return period commencing on the first day after the return date and ending on the following 30 June, 20##. Sources of income I received from a trust since 30 June, 20##:		
Name and address of settlor		Name and address of trustee
3. Sources of other income I reasonably expect to receive from a trust during the return period commencing on the first day after the return date and ending on the following 30 June, 20##. Sources of other income I received at any time since 30 June, 20##. (Include description sufficient to identify the person from whom, or the circumstances in which, that income was received)		

<b>C. Gifts</b>			
Description of each gift I received at any time since 30 June, 20##.		Name and address of donor.	
<b>D. Contributions to travel</b>			
Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June, 20##.	Dates on which travel was undertaken.	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken.	
<b>E. Interests and positions in corporations</b>			
Name and address of each corporation in which I had an interest or held a position at any time during the return period.	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
<b>F. Were you a property developer or close associate of a property developer on the return date?</b>			
<input type="checkbox"/> YES <input type="checkbox"/> NO			
<b>G. Positions in trade unions and professional or business associations</b>			
Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at any time during the return period.		Description of position.	

<b>H. Debts</b>
Name and address of each person to whom I was liable to pay any debt at any time during the return period.
<b>I. Dispositions of property</b>
1. Particulars of each disposition of real property by me at any time during the return period as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time.
2. Particulars of each disposition of property to a person by any other person under arrangements made by me, being dispositions made at any time during the return period, as a result of which I obtained, either wholly or in part, the use and benefit of the property.
<b>J. Discretionary disclosures</b>

<b>Office use only</b>
<b>Date Return received:</b>
<b>Received by:</b>
<b>Checked by:</b>
<b>Receipt issued:</b>

## **SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 5.37**

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

### **Important information**

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 5.36(c) of the Leeton Shire Council Code of Conduct (based on clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct)).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 5.3 of Leeton Shire Council's Code of Conduct) has in that person's principal place of residence.

Clause 5.3 of the Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 5.4 of the Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

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

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

A copy of the blank Special Disclosure Form appears on the following pages:



## SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 5.37

Special disclosure of pecuniary interests by

.....  
 (full name of councillor)

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

.....

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

.....

to be held on the .....day of .....20.....

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

<sup>1</sup> Clause 5.1 of the Leeton Shire Council Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 5.6 of the Code of Conduct.

<sup>2</sup> A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 5.3 of the Code of Conduct has a proprietary interest.

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

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

.....  
 (councillor's signature)

.....  
 (date)

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

**ITEM 8.2 ELECTION OF THE MAYOR**

<b>RECORD NUMBER</b>	21/449
<b>RELATED FILE NUMBER</b>	EF11/43/01
<b>AUTHOR/S</b>	Executive Manager IPR, Governance and Engagement
<b>APPROVER/S</b>	General Manager

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**SUMMARY/PURPOSE**

The purpose of this report is to elect a Mayor for the period December 2021 to September 2023.

Council is required to elect a Mayor to preside over the Council for the coming term as per section 290 (1) (b) of the *Local Government Act 1993*.

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**RECOMMENDATION**

THAT:

1. The Returning Officer proceeds with the election of the Mayor in accordance with the provisions of the *Local Government Act 1993* and the Local Government (General) Regulation 2021 for a term of office from December 2021 to September 2023.
2. The method of electing the Mayor be by the .....Voting Method. (Select Ordinary Ballot, Preferential Ballot or Open Voting Method)
3. The Returning Officer reads out publicly the final vote count.

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**REPORT**

**(a) Background**

Section 290 of the *Local Government Act 1993* requires the election of the Mayor to take place within three weeks of an Ordinary Election and thereafter during the month of September.

Section 282 (2) of the *Local Government Act 1993* requires Council to elect one of its members to be the Mayor.

Section 230 of the *Local Government Act 1993* sets out the period for which a Mayor holds office, being two years where a Mayor is elected by the Councillors.



However, the postponement of the Local Government elections until 4 December 2021 in the face of the COVID-19 pandemic resulted in an extension term of the previously elected Council until December. The Mayoral term of the soon-to-be elected Mayor will therefore be for a little under two years and will extend from the date of this Council meeting until September 2023.

The General Manager has nominated the Executive Manager IPR, Governance and Engagement to be the Returning Officer for the election of the Mayor.

The Returning Officer will conduct the election of the Mayor in accordance with the requirements of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

## **(b) Discussion**

### **Role of the Mayor**

Section 226 of the *Local Government Act 1993* sets out the role of the Mayor as follows:

- (a) to be the leader of the council and a leader in the local community
- (b) to advance community cohesion and promote civic awareness
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council
- (e) to preside at meetings of the council
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council
- (i) to promote partnerships between the council and key stakeholders
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community
- (l) to carry out the civic and ceremonial functions of the mayoral office
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level
- (n) in consultation with the councillors, to lead performance appraisals of the general manager
- (o) to exercise any other functions of the council that the council determines.

### **Conduct of Election**

The election of the Mayor of Leeton Shire Council must be conducted in accordance with Schedule 7 of the Local Government (General) Regulation 2021 – Election of Mayor by Councillors and Council's Code of Meeting Practice.

In accordance with Section 227 (a) of the *Local Government Act 1993* the Mayor of Leeton Shire Council is elected by the Councillors from among their number.

Schedule 7 of the Local Government (General) Regulation 2021 outlines the following procedures for the election of the Mayor:

The election of the Mayor is to be conducted as follows:

1. The Returning Officer will invite nominations. These nominations are to be announced and elections are to be conducted at the same Council meeting. A Councillor may be nominated without notice for election as the Mayor. The nomination is to be made in writing by 2 or more councillors one of whom may be the nominee). However, to assist the election process, Councillors are requested to endeavour to have completed nominations in by 12 noon on Wednesday 22 December 2021 where possible.
2. Nomination forms have been circulated prior to this meeting and will also be available at the Ordinary Council Meeting. The nomination is not valid unless the nominee has indicated their consent to the nomination in writing.
3. The nomination is to be delivered or sent to the Returning Officer, who is the General Manager (or person nominated by the General Manager) to be the Returning Officer.
4. The Returning Officer is to announce the names of the nominees at the Ordinary Council Meeting.
5. If there is only one nomination or if all the Councillor candidates nominated except one decline, then the Returning Officer shall declare the nominee elected to the position of Mayor for the two-year term.
6. If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by either:
  - a. Ordinary (secret) Ballot
  - b. Preferential (secret) Ballot
  - c. Open Voting (voting by show of hands or similar means).

