



MOREE PLAINS SHIRE COUNCIL

24 OCTOBER 2019

**COMMUNITY DEVELOPMENT
AND SERVICES
COMMITTEE MEETING**

PUBLIC BUSINESS PAPER

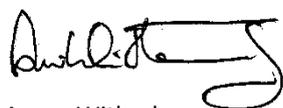
Friday 18 October 2019

- TO:
- Councillors
 - General Manager
 - Director – Corporate Services
 - Director – Planning and Community Development
 - Director – Engineering Services
 - Manager – Water and Waste
 - Manager – Executive Projects

Notice is hereby given that the **Community Development and Services Committee Meeting** will be held in the Council Chamber, the Max Centre, 30 Heber Street, Moree, on **Thursday 24 October 2019** commencing at **2pm**.

Please note that all Council meetings are recorded.

Yours sincerely



Angus Witherby

DIRECTOR