



Policy Review

GMR16/035	Code of Conduct Policy
GMR16/037	Repeal of Gifts and Benefits Policy
FBD16/064	Accounting for Divisions and Subsidiaries of Council Policy
FBD16/065	Asset Disposals Policy

Policy title	Code of Conduct
Responsible manager(s)	General Manager
Contact officer(s)	Complaints Coordinator
Directorate	Finance and Business Development
Approval date	TBA
Strategic Focus Area	Collaborative
Delivery Plan Link	C1.1 Conduct the business of Council in an inclusive, responsive and transparent manner C1.2 Manage the organisation to effectively and efficiently meet our statutory obligations
Operational Plan Link	C1.1.1 Support the councillors in meeting their statutory obligations and roles as community representatives C1.2.1 Respond to legislative and policy requirements set by the Department of Local Government

Purpose

Section 440 of the *Local Government Act 1993* (the LG Act) requires every NSW council to adopt a code of conduct that incorporates the provisions of *The Model Code of Conduct for Local Councils in NSW* as published by the Office of Local Government (OLG).

The *Model Code of Conduct* is designed to help councils conduct with the core business of serving their communities. It does this by providing:

- flexibility to resolve less serious matters informally;
- fair complaints management;
- strong sanctions to help deter ongoing disruptive behaviour and serious misconduct.

All councillors, members of staff and delegates of Eurobodalla Shire Council must comply with the applicable requirements of the adopted Code of Conduct. Council reserve trusts, committees, contractors, and volunteers are also obliged to observe the applicable requirements of the Code.

It is the personal responsibility of all of these Council officials to comply with the standards in the Code, and regularly review their personal circumstances with this in mind.

Policy aims:

- To promote a clear guideline for the conduct of councillors, staff, delegates, reserve trusts, committees, contractors, volunteers and relevant parties when acting as public officials of Council;
- To ensure consistency and fairness in the manner in which the Council deals with matters and complaints relating to the Code of Conduct;
- To ensure compliance with legislative and statutory requirements;
- To promote awareness of the requirements of the Code of Conduct;
- To take such steps as are appropriate to ensure that the Code of Conduct is followed;
- To make Council's requirements and procedures regarding its Code of Conduct readily accessible and understandable to the public.

Policy details

<p>1</p>	<p>Application</p> <p>This policy applies to all councillors, members of staff, delegates, community representatives on committees, contractors and volunteers of Eurobodalla Shire Council, and to the following reserve Trusts: Eurobodalla (North), Eurobodalla (Central) and Eurobodalla (South).</p>
<p>2</p>	<p>Legislation</p> <p>Eurobodalla Shire Council complies with section 440 and 440AA of the <i>Local Government Act 1993</i> by adopting as its Code of Conduct the most current version of the <i>Model Code of Conduct for Local Councils in NSW</i> as published by the Office of Local Government (OLG), and by adopting as its procedure for administration of the Code of Conduct the most current version of the <i>OLG Procedures for Administration of the Code of Conduct</i>.</p>
<p>3</p>	<p>Breaches</p> <p>Failure by a councillor to comply with an applicable requirement of Council's Code of Conduct constitutes misconduct under the provisions of the LG Act.</p> <p>Failure by a member of staff to comply with Council's Code of Conduct may give rise to disciplinary action.</p> <p>Failure by a committee member or committee to comply with Council's Code of Conduct will be addressed in the terms of reference for that committee.</p> <p>Failure by a contractor or volunteer to comply with Council's Code of Conduct will be addressed in the contract or terms of engagement.</p>
<p>4</p>	<p>Code of Conduct complaints</p> <p>A Code of Conduct complaint is defined as:</p> <p><i>“A complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct”</i></p> <p>Allegations of suspected breaches of the Code of Conduct by councillors, members of staff of Council (excluding the General Manager), delegates or reserve trusts should be reported to the General Manager in writing.</p> <p>Allegations that the General Manager has breached the Code of Conduct should be reported to the Mayor in writing.</p> <p>Council's Code of Conduct Complaint form should be used for these reports (see Appendix 1. Also available on Council's website at: www.esc.nsw.gov.au).</p> <p>The current OLG <i>Procedures for Administration of the Code of Conduct</i> will be followed for the investigation of any alleged breaches of the Code (see Implementation below).</p>

