

Policy title	Collection Domestic Waste Bins
Responsible manager(s)	Divisional Manager Waste Services
Contact officer(s)	Waste Minimisation Officer
Directorate	Planning & Sustainability
Approval date	
Outcome area	4. Sustainable living
Strategy	4.2 Targeted reduction of waste with an emphasis on resource recovery and waste minimisation
Delivery Program	4.2.1 Provide sustainable waste services infrastructure
Operational Plan	4.2.1.2 Manage kerbside collection

Purpose

This policy defines the size of waste bins allocated by Council for domestic waste collection services. In October 2005, following an extensive media campaign, a new waste collection service was introduced to include recycling and garden organics waste collection and limiting domestic waste collection to 80 litre bins.

Eurobodalla Shire Council's policy was developed to restrict the amount of residual waste and encourage recycling within the community.

Policy aims

- Ensure consistency and fairness in the way that Council deals with domestic waste bin services.
- Ensure compliance with legislative requirements under the Waste Avoidance and Resource Recovery Act 2001.
- Promote awareness of the requirements with respect to domestic waste bin services.
- Make the Council's policies for domestic waste bin services readily accessible and understandable to the public.

Policy details

1	Application This policy applies to domestic waste bins in the Eurobodalla Local Government area.
2	Legislation Eurobodalla Shire Council will comply with Waste Avoidance and Resource Recovery Act 2001.
3	Bins All new customers requesting and being eligible for a domestic waste service are to be issued with a residual waste bin (80 litre with red lid), recycling bin (240 litre with yellow lid) and garden organics (240 litre with lime-green lid).

4	Service Council will provide one domestic service to each residence within the collection area and to commercial premises with a residence on same parcel of land.
5	Collection Dates Garbage, recycling and organics bin collection dates are outlined in Council's "Household Waste & Recycling Calendar". The calendar is distributed annually. Additionally, Council provides a Household Waste and Recycling booklet with further educational information.

Implementation

Requirements		Responsibility
1	Contract The collection of domestic waste is carried out under contract.	Contractor
2	Staff Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.	Council officers
3	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers
4	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	Council officers

Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages waste collection.

The policy may be revoked by Council at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council updates or revokes it sooner. **Note:** *The next general local government election is expected to be held in September 2024.*

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Delivery Program/Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records

Customer feedback, survey responses	Surveys
Internal or external review	Audit

Definitions

Word/ Acronym/ Phrase	Definition
WARR	Waste avoidance and resource recovery

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Related Council Policy or Code of Practice	Council policies Eurobodalla Council website (nsw.gov.au)
<i>Local Government Act 1993</i>	Local Government Act 1993 No 30 - NSW Legislation
<i>NSW Waste and Sustainable Materials Strategy 2041</i>	Waste and Sustainable Materials Strategy NSW Dept of Planning and Environment

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Sep 2009	Council	09/291	E09.3418	Policy adopted – report G09/99
2	23 Jul 2013	Council	13/172	E13.7095 E06.0373	Reviewed and updated (start of new Council term)
3	25 Jul 2017	Council	17/237	E16.0297 E06.0373	Reviewed and updated (start of new Council term)
4	TBA	Council	TBA	TBA	Reviewed & updated at new Council term. Report GMR17/024

Internal use

Responsible officer		Director Planning and Sustainability		Approved by	Council
Minute	TBA	Report	TBA	Effective date	TBA
File	E06.0373	Review date	Mar 2022	Pages	3

Policy title	Collection Litter Bins
Responsible manager(s)	Divisional Manager Waste Services
Contact officer(s)	Waste Minimisation Officer
Directorate	Planning and Sustainability Services
Approval date	
Outcome area	1 Strong Communities, Desirable Lifestyle
Strategy	1.3 Encourage and enable healthy lifestyle choices
Delivery Program link	1.3.2 Plan for and provide a safe and accessible network of recreation and community facilities
Operational Plan link	1.3.2.3 Build, renew, operate and maintain recreation and community facilities

Purpose

Littering of public places is managed by providing litter bins. Litter bins have been provided at sports grounds, foreshore locations, parks, and other areas where the community and tourists gather for recreational purposes. In addition, free standing litter bins and bins in surrounds have been placed in villages and town centres.

Overall, there needs to be awareness created throughout the community that the purpose of these facilities is to avoid littering, that unauthorised use imposes additional costs on the community, and that penalties apply. This will involve Council staff providing waste education and appropriate signage; advice on services available (provided by Council and/or others) for residents, tourists and businesses; and monitoring and policing. Eurobodalla Shire Council's policy was developed to assist in the disposal of litter.

Policy aims

- Assist decision-makers to exercise discretionary powers in relation to litter bins.
- Ensure transparency, consistency, and fairness in the way Council deals with litter bins.
- Ensure compliance with legislative requirements under the Protection of the Environment Operations Act 1997.
- Promote awareness of the requirements of the Act with respect to prevention of littering.
- Take such steps as are appropriate to ensure education, monitoring and policing of appropriate disposal of litter.
- Make Council's policies and requirements for Collection of Litter Bins readily accessible and understandable to the public.

Policy details

1	Application This policy applies to litter bin facilities in the Eurobodalla Local Government area.
2	Legislation This policy ensures Eurobodalla Shire Council's compliance with the <i>Protection of the Environment Operations Act 1997</i> Protection of the Environment Operations Act 1997 No 156 - NSW Legislation

Implementation

Requirements		Responsibility
1	Contract The collection of waste from litter bins is carried out under contract.	Contractor
2	Staff Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.	Council officers
3	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers
4	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	As applicable

Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages litter bins.

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner.

Note: The next general local government election is expected to be held in September 2024.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Delivery Program/Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Customer feedback, survey responses	Surveys
Internal or external review	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Related Council Policy or Code of Practice	Council policies Eurobodalla Council website (nsw.gov.au)
Local Government Act 1993	Local Government Act 1993 No 30 - NSW Legislation
Protection of the Environment Operations Act 1997	Protection of the Environment Operations Act 1997 No 156 - NSW Legislation

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	24 Feb 2009	Council	09/68	E06.0373 E06.0373	Policy adopted – report G09/23
2	22 Sep 2009	Council	09/291	E06.0373 E09.3418	Policy reviewed and adopted report G09/99
3	8 Aug 2017	Council		E16.0297 E06.0373	Reviewed and updated (start of new Council term)
4	TBA	Council	TBA	TBA	Reviewed & updated at new Council term. Report

Internal use

Responsible officer		Director Planning and Sustainability Services		Approved by	Council
Minute	TBA	Report	TBA	Effective date	TBA
File	E06.0373 E16.0297	Review date	Mar 2020	Pages	3

Policy name	Community Gardens Policy
Responsible manager(s)	Director Community, Arts and Recreation Services
Contact officer(s)	Divisional Manager, Recreation Services
Directorate	Community, Arts and Recreation Services
Approval date	
Outcome area	1. Strong communities, desirable lifestyles
Strategy	1.3 Encourage and enable healthy lifestyle choices
Delivery Program	1.3.1 Activate and motivate our community to embrace healthy lifestyles
Operational Plan	1.3.1.1 Support community and recreation groups to manage and develop their clubs

Purpose

Community gardens are places for actively building community through shared activities, and for learning and sharing sustainable living practices. They play a role in improving access to fresh locally grown food for their members, as well as providing a valuable recreational activity, social interaction and educational benefits for the local community.

Council values the use of appropriate public open space for community gardening for its contribution to the health and wellbeing of the wider community and for the creation of a sustainable living environment.

The purpose of this policy is to outline Council's position on community gardens and to clarify the roles of Council and community groups who apply for or operate community gardens on Council-owned or managed land within the Eurobodalla Shire.

Policy statement

1	Application This policy applies to Council-owned Community Land as classified under the <i>Local Government Act 1993</i> (the Act) and Crown land managed by Council. All Council-owned Community Land and Crown land managed by Council is required to be covered by Plans of Management under the Act. Where this policy differs from the Plan of Management for the site, the Plan of Management shall be the governing document. The preferred land type for community gardens is Council-owned Community Land, which must be categorised as either Park or General Community Use under the Act. Council may consider applications for the use of Council managed Crown land where appropriate community land is not available.
2	Legislation This policy is established under the <i>Local Government Act 1993</i> .

2.1	<p>Land Use Planning</p> <p>Development consent is not required for community gardens on community land.</p> <p>Community garden groups with a licence for the use of Council-owned or managed land are acting by or on behalf of Council in accordance with the Act and as such minor development as outlined in the <i>State Environmental Planning Policy (Infrastructure) 2007</i>, would be exempt from requiring consent.</p> <p>Council approval is required for all developments, which include but are not limited to: pergolas, rain water tanks, sheds of a certain size, and fencing. The size, location and number of these structures are required to be shown on the site plan and will form part of the licence conditions.</p>
3	<p>Objectives of Community Gardens</p> <p>Community gardens on Council-owned or managed land should aim to:</p> <ul style="list-style-type: none"> ✓ strengthen sense of community by increasing opportunities for participation in community gardening; ✓ promote access to fresh organic and locally produced fruit and vegetables; ✓ encourage more sustainable resource and energy use in the community; ✓ encourage education and training opportunities in the sustainable production of food; and ✓ provide recreation opportunities to enhance Council's public open space network.
3.1	<p>Council's Role</p> <p>Eurobodalla Shire Council is committed to supporting community groups to establish community gardens on Council-owned or managed land within the Eurobodalla Shire.</p> <p>Council's primary role is as a landowner or land manager. Council will act as an enabler and supporter where possible within its financial and operational capacity. Council's authorities under the policy are specified in the Community Gardens Code of Practice.</p> <p>The supporting Community Gardens Guidelines outlines possible ways in which different sections of Council may be able to assist in the establishment or ongoing management of Community Gardens.</p>
3.2	<p>Community Groups Role</p> <p>The community group is responsible for all planning, establishment, and day to day operations of the community garden. The community garden must be managed and operated in a way that it does not have a negative impact on the amenity, health or safety of the surrounding community or the natural environment.</p>
3.3	<p>Licence for Use</p> <p>A licence agreement must be established between the Council and the eligible community group for the purpose of establishing and operating a community garden on Council- owned or managed land.</p>

3.4	<p>Funding</p> <p>The community group will be responsible for appropriate income generation to support all costs related to the establishment and ongoing operation of the garden. In part, this will be through the establishment of appropriate membership fees, fund raising, partnerships and through application for grants and funding from Council and external grant providers.</p> <p>This Policy does not commit Council to providing initial or ongoing funding or donations to Community Garden Groups. The process of obtaining donations or funding from Council is outlined in Council's Financial Assistance – Donations and Grants Policy.</p>
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Implementation

Requirements	Responsibility
<p>1 Code of Practice</p> <p>This policy will be implemented by following Council's Community Gardens Code of Practice, which specifies in detail the plan, procedures and matters to be considered.</p>	<p>Director Community, Arts and Recreation Services</p>
<p>2 Staff</p> <p>Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.</p>	<p>Divisional Manager</p> <p>Recreation Services, Parks Coordinator, Natural Resources and Sustainability Coordinator, Divisional Manager Property and Commercial Services</p>
<p>3 Concerns</p> <p>Public concerns communicated to Council regarding this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. They will be used to analyse the history of concerns and determine follow up actions.</p>	<p>Council Officers</p>
<p>4 Consultation</p> <p>Consultation that may occur in relation to this policy will involve key stakeholders, community garden groups, Council's Parks Coordinator and the community. Proposed changes to this policy will be placed on public exhibition for public comment, before adoption.</p>	<p>Divisional Manager</p> <p>Recreation Services , Parks Coordinator</p>

Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages community gardens.