**Note:** *The elections of Mayor and Deputy Mayor are the only times that Council can choose to vote by way of a secret ballot. In all other matters open voting must be used.*

### **Ordinary Ballot**

#### **Part 2 – Ordinary Ballot or Open Voting**

#### **This Part applies if the election proceeds by Ordinary Ballot or by Open Voting**

Section 5, Schedule 7 of the Local Government (General) Regulation 2021 deals with the marking of ballot-papers and provides:

- (i) If the election proceeds by Ordinary Ballot, the Returning Officer is to decide the manner in which votes are to be marked on ballot papers.*
- (ii) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation if it were a ballot-paper referred to in that clause.*
- (iii) An informal ballot-paper must be rejected at the count.*

Section 6, Schedule 7 of the Local Government (General) Regulation 2021 deals with an election involving two candidates and provides:

- (i) If there are only 2 candidates, the candidate with the higher number of votes is elected.*
- (ii) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.*

Section 7, Schedule 7 of the Local Government (General) Regulation 2021 deals with an election involving three or more candidates and provides:

- (i) If there are three or more candidates, the one with the lowest number of votes is to be excluded.*
- (ii) If three or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.*
- (iii) If after that three or more candidates still remain, the procedure set out in subsection (ii) is to be repeated until only two candidates remain.*
- (iv) A further vote is to be taken of the two remaining candidates.*
- (v) Section 6 of this Schedule then applies to the determination of the election as if the two remaining candidates had been the only candidates.*
- (vi) If at any stage during a count under subsection (i) or (ii), two or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.*

### **Preferential Ballot**

#### **Part 3 – Preferential Ballot**

#### **This Part applies if the election proceeds by Preferential Ballot**

7. Section 9, Schedule 7 of the Local Government (General) Regulation 2021 deals with ballot-papers and voting and provides:

- (i) The ballot-papers are to contain the names of all of the candidates. The councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all of the candidates.*

- (ii) *The formality of a ballot-paper under this Part is to be determined in accordance with Section 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that Section.*
  - (iii) *An informal ballot-paper must be rejected at the count.*
- 8. Section 10, Schedule 7 of the Local Government (General) Regulation 2021 deals with the count and provides:
  - (i) *If a candidate has an absolute majority of first preference votes, that candidate is elected.*
  - (ii) *If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.*
  - (iii) *A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.*
  - (iv) *In this Section "absolute majority" in relation to votes means a number which is more than one-half of the number of unexhausted formal ballot-papers.*
- 9. Section 11, Schedule 7 of the Local Government (General) Regulation 2021 deals with tied candidates and provides:
  - (i) *If, on any count of votes, there are 2 candidates in, or remaining in, the election and the number of votes cast for the 2 candidates are equal, the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.*
  - (ii) *If on any count of votes, there are 3 or more candidates in, or remaining in, the election and the number of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of votes – the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.*

### **Open Voting**

Follows the same procedures as for Ordinary Ballot excepting it is by a show of hands or similar means.

### **Choosing by Lot**

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the names being seen, the

slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is chosen.

### **Result**

The result of the election (including name of the candidate elected as Mayor) is:

- a. *To be declared to the Councillors at the Council Meeting at which the election is held by the Returning Officer.*
- b. *To be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Association of New South Wales.*

At the conclusion of the Ballot (if necessary) and the declaration of the result, the Returning Officer will invite the incoming Mayor to assume the Chair.

### **(c) Options**

1. Ordinary Ballot – **this is the recommended option**
2. Preferential Ballot
3. Open Voting Method

### **IMPLICATIONS TO BE ADDRESSED**

#### **(a) Financial**

Nil

#### **(b) Policy**

Leeton Shire Council Code of Meeting Practice

#### **(c) Legislative/Statutory**

*Local Government Act 1993*

#### **226 Role of mayor**

#### **227 Who elects the mayor?**

*The mayor of an area is the person elected to the office of mayor by:*

- (a) *the councillors from among their number, unless there is a decision in force under this Division which provides for the election of the mayor by the electors.*

#### **230 For what period is a mayor elected?**

- (1) *A mayor elected by the councillors generally holds the office of mayor for 2 years, subject to this Act. Due to COVID-19, this is slightly reduced to one year and nine months.*

**282 Election of mayor**

- (2) *The mayor of an area who is to be elected by the councillors for the area is to be elected by the councillors from among their number.*
- (3) *A mayor elected for an area is one of the councillors of the council for the area.*

**290 When is an election of a mayor by the councillors to be held?**

- (1) *The election of the mayor by the councillors is to be held:
  - (b) *If it is not that first election or an election to fill a casual vacancy - **during the month of September.****
- (2) *If the councillors fail to elect a mayor as required by this section, the Governor may appoint one of the councillors as the mayor.*

Local Government (General) Regulation 2021, Schedule 7 – Election of Mayor by Councillors

**(d) Risk**

Nil

**CONSULTATION**

**(a) External**

Nil

**(b) Internal**

Nil

**LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)**

Under the Key Priority Area THEME 6 - "STRONG LEADERSHIP" within Council's adopted Delivery Program/Operational Plan – 20 – A community that is always on the front foot - 20a is to – "Ensure the aspirations of the community are delivered - Operate an efficient and effective Local Government".

**ATTACHMENTS**

There are no attachments for this report

**ITEM 8.3 ELECTION OF THE DEPUTY MAYOR**

<b>RECORD NUMBER</b>	21/450
<b>RELATED FILE NUMBER</b>	EF11/43/01
<b>AUTHOR/S</b>	Executive Manager IPR, Governance and Engagement
<b>APPROVER/S</b>	General Manager

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**SUMMARY/PURPOSE**

The purpose of this report is to elect a Deputy Mayor for a term of office from December 2021 to September 2023.

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**RECOMMENDATION**

THAT Council:

1. Elects, by the ordinary ballot voting method, a Deputy Mayor for the period December 2021 to September 2023.
  2. Determines that no fees be paid to the Deputy Mayor.
- 

**REPORT**

**(a) Background**

Under the *Local Government Act 1993*, Council can determine to elect a Deputy Mayor from within the elected Council to exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from the function or if there is a casual vacancy in the Office of the Mayor.

If no Deputy Mayor is elected or if the Deputy Mayor is unable to act, Councillors may elect one of their number to act as the Deputy Mayor.