5	<p>Complaints not related to Code of Conduct</p> <p>The following matters are <i>not</i> considered to be Code of Conduct complaints, and will be referred as below in accordance with Council’s statutory obligations and Complaints policy:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Complaint is about...</th> <th style="text-align: left;">Refer to...</th> </tr> </thead> <tbody> <tr> <td>pecuniary interest, failure to disclose political donations, serious breakdown in Council operations, Council operating unsatisfactorily</td> <td>Office of Local Government</td> </tr> <tr> <td>maladministration, serious or substantial waste of public resources</td> <td>NSW Ombudsman</td> </tr> <tr> <td>corrupt conduct</td> <td>ICAC</td> </tr> <tr> <td>criminal activity</td> <td>Police</td> </tr> <tr> <td>public interest disclosure</td> <td>PID Coordinator</td> </tr> <tr> <td>information (access to, copyright, or privacy)</td> <td>Public Officer</td> </tr> <tr> <td>competitive neutrality</td> <td>Public Officer</td> </tr> <tr> <td>customer dissatisfaction with Council service, activity, or action</td> <td>Relevant officer or their supervisor</td> </tr> <tr> <td>policy, procedure, or decision of Council</td> <td>Relevant Director or Public Officer</td> </tr> <tr> <td>other complaint about Council (not Code of Conduct related)</td> <td>Public Officer</td> </tr> </tbody> </table>	Complaint is about...	Refer to...	pecuniary interest, failure to disclose political donations, serious breakdown in Council operations, Council operating unsatisfactorily	Office of Local Government	maladministration, serious or substantial waste of public resources	NSW Ombudsman	corrupt conduct	ICAC	criminal activity	Police	public interest disclosure	PID Coordinator	information (access to, copyright, or privacy)	Public Officer	competitive neutrality	Public Officer	customer dissatisfaction with Council service, activity, or action	Relevant officer or their supervisor	policy, procedure, or decision of Council	Relevant Director or Public Officer	other complaint about Council (not Code of Conduct related)	Public Officer
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6	<p>Gifts and Benefits</p> <p>Guidance for councillors and staff regarding the standards of behaviour and procedures to be followed, in relation to the acceptance of gifts or benefits which may be offered to them in the course of their duties.</p>																						
6.1	<p>Token Gifts and Benefits</p> <p>In general, gifts and benefits of a token value that cannot reasonably be returned may include:</p> <ul style="list-style-type: none"> (a) Gifts of single bottles of reasonably priced alcohol. This could be at end of year functions, public occasions, or in recognition of work done such as providing a lecture or training session address. (b) Free or subsidised meals, of a modest nature, and/ or beverages provided infrequently (and/ or reciprocally) that have been arranged primarily for, or in connection with, the discussion of official business. (c) Free meals, of a modest nature, and/ or beverages provided to Council officials who formally represent Council at work related events such as training, education sessions, or workshops. (d) Refreshments, of a modest nature, provided at conferences where representing Council officially as a speaker. (e) Ties, scarves, coasters, tie pins, diaries, chocolates, flowers, and small amounts of fresh produce or beverages of a modest value. (f) Infrequent invitations to appropriate out-of-hours “cocktail parties” or social functions organised by groups, such as, council committees and community organisations. 																						

6.2	<p>Non-Token Gifts and Benefits of value</p> <p>In general, all non-token gifts that are accepted are to be recorded in the Council's publicly available Gifts & Benefits Register. Gifts and benefits of non-token value and benefit may include:</p> <ul style="list-style-type: none"> (a) Quantities of alcohol. (b) Corporate hospitality at a theatre and/ or sporting event. (c) Discounted products for personal use. (d) Frequent use of facilities such as gyms. (e) Use of holiday homes, free or discounted travel.
6.3	<p>Disclosure</p> <p>Where a gift or benefit is received of more than token value, in circumstances where it cannot reasonably be refused or returned, once accepted the gift or benefit should be disclosed promptly to the following people:</p> <ul style="list-style-type: none"> • Staff to advise their Director. • Directors to advise the General Manager. • The General Manager to advise the Mayor. • Councillors to advise the Mayor. • The Mayor to advise the General Manager. <p>Once disclosure is made to the relevant person the gift or benefit will be recorded on Council's Gifts & Benefits Register. After the gift or benefit is registered the recipient will be advised if they can keep the gift or benefit or if it has to be provided to Council.</p>