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner.

Note: The next general local government election is expected to be held in September 2024.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Complaints	Council records
Customer Feedback Survey Responses	Surveys
Internal or external audit	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
<i>Local Government Act 1993</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N
<i>Associations Incorporation Act 2009</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+7+2009+cd+0+N
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	www.legislation.nsw.gov.au/maintop/view/inforce/epi+641+2007+cd+0+N
Financial Assistance – Donations and Grants Policy	www.esc.nsw.gov.au/

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au

Supporting documents

Name	Link
Code of Practice	https://www.esc.nsw.gov.au/__data/assets/pdf_file/0020/140285/Community-Gardens-Code-of-Practice.pdf
Community Gardens Guidelines	www.esc.nsw.gov.au/community/community-gardens
Plan of Management	https://www.esc.nsw.gov.au/council/plans-and-reporting/managing-community-land/Adopted-Plans-of-Management-and-Landscape-Masterplans

Definitions

Term	Definition
community garden	shared garden managed by a not for a profit community organisation and valued for its social, recreational, educational and community building benefits. The garden may contain shared plots, allotments or a mix of both.
shared plot	garden that is cultivated by the members of a group working as a group. The work and produce is shared between its members.
allotment garden	garden that is divided into separate sections for the sole use of individual parties. The user of each allotment takes responsibility for that area.

Change history

Version	Approval date	Approved by	Minute	File	Change
1	28 Jun 2011	Council	11/186	E11.5098	Policy adopted –report O11/126
2	23 Jul 2013	Council	13/173	E13.7095 E11.5098	Updated template, review date, references and links
3	8 Aug 2017	Council	17/259	E11.5098 E16.0297	Reviewed and retained at start of new Council term
4		Council			Updated template, review date, references and links

Internal use

Responsible officer		Director, Community Arts and Recreation Services		Approved by	Council
Minute		Report		Effective date	
File	E11.5098	Review date	March 2022	Pages	5

Policy title	Compliance
Responsible manager(s)	Director, Planning and Sustainability Services
Contact officer(s)	Divisional Manager, Environmental Services
Directorate	Planning and Sustainability
Approval date	
Outcome area	3. Protected and valued natural environment
Strategy	3.4 Develop community awareness of environmental opportunities, issues and impacts
Delivery Program	3.4.1 Monitor and manage public and environmental health
Operational Plan	3.4.1.1 Monitor, inspect and respond to public and environmental health matters

Purpose

This policy provides information about Council's position on compliance and enforcement matters in the Eurobodalla Shire Council local government area.

The purpose of this policy is to provide a structure for consistency and transparency in decision-making, and to facilitate a balanced approach to compliance and enforcement. It is also intended to assist Council staff to act promptly, effectively, and consistently in response to allegations of unlawful activity.

This policy outlines matters to be considered at the various stages of the enforcement process, from the receipt and investigation of reports alleging unlawful activity, to Council's enforcement options, and whether to commence criminal or civil proceedings.

Policy aims

- Enable Council to acknowledge its obligation under Section 8 of the *Local Government Act 1993* to ensure that its regulatory powers are carried out in a consistent manner and without bias.
- Establish clear guidelines for Council's authorised officers in dealing with proactive regulatory action, and for assessing and investigating customer service requests or complaints about unlawful activity.
- Provide a proactive position regarding enforcement action in regard to Council's regulatory and compliance functions.
- Foster responsive and responsible regulation, fairness, consistency, and equity in any action taken by Council in response to allegations of unlawful activity.
- Establish operational priorities and factors to be considered when determining how a complaint should be dealt with by Council.
- Follow the principles of the '*NSW Ombudsman's Enforcement Guidelines for Councils*' (2015), the NSW Director of Public Prosecution 'Prosecution Policy Guidelines' and the NSW EPA Enforcement Guidelines in regard to the enforcement and compliance function that comprise the procedures and guidelines associated with this policy.
- Make Council's policies and requirements for compliance readily accessible and understandable to the public.

Policy details

1	<p>Application</p> <p>This policy applies to regulatory issues within Council's area of responsibility including, but not limited to: public health and safety; development and building control; pollution; environmental health; biosecurity weeds and pests; parking and traffic matters, and companion animals and livestock.</p>
2	<p>Legislation</p> <p>This policy ensures Eurobodalla Shire Council's compliance with Section 8 of the <i>Local Government Act 1993</i>, and relevant legislation and regulations that Council operates under.</p>
3	<p>Compliance process</p> <p>The compliance process (see Appendix 1 to 3) establishes the factors that will be considered when determining how a compliance matter will be handled. This process includes the following:</p>
3.1	<p>Assessment framework</p> <p>Council will record and assess every report alleging unlawful activity.</p> <p>Generally, Council's objectives when dealing with reports alleging unlawful activity are to:</p> <ul style="list-style-type: none"> • maintain the collective good and welfare of the community • prevent or minimise harm to health, welfare, safety, property or the environment • consider the broader public interest having regard to Council's priorities and any resource limitations • consider the report fairly and impartially. <p>Not all reports alleging unlawful activity will warrant investigation. A preliminary assessment of all matters will be made to determine whether investigation or other action is required. Council will prioritise matters based on risk to public safety, human health, and environment.</p> <p>Any decision not to investigate an allegation of unlawful activity will be recorded, and the reasons for that decision clearly stated.</p> <p>An investigation of alleged unlawful activity may take a significant amount of time to complete, particularly where the issues are complex. If Council decides to investigate, staff will give the customer who reported the alleged unlawful activity, regular feedback on the progress of the investigation, and any reasons for the delay. This does not mean that the individual can expect to be given details about every aspect of the investigation or information that would compromise the integrity of the investigation.</p> <p>Decisions about what action should be taken by Council are made at Council's discretion. The objective is that reports alleging unlawful activity will be resolved to the satisfaction of Council, not necessarily the person raising the matter. Council will generally try to resolve matters as quickly and informally as possible to avoid the need to take formal compliance and/or enforcement action, depending on the nature of the breach.</p> <p>Council staff will endeavour to manage the expectations of people who report alleged unlawful activity, and in particular explain that in the absence of sufficient evidence of unlawful activity, Council may be unable to take further action. They will also explain that Council has limited resources and powers to deal with reports alleging unlawful activity. If</p>

	<p>Council is unable to fully investigate or take action on a matter because it is restricted by legal or resource limitations, this will be explained to the individual.</p> <p>When there are specific statutory requirements that must be met in relation to notices and orders, Council staff will provide all explanatory communication in plain English and explain any technical language the law requires.</p>
3.2	<p>Investigation process</p> <p>The objective of these process that Council staff use when investigating incidents of alleged unlawful activity, is to:</p> <ul style="list-style-type: none"> • determine the cause • determine if there has been a contravention of law, policy or standards • determine if Council is the appropriate Regulatory Authority (ARA) and if not, the matter will be referred to the ARA for action • gather evidence to the required standard to support any required enforcement action • determine any necessary action to mitigate the possibility of reoccurrence of similar incidents. <p>Investigation action may include, but is not limited to, any of the following:</p> <ol style="list-style-type: none"> a) a desktop review b) assessment of likely environmental and public harm and safety c) a site inspection d) interviews with any relevant persons.
3.3	<p>Compliance and enforcement options</p> <p>Once an investigation has been completed, Council officers will decide whether to take further action based on evidence. Each matter will be considered on a case-by-case basis, considering factors detailed within the compliance framework and enforcement options (see Appendix 2).</p>
3.4	<p>Compliance and enforcement principles</p> <p>The following are the principles that underpin Council actions relating to compliance and enforcement:</p> <p>Accountable and transparent:</p> <ul style="list-style-type: none"> • act in the best interests of public health and safety, and in the best interests of the environment • ensure accountability for decisions to take or not take, action • act fairly and impartially and without bias or unlawful discrimination • provide information about compliance and enforcement priorities, and reasons for decisions to improve understanding and certainty and promote trust by the regulated community • ensure meaningful reasons for decisions are given to all relevant parties, particularly when there is a departure from this policy

	<ul style="list-style-type: none"> act on any complaints or concerns about the conduct of Compliance Officers in accordance with Council's Complaints Management Policy and procedures advise people and organisations subject to enforcement action, of any avenues available to seek an internal or external review of a decision. <p>Fair and consistent:</p> <ul style="list-style-type: none"> ensure all compliance and enforcement action is implemented consistently encourage reports about possible unlawful activity by acting reasonably in response to the circumstances and facts of each matter. <p>Proportional:</p> <ul style="list-style-type: none"> ensure the level of enforcement action is proportionate to the level of risk and seriousness of the breach make cost-effective decisions about enforcement action take action to address harm and deter future unlawful activity. <p>Timely:</p> <ul style="list-style-type: none"> ensure responses to reports alleging unlawful activity and decision-making in relation to those is timely.
4	<p>Councillors' involvement</p> <p>As per the provisions of the <i>Local Government Act 1993</i> and Council's <i>Code of Conduct</i> (which is in accordance with the <i>Model Code of Conduct for Local Councils in NSW</i> under s440 of the <i>Local Government Act 1993</i>), councillors should not be involved during investigations on compliance matters.</p> <p>Investigations of alleged unlawful activities are operational tasks to be carried out by Council staff. Councillors may not direct or influence a Council officer in carrying out their statutory duties associated with compliance and enforcement. Any involvement of councillors in compliance or enforcement matters will be reported to the General Manager by the relevant Director.</p> <p>Councillors should not act as witnesses for individuals during investigations to avoid or minimise allegations that the councillor:</p> <ol style="list-style-type: none"> has a conflict between personal or private interests and the councillor's public duty, and/or the councillor is biased (or there is an apprehension of bias) because the councillor has formed an opinion about the matter prior to receiving all the relevant information, and/or the councillor has been inappropriately influenced by representations made by the individual and could not make an impartial decision about the matter. <p>This is particularly important if, at a later stage, the matter is formally put to Council for a decision about whether compliance and enforcement action should be taken. Councillors are entitled to speak to their constituents and visit sites at any other time, and they may make enquiries about the progress or status of compliance matters through the General Manager or staff approved by the General Manager. The General Manager and staff will make all efforts to respond within a timely manner to enquiries made by councillors about compliance</p>