Section 231(2) of the *Local Government Act 1993* allows the person elected to be the Deputy Mayor to be elected for the Mayoral Term (2 years) or a shorter term (1 year). Last year, given that Local Government elections were postponed until September 2021 to address the risks posed by COVID-19, the Deputy Mayor was elected for one year.

COVID-19 remained an issue in 2021 and the Local Government elections were postponed for a further 3 months, necessitating an election of a Deputy Mayor for the remainder of the extended Council term.

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Further, as per Section 249(5) of the *Local Government Act 1993*:

*A Council may pay the Deputy Mayor (if there is one) a fee determined by the Council for such time as the Deputy Mayor acts in the Office of the Mayor. The amount of the fee so paid must be deducted from the Mayor's annual fee.*

This Council has traditionally resolved to:

- conduct the election of the Deputy Mayor by Ordinary Ballot
- pay no fees to the Deputy Mayor
- Elect a Deputy Mayor for a term of one year.

## **(b) Discussion**

The recommendation, as written, reflects Council's past decisions regarding the conduct of the election, the length of term of office and the fees applicable to the Deputy Mayor. Options for Councillors to consider are listed under 'Options'.

### **Conduct of Election**

The election of the Mayor and Deputy Mayor of Leeton Shire Council must be conducted in accordance with Schedule 7 of the Local Government (General) Regulation 2021 – Election of Mayor by Councillors and Council's Code of Meeting Practice.

In line with Schedule 7 of the Local Government (General) Regulation 2021 the following the following steps will take place:

1. The Executive Manager IPR, Governance and Engagement – the officer nominated to be the Returning Officer by the General Manager – will invite nominations.

A Councillor may be nominated without notice for election as the Deputy Mayor. The nomination is to be made in writing by two or more councillors, one of whom may be the nominee. However, to assist the election process, Councillors are requested to endeavour to have completed nominations in by 12 noon on Wednesday 22 December 2021 where possible.

The nomination is not valid unless the nominee has indicated their consent to the nomination in writing. Note: Nomination forms have been circulated prior to this meeting and will be available at the Ordinary Council Meeting.

2. The nomination is to be delivered or sent to the Returning Officer nominated by the General Manager.
3. The Returning Officer is to announce the names of the nominees at the Council Meeting at which the election will be held.
4. If there is only one nomination or if all the Councillor candidates nominated except one decline, then the Returning Officer shall declare the nominee elected to the position of Deputy Mayor for the specified period.



5. If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by:
  - a. Ordinary (secret) ballot
  - b. Preferential (secret) ballot
  - c. Open Voting (voting by show of hands or similar means).

**Note:** The elections of Mayor and Deputy Mayor are the only times that Council can choose to vote by way of a secret ballot. In all other matters open voting must be used.

### **Ordinary Ballot**

#### **Part 2 – Ordinary Ballot or Open Voting**

#### **This Part applies if the election proceeds by Ordinary Ballot or by Open Voting**

Section 5, Schedule 7 of the Local Government (General) Regulation 2021 deals with the marking of ballot-papers and provides:

- 1) *If the election proceeds by Ordinary Ballot, the Returning Officer is to decide the manner in which votes are to be marked on ballot papers.*
- 2) *The formality of a ballot-paper under this Part must be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.*
- 3) *An informal ballot-paper must be rejected at the count.*

Section 6, Schedule 7 of the Local Government (General) Regulation 2021 deals with an election involving two candidates and provides that:

- 1) *If there are only two candidates, the candidate with the higher number of votes is elected.*
- 2) *If there are only two candidates and they are tied, the one elected is to be chosen by lot.*

Clause 7, Schedule 7 of the Local Government (General) Regulation 2005 deals with an election involving three or more candidates and provides:

- 1) *If there are three or more candidates, the one with the lowest number of votes is to be excluded.*
- 2) *If three or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.*
- 3) *If after that, three or more candidates still remain, the procedure set out in subsection (2) is to be repeated until only two candidates remain.*
- 4) *A further vote is to be taken of the two remaining candidates.*
- 5) *Section 6 of this Schedule then applies to the determination of the election as if the two remaining candidates had been the only candidates.*
- 6) *If at any stage during a count under subsection (1) or (2), two or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.*

## **Preferential Ballot**

### **Part 3 – Preferential Ballot**

#### **This Part applies if the election proceeds by Preferential Ballot**

Section 9, Schedule 7 of the Local Government (General) Regulation 2021 deals with ballot-papers and voting and provides:

- 1) *The ballot-papers are to contain the names of all of the candidates. The councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all of the candidates.*
- 2) *The formality of a ballot-paper under this Part is to be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.*
- 3) *An informal ballot-paper must be rejected at the count.*

Section 10, Schedule 7 of the Local Government (General) Regulation 2021 deals with the count and provides:

- 1) *If a candidate has an absolute majority of first preference votes, that candidate is elected.*
- 2) *If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.*
- 3) *A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter’s preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.*
- 4) *In this section “absolute majority” in relation to votes means a number which is more than one-half of the number of unexhausted formal ballot-papers.*

Section 11, Schedule 7 of the Local Government (General) Regulation 2021 deals with tied candidates and provides:

- 1) *If, on any count of votes, there are two candidates in, or remaining in, the election and the number of votes cast for the two candidates are equal, the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.*
- 2) *If on any count of votes, there are three or more candidates in, or remaining in, the election and the number of votes cast for two or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of votes – the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.*

### **Open Voting**

Follows the same procedures as for Ordinary Ballot excepting it is by a show of hands or similar means.

### **Choosing by Lot**

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is chosen.

### **Result**

The result of the election (including the name of the candidate elected as Deputy Mayor) is:

- a. *To be declared to the Councillors at the Council Meeting at which the election is held by the Returning Officer.*
- b. *To be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Association of New South Wales.*

### **(c) Options**

Council has the following options available to it:

#### **Deputy Mayor**

1. Elect a Deputy Mayor – **this is the recommended option**
2. Not elect a Deputy Mayor.

#### **Term of Office**

1. 9 months (December 2021 to September 2022)
2. 21 months (December 2021 to September 2023) – **this is the recommended option**

#### **Conduct of election**

To conduct the election by:

1. Ordinary Ballot – **this is the recommended option**
2. Preferential Ballot
3. Open Voting Method.

## **Fee**

1. Pay a fee to the Deputy Mayor (deducted from the fee payable to the Mayor).
2. Not pay a fee to the Deputy Mayor.

## **IMPLICATIONS TO BE ADDRESSED**

### **(a) Financial**

Nil

### **(b) Policy**

Leeton Shire Council Code of Meeting Practice.