Implementation

Implementation steps		Responsibility
1	<p>Model Code of Conduct and Procedures</p> <p>This policy will be implemented by adopting and complying with the current version of the <i>Model Code of Conduct for Local Councils in NSW</i> and <i>Procedures for Administration of the Code of Conduct</i> as published by the OLG, and as described below.</p>	<p>General Manager Councillors Complaints Coordinator</p>
2	<p>Reporting a Code of Conduct complaint</p> <p>The Code of Conduct Complaint form should be used to report an alleged breach of the Code of Conduct to the General Manager, or (if the complaint is about the General Manager) to the Mayor.</p>	<p>General Manager Mayor</p>
3	<p>Code of Conduct complaints</p> <p>Code of Conduct complaint or breach are referred to the Complaints Coordinator to engage a Conduct Reviewer for determination and recommendation (as per the OLG Procedures).</p>	<p>General Manager Mayor Complaints Coordinator Conduct Reviewer</p>

	<p>Council will select a Conduct Reviewer from a panel that have been determined by the Canberra Region Joint Organisation of which Council is a member.</p> <p>If the complaint is NOT a Code of Conduct Complaint, it will be dealt with according to the complaint type (see 'Complaints not related to Code of Conduct' above).</p>	Other (referral as clause 5 above)
4	<p>Enforcement and Coordination</p> <p>The General Manager and Executive Leadership Team are responsible for enforcing the policy and Code of Conduct.</p> <p>The Complaints Coordinator supports the General Manager in coordinating the policy and dealing with any complaints which must be referred to a Conduct Reviewer.</p>	<p>General Manager</p> <p>Executive Leadership Team</p> <p>Complaints Coordinator</p>
5	<p>Staff</p> <p>All staff are responsible for their own compliance with the standards of the Code of Conduct.</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>	Council Officers
6	<p>Policy concerns or complaints</p> <p>Concerns or complaints about the content or implementation of this policy will be recorded in Council's records system, lodged with the Public Officer and handled in accordance with council's Complaints Policy.</p>	Public Officer
7	<p>Consultation</p> <p>Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other agencies, relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy are invited for consideration during the policy exhibition period.</p>	Key Stakeholders

Review

The 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 2020.

This policy may also be reviewed and updated as necessary when the *Model Code of Conduct for Local Councils in NSW* is reviewed, updated and/ or republished by the OLG; or when Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages its Code of Conduct.

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

Performance indicator	Data source(s)
Complaints received	Council Records
Number of breaches	Council Records
Audit (Internal or External)	Audit
DP/ OP objectives achieved	Council reporting

Governance

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

Related legislation, policies, codes, guidelines

Name	Link
Model Code of Conduct (current version)	www.olg.nsw.gov.au/strengthening-local-government/conduct-and-governance/model-code-of-conduct
Procedures for Administration of Model Code of Conduct (current version)	www.olg.nsw.gov.au/sites/default/files/Procedures-for-Administration-of-Model-Code-of-Conduct.pdf
<i>Local Government Act 1993</i>	www.legislation.nsw.gov.au/#/view/act/1993/30
Complaints Policy Code of Meeting Practice	www.esc.nsw.gov.au/inside-council/council/council-policies

Related external references

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

Supporting documents

Name	Link
Code of Conduct Complaint form	www.esc.nsw.gov.au/inside-council/council/council-policies/code-of-conduct

Change history

Version	Approval date	Approved by	Minute No	File No	Change
1	14 June 2016	Council	16/169	E06.0380	New Policy commenced, and current Model Code of Conduct (Nov 2015) adopted.
2	TBA 2016	Council	TBA	E06.0380 E16.0297	Reviewed (start of new Council term), referencing updates and addition of 'Gifts and Benefits' section.