	<p>matters. The General Manager and staff will also arrange confidential briefings to councillors, where it is considered by the General Manager to be appropriate.</p> <p>Councillors may, through the accepted processes:</p> <ul style="list-style-type: none"> ask questions of the General Manager through formal written submission ask questions to be answered in Council meetings about compliance matters, and put Motions before the Council for resolution. <p>Councillors are entitled to attend any public legal proceedings in Court, however, are not entitled to direct Council's legal advisers or lawyers, unless expressly permitted to do so by the General Manager.</p>
5	<p>Confidentiality</p> <p>Council will respect the privacy and confidentiality of information received in accordance with its Privacy and Information Protection Policy. However, due to statutory obligations and other requirements, confidentiality cannot always be guaranteed. Council may have to disclose information that identifies them in the following cases:</p> <ul style="list-style-type: none"> the disclosure is necessary to investigate the matter their identity has already been disclosed to the subject of their report directly, or in a publicly available document the individual was consulted following receipt of a <i>Government Information (Public Access) Act 2009</i> application, and did not object to the disclosure the individual consents in writing to their identity being disclosed the disclosure is required to comply with principles of procedural fairness the matter proceeds to Court. If a matter proceeds to prosecution or legal proceedings, the complainant may be contacted and requested to provide witness statements or affidavits. <p>Council will take seriously, any concerns an individual may have about their physical safety being endangered as a result of making a report. However, this may limit Council's ability to investigate the matter.</p>
6	<p>Vexatious or anonymous complaints</p> <p>a) Vexatious complaints will not be investigated by Council. Vexatious complaints are complaints which are clearly made with the sole intent of annoying a person, or complaints which are without substance made frequently by the same individual or entity.</p> <p>b) Anonymous complaints will not generally be investigated by Council. The nature of the alleged breach may require some level of investigation however, in the main, anonymous complaints will not be investigated.</p>
7	<p>Shared enforcement responsibilities</p> <p>Some reports will raise matters involving shared regulatory responsibilities between Council and other authorities such as, but not limited to: NSW Department of Planning, Industry and Environment; Environment Protection Authority; Police Force; Office of Liquor, Gaming and Racing; Fair Trading; Food Authority, RSPCA and Crown Lands.</p>

	<p>Council recognises that collaboration and cooperation between authorities to address issues of shared regulatory responsibility is the best approach. To this end, where there are shared legislative responsibilities, Council staff will liaise with relevant authorities to establish:</p> <ul style="list-style-type: none"> a) which authority will take the leading role in any joint investigation b) which activities each authority will carry out c) responsibilities for updating an individual, where relevant d) protocols for exchanging confidential information between the relevant authorities. <p>Council will reasonably endeavour to respond to requests for information or assistance on joint regulatory matters in a timely manner.</p>
8	<p>Role of Council where there is a Private Certifier</p> <p>If a private certifier is appointed the Principal Certifier (PC), Council is not responsible to ensure building and construction compliance. Private certifiers have the power to issue a Notice of Intention to Issue an Order to the owner or builder to comply with the conditions of consent or rectify any breaches. A copy of any Notice of Intention issued by a certifier must be provided to Council.</p>
9	<p>Neighbourhood disputes</p> <ul style="list-style-type: none"> a) Council will, at times, receive reports from parties involved in neighbour disputes seeking Council's involvement. When a dispute between two neighbours is a civil matter, Council will often have no authority to resolve the issue in dispute. b) Council staff will assess such reports to determine whether there is evidence of any possible unlawful activity requiring action by Council. Care will be taken to explain which aspects of a report Council can deal with, and which cannot be dealt with and why. Where possible, individuals will be provided with information about how to resolve neighbour disputes, including referral information resources such as LawAccess NSW and Community Justice Centres. c) It is possible that one party may provide further information about a matter which changes Council's decision about whether it will become involved. In such circumstances, Council staff will consider the matter before acting, and the relevant parties will be advised about the reasons Council has changed its position on a matter. d) Council staff will not change a decision about whether Council should be involved purely as a response to the conduct of an individual such as persistent demands or threats.
10	<p>Advance publicity and media statements (prosecutions)</p> <p>No public statements are to be made by the Mayor, councillors or Council staff in connection with any case involving Council, where legal proceedings are before the Court or are under investigation and may go before the Court.</p>

11	Fees and fines Council may issue orders or notices which incur administration costs. Additional inspection fees will also apply where Council is to commit staff resources to enforce compliance by way of notices, orders and/or follow-up inspections. Fees are listed in Council's adopted fees and charges and will be applied where appropriate. Some fees are identified in the legislation being enforced and are charged accordingly. Failure to pay fees and fines is an offence and may result in further costs or legal action.
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Implementation

Requirements		Responsibility
1	Compliance process This policy is implemented via Council's Compliance Process (Appendix 2) which specifies the actions, procedures and matters to be considered.	Council officers
2	Management of process Procedural complaints are to be reviewed by the relevant Divisional Manager who bears the responsibility for all outcome decisions (with the exception of criminal prosecutions). If the Divisional Manager supports a prosecution or legal proceedings, then the matter is referred to the General Manager through the relevant Director for a decision on whether to proceed.	Divisional Manager
3	Staff Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.	Council officers
4	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers
6	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, and statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	As applicable

Review

This policy will be reviewed every four years. It may also be reviewed and updated as necessary if:

- legislation requires it
or
- when Council's related policies, functions, structure, or activities change
or

- when technological advances or new systems change the way that Council manages compliance matters.

The policy may be revoked at the expiration of 12 months after the declaration of the poll for the next general NSW local government election unless Council updates or revokes it sooner.

Note: The next general local government election is expected to be held in September 2024. Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Delivery program/operational plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Customer feedback, survey responses	Surveys
Internal or external review	Audit

Definitions

Word/acronym/phrase	Definition
ARA	Appropriate regulatory authority
Complaint	A complaint is an expression of dissatisfaction made about Council services, staff, or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required. For the purposes of this policy, a complaint does not include: <ul style="list-style-type: none"> • a report alleging unlawful activity (see definition below) • a request for information about a Council policy or procedure • a request for an explanation of actions taken by Council • a request for internal review of a Council decision.
Enforcement	Actions taken in response to contraventions of laws.
Regulation	Using a variety of tools and strategies to influence and change behaviour to achieve the objectives of an Act, Regulation or other statutory instrument administered by Council.
Report alleging unlawful activity	An expression of concern or a request for service in relation to alleged unlawful activity, where a response or resolution is explicitly or implicitly expected or legally required.
Unlawful activity	Any activity or work that has been or is being carried out contrary to the below, and/or failure to take required action in order to be compliant with: <ul style="list-style-type: none"> • terms or conditions of a development consent, approval, permit or licence • an environmental planning instrument that regulates the activities or work that can be carried out on particular land • a legislative provision regulating a particular activity or work • a required development consent, approval, permission, or licence.

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies and guidelines.

Related legislation and policies

Name	Link
Privacy and Information Protection Policy	https://www.esc.nsw.gov.au/_data/assets/pdf_file/0003/138603/Privacy-and-Information-Protection-Policy.pdf
Local Orders Policy	https://www.esc.nsw.gov.au/_data/assets/pdf_file/0009/138591/Local-Orders-Policy-LOP-Keeping-of-Animals.pdf
Complaints Policy	https://www.esc.nsw.gov.au/_data/assets/pdf_file/0008/138563/Complaints-Policy.pdf
Council Fees and Charges	https://www.esc.nsw.gov.au/council/plans-and-reporting/current-fees-and-charges
Local Government Act 1993	https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030

Related external references

Name	Link
The Office of Local Government	www.olg.nsw.gov.au
NSW Ombudsman	www.ombo.nsw.gov.au

Supporting documents

Name	Link
NSW Ombudsman Model Compliance and Enforcement Policy	www.ombo.nsw.gov.au/_data/assets/pdf_file/0004/29920/Model-Compliance-and-Enforcement-Model-Policy.pdf
NSW Ombudsman Enforcement Guidelines for Councils	www.ombo.nsw.gov.au/_data/assets/pdf_file/0003/29856/Enforcement-Guidelines-for-councils.pdf

Change history

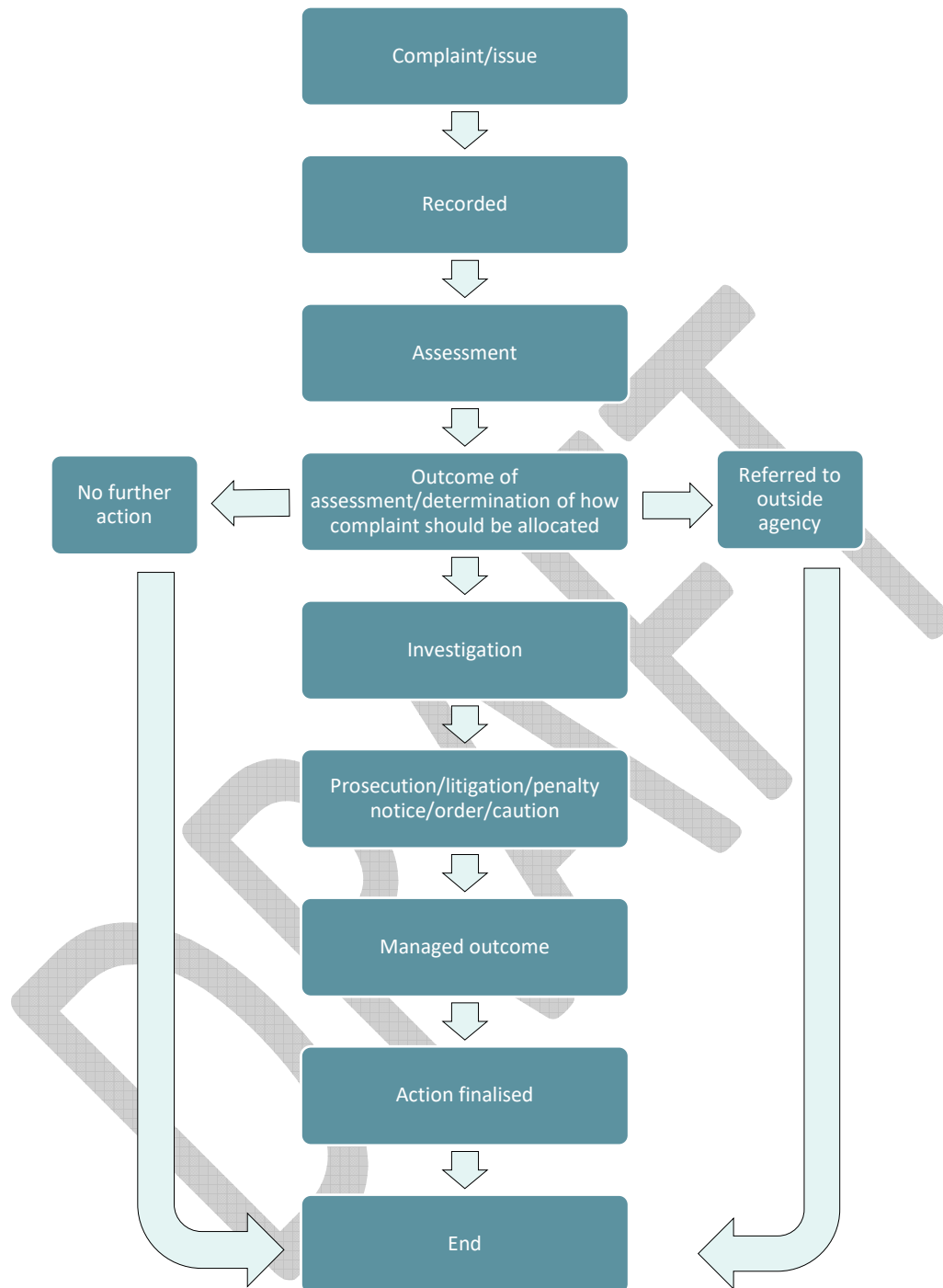
Version	Approval date	Approved by	Min No	File No	Change
1	19 Dec 2006	Council	06/4687	06.0381 06.0445	Policy adopted
2	22 Sep 2009	Council	09/291	E06.0381 E09.3419	Policy reviewed and adopted – Report G09/99
3	28 July 2011	Council	11/163	E06.0381 E09.3419	Policy reviewed and updated; name changed – report O11/124
4	23 July 2013	Council	13/172	E06.0381 E13.7095	Updated policy template, updated review date, updated references and links – report O13/112
5	11 Apr 2017	Council	17/99	E06.0381 E16.0297	Reviewed and updated at start of new Council term. GMR17/011.
6	TBA	Council	TBA	E06.0381 E16.0297	Reviewed and updated at start of new Council term.