### **(c) Legislative/Statutory**

Schedule 7, Local Government (General) Regulation 2021

*Local Government Act 1993*

231 Deputy Mayor

- (1) *The councillors may elect a person from among their number to be the deputy mayor.*
- (2) *The person may be elected for the mayoral term or a shorter term.*
- (3) *The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*
- (4) *The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.*

249 Fixing and payment of annual fees for the Mayor

- (5) *A Council may pay the Deputy Mayor (if there is one) a fee determined by the Council for such time as the Deputy Mayor acts in the Office of the Mayor. The amount of the fee so paid must be deducted from the Mayor's annual fee.*

### **(d) Risk**

Not electing a Deputy Mayor could leave the Council without someone to step-in if the Mayor became indisposed.

## **CONSULTATION**

### **(a) External**

Nil

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**(b) Internal**

Nil

**LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)**

Under the Key Priority Area THEME 6 - "STRONG LEADERSHIP" within Council's adopted Delivery Program/Operational Plan – 20 – A community that is always on the front foot – 20a is to – Ensure the aspirations of the community are delivered – Operate an efficient and effective Local Government.

**ATTACHMENTS**

There are no attachments for this report

**ITEM 8.4 PAYMENT OF MAYORAL FEE TO EMERITUS MAYOR FOR CARRYING OUT CIVIC DUTIES IN DECEMBER 2021**

<b>RECORD NUMBER</b>	21/505
<b>RELATED FILE NUMBER</b>	EF11/43/01
<b>AUTHOR/S</b>	Executive Manager IPR, Governance and Engagement
<b>APPROVER/S</b>	General Manager

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**SUMMARY/PURPOSE**

The purpose of this report is to seek Council's approval to extend the Mayoral allowance payment to December 2021 in recognition of the fact that the Emeritus Mayor undertook a number of civic duties on behalf of Council in that month.

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**RECOMMENDATION**

THAT Council approves payment to the Emeritus Mayor of a one-off allowance of \$2,285, that amount being the monthly Mayoral fee, in recognition of the civic duties Paul Maytom has undertaken on behalf of Council during December 2021.

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**REPORT**

**(a) Background**

This year, in response to changing postal delivery services and on the advice of the NSW Electoral Commission, the time for the receipt of postal votes was extended to 13 days after election day.

This change was made to provide a greater opportunity for valid postal votes to be received and counted.

The change meant that the council elections held on 4 December 2021 were not declared until after 20 December 2021. This led to Leeton Shire Council being without elected members to carry out civic and ceremonial functions for the better part of December.

**(b) Discussion**

According to the Office of Local Government, as noted in the *Pre-Election Guide 2021*:

*There is nothing to prevent councils from authorising the outgoing mayor to continue to exercise the civic and ceremonial functions normally*

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*exercised by the mayor during this period in the absence of a mayor should they wish to do so, even though the outgoing mayor will have ceased to hold any civic office in the council as of the day of the election.*

Leeton Shire Council did not take the opportunity to authorise the outgoing Mayor to exercise these functions but, in hindsight, probably should have.

Noting that there were no elected members to attend to civic duties during this period, Emeritus Mayor Paul Maytom undertook to address the deficiency and attended to the following, with great appreciation from the event/program organisers.

Date	Activity
4 December 2021	Retired Ambulance Officer Chris Bailey's Farewell Dinner
9 December 2021	ABC Backroads Meeting
10 December 2021	Gralee Graduation
11 December 2021	Christmas Tree Judging and Gossamer Park BBQ
13 December 2021	Parkview Public School Presentation Day Wamoon Public School Presentation Day
14 December 2021	Whitton Murrumbidgee Public School Presentation Night
15 December 2021	ABC Backroads Filming
16 December 2021	Wattle Hill – Half Basketball and Youth Leadership Project Community Day
17 December 2021	ABC Backroads Filming
19 December 2021	ABC Backroads Filming

The Emeritus Mayor was also heavily involved in the planning for and coordination of the filming of the ABC Backroads program.

In recognition of the Mr Maytom's efforts on Council's behalf, it is proposed that he be paid the allowance of \$2,285, which is the monthly fee paid to a sitting Mayor. This amount does not include the monthly Councillor fee paid to Councillors as there were no Workshops or Council Meetings to attend.

### **(c) Options**

Option 1. That Council approves payment to the Emeritus Mayor of a one-off allowance of \$2,285, that amount being the monthly Mayoral fee, in recognition of the civic duties he has undertaken on behalf of Council during December 2021. **This is the preferred option.**

Option 2. That Council does not approve payment of an allowance to the Emeritus Mayor.

Option 3. That Council approves payment of a greater allowance to the Emeritus Mayor, equivalent to the monthly combined Mayoral and Councillor spend of \$3,318.

### **IMPLICATIONS TO BE ADDRESSED**

#### **(a) Financial**

Nil. Had the Council elections been declared earlier, the Council would have paid this amount to the newly elected Mayor. The allowance will be paid from the Mayoral Allowance budget, which has a balance of \$16,875.

#### **(b) Policy**

Nil

#### **(c) Legislative/Statutory**

Nil.

#### **(d) Risk**

Nil. The Emeritus Mayor exercised civic duties and ceremonial functions only.

### **CONSULTATION**

#### **(a) External**

Emeritus Mayor

#### **(b) Internal**

Senior Management Team  
Finance Manager

### **LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)**

Under the Key Priority Area Outcome One: A HEALTHY AND CARING COMMUNITY within Council's adopted Delivery Program/Operational Plan – 3 - A community that is friendly and inclusive - 3b - Provide opportunities and support for young people in Leeton Shire.

### **ATTACHMENTS**

There are no attachments for this report.



## CORPORATE MATTERS

### ITEM 8.5 INVESTMENTS REPORT FOR NOVEMBER 2021

RECORD NUMBER	21/502
RELATED FILE NUMBER	EF21/312
AUTHOR/S	Accountant
APPROVER/S	Manager Finance Group Manager Corporate

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### SUMMARY/PURPOSE

This report provides details of the performance of Council's investment portfolio for the period ending 30 November 2021.

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### RECOMMENDATION

THAT Council notes the information contained in the Investments Report for November 2021.

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### REPORT

#### **(a) Background**

This report is required to be prepared on a monthly basis and presented to the next available Ordinary Council Meeting in accordance with Clause 212 of the Local Government (General) Regulation 2021.