Internal use

Responsible officer		General Manager		Approved by	Council
Min no	TBA	Report no	TBA	Effective date	TBA
File no	E06.0380 E16.0297	Review date	Sep 2020	Pages	7

POLICY

Policy title	Gifts and Benefits
Responsible manager(s)	General Manager
Contact officer(s)	Divisional Manager Governance and Information
Directorate	Finance and Business Development
Approval date	27 Aug 2013
Focus area	Support Services
Delivery Program link	SS1.2 Maintain a sound governance framework within which Council operates
Operational Plan link	SS1.2.2 Ensure transparency in council dealings

Purpose

This policy is designed to establish for councillors and staff standards of behaviour and procedures to be followed in relation to the acceptance of gifts or benefits. This policy does not cover political donations or contributions to an election fund that are subject to the provisions of the relevant election funding legislation.

This policy is supplementary to Council's Code of Conduct, which includes the provision that councillors and staff, by virtue of their position, must not: seek or acquire a personal profit or advantage which has a monetary value, or accept bribes or other improper inducement; and/ or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence, the proper exercising of official duties.

Policy aims:

- To ensure consistency and fairness in the manner in which Council deals with Gifts and Benefits.
- To ensure compliance with legislative requirements.
- To promote transparency and public awareness of the requirements with respect to Gifts and Benefits.
- To make council's policies readily accessible and understandable to the public.

Policy details

1	Application This policy applies to all councillors and workers of Eurobodalla Shire Council.
2	Legislation Eurobodalla Shire Council will comply with the <i>Local Government Act 1993</i> and <i>The Model Code of Conduct for Local Government Councils in NSW</i> published by the Office of Local Government ('OLG').
3	Disclosure Where a gift or benefit is received of more than token value, in circumstances where it cannot reasonably be refused or returned, once accepted the gift or benefit should be disclosed promptly to the following people: <ul style="list-style-type: none"> • Staff to advise their Director

	<ul style="list-style-type: none"> • Directors to advise the General Manager. • The General Manager to advise the Mayor. • Councillors to advise the Mayor. • The Mayor to advise the General Manager. <p>Once disclosure is made to the relevant person the gift or benefit will be recorded on council's Gifts & Benefits Register.</p>
4	<p>Favour</p> <p>Situations must be avoided wherein an appearance may be created that any person or body, through the provision of hospitality or benefits of any kind, endeavours to secure or attempts to influence or secure a favour.</p>
5	<p>Influence</p> <p>Situations must be avoided where improper and undue influence of council officials in the performance of their public or professional duties secures a private or unfair benefit for the council official or for any other person or body.</p>
6	<p>Family Members</p> <p>Reasonable steps must be taken to ensure that immediate family members do not receive gifts or benefits that could appear to an impartial observer to be an attempt to influence or secure a favour. Immediate family members ordinarily include parents, spouses, children and siblings.</p>
7	<p>Disclosure of interest Returns</p> <p>Councillors and designated persons must by law disclose to the General Manager a description of any gift or gifts totalling a value exceeding \$500 made by the same person during a period of 12 months or less (required to be included in Disclosure of Interests returns, Local Government Act 1993, sect. 449)</p>
8	<p>Frequent Flyer / Loyalty Schemes</p> <p>Councillors and staff participating in Frequent Flyer and other loyalty schemes should not accrue a personal benefit as a result of the carrying on of Council business. Any accruals of Frequent Flyer or loyalty scheme points that provide free benefits or trips are to be used for council business (not private use).</p>
9	<p>Token Gifts and Benefits</p> <p>In general, gifts and benefits of a token value that cannot reasonably be returned may include:</p> <p>(a) Gifts of single bottles of reasonably priced alcohol. This could be at end of year functions, public occasions, or in recognition of work done such as providing a lecture or training session address.</p> <p>(b) Free or subsidised meals, of a modest nature, and/ or beverages provided infrequently (and/ or reciprocally) that have been arranged primarily for, or in connection with, the discussion of official business.</p> <p>(c) Free meals, of a modest nature, and/ or beverages provided to Council officials who formally represent Council at work related events such as training, education sessions, or workshops.</p> <p>(d) Refreshments, of a modest nature, provided at conferences where representing Council officially as a speaker.</p> <p>(e) Ties, scarves, coasters, tie pins, diaries, chocolates, flowers, and small amounts of fresh produce or beverages.</p> <p>(f) Invitations to appropriate out-of-hours "cocktail parties" or social functions organised by groups, such as, council committees and community organisations.</p>