Internal use

Responsible officer		Director, Planning and Sustainability Services		Approved by	Council
Minute	TBA	Report	TBA	Effective date	TBA
File	S00-T00060	Review date	March 2022	Pages	15

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Appendix 1. Compliance flow chart



★ Although no further enforcement or compliance action may be taken, the complaint may be referred to another Council section for consideration or retained to provide evidence/intelligence for proactive enforcement at a later date.

Appendix 2. Compliance process

The compliance process establishes the factors that will be considered when determining how a compliance matter will be handled. This includes the following:

1. assessment framework
2. investigation process
3. compliance and enforcement options.

1. Assessment framework

The assessment framework establishes the factors that will be considered when determining how complaints will be initially considered by Council, and whether a complaint will lead to further detailed investigation by Council.

1.1. Details of assessment

All matters will be assessed in accordance with the priorities outlined below:

Factors	Description
Incident type	Broad description of the complaint.
Legislative responsibility	Is the matter within the jurisdiction and responsibility of Council?
Impact on community	A rating of the perception of community interest in the matter.
Impact on Council	How does the matter affect the operations of Council?
Impact on complainant	How does the matter affect Council's customer?
Possible outcome	What will a more detailed investigation be likely to achieve? What are the possible outcomes of a detailed investigation? What are the potentials for remedy?
Response required	Broad description of the urgency of the matter.
Resources available	Does Council have the available skills and equipment to properly investigate the complaint?
Value	What is the potential, likely or actual environmental, social and economic impact of the incident/activity being complained about?
Appropriate defendant	Who is the most appropriate defendant? (It could be the landowner, contractor, occupier or multiple defendants).
WHS risk	Risk to Council staff and/or public safety.

1.2. Rating of community/complainant impacts:

High	Immediate threat to persons, environment, property, business, Council assets etc.,
Medium	Significant risk of adversely impacting persons, the environment, property, business, Council assets etc.,
Low	Some risk of adversely impacting persons, the environment, property, business, Council assets etc.,
Special	Other considerations specific to the circumstances.

1.3. Rating of Council impacts:

Critical	Immediate risk to Council assets, structure, staff etc.,
Significant	Legislative responsibility of Council, significant resource implications.
Routine	Requires attention in the normal process of business.
Special	Other considerations specific to the circumstances.

1.4. Types of responses and target times:

Priority	Classification	Initial response time
1	Very high	24 hours
2	High	48 hours
3	Medium	7 days
4	Low	21 days, if resources are available

Response times are linked with Council's customer service request targets.

1.5. Outcome of assessment

Outcome	Reasons
No further action	Not in Council's jurisdiction, not a matter requiring attention, low impact, no resources available to attend.
Referred to other agency	Not in Council's jurisdiction and in the province of another agency.
Referred to other Council section	Does not require compliance or enforcement action or falls under the jurisdiction of another section within Council.
Received for information	Complaint minor in nature and will not be actively investigated. May afford intelligence for proactive enforcement at a later date.
Investigation action	Satisfies all factors and will be investigated. See Step 2 – investigation process.

2. Investigation process

Investigation action may include, but is not limited to, any of the following:

- a desktop review
- assessment of likely environmental and public harm and safety
- a site inspection including interviews with any relevant persons.

All investigative procedures are for the purposes of gathering information and evidence to determine if a breach has occurred, and who may be responsible for the breach. Evidence may include: digital surveillance; videos; photographs; samples and physical evidence; witness statements; file notes, and records of any interviews. The procedure and type of investigation carried out by Council will depend on the facts and circumstances of each case.

Investigating officers are to carry out their investigation in a professional manner, that is:

- objective, fair and impartial, accountable, and transparent
- consistent with the presumption of innocence

- c) proportional and timely
- d) within their delegated authority
- e) in accordance with the law.

If an investigating officer forms the belief that there is sufficient evidence to establish an individual has committed an offence, when questioning that individual, the investigating officer must caution the individual that he or she does not have to say or do anything, but that anything the individual does say or do may be used in evidence.

3. Compliance and enforcement options

Once an investigation has been completed, Council officers must decide whether to take enforcement and prosecution action on the basis of evidence or unauthorised activity. The significance of the breach is taken into consideration. The same factors for consideration set out in the assessment framework will be reviewed when determining the compliance and enforcement action that will be taken. Each matter will be considered on a case-by-case basis, taking into account the factors set out below and outcomes, which include:

No action	The decision is taken not to proceed, even though the possible offence has been established.
Managed outcome	An agreed settlement, in writing, usually involving some reinstatement or restitution that does not preclude further action, should there be any failure to comply, or subsequent offences.
Caution verbal	Verbal advice to an individual advising them of the offence and cautioning them that action will be taken on further breaches.
Caution written	Letters and/or pre-formatted notes addressed to an individual or business advising them of the offence and cautioning them that action will be taken on further breaches.
Orders	Written or verbal directions, notice or orders enforceable by law requiring some action by the identified party.
Penalty Infringement Notice (PIN)	The issue of a fine prescribed by the relevant Regulation for the identified offence.
Prosecution or civil enforcement proceedings before a Court	The submission of a brief of evidence via a supervisor to Council's solicitor or the nominated prosecutor, so they may undertake a prosecution or civil enforcement proceedings on Council's behalf.

3.1. Factors to be considered when choosing an option

Available remedies of law	What remedies are available under the relevant legislation, eg, orders, fines, prosecution etc?
Seriousness of the breach	What type of offence has been committed? How seriously would this breach/unlawful activity impact the community in terms of time/cost/inconvenience? Is the matter trivial or technical in nature?
Precedent	What actions has Council previously taken in similar circumstances?
History of Council dealings with person	Has this person come to the notice of Council for other, the same or similar offences? What were the outcomes/results of such dealings?

Contrition	Does the person or corporation exhibit remorse for the offence? In some cases, it will be appropriate to have regard to the offender's apparent willingness to prevent a recurrence of the offence.
Council's actions	Have the actions of Council created an expectation that no action would be taken in a specific set of circumstances? Has the person responsible been advised that no action would be taken? Has Council contributed to the offender's actions, eg, by providing advice/approval to the activity?
Discretion to not take action based on the facts in issue and relevant material	Is a managed outcome a better alternative? No bias, actual or perceived, should influence the decision to exercise discretion. Should discretion be exercised, the reasoning should be recorded to support the decision. Council's authorised officers can exercise discretion based on their delegations and authority.
Procedural fairness/natural justice	Has the offender been informed of the nature of the issue and allowed a right of reply? Due consideration of the reply is to be given and the investigation is to be conducted objectively.
Timing and delay	Is the offending action recent? Has there been significant delay in the investigation? Is the proposed action within the statutory limitation period for the offence?
Public interest (costs vs. benefits, likely success, effects – social and environmental)	Are there any mitigating circumstances which will impact on the outcome of any prosecution/legal proceedings? What Council resources will be affected and how?

Policy title	Copper Chrome Arsenate (CCA) Management
Responsible manager(s)	Director Infrastructure Services
Contact officer(s)	Divisional Manager Works
Directorate	Infrastructure Services
Approval date	
Outcome area	1. Strong communities, desirable lifestyle
Strategy	1.3 Encourage and enable healthy lifestyle choices
Delivery Program	1.3.2 Plan for and provide a safe and accessible network of recreation and community facilities
Operational Plan	1.3.2.3 Build, renew, operate and maintain recreation and community facilities

Purpose

Eurobodalla Shire Council's policy was developed to ensure that the future use of Copper Chrome Arsenate (CCA) treated timber in new structures is limited to those applications specifically approved by the Australian Pesticides and Veterinary Medicines Authority (APVMA).

Legislative requirements and community expectations in relation to the use of Copper Chrome Arsenate (CCA) treated timber products changed following an inquiry by the Australian Pesticides and Veterinary Medicines Authority (APVMA) in 2005 into the re-registration of CCA as an approved pesticide.

To further tighten the use of CCA for treating timber new restrictions were put in place from 1 July 2012, and CCA has now been declared a restricted chemical product by the APVMA.

CCA is not approved for use in garden furniture, picnic tables, exterior seating, children's play equipment, patio and domestic decking, and handrails.

CAA treated timber products remain approved for use in structural situations such as piling and other structure foundations, residential construction, industrial and commercial construction, rural and farm use, fencing, poles, landscaping timbers, fresh and salt water structures, signage, and boat construction.

Policy aims

- Promote an integrated framework for dealing with CCA products
- Ensure consistency in the manner in which the Council deals with CCA products
- Ensure compliance with legislative requirements under the *Agriculture & Veterinary Chemicals (Administration) Act 1992*
- Promote awareness of the requirements of the Act with respect to the use of CCA
- Take such steps as are appropriate to ensure the safe removal of CCA products such as playground equipment and picnic tables and to dispose of them at licenced landfill sites
- Make Council's policies and requirements for CCA readily accessible and understandable to the public.

Policy details

1	Application The approved use of CCA to treat timber to be used in structures has been restricted by commonwealth legislation to situations where human contact, and particularly contact by children, is not likely to be on a frequent and intimate basis.
2	Legislation Eurobodalla Shire Council will comply with the <i>Agriculture & Veterinary Chemicals (Administration) Act 1992</i> .

Implementation

Requirements		Responsibility
1	Council acknowledges that timber products containing CCA are broadly spread throughout the community, however the future use of CCA treated timber in new structures must be limited to those applications specifically approved by the APVMA in the product registration report dated March 2005.	Council
2	The ongoing use and retention of existing structures using CCA treated timber is not affected by recent legislative changes, however Council supports the progressive demolition and removal of CCA treated timber products in situations where CCA products are no longer approved for use.	Council
3	Council encourages private and commercial owners of CCA treated products used in situations such as garden furniture, picnic tables, exterior seating, children's play equipment, patio and domestic decking and handrails, which are no longer an approved use for CCA products, to consider replacing such items or otherwise isolating such items from direct contact with humans, and particularly children.	Council
4	Council acknowledges that the future use of CCA treated products in Council infrastructure projects consistent with APVMA approved uses may be warranted to ensure that the life cycle and structural integrity of projects is achieved at a cost affordable to the community. Each infrastructure project proposed by Council will be assessed for material selection on a merit basis, recognising a preference for materials with a low potential toxicity.	Council
5	Council supports the reuse of CCA treated timber from demolished structures in situations or structures that comply with the approved uses for CCA as specified by the APVMA 2005 registration for CCA.	Council
6	Staff Under supervision, relevant Council staff will be responsible for ensuring that this Policy is implemented within their work area once appropriate training has been received.	Council officers
7	Concerns Public concerns communicated to Council in relation to this Policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers

8	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this Policy are invited for consideration during the exhibition period.	As applicable
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Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages Copper Chrome Arsenate treated timber products.

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council updates or revokes it sooner.

Reviews of the effectiveness of this Policy could include the following:

Performance indicator	Data source(s)
Delivery Program/Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Customer feedback, survey responses	Surveys
Internal or external audit	Audit

Governance

This Policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies and guidelines.