#### **(b) Discussion**

As at 30 November 2021 Leeton Shire Council has \$44,835,435 invested in Approved Deposit Institutions (ADIs) of which \$14,629,518 (32.63%) invested with local bank branches and credit unions.

Attached to this report is a Statement of Bank Reconciliation (**Attachment 1**) and a Summary of Investments (**Attachment 2**) as at 30 November 2021.

The Statement of Bank Reconciliation reconciles the Bank Statement balances to the General Ledger at 30 November 2021 by taking into account unrepresented cheques, unrepresented deposits, and unrepresented debits.

The Summary of Investments details all the investments held by Leeton Shire Council as at 30 November 2021.

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The table below details the monthly movements of investments for November 2021.

<b>Opening Balance as at 31 October 2021</b>	<b>\$ 44,531,458</b>
<b>Less:</b>	
Maturities (1)	\$ 700,000
Transfer to CBA Current Account	
<b>Subtotal</b>	<b>\$ 43,831,458</b>
<b>Plus:</b>	
Roll-overs (1)	\$ 700,000
New Investments (1)	\$ 300,000
CBA Business Online Saver (BOS) movements	\$ 256
AMP Business Saver Account	\$
AMP 31 Day Notice Account	\$ 2,732
Macquarie Cash Management Accelerator Account	\$ 989
<b>Closing balance as at 30 November 2021</b>	<b>\$ \$44,835,435</b>

The following table details the break-up of investments according to the restrictions which are placed on them.

<b>Total Investments</b>	<b>\$ 44,835,435</b>
<b>Less restrictions</b>	
Water Supply (Excl. Unfinished Works)	\$ 16,671,283
Sewerage Services (Excl. Unfinished Works)	\$ 7,551,192
Domestic Waste Management	\$ 3,491,415
Other external restrictions	\$ 4,578,994
<b>External Restrictions (Excl. Unfinished Works) - Sub Total</b>	<b>\$ 32,292,884</b>
Internal restrictions	\$ 10,516,283
<b>Total restrictions</b>	<b>\$ 42,809,167</b>
Operating Capital	\$ 2,026,268

**Externally restricted funds** can only be used for the purposes for which they were raised. These include water, sewer, domestic waste operations and unexpended specific purpose grants.

**Internally restricted funds** are set aside through Council resolution for specific purposes such as plant replacement, infrastructure renewal or funded provisions. Internal restrictions are considered as part of the Budget adoption or the Quarterly Budget Review process.

**Operating Capital** is used to provide working capital for Council to fund short-term operations and fluctuations in payables and receivables.

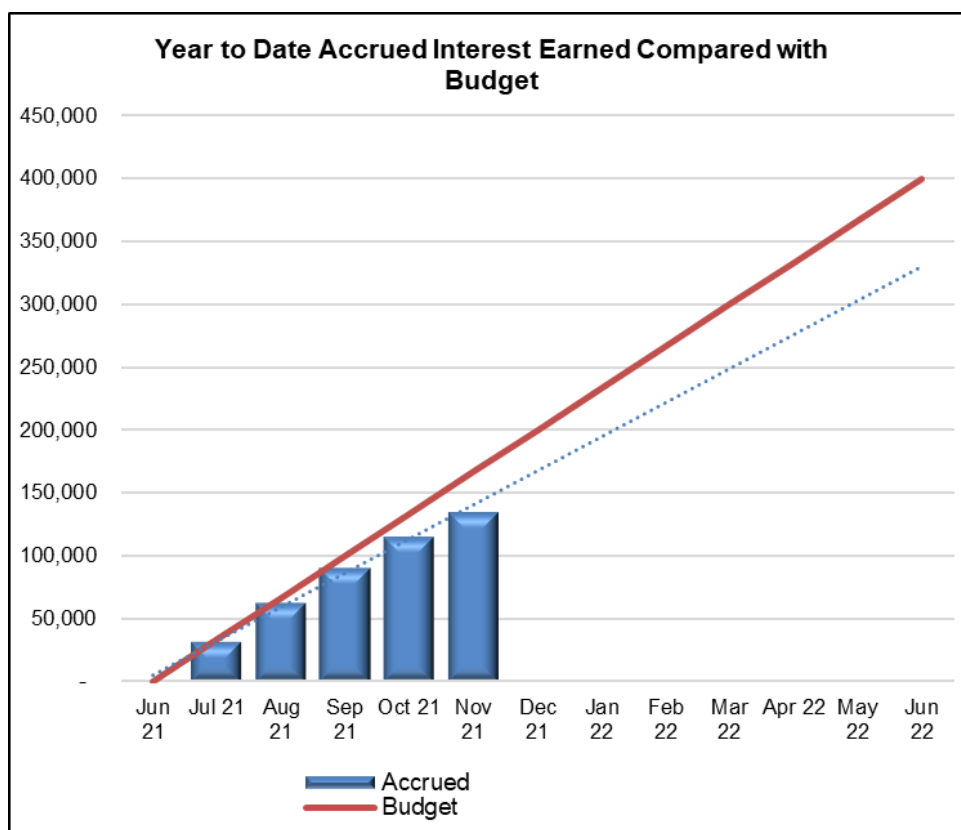
The average yield on Council investments for November increased from 0.64% in October to 0.67% in November.

With an eye to protect capital and maintain liquidity, Council is investing for longer terms for better returns. Council is also considering more Unrated and BBB+ rated institutions where the investment can be fully protected by APRA's Financial Claims Scheme by limiting such deposits to \$250,000. This shift should be reflected in investment returns as reinvestments are made. It is unknown if this shift in strategy will allow council to reach its budgeted income from investments.

The following column graph compares monthly accrued interest with the original budgeted interest for each month.

The actual \$20,245 in interest - accrued for November 2021 is lower than the original budgeted amount of \$33,333 by \$13,088.

The following graph compares year-to-date interest with the original budgeted interest for the period. This shows that Council's actual investment income has been lower than the original budget as at 30 November 2021.



The following tables provide information on investment rates this year compared to last year, as well as a comparison of investment balances from this year to last year.