10	<p>Non-Token Gifts and Benefits of value</p> <p>In general, all non-token gifts that are accepted are to be recorded in the Council's publicly available Gifts & Benefits Register. Gifts and benefits of non-token value and benefit may include:</p> <ul style="list-style-type: none"> (a) Quantities of alcohol. (b) Corporate hospitality at a theatre and/ or sporting event. (c) Discounted products for personal use. (d) Frequent use of facilities such as gyms. (e) Use of holiday homes, free or discounted travel.
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Implementation

Implementation steps		Responsibility
1	<p>Code of Practice</p> <p>This policy will form part of new Councillor and employee Induction, and will be enforced by management.</p>	Organisational Development Management
2	<p>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>	Council officers Management
3	<p>Concerns</p> <p>Concerns received regarding Gifts and Benefits will be recorded on Council's records system and handled in accordance with the Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analysis the history or reported public concerns.</p>	Council officers
4	<p>Consultation</p> <p>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.</p>	As applicable

Review

The 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 2020.

This policy 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 gifts and benefits to staff and councillors.

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

Performance indicator	Data source(s)
Concerns	Council records
Customer Feedback Survey Responses	Surveys
Statistics (e.g. number of gifts recorded in register)	Council records
Internal review or investigation	Audit
External review or investigation (e.g. Pecuniary Interest and Disciplinary Tribunal)	Audit or review

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
Code of Conduct Policy	www.esc.nsw.gov.au/site/Publications/Strategies/PolicyReg/Default.aspx
Public Interest Disclosure Internal Reporting Policy	
<i>Local Government Act 1993</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N
<i>The Model Code of Conduct for Local Government Councils in NSW</i>	www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/Model%20Code%20of%20Conduct.pdf

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au/
Pecuniary Interest and Disciplinary Tribunal	www.olg.nsw.gov.au/dlg/dlghome/dlg_CommissionTribunalIndex.asp?areaindex=PIT&index=3

Change history

Version	Approval date	Approved by	Minute No	File No	Change
1	2 Aug 2006	Council	06/300	06.0380	Policy commenced
2	27 Aug 2013	Council	13/246	E13.7095	Updated to new Policy Template, updated review date, updated links and references. Report O13/131.

Internal use

Responsible officer	General Manager		Approved by	Council
Min No	TBA	Council report	TBA	Effective date
File no	E16.0297	Review date	Sep 2020	Pages
				4

Policy title	Accounting for Divisions and Subsidiaries of Council
Responsible manager(s)	Divisional Manager Finance
Contact officer(s)	Divisional Manager Finance
Directorate	Finance and Business Development
Approval date	TBA
Focus area	Support Services
Delivery Program link	SS1.1 Manage Council's financial assets and obligations
Operational Plan link	SS1.1.1 Provide integrated corporate accounting and financial management systems and procedures

Purpose

Eurobodalla Shire Council's policy was developed to ensure that entire Council entity accounting is up to date within the main Council financial systems and no undisclosed bank accounts, accounting systems or reserves are discovered in relation to management committees, subsidiaries, divisions or the like.

This policy provides for Council Management Committees, other divisions and subsidiaries of Council to fully incorporate accounting into Council's main systems (rather than just being an annual consolidation, or not at all).

Policy aims

- To ensure all accounting functions meet minimum corporate requirements, comply with tax legislation, are integrated, have appropriate internal controls and are transparent.
- To ensure compliance with legislative requirements under Part 3: Financial Management of the *Local Government Act 1993* (the Act).
- To promote awareness of the requirements of the Act with respect to accounting for subdivisions and subsidiaries of council.
- To make the Council's policies and requirements for accounting for subdivisions and subsidiaries of council readily accessible and understandable to the public.

Policy details

1	Application This policy applies to all accounting for divisions and subsidiaries of council, unless otherwise exempted within the policy.
2	Legislation This policy ensures Eurobodalla Shire Council will comply with Part 3: Financial Management of the <i>Local Government Act 1993</i> .

Requirements		Responsibility
1	Code of Practice This policy will be implemented by following council's related Code of Practice, which specifies in detail the plan, procedures and matters to be considered.	Council officers
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

The 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 2020.

This policy 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 Accounting for Divisions and Subsidiaries of Council.

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

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	Assets Disposals Policy
Local Government Act 1993	http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/

Related external references

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

Supporting documents

Name	Link
[Name supporting documents]	Link here e.g. letter templates or forms, fact sheets etc.