Related legislation and policies

Name	Link
<i>Local Government Act 1993</i>	www.legislation.nsw.gov.au/#/view/act/1993/30
<i>Agriculture & Veterinary Chemicals (Administration) Act 1992</i>	www.legislation.gov.au/Series/C2004A04553

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au
Australian Pesticides & Veterinary Medicines Authority's <i>New restrictions in place for arsenic-treated timber</i>	http://apvma.gov.au/node/11751

Change history

Version	Approval date	Approved by	Minute No	File No	Change
1	27 Sep 2005	Council	05/386	06.0381	Policy adopted
2	23 Jul 2013	Council	13/172	E13.7095 E06.0375 E06.0381	Updated Policy Template, updated review date, updated references and links – report O13/112
3	11 Apr 2017	Council	17/99	E16.0297 E06.0375 E06.0381	Reviewed and updated at start of new Council term report GMR17/011
4	February 2022	Council	TBA	TBA	Reviewed and updated at start of new Council term. Report

Internal use

Responsible officer		Director Infrastructure Services		Approved by	Council
Minute	TBA	Report	TBA	Effective date	TBA
File	E06.0375 E06.0381	Review date	Mar 2022	Pages	4

Policy/Procedure title	Councillor Professional Development, Expenses and Facilities Policy
Responsible manager(s)	General Manager
Contact officer(s)	General Manager
Directorate	General Manager
Approval date	
Community Strategic Plan Objective	9. Innovative and Proactive Leadership
Delivery Program	9.1.2 Implement effective governance
Operational Plan	9.1.2.2 Assist the Council in meeting its statutory obligations and roles

Purpose

The purpose of this policy is:

- for Eurobodalla Shire Council to comply with Section 252 of the *Local Government Act 1993*, and adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor and Councillors in relation to discharging the functions of civic office.
- to demonstrate Eurobodalla Council's commitment to ensuring that the Mayor and Councillors have access to induction and ongoing professional development which will assist them to develop and maintain the skills and knowledge required to effectively perform their civic role and responsibilities under the *Local Government Act 1993*.

Policy aims

The policy is designed to ensure:

- Accountability and transparency in the reimbursement of expenses incurred or to be incurred by Councillors.
- That the facilities provided to assist Councillors carry out their civic duties are reasonable.
- Compliance with, and awareness of, legislative requirements under the *Local Government Act 1993* in respect to Councillors' expenses and facilities.
- Consistency and fairness in the manner in which the Council deals with Councillors' expenses and facilities.
- That Council's policies and requirements are readily accessible and understandable to the public.

Policy application

This policy applies to the Mayor and Councillors of Eurobodalla Shire Council, and to Council staff involved in the provision of Councillors expenses and facilities.

Policy details

1.	<p>Relevant Legislation</p> <p>Council complies with NSW Government legislative provisions as follows:</p> <p>Local Government Act 1993</p> <p><i>252 Payment of expenses and provision of facilities</i></p> <ol style="list-style-type: none"> 1) <i>Within the first 12 months of each term of a council, the council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor (if there is one) and the other Councillors in relation to discharging the functions of civic office.</i> 2) <i>The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the Mayor or a Councillor of a facility provided by the council to the Mayor or Councillor.</i> 3) <i>A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the Mayor, the Deputy Mayor (if there is one) or a Councillor otherwise than in accordance with a policy under this section.</i> 4) <i>A council may from time to time amend a policy under this section.</i> 5) <i>A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.</i> <p><i>232 The role of the Councillor</i></p> <ol style="list-style-type: none"> 1) <i>The role of a Councillor is as follows—</i> <ol style="list-style-type: none"> (g) <i>to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.</i> <p>Local Government (General) Regulation 2005</p> <p><i>403 Payment of expenses and provision of facilities</i></p> <p><i>A policy under section 252 of the Act must not include any provision enabling a Council—</i></p> <ol style="list-style-type: none"> a) <i>to pay any Councillor an allowance in the nature of a general expense allowance, or</i> b) <i>to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular Councillor other than a Mayor.</i> <p>Part 8A Induction training and professional development for Councillors</p> <p><i>183 Induction training courses for Councillors</i></p> <ol style="list-style-type: none"> 1) <i>The General Manager must ensure that an induction training course is delivered to each Councillor who has been elected to the council for the first time, within 6 months of the Councillor's election.</i> 2) <i>The induction training course required by subclause (1) must provide Councillors with information about the functions and obligations of councils and Councillors and the administrative procedures and operations of the Council.</i> 3) <i>The General Manager must ensure that an induction refresher course is delivered to each Councillor who is re-elected to the council, within 6 months of the Councillor's re-election.</i>
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- 4) *The induction refresher course required by subclause (3) must provide Councillors with updated information about the functions and obligations of councils and Councillors and the administrative procedures and operations of the Council.*
- 5) *A Councillor must make all reasonable efforts to participate in any induction training course or induction refresher course delivered to the Councillor in accordance with a requirement under this clause.*

184 Supplementary induction training courses for Mayors

- 1) *The General Manager must ensure that a supplementary induction training course is delivered to a person elected as Mayor of the Council, within 6 months of the person's election.*
- 2) *The supplementary induction training course required by subclause (1) must provide the Mayor with information about the functions and obligations of councils and Mayors and train the Mayor in the skills necessary to perform the role of Mayor.*
- 3) *A Mayor must make all reasonable efforts to participate in any supplementary induction training course delivered to the Mayor in accordance with a requirement under this clause.*
- 4) *The requirements under this clause in relation to a person elected as Mayor are in addition to the requirements under clause 183 to ensure the delivery of the induction training for Councillors to that person.*

185 Ongoing professional development program for Councillors and Mayors

- 1) *The General Manager must ensure that an ongoing professional development program is delivered to the Mayor and to each other Councillor elected to the council, during the course of the term of office of the Mayor or Councillor concerned.*
- 2) *The ongoing professional development program required by this clause—*
 - a. *must provide support and assistance to Mayors and other Councillors in the development of the skills necessary to perform the role of Mayor or Councillor (as the case may be), and*
 - b. *must ensure that those skills are maintained over the term of office of the Mayor and of each Councillor.*
- 3) *The content of the ongoing professional development program required by this clause is to be developed—*
 - a. *in consultation with the Mayor and each Councillor, and*
 - b. *having regard to the specific skills required by the Mayor, each individual councillor and the governing body of the council as a whole to perform the role of Mayor, Councillor or the governing body (as the case may be).*
- 4) *A Mayor or other Councillor must make all reasonable efforts to participate in any ongoing professional development program delivered to the Mayor or Councillor in accordance with a requirement under this clause.*

186 Information about induction training and ongoing professional development to be included in annual report

	<p><i>For the purposes of section 428(4)(b) of the Act, an annual report of a council must include the following information—</i></p> <ul style="list-style-type: none"> <i>a) the names of any Mayors or Councillors who completed any induction training course, induction refresher course or supplementary induction course under this Part during the year,</i> <i>b) the names of any Mayors or Councillors who participated in any ongoing professional development program under this Part during the year,</i> <i>c) the number of seminars, circulars and other activities delivered as part of the ongoing professional development program in accordance with this Part during the year.</i> <p><i>Note—</i> <i>Clause 217(1)(a1)(iiia) and (iv) require details of the total costs of all training and professional development programs for Councillors to be included in an annual report.</i></p>
2.	<p>Other Government Policy Provisions</p> <p>Council complies with other government policy provisions as follows.</p>
2.1	<p><i>Office of Local Government (OLG) Guidelines for payment of expenses and provision of facilities for Mayors and Councillors for Local Councils in NSW</i></p> <p>This Guideline is available on the OLG website at: www.olg.gov.au.</p> <p>In summary:</p> <ul style="list-style-type: none"> • Councillor expense and facility guidelines are binding and must be considered. • The policy must be acceptable to, and meet expectations of, local community. • Consideration should be given to participation, equity and access (special needs). • There may be recognition of local differences compared to other councils. • All expenses/payments must be either reimbursed after the event or reconciled if an advance payment is made. • Expenses must be reasonable. • The policy must set limits (i.e. should not be open-ended). • May provide to pay a Deputy Mayor part of the Mayor's annual fee (any amount thus paid to be deducted from Mayor's annual fee). • Advance payments may be allowed subject to future reconciliation. • Council should establish suitable rates for private use over and above anything which is minor and incidental. • In certain limited circumstances councils may meet reasonable costs incurred by Councillors on behalf of their spouses, partners or accompanying person(s).
2.2	<p>Model Code of Conduct for Local Councils in NSW (Office of Local Government)</p> <p>The current version of the Model Code of Conduct is available on the OLG website: www.olg.nsw.gov.au.</p> <p><i>Use of Council Resources</i></p> <p><i>8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private</i></p>

	<p><i>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.</i></p> <p><i>8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:</i></p> <ul style="list-style-type: none"> <i>a) the representation of members with respect to disciplinary matters</i> <i>b) the representation of employees with respect to grievances and disputes</i> <i>c) functions associated with the role of the local consultative committee.</i> <p><i>8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.</i></p> <p><i>8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.</i></p> <p><i>8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.</i></p> <p><i>8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:</i></p> <ul style="list-style-type: none"> <i>a) for the purpose of assisting your election campaign or the election campaign of others, or</i> <i>b) for other non-official purposes.</i> <p><i>8.19 You must not convert any property of the council to your own use unless properly authorised.</i></p> <p>Councillor access to Council buildings</p> <p><i>8.25 Councillors and administrators are entitled to have access to the Council Chamber, committee room, Mayor's office (subject to availability), Councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the General Manager.</i></p> <p><i>8.26 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.</i></p> <p><i>8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.</i></p>
2.3	<p>Office of Local Government (OLG) Circulars to Councils</p> <p>This policy takes into account the OLG Circular 05/80 'Legal Assistance for Councillors and Council Employees', Circular 02/34 'Unauthorised use of Council</p>

	<p><i>Resources</i>', and Circular 05/08 <i>'Legal Assistance for Councillors and Council Employees'</i>. These publications are available on the OLG website at: www.olg.nsw.gov.au.</p>
2.4	<p>Independent Commissions Against Corruption (ICAC) publications</p> <p>This policy takes account of the ICAC publication <i>'No Excuse for Misuse, Preventing the Misuse of Council Resources'</i> (Guidelines 2) 19 November 2002. This publication is available on the ICAC website at: www.icac.nsw.gov.au.</p>
3.0	<p>Approval Arrangements</p> <ul style="list-style-type: none"> • Except where specifically permitted by this policy, approvals for travel and functions beyond the Shire and/or costs of spouse/partner attendance are to be by resolution of the Council. In extenuating circumstances, approval may be granted by the General Manager in consultation with the Mayor. • Travel within the Shire may be approved by the General Manager. Travel to and from meetings including workshops and any travel resulting from an appointment as a representative of Council for particular purposes does not require General Manager's approval and can be approved and processed as set out below. • Any concerns are to be referred to the General Manager who may consult with the Mayor before making a decision. • Approved requests will be forwarded to the Accounts Payable for payment by Electronic Funds Transfer (EFT) to the Councillors or as the case may be, the relevant supplier's bank account. • This Policy does not require the payment of requests relating to past financial years that are not received within 30 days of the financial year end, these are deemed to be out of time (appropriate reminder/s and forms are to be provided to Councillors in advance of this deadline). • All requests for reimbursement of expenses must be approved by the General Manager and provided on the prescribed Councillor Expenses Claim Form as attached to this policy.
4.0	<p>Public Reporting of Expenditure</p> <p>Expenditure by Mayor and Councillors for seminars, conferences, telephone and other facilities will be publicly reported in conjunction with the quarterly financial reviews and annual report.</p>
5.0	<p>Taxation Arrangements</p> <p>It is each Councillor's responsibility to meet any taxation obligations. If necessary Councillors should seek their own taxation advice.</p> <p>Under current arrangements Councillors are not defined as employees for taxation purposes, they are not subject to Fringe Benefits Taxation and the ability to enter into effective sacrifice arrangements may be limited. The Australian Taxation Office has issued rulings allowing Councillors to enter into effective sacrifice arrangements for at least superannuation. Accordingly, Council will administer complying arrangements if requested by individual Councillors.</p> <p>Councillors may also require funds payable to them to be transferred by EFT to any nominated valid bank account(s) via the Chief Financial Officer.</p>