Performance Measures	Year to Date	Last Year
Portfolio Average Interest Rate (year to date)	0.74%	1.57%

Investment Balances	Year to Date	Last Year
Opening Balance as at 1 Nov	\$44,531,458	\$44,493,990
Current Balance as at 30 Nov	\$44,835,435	\$42,897,067

### Water Investments Summary

Total Water Licenses currently held are 5,626 ML. The licenses had a valuation by Breed & Hutchinson as at 30 June 2021, of \$ 8,315,900 (2019/20 valuation \$8.4M). For the 2021/22 year there is 100% allocation for both high security and general security water. Council has undertaken temporary trade of water to date of 1,100 ML for \$109,713 (net of sale brokerage fees). This equates to a ROI of 1.31%.

Water Entitlements	Allocation (1.11.21)	Megalitres Alloc	Sold	Unsold
High Security	100%	971	800	171
General Security	100%	558	300	258
Town Water	100%	4,097	0	4,097
<b>Total</b>		<b>5626</b>	<b>1100</b>	<b>4526</b>

### IMPLICATIONS TO BE ADDRESSED

#### (a) Financial

The annualised rate of return across the portfolio is 0.67% for November 2021. The budgeted percentage for the 2021/22 Financial Year equates to 1.30%.

The consolidated actual investment income from 1 July 2021 to 30 November 2021 compared to the original budgeted annual investment interest from 1 July 2021 to 30 November 2021 is detailed below.

Actual versus budgeted interest	
Actual Interest Accrued from 1 July 2021 to 30 November 2021	\$134,998
Original Budgeted Interest – 1 July 2021 to 30 November 2021	\$166,667
<b>Variance – Negative</b>	<b>-\$31,668</b>

#### (b) Policy

All funds are invested in accordance with Leeton Shire Council's Investment Policy. Investments are to be considered in conjunction with the following key criteria:

- No Institution at any time shall hold more than 45% of Council's total investments. The maximum percentage will be determined by the short-term rating of the institution: A1+ up to 45%, A1 up to 35%, and A2 up to 30%.
- The *Trustee Act 1925* provides for investments with building societies and credit unions. While they are not rated, they are now covered under Financial Prudential legislative controls.

- The maximum amount of funds invested with a building society/credit union will be 5% of Council's total investments at the time the investment was placed. Not more than 40% of Council's total portfolio should be held with building societies/credit unions at the time of placing each investment.
- Council's investments should be placed in an appropriate mixture of short-term (0–1 year) and medium term (1–5 years) categories according to Council's funding requirements and risk profile at the time of placing each investment.

## Council's Portfolio Compliance

### Financial Asset Allocation

The majority of the portfolio is directed to Fixed-Term Deposits (63.57%), followed by the cash at call accounts with the Commonwealth Bank of Australia, AMP Bank and Macquarie Bank (26.06%). Floating Rate Notes are 8.14% of the portfolio, and 2.23% is held in Bonds.

### Term to Maturity

Overall, the portfolio remains lightly diversified from a maturity perspective with deposits maturing out to 3 years.

### Counterparty

At 30 November 2021, Council did not have an overweight position to any single Authorised Deposit Taking Institution. The portfolio is well-diversified across the entire credit spectrum, including the unrated Authorised Deposit Taking Institution.

### Credit Quality

The portfolio remains well-diversified from a credit ratings perspective, with the portfolio spread across the entire credit spectrum.

All aggregate ratings categories are within the Investment Policy limits.

The following table details the credit rating of each of the categories in which Council has money invested. All investments are compliant with Council's Investment Policy.

Compliant	Long Term Rating Range	Invested (\$)	Invested %	Maximum Policy Holding(%)	Available (\$)
Yes	AA Category	\$10,639,291	23.72%	100.00%	\$34,218,930
Yes	A Category	\$3,008,343	6.70%	100.00%	\$41,849,878
Yes	BBB Category	\$29,210,587	65.12%	100.00%	\$15,647,634
Yes	Unrated ADI's	\$2,000,000	4.46%	40.00%	\$15,943,288
		<b>*\$44,858,221</b>	<b>100.00%</b>		

**\*Note:** Valuations of Council's senior Floating Rate Notes on the Imperium Markets platform are marked-to-market and priced on a daily basis from an independent third-party provider. Council has recorded its FRNs internally at the purchase price or face value. As such, the total portfolio's balance is likely to differ as at the reporting date.

A **credit rating** is an evaluation of the credit risk of a prospective financial institution predicting their ability to pay back the investment and interest at maturity and an implicit forecast of the likelihood of the institution defaulting.

The credit ratings are an opinion based on the asset ratios of the company issuing the security and are based on publicly available information at a point in time.

If a company is unrated, it does not necessarily mean that its securities are high risk, but it does mean that investors will have to turn to other means to evaluate the security's risk. Council utilises its investment advisors to ensure that due diligence is performed for all its investments.

Investments are generally classified between Investment Grade and Non-investment Grade based on their credit rating. Council does not invest in non-investment grade securities.

### **(c) Legislative/Statutory**

All funds are invested in accordance with Section 625 of the *Local Government Act 1993* and the Ministerial Investment Order.

Clause 212 of the Local Government (General) Regulation 2021 requires an Investment Report to be prepared monthly and presented to the next available Ordinary Council Meeting.

### **(d) Risk**

The following table provides information on investment types, including a risk assessment and the amount and percentage invested compared to the total investment portfolio.

Investment Type	Risk Assessment		Amount \$'000	% of Portfolio
	Capital	Interest		
Term Deposits	Low	Low	28,500	63.57
Cash/At Call Deposits	Low	Low	11,685	26.06
Bond	Low	Low	1,000	2.23
Floating Rate Notes	Low	Low	3,650	8.14
<b>Total</b>			<b>44,835</b>	<b>100.00</b>

## **CONSULTATION**

### **(a) External**

Council's investment advisors are Amicus Advisory and Imperium Markets. Both

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investment advisors were contacted by staff for advice during the month of November 2021.

**(b) Internal**

No additional internal consultation was undertaken.

**LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)**

Under the Key Priority Area Outcome Six: STRONG LEADERSHIP within Council's adopted Delivery Program/Operational Plan – 20 - A community that is always on the front foot – 20b is to Strive to deliver the aspirations of the community through sound financial and asset management – Maintain Council's financial sustainability through maximising investment returns.

**ATTACHMENTS**

- 1** [↓](#) Statement of Bank Reconciliation - 30 November 2021
- 2** [↓](#) Summary of Investments - 30 November 2021

## MONTH END BANK RECONCILIATION REPORT

Prepared by the Finance and Customer Service Coordinator

### INTRODUCTION

The purpose of this report is to inform Council of its position in respect of bank balances.