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	24/11/2009	Council	09/369	E09.3418	Commenced
2	23/04/2013	Council	13/107	E13.7095	Reviewed and updated (start of new Council term)
3	dd mmm 2016	Council	TBA	E16.0297 See list	Reviewed and updated (start of new Council term)

Internal use

Responsible officer	Relevant director or GM			Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	See list E16.0297	Review date	Sep 2020	Pages	3

Policy title	Asset Disposals
Responsible manager(s)	Divisional Manager Finance
Contact officer(s)	Assets Accountant
Directorate	Finance and Business Development
Approval date	TBA
Focus area	Support Services
Delivery Program link	SS1.1 Manage Council's financial assets and obligations
Operational Plan link	SS1.1.1 Provide integrated corporate accounting and financial management systems and procedures

Purpose

Eurobodalla Shire Council's policy was developed to protect Council's financial interests by ensuring that asset disposals achieve the best possible result for Council.

Council from time to time is required to dispose of assets. These assets may have reached or exceeded their economic life for Council purposes. Alternatively there may be other justifiable economic reasons for disposal.

Policy aims

- To ensure asset disposals comply with legislative requirements.
- To promote awareness of the requirements of the *Local Government Act 1993* with respect to asset disposals.
- To make Council's policies and requirements for asset disposals readily accessible and understandable to the public.
- To make sure disposals are competitive and in accordance with the adopted management plan or approved budget variations.
- To comply with any funding agreements or legal and contractual requirements in relation to asset disposal.

Policy details

1	Application This policy applies to all asset disposals unless otherwise exempted.
2	Legislation Eurobodalla Shire Council will comply with section 55 of the <i>Local Government Act 1993</i> , Australian Accounting Standard <i>AASB 116 Property Plant and Equipment 2009</i> , and the Division of Local Government <i>Code of Accounting Practice and Financial Reporting as updated</i> . All disposals must comply with section 55 of the <i>Local Government Act 1993</i> . For example the Council must invite tenders for a contract to dispose of Council property where the estimated receipt is of an amount of \$150,000 or more (or such other amount as may be prescribed by the regulation). Exceptions to this requirement are a contract for the sale by a council of land and a sale by a council at a public auction. Where tendering procedure is required or chosen to be followed this is to be in accordance with the statutory and legal requirements and in accordance with the

	tendering practices prescribed within the Council's Procurement Policy and related Code of Practice.
3	<p>Requirements</p> <p>This Policy should be read in conjunction with all applicable Asset Management Plans to ensure whole of life is considered. Assets will be disposed to the best advantage of Council, considering the whole of life costs and the replacement needs.</p> <p>All disposals must be on a competitive basis and Council will comply with any funding agreements or other legal and contractual requirements in relation to assets and will ensure best value result for any other parties that might have an interest in assets disposals.</p>

Implementation

Requirements		Responsibility
1	This policy will be implemented by following the Legislative Requirements, the Procurement Policy and Asset Management Plans which specify in detail the plan, procedures and matters to be considered.	Asset Accountant
2	<p>Staff</p> <p>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.</p>	Council officers
3	<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
4	<p>Consultation</p> <p>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.</p>	As applicable

Review

The 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 2020.

This policy 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 Asset Disposals.

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
	Please use plain English (refer to Writing Guide)

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	www.esc.nsw.gov.au/inside-council/council/council-policies
Local Government Act 1993	www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N
Australian Accounting Standard AASB 116 Property Plant and Equipment 2009.	www.aasb.gov.au/admin/file/content105/c9/AASB116_07-04_COMPjun09_07-09.pdf

Related external references

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

Supporting documents

Name	Link
[Name supporting documents]	Link here e.g. letter templates or forms, fact sheets etc.

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	27/07/2006	Council	06/139	E05.9513	Policy commenced
2	23/04/2013	Council	13/109	E13.7095	Reviewed and updated (start of new Council term)
3	dd mmm 2016	Council	TBA	E16.0297 See list	Reviewed and updated (start of new Council term)

Internal use

Responsible officer	Relevant director or GM	Approved by	Council
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Minute #	TBA	Report #	TBA	Effective date	TBA
File	See list E16.0297	Review date	Sep 2020	Pages	4

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