6.0	<p>Councillor Expenses</p> <p>Outlines what is a reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties. It also ensures accountability and transparency in reimbursement of expenses and provision of facilities to Councillors.</p> <p>Section 1 sets out the provisions and monetary amounts for expenses incurred by the Mayor and Councillors whilst undertaking their civic duties.</p>
7.0	<p>Councillor facilities</p> <p>Equipment and services that are provided by Council to Councillors to enable them to perform their civic function with relative ease and at a standard appropriate to their professional role as a Councillor.</p> <p>Section 2 sets out, in detail, the facilities provided by Council to the Mayor and Councillors.</p>
8.0	<p>Councillor professional development</p> <p>Under section 232(1)(g) of the <i>Local Government Act 1993</i>, all Mayors and Councillors have a responsibility to make all reasonable efforts to acquire and maintain the skills necessary to perform their roles. In support of this, regulations have been made requiring councils to provide induction training and ongoing professional development for Mayors and Councillors.</p> <p>The Office of Local Government has issued guidelines under section 23A of the Act to assist councils to develop and deliver induction training and ongoing professional development activities for their Mayor and Councillors in compliance with the regulations.</p> <p>Under the guidelines, council induction and professional development programs are to consist of three elements:</p> <ul style="list-style-type: none"> • Pre-election candidate sessions – these are to ensure prospective candidates are aware of what will be expected of them if elected (these are not mandatory but are encouraged). • Induction program – this aims to equip Mayors and Councillors with the information they need to perform their role effectively over the first few months and has a particular focus on building positive, collaborative relationships between Councillors and with staff. • Professional development program – this is to be developed in consultation with all Councillors and delivered over the term of the council to build the skills, knowledge and personal attributes necessary to be an effective Mayor or Councillor. <p>Section 3 outlines the professional development program, opportunities and funds available for Councillors under this clause.</p> <p>Attendance: The Mayor and Councillors, including those re-elected to office, should attend all induction sessions.</p>

Implementation

Implementation Steps		Responsibility
1	<p>Public notice re: adoption of the policy</p> <p>In accordance with section 253 of the <i>Local Government Act 1993</i>, Council will give public notice of its intention to adopt or amend this policy and allow at least 28 days for public submissions. Council will consider submissions received and decide on making any appropriate changes to the policy.</p> <p>Council need not give public notice of a proposed amendment to this policy at other times, if Council is of the opinion that the proposed amendments are not substantial or if it is a mandatory change (see Definitions). Substantial amendments to this policy that could include large changes to monetary limits and/or major changes to the standard of provision of equipment and facilities, will require public notice of the amendment. Any new category of expenses, facilities and equipment included in the policy will also require public notice. Public notice regarding Council's intention to adopt or amend this policy will be placed on Council's website.</p>	General Manager, Councillors
2	<p>Notification to Office of Local Government</p> <p>Within 28 days of adopting this policy, the policy and details of submissions will be forwarded to the Office of Local Government. Council must submit its current, adopted policy to the OLG by 30 November of the first year of the new Council term, even if the policy remains unchanged.</p>	General Manager
3	<p>Responsibilities</p> <p>The Mayor and each Councillor are responsible for making themselves available to attend any development activities identified in the professional development plan. The Mayor and all Councillors must make all reasonable endeavours to attend and participate in the induction sessions and professional development activities arranged for them during the term of Council.</p> <p>Executive Services are responsible for planning, scheduling and facilitating induction and professional development activities for the Mayor and Councillors in consultation with the General Manager. The General Manager has overall responsibility for Council's induction and professional development program.</p>	Council Officers
4	<p>Concerns</p> <p>Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.</p>	Council Officers, Public Officer
5	<p>Consultation</p>	General Manager

	Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the Mayor, Councillors, General Manager, the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	
6	Evaluation Council will evaluate the induction program at the end of each council term to determine whether it has achieved these outcomes, and to identify and address areas for improvement.	General Manager
7	Reporting The General Manager will publicly report each year in Council's annual report: <ul style="list-style-type: none"> the name of the Mayor and each individual Councillor that completed Council's induction program (where an induction program has been delivered during the relevant year); the name of the Mayor and each Councillor who participated in any ongoing professional development program during the year; the number of training and other activities provided to the Mayor and Councillors during the year as part of a professional development program; and the total cost of induction and professional development activities and any other training provided to the Mayor and Councillors during the relevant year. 	General Manager

Section 1 – Councillor expenses

Summary

Below is a summary table of expenses incurred by the Mayor and Councillors. Please refer to specific clause for more information and detail.

Councillor expense	Summary of details	Clause
Professional Development	\$2,000 per Councillor annually.	S1.3.0
Company Directors Course	If a Councillor has not already completed the course through the Australian Institute of Company Directors, Council will cover the costs of this course during the first 18 months as Councillor	S1.3.0
Conferences and Seminars	\$3,500 per Councillor annually. This includes the costs of travel, accommodation and food.	S1.4.0
Mobile phone and internet	Unlimited phone calls and text messages. Up to 3GB of data per month, per device permitted, any additional data used will be charged to Councillors	S1.6.1
Accommodation for meetings and professional development*	Must not exceed \$198 per night. Some exemptions apply.	S1.2.1
Food for meetings and professional development*	Breakfast – up to \$29.20 Lunch – up to \$32.85 Dinner – up to \$56.00	S1.2.2

*These figures are based on the Australian Taxation guidelines for reasonable travel and meal allowances.

Policy details

1.0	General provisions
S1.1.1	Councillor fees The relationship between the annual fees paid to the Mayor and Councillors and the level and scope of expenses paid to Councillors is a basic issue considered in this policy. The Local Government Remuneration Tribunal has adopted the principle that expenses reasonably incurred by Councillors are outside provisions made under the annual fee determinations. Fees are not covered within this policy and must be separately adopted by Council subject to the maximum amounts allowed by determination of the remuneration tribunal.
S1.1.2	Allowances and Expenditure Where any costs are already covered from any other source whatsoever they should not be claimed again from the Council.
S1.1.3	Reimbursement and Reconciliation of Expenses All reimbursements are to be based on actual and reasonable costs. Therefore, requests for reimbursement must provide adequate supporting documentation

Section 1 – Councillor expenses

	including suppliers' tax invoices and receipts etc. Councillors must ensure that costs are reasonable.
S1.1.4	<p>Payment in Advance</p> <p>Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. However, Councillors must fully reconcile all expenses against the cost of the advance when they return within 30 days of the event/function/conference and any amounts not properly supported, e.g. by receipts/ tax invoices, will be required to be refunded to Council.</p> <p>All requests for advanced payments must be provided on the Councillor's Expense Claim/Application for Advances Form as attached to this policy (Section 1a).</p>
S1.1.5	<p>Submitting Claims</p> <p>All requests for reimbursement of travel expenses should be provided to the Executive Services team within 30 days of the event and expenses are reported quarterly. A tax invoice must accompany the expense claim or payment will not be made.</p>
S1.1.6	<p>Establishment of Monetary Limits and Standards – Professional Development and Conferences</p> <p>This policy establishes limits for the specific expenses/facilities within the relevant sections and payments should not exceed these amounts. In the case that Council has paid any amount on behalf of a Councillor that exceeds the limits the Councillor must accordingly compensate Council for that amount.</p> <p>Where a Councillor is required to attend conferences and seminars, professional development training programs, elected member courses outside of the Local Government Area (LGA) it will be necessary for the Council to authorise the attendance of Councillors at these events to be effected by way of a resolution of an Ordinary Meeting of the Council. Payment for attendance shall be made from the Councillor Professional Development budget or the Councillor Conferences/Seminar budget.</p> <p>Amounts remaining unexpended as at 30 June each year will expire and any unexpended amounts will not be carried over or available for expenditure in successive years.</p>
S1.2.0	Accommodation, Food and Travel Expenses for Conferences/Seminars, Professional Development and meetings
S1.2.1	<p>Accommodation</p> <p>Accommodation expenses must not exceed \$198 per night when attending professional development or meetings. These figures are based on the Australian Taxation guidelines for reasonable travel and meal allowances and will be reviewed in line with these guidelines.</p>

Section 1 – Councillor expenses

	All accommodation must be arranged by the Executive Services team. If suitable accommodation cannot be sourced within allocated amount, an exemption may be granted by the General Manager.
S1.2.2	<p>Food and drink</p> <p>Food and drink expenses must not exceed the following amounts per day when attending conferences/ seminars, professional development, or meetings.</p> <ul style="list-style-type: none"> • Breakfast – \$29.20 • Lunch – \$32.85 • Dinner – \$56.00 <p>These figures are based on the Australian Taxation guidelines for reasonable travel and meal allowances.</p> <p>Food and drink will be reimbursed to Councillors by filling out an expense claim form (Appendix 1a). Receipts must be provided.</p>
S1.2.3	<p>Travel expenses</p> <p>Where possible, Councillors are to be provided with a pooled vehicle if this is a cost effective and appropriate means of travel. Council will pay for other forms of effective and cost effective transport by prior approval by the General Manager.</p> <p>Where Councillors choose to take their own vehicles, the reimbursement will be at the lower of:</p> <ul style="list-style-type: none"> • Council's plant operations account internal hire rates, or • local rental car equivalent, or • return air fares, or • current Australian Taxation Office approved rates. <p>All bookings for pool cars, flights or alternative travel arrangements must be arranged by the Executive Services team.</p>
S1.2.4	<p>Incidentals</p> <p>Any other incidental costs incurred by Councillors when attending conferences/seminars, professional development, or meetings, up to \$20 per day will be reimbursed at the General Manager's discretion. Appropriate receipts must be provided.</p>
S1.3.0	Professional Development
S1.3.1	<p>All Councillors will be allocated the sum of \$2,000 annually to specifically provide for their professional development. This includes travel, accommodation. This does not include Induction/Orientation costs or the costs associated with completing the Company Directors Course through the Australian Institute of Company Directors.</p> <p>Amounts remaining unexpended as at 30 June each year will expire and any unexpended amounts will not be carried over or available for expenditure in successive years.</p> <p>More details about the Councillors Professional Development Program can be found in Section 3.</p>