### BACKGROUND

This report is prepared monthly and presents movements in the Council's bank account.

## BANK RECONCILIATION STATEMENT

as at 30 November 2021

### BALANCE AS PER GENERAL LEDGER

Opening Balance:	1/11/2021	\$	2,024,588.46
November Movements:		\$	1,665,876.82
Closing Balance:	30/11/2021	\$	3,690,465.28
Less Unprocessed Bank Statement Transactions:			
Total:		\$	3,690,465.28

### BALANCE AS PER BANK STATEMENTS

	\$	4,163,034.78
Less Unpresented Cheques	-\$	4,537.00
Less Unpresented Debits	-\$	520,070.45
Plus Unpresented Deposits	\$	52,037.95
Total	\$	3,690,465.28



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 Responsible Accounting Officer  
 13 December 2021



## Leeton Shire Council

### Summary of Term Investments as at: 30/11/2021

BBSW 90: 0.05%      Average Yield: 0.67%

Inv No	Financial Institution/Broker	Investment	Note	Ref No	Investment Date	Investment Term (months)	Remaining Term (months)	Principal	Yield %	Maturity	Type
10-00	Commonwealth Bank L	CBA Business Online Saver - Cash at Call (Cash flow account)		10206481	12/10/09	146	0	2,629,517.72	0.10%	13/12/21	DAC
20-00	AMP Bank	AMP Business Saver Account - Cash at Call		437864762	10/07/20	17	0	883.66	0.60%	13/12/21	DAC
21-00	AMP Bank	AMP 31 Day Notice Account		971165956	17/07/20	16	0	6,046,691.17	0.65%	13/12/21	DAC
22-00	Macquarie Bank	Macquarie Cash Management Accelerator Account		940367790	07/11/20	13	0	3,008,342.79	0.40%	13/12/21	DAC
20-04	National Aust Bank	Member Equity Bank		AU3FN00485	18/07/19	36	7	650,000.00	1.00%	18/07/22	FRN
20-11	ANZ Bank	ANZ Bank		AU3FN00497	29/08/19	60	32	1,000,000.00	0.82%	29/08/24	FRN
20-31	National Aust Bank	RACQ Bank		AU3FN00531	24/02/20	36	14	1,000,000.00	0.98%	24/02/23	FRN
20-35	Laminar Capital	Auswide Bank		AU3FN00535	17/03/20	35	15	1,000,000.00	1.06%	17/03/23	FRN
20-46	AMP Bank	AMP Bank		TD49419356	04/06/20	17	0	1,000,000.00	1.60%	01/12/21	LTD
21-10	Northern Territory Treas	Territory Bond		AA-109-3B	14/09/20	38	24	1,000,000.00	1.25%	15/12/23	Bond
21-12	Beyond Bank Leeton	Beyond Bank Leeton		123075182	28/10/20	23	10	1,000,000.00	0.95%	28/10/22	LTD
21-13	Curve Securities Pty Ltc	Wangaratta & Wodonga CU		22130	10/12/20	11	0	1,000,000.00	0.80%	09/12/21	LTD
21-14	AMP Bank	AMP Bank		TD14238487	14/12/20	17	6	890,000.00	0.95%	14/06/22	LTD
21-15	Curve Securities Pty Ltc	Wangaratta & Wodonga CU		9672	18/12/20	11	0	1,000,000.00	0.80%	17/12/21	LTD
21-16	AMP Bank	AMP Bank		TD03847931	27/01/21	17	7	610,000.00	0.95%	27/07/22	LTD
21-17	AMP Bank	AMP Bank		TD52801630	08/02/21	17	8	500,000.00	0.95%	08/08/22	LTD
21-22	Beyond Bank Leeton	Beyond Bank Leeton		123087796	21/03/21	12	3	1,000,000.00	0.60%	21/03/22	LTD
21-24	Beyond Bank Leeton	Beyond Bank Leeton		174687370	28/03/21	12	3	500,000.00	0.60%	28/03/22	LTD
21-25	AMP Bank	AMP Bank		TD86556078	06/04/21	18	10	500,000.00	0.50%	06/10/22	LTD
21-26	Australian Military Bank	Australian Military Bank			13/04/21	36	28	1,000,000.00	0.76%	15/04/24	LTD
21-28	Beyond Bank Leeton	Beyond Bank Leeton		123086240	08/06/21	12	6	500,000.00	0.60%	08/06/22	LTD
21-29	Beyond Bank Leeton	Beyond Bank Leeton		123074677	20/06/21	12	6	1,000,000.00	0.60%	20/06/22	LTD
21-30	Members Equity Bank	Member Equity Bank		293470	23/06/21	12	6	1,000,000.00	0.50%	23/06/22	LTD
21-31	Beyond Bank Leeton	Beyond Bank Leeton		123080760	23/06/21	12	6	1,000,000.00	0.60%	23/06/22	LTD
21-32	Members Equity Bank	Member Equity Bank		294089	28/06/21	12	6	1,000,000.00	0.50%	28/06/22	LTD
22-01	National Aust Bank	National Aust Bank		71-610-6193	06/07/21	6	1	500,000.00	0.28%	06/01/22	LTD
22-02	Commonwealth Bank L	Commonwealth Bank		CDA3834471	09/07/21	11	7	1,000,000.00	0.41%	08/07/22	LTD
22-03	Commonwealth Bank L	Commonwealth Bank		CDA3834471	09/07/21	6	2	500,000.00	0.35%	04/02/22	LTD

## Leeton Shire Council

<b>Summary of Term Investments as at: 30/11/2021</b>				<b>BBSW 90:</b>	<b>0.05%</b>	<b>Average Yield:</b>	<b>0.67%</b>				
22-04	AMP Bank	AMP Bank	TD13745815	16/08/21	12	8	1,000,000.00	0.95%	16/08/22	LTD	
22-05	Bank of Queensland	Bank of Queensland	416589	23/08/21	6	2	500,000.00	0.39%	23/02/22	LTD	
22-06	National Aust Bank	National Aust Bank	10762105	25/08/21	24	20	1,000,000.00	0.65%	25/08/23	LTD	
22-07	Beyond Bank Leeton	Beyond Bank Leeton	123086194	06/09/21	12	9	1,000,000.00	0.60%	06/09/22	LTD	
22-08	Beyond Bank Leeton	Beyond Bank Leeton	123092627	11/09/21	12	9	1,000,000.00	0.60%	11/09/22	LTD	
22-09	Beyond Bank Leeton	Beyond Bank Leeton	123096360	16/09/21	5	3	1,000,000.00	0.50%	16/03/22	LTD	
22-10	Elders Narrandera	Rural Bank	302310859	22/09/21	5	3	1,000,000.00	0.35%	21/03/22	LTD	
22-11	National Aust Bank	National Aust Bank	97-327-3005	27/09/21	12	9	1,000,000.00	0.35%	27/09/22	LTD	
22-12	Beyond Bank Leeton	Beyond Bank Leeton	123087332	28/09/21	12	9	1,000,000.00	0.60%	28/09/22	LTD	
22-13	Auswide Bank	Auswide Bank	5652782.16.	05/10/21	12	10	1,000,000.00	0.50%	05/10/22	LTD	
22-14	Beyond Bank Leeton	Beyond Bank Leeton	123074883	07/10/21	5	4	1,000,000.00	0.50%	07/04/22	LTD	
22-15	Westpac Bank	Westpac Bank	9514165	21/10/21	24	22	1,000,000.00	0.87%	23/10/23	LTD	
22-16	AMP Bank	AMP Bank	TD60160792	29/10/21	18	16	500,000.00	1.20%	01/05/23	LTD	
22-17	Westpac Bank	Westpac Bank	9563400	11/11/21	36	35	1,000,000.00	1.60%	11/11/24	LTD	
<b>Total Investments:</b>							<b>\$ 44,835,435.34</b>				

## Leeton Shire Council

**Summary of Term Investments as at: 30/11/2021**

<b>BBSW 90:</b> 0.05%	<b>Average Yield:</b> 0.67%
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Investment by Type		
Investment	Amount	%
Bank of Queensland	500,000	1.1%
Rural Bank	1,000,000	2.2%
Wangaratta & Wodong	2,000,000	4.5%
Beyond Bank Leeton	10,000,000	22.3%
Member Equity Bank	2,650,000	5.9%
AMP Bank	5,000,000	11.2%
Auswide Bank	2,000,000	4.5%
National Aust Bank	2,500,000	5.6%
Australian Military Bank	1,000,000	2.2%
ANZ Bank	1,000,000	2.2%
RACQ Bank	1,000,000	2.2%
Territory Bond	1,000,000	2.2%
CBA Business Online Sav	2,629,518	5.9%
AMP Business Saver Acc	884	0.0%
AMP 31 Day Notice Acc	6,046,691	13.5%
Macquarie Cash Mand	3,008,343	6.7%
Commonwealth Bank	1,500,000	3.3%
Westpac	2,000,000	4.5%
<b>TOTAL</b>	<b>44,835,435</b>	<b>100.0%</b>
Local	14,629,518	32.63%
Non Local	30,205,918	67.37%

Investments by Age		
Age	Amount	%
1. Less than 30 Days	14,685,435	33%
2. 30 to 180 Days	6,000,000	13%
3. 180 to 365 Days	15,650,000	35%
4. 1 to 3 years	8,500,000	19%
<b>TOTAL</b>	<b>44,835,435</b>	<b>100%</b>

Investments by Age and Type		
Sum of Principal		
Ageing1	Type	Total
Current	DAC	11,685,435
	LTD	24,000,000
	FRN	650,000
<b>Current Total</b>		<b>36,335,435</b>
Non Current	LTD	4,500,000
	FRN	3,000,000
	Bond	1,000,000
<b>Non Current Total</b>		<b>8,500,000</b>
<b>Grand Total</b>		<b>44,835,435</b>
<b>Index:</b>		
DAC	Deposit at Call	
FRN	Floating Rate Note	
LTD	Long Term Deposit	
STD	Short Term Deposit	
Bond	Long Term Bond	

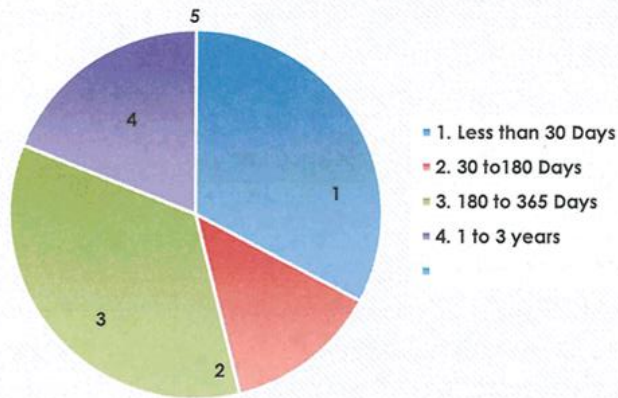
## Leeton Shire Council

Summary of Term Investments as at: 30/11/2021

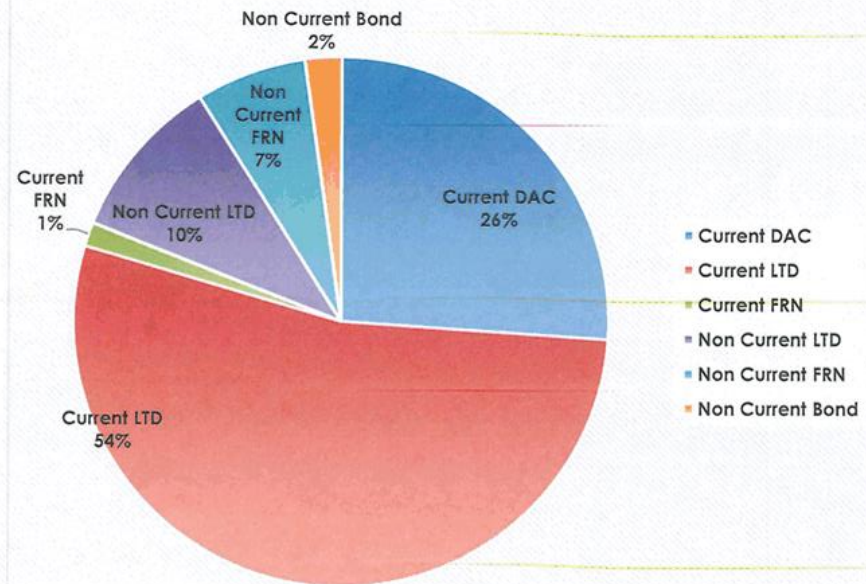
BBSW 90: 0.05%

Average Yield: 0.67%

Investments by Age



Investments by Type and Term



Explanatory notes:

All investments noted

*[Signature]*  
 Responsible Accounting Officer  
 13 December, 2021