Section 1 – Councillor expenses

S1.3.2	Council will cover the expenses associated with completing the Company Directors Course through the Australian Institute of Company Directors, in line with clauses 2.0 to 2.4 of this policy. There is an expectation that Councillors will complete the course, including the final assessment and exam. The cost of this course will not contribute to the \$2,000 Councillor Professional Development budget.
S1.4.0	Conferences and Seminars
S1.4.1	Councillors are allocated \$3,500 annually to attend conferences and/or seminars on behalf of Council.
S1.4.2	Additional expenses associated with conferences and seminars, such as travel and accommodation, are covered in line with section 2.0 to 2.4 of this policy.
S1.4.3	<p>Attendance at any conferences and seminars is to be determined by resolution of Council. Attendance will normally be limited to two. The principle of having one Councillor and an appropriate staff member attend will be considered as “best practice” for attending seminars and conferences. This may be varied from time to time by resolution of Council.</p> <p>Councillors should advise of any inability to attend at the earliest opportunity so as Council can seek a refund of any costs incurred or alternatively seek to transfer the registration.</p>
S1.4.4	Councillors attending training, seminars and conferences are to provide a detailed report to Council on the outcome and issues. Where there are a number of Councillors attending the same conference, a joint report is acceptable. Councillors not meeting these criteria without reasonable explanation may not receive priority or opportunities for future events.
S1.5.0	Other travel arrangements and expenses
S1.5.1	<p>Local travel arrangements and expenses</p> <p>Travelling and any other actual and reasonable out of pocket costs will be reimbursed in relation to the following:</p> <ul style="list-style-type: none"> • Council meetings • Council committee meetings • Working Group meetings where the Councillor is the nominated delegate; • Section 355 Committee meetings • External Organisations/Committee Meeting, where the Councillor is the nominated Delegate, except where fees are paid to the Councillor by the external organisation • Workshops convened by Council • Meetings convened by Council • Training programs relating to the role of the Council • Inspections within the area of the Council, undertaken at the request of Councillors, and • To attend a formal function or meeting where a formal invitation to attend arises only as a result of the position as a Councillor.
S1.5.2	Travel Outside the Local Government Area including Interstate Travel

Section 1 – Councillor expenses

	Travel and expenses beyond the Local Government Area (LGA) not authorised elsewhere in this policy will not be paid/ reimbursed unless approved in advance by a resolution of the Council or in extenuating circumstances by the General Manager in consultation with the Mayor.
S1.5.3	<p>Travel Overseas</p> <p>Councillors may only undertake overseas travel where the Council has specifically authorised a Councillor's itinerary and specifically authorised reimbursement by way of a council resolution made prior to the trip being taken. The resolution must specifically name any Councillor/s authorised to undertake overseas travel, indicate the reason the travel has been deemed to be necessary and include a determination of any reimbursement of expenses.</p>
S1.5.4	<p>Travel – Pool Cars</p> <p>Councillors must take reasonable steps to use the most cost effective means of travel. Councillors should use the Council's pool car fleet when travelling out of the shire if it is cost effective. Councillors should share a vehicle when travelling on behalf of Council.</p> <p>Where Councillors choose to take their own vehicles, the reimbursement will be at the lower of:</p> <ul style="list-style-type: none"> • Council's plant operations account internal hire rates, or • local rental car equivalent, or • return air fares, or • current Australian Taxation Office approved rates.
S1.5.5	<p>Sustenance</p> <p>Meals and refreshments will be provided for Councillors' attendance at Council and Committee meetings where deemed appropriate by the General Manager.</p>
S1.6.0	Mobile phone and internet charges
S1.6.1	<p>Both the mobile phone and the iPad/tablet provided to Councillors will have a data allowance of 3GB each and will be connected to Council's telecommunication account. There will be a maximum data usage of 3GB per month per device.</p> <p>Data usage exceeding 3GB per month will be charged back to Councillors.</p> <p>Councillors must declare any private benefits that are more substantial than merely 'incidental' and these will be charged back to the Councillor.</p> <p>Additional costs may be permitted in extenuating circumstances, subject to the General Manager's approval.</p>
S1.7.0	Care and Other Related Expenses
S1.7.1	<p>In accordance with the principles of participation, access and equity, the guidelines strongly encourage councils to make provision for the reasonable cost of carer arrangements to allow Councillors to undertake their Council business obligations.</p>

Section 1 – Councillor expenses

S1.7.2	Council will meet the cost of childcare expenses, supplied by a registered child care provider, whilst councillors attend Council or committee meetings to a maximum of \$500 per annum.
S1.7.3	Consideration will be given to any other extenuating carer circumstances that might warrant reimbursement subject to the resolution of Council.
S1.7.4	Consideration will be given to any special requirements of Councillors such as disability and access needs based on particular merits subject to resolution of Council.
S1.8.0	Insurance Expenses and Obligations
S1.8.1	<p>Council will provide, at its cost, insurance to protect the interest and welfare of all councillors in carrying out the duties of civic office (and acting in good faith). Council currently provides the following (protection is limited to the terms and exclusions of the relevant policies):</p> <ul style="list-style-type: none"> • <i>Councillors and Officer Liability.</i> Provides indemnity to any person who was, is presently, or in the future becomes an elected Member of Council, or a Committee Member of a legally constituted committee under the <i>Local Government Act 1993</i>, in the event of personal litigation being instigated against them for any action arising whilst that person was exercising their duty. • <i>Public Liability Insurance.</i> Provides cover for a Councillor's legal liability to pay compensation for personal injury to another person, damage to property owned or controlled by someone else which is caused by an occurrence in connection with their civic duties as a Councillor. • <i>Professional Indemnity.</i> Provides indemnity to an individual against litigation resulting from the exercise of their official professional duties. • <i>Statutory Liability.</i> Provides indemnity for fines and penalties arising out of the conduct of the business of Council. • <i>Personal Accident.</i> Provides for the payment of non-medical expenses and compensation towards the loss of wages resulting from an accident whilst on official business for Council and a capital payment if the accident resulted in death. This cover extends to Councillors and their partners whilst on official business of Council.
S1.9.0	Legal Expenses and Obligations
S1.9.1	<p>This section of the policy is in accordance with the Office of Local Government Circular 05/08 '<i>Legal Assistance for Councillors and Council Employees</i>'. Where Council's insurance policies do not cover a Councillor's legal expenses in relation to a matter arising directly as a result of the Councillor's actions in the civic office, Council will determine by resolution if the Councillor is to be reimbursed for reasonable solicitor/ client costs, as long as:</p> <ul style="list-style-type: none"> • They relate to conduct arising from the execution of a Councillor's civic duties, • The matter is finalised, • Council authorises by specific resolution naming the Councillor and determining the amount to be reimbursed in accord with these provisions:

Section 1 – Councillor expenses

	<ol style="list-style-type: none">1. Council will not meet the costs of an action in defamation taken by a Councillor or council employee as plaintiff, nor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.2. The General Manager will report to Council for ratification, any legal advice sought in relation to this policy.3. Councillors can ask the General Manager to obtain legal opinion on any matter that is relevant to business before Council. <p>If the General Manager declines then they must provide reasons to the Councillor concerned who may then, through a Notice of Motion, request the support of Council for the obtaining of the legal opinion.</p>
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Section 1a – Councillor expense claim form

Councillor Name:	
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Date	Council Meeting/Briefing or Committee Meeting	KMs travelled	Internal only		
			Project	Activity	Natural Account
Mileage Total					
Total					

Date	Training/Conference costs	Amount	Internal only		
			Project	Activity	Natural Account
Total					

Date	Other Expenses	Amount	Internal only		
			Project	Activity	Natural Account
Total					

Grand Total				
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Please note that travel is calculated at \$0.66 per km.

I certify that the above is true and accurate claim in accordance with the Councillor's Professional Development, Expenses and Facilities Policy and Section 29A (a), (b), (c) of the *Local Government Act 1993*.

Signature of Councillor: _____ Date: _____

Authorised: _____ Date: _____

Section 2 – Councillor facilities

Summary

Below is a summary table of facilities provided to the Mayor and Councillors. Please refer to specific clause for more information and detail.

Councillor facility	Summary of details	Clause
Councillor common room	Provided to all Councillors at main administration building in Moruya.	S2.2.1
Administrative support staff	Council's Executive Services Team are available for administration and secretarial duties for the Mayor and Councillors in relation to their civic duties only.	S2.2.2
IT equipment	Mobile phone and iPad/tablet provided to all Councillors. Councillors are also provided with a security name tag for access to the Council building.	S2.2.3
Stationery	Councillors are provided with business cards, yearly diaries and items such as pens/paper/notebooks as required.	S2.2.4
Mail	Councillors are permitted to post mail relating to their civic duties via the Executive Services office.	S2.2.5
Uniform and protective clothing	Councillors are provided with a magnetic name tag on commencement. Upon request, councillors can be issued with two shirts from the corporate uniform collection. Councillors will be provided with protective clothing, such as vests or headwear, when required for site visits and the like.	S2.2.6
Council vehicle	Provided to the Mayor only (leaseback arrangement)	S2.3.1
Reserved parking space at main administration building in Moruya	Provided to the Mayor only.	S2.3.1
Furnished office	Provided to the Mayor only.	S2.3.2
Credit card	Provided to the Mayor only.	S2.3.3

Policy details

S2.1	General provisions
S2.1.1	Provision of facilities generally Facilities, equipment and services appropriate to support the Mayor and Councillors in undertaking their role as elected members of Council will be provided. Incidental private usage of facilities and equipment is not subject to a compensatory payment by the Councillor. Where more substantial private use has occurred, compensation is required, unless otherwise stated, this is to be based on the assessed degree of private usage applied to the actual cost. Councillors are

Section 2 – Councillor facilities

	required to declare any private benefits that are more substantial than minor and/or incidental. The provision of facilities will be of a standard deemed appropriate for the purpose by the General Manager.
S2.1.2	<p>Private use of equipment and facilities</p> <p>Councillors must use Council resources ethically, effectively, efficiently and carefully in the course of their official duties. Councillors must not use them for private purposes unless this use is lawfully authorised and proper payment is made where appropriate. Council facilities, equipment and services are not to be used to produce election material or for any other political purpose.</p>
S2.2	Provision of equipment and facilities for all Councillors
S2.2.1	<p>Councillors' room</p> <p>A furnished room will be made available for Councillors to conduct Council related business. The room will be equipped with a secured compartment for each Councillor, communal desks, general stationery and access to the internet via WiFi. Access to the Councillors' Room will be available during office hours.</p> <p>Whilst hard copies of current consultancy reports, studies, industry management journals, publications and selected readings will be provided, Councillors will be encouraged to use the internet resource for individual research projects for access to such things as the:</p> <ul style="list-style-type: none"> • <i>Local Government Act 1993</i> and related legislation • <i>Environmental Planning and Assessment Act 1979</i> • Council's adopted Code of Conduct • ICAC and NSW Ombudsman Reports • Local Environmental Plans (LEP) • Council's adopted Code of Meeting Practice and various Policies <p>In addition to the Councillors' room, Councillors are also permitted to book available meeting rooms at Council's Moruya administration building at no cost.</p>
S2.2.2	<p>Administrative support staff</p> <p>Upon request, administrative support will be provided by the Executive Services Team, or by another member of Council's administrative staff as arranged by the General Manager or their delegate.</p> <p>Council staff will provide administrative support to Councillors to assist them with their civic duties only. Staff are not permitted to assist with matters of personal or political interest, including campaigning.</p>
S2.2.3	<p>IT equipment</p> <p>Council will supply each Councillor with a mobile phone, iPad/tablet and any other equipment/technology that the General Manager deems suitable at the time. The mobile phone and iPad/tablet will have both 4G and WiFi connectivity. The devices will have a data allowance of 3GB each and will be connected to Council's telecommunication account. There will be a maximum data usage of 3GB per month per device. Please refer to Section 1 for expenses relating to the use of mobile phones or internet.</p>

Section 2 – Councillor facilities

	Councillors are provided with a security name tag for access to Council's Moruya administration building. This security tag will allow access to the Executive Services area and garage of the Moruya administration building.
S2.2.4 Stationery	At the beginning of each Council term, Councillors are provided with 500 business cards to use as part of their civic duties. Councillors are also provided with a diary each year and pens/paper/envelopes/notebooks as required.
S2.2.5 Mail	<p>All mail addressed to Councillors that is received by Council will be placed in the respective secure compartment in the Councillors' room.</p> <p>Councillors are permitted to post mail relating to their civic duties via the Executive Services office. No stamp is required. Councillor mail will be included as part of Council's daily mail collection by Council's postal provider.</p>
S2.2.6 Uniform and protective clothing	<p>Councillors are provided with a magnetic name tag on commencement which may be worn at official functions, indicating the wearing holds the office of Mayor or Councillor.</p> <p>Upon request, Councillors can be issued with two shirts from the corporate uniform collection during their term. Councillors will be provided with appropriate personal protective equipment, such as fluorescent vests and hard hats, for site visits or inspections when required.</p>
S2.3. Provision of additional equipment and facilities for the Mayor	
S2.3.1 Council vehicle	<p>The Mayor will be provided with a motor vehicle (under luxury car tax threshold) to discharge the function of civic office and the performance of Council business. In accordance with the Division of Local Government Guidelines, incidental private usage is permitted. The vehicle will be made available to the Mayor for private usage, if required, subject to the payment of \$4,000.00 annually.</p> <p>There is a reserved car parking space in the garage at the Moruya administration building for the Mayor's Council vehicle.</p>
S2.3.2 Mayoral office	The Mayor is to be provided with appropriate, separate and fully furnished office facilities and administrative support for undertaking civic duties only.
S2.3.3 Credit card	Council will supply the Mayor with a credit card to be used in accordance with the provisions of this policy. The provision of a card is also subject to the Mayor agreeing to, signing and adhering to the current code of conduct and code of practice for the use of credit cards.
S2.4. Acquisition/returning of facilities	
S2.4.1 Acquisition and returning of facilities and equipment by Councillors	Councillors will be provided with an opportunity to purchase any equipment or other facilities provided to them for use in relation to their Councillor duties after

Section 2 – Councillor facilities

	completion of their term in office, or at cessation of their duties. The General Manager may sell such items to Councillors at written down/book value or fair/market value. Any items not purchased must be returned within one week.
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Section 3 – Councillor professional development program

Summary

<i>Professional Development</i>	<i>Summary of details</i>	<i>Clause</i>
Induction/Orientation	A comprehensive and compulsory induction/orientation program will be provided to all Councillors at the beginning of the new Council term.	S3.1.0
Company Directors Course	If a Councillor has not already completed the course through the Australian Institute of Company Directors, Council will cover the costs of this course during the term as Councillor.	S3.2.0
Ongoing Professional Development	\$2,000 per Councillor annually.	S3.3.0

Policy details

S3.1.0	Councillors induction/orientation
S3.1.1	<p>Councillors will be provided with a comprehensive face-to-face orientation and induction to Eurobodalla Shire Council. This will include:</p> <ul style="list-style-type: none"> • One day induction • Two-day orientation • Leadership Styles • Delivery Program and Operational Plan Planning Day • Two-day education and training program <p>It is compulsory for Councillors to attend all of these sessions. The General Manager can grant an exemption if there are extenuating circumstances prohibiting a Councillors attendance.</p>
S3.1.2	<p>One day induction</p> <p>This day is an induction to Council where Councillors are provided with the following:</p> <ul style="list-style-type: none"> • Mobile devices • Contact details of key staff • Building access information • Facilities provided to Councillors <p>This session will be run by Council staff and is the first time that Councillors will attend the Council building. The session aims to provide Councillors with the tools require to undertake their duties effectively.</p> <p>Councillors will be provided with documentation on this day that is required to be completed and returned to Council within one week. Corporate photographs will also be taken on this day.</p>
S3.1.3	<p>Two-day orientation</p> <p>This session will be an opportunity for Councillors to gain an understanding of Council services, policies, procedures and corporate documents. This session will be facilitated by an external facilitator and supported by the Executive Leadership</p>

Section 3 – Councillor professional development program

	Team, Divisional/Corporate Managers and other key Council staff. Councillors will be provided copies of key Council documents such as the Delivery Program and Operational Plan, Community Strategic Plan, Annual Report and strategic documents.
S3.1.4	Two-day education and training program Orientation will be conducted by an external facilitator and will cover various topics applicable to Councillors. This includes, but is not limited to: <ul style="list-style-type: none"> • Legal contexts of being a Councillor • Governance • Code of Conduct • Gifts and Benefits • Code of Meeting Practice • Social Media Use • Confidentiality • Work Health and Safety
S3.1.5	Leadership Styles Leadership Styles for all Councillors will be undertaken within the first three months by an external facilitator. Use of the Myers Briggs Type Indicator will assist Councillors to better understand each other, assist with how they may react in a particular situation and how they communicate with others.
S3.1.6	Delivery Program Operational Plan planning day The Delivery Program and Operational Plan planning day is an opportunity for Councillors to have an in-depth look into the program and plan and make suggestions on what should be included for future years. This session will be conducted by an external facilitator.
S3.2.0	Company Directors Course
S3.2.1	If a Councillor has not already completed the Australian Institute of Company Directors Course, Council will cover the costs to complete this course. This may be either face-to-face or online, depending on course availability and Councillor preference.
S3.2.2	There is an expectation that Councillors will complete the course, including the final assessment and exam. The cost of this course will not contribute to the \$2,000 Councillor Professional Development budget. If a Councillor commences the course, but does not complete the course (including the exam and assessments), the Councillor will be required to pay 50% of the course fees back to Council.
S3.2.3	This course should be completed within the first 18 months of a Councillor being elected.
S3.3.0	Ongoing Professional Development
S3.3.1	Ongoing professional development will be provided to Councillors to the value of \$2,000 per year. This total does not include the costs of travel, accommodation, and food. Please refer to the Appendix 1 for these expenses.
S3.3.2	Professional development must be approved by the General Manager.

Review

This policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW Local Government election, unless Council revokes it sooner.

Note: Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2024.

This policy may also be reviewed and updated as necessary when legislation required it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages Councillor expenses, facilities, professional development or inductions.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source
Complaints	Council records
Budget is not exceeded	Financial data
Internal audit/legal requirements are met	Audit

Definitions

Word/Term	Definition
ICAC	Independent Commission Against Corruption
LGA	Local Government Area represented by the Council, in this case, Eurobodalla Shire.
OLG	Office of Local Government
Substantial amendment	Substantial amendments could include large changes to monetary limits and/or major changes to the standard of provision of professional development, equipment and facilities, any category of expenses, facilities and equipment to be included in the policy.

Governance

This policy and appendices should be read in conjunction with any related legislation, codes of practice, relevant internal policies and guidelines.

Related legislation and policies

Name	Link
Related policies or code of conduct	https://www.esc.nsw.gov.au/inside-council/council/council-policies
Local Government Act 1993	https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1993-030

Local Government Regulation (General) 2005	https://www.legislation.nsw.gov.au/view/html/inforce/current/sl-2005-0487
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Related external references

Name	Link
Office of Local Government (OLG)	www.olg.nsw.gov.au
Independent Commission Against Corruption (ICAC)	www.icac.nsw.gov.au

Change History

Version	Approval Date	Approved by	Min no	File No	Change
1	7 Jan 2011	Council	11/172	E08.2108	Policy commenced
2	27 Sep 2012	Council	12/219	E08.2108	Updated to new template, updated review date
3	28 Feb 2017	Council	17/31	E08.2108	Reviewed at start of Council term with minor updates made for currency.
4	13 July 2021	Council	21/114	S004-T00014	Policy updated
5	TBA	Council	TBA	TBA	

Internal use

Responsible officer		General Manager		Approved by	Council
Minute	TBA	Report	TBA	Effective date	TBA
File		Review date	Mar 2022	Pages	25

Policy title	Creative Arts Services
Responsible manager(s)	Divisional Manager - Community Development and Participation
Contact officer(s)	Coordinator, Creative Arts Development
Directorate	Community, Arts and Recreation Services
Approval date	
Outcome area	2. Celebrated creativity, culture and learning
Strategy	2.1 Support and encourage the expression of our vibrant creative arts sector
Delivery Program	2.1.1 Develop and promote creative arts activities and industries
Operational Plan	2.1.1.2 Provide opportunities for the community to participate in creative arts

Purpose

This policy is designed to position the role of creative arts as instrumental to engaging communities, cultivating new industries, celebrating, promoting and developing the Eurobodalla's distinctive characteristics, economy and reputation as a strong and vibrant community.

Policy aims

The policy aims to:

- Increase availability for access to and participation in the range of high-quality creative art experiences.
- Increase opportunities for individuals/groups to engage in, develop their skills, understanding and appreciation of the range of arts practices and creative industries.
- Cultivate strategic partnerships within the community/business sectors and government agencies to collaborate in the ongoing creative sector's development.
- Work effectively with creative practitioners to build the capacity and capabilities of the creative industries within the Eurobodalla.
- Provide leadership, inspiration and advocacy for the creative industry sector.
- Make Council's policies and requirements for Creative Arts Services readily accessible and understandable to the public.

Policy details

1	Application This policy applies to the whole Eurobodalla community.
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Implementation

Requirements		Responsibility
1	This policy will be implemented by following Council's Creative Arts Strategy, which provides the framework and strategic directions for the ongoing development of arts activity and creative industries.	Coordinator Creative Arts Development

2	Staff Under supervision, applicable Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received relevant training to do so.	Council officers
3	Concerns Concerns received regarding this policy will be recorded on Council's customer service request (CSR) or records system and handled in accordance with Council's Customer Service or Complaints Policy. They will be used to analyse the history of concerns and requests and to help determine follow up actions.	Coordinator Creative Arts Development
4	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Substantive changes to this policy will be placed on public exhibition for 28 days with public submissions considered during the exhibition period. Any other consultation deemed necessary may occur when and if required.	As applicable

Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages creative arts services.

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council updates or revokes it sooner.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Delivery Program/Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Customer feedback, survey responses	Surveys
User Group feedback	Public Art Advisory Committee

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Public Art Policy Creative Arts Strategy	www.esc.nsw.gov.au

Related external references

Name	Link
Office of Local Government	olg.nsw.gov.au

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	24 Nov 2009	Council	09/369	E96.0152 E09.3418	'Arts and Cultural Services' policy commenced – report G09/145
2	23 Jul 2013	Council	13/172	E13.7095 E96.0152	Updated Template, updated review date, links, policy statement and implementation steps –report O13/112
3	13 Jun 2017	Council	17/192	E16.0297 E96.0152	Reviewed and updated at start of new Council term. Renamed to 'Creative Arts Services'.
4	TBA	Council	TBA	TBA	Reviewed and updated at start of new Council term.

Internal use

Responsible officer		Director Community, Arts and Recreation Services		Approved by	Council
Minute	TBA	Report	TBA	Effective date	TBA
File	S026 T00012	Review date	Mar 2022	Pages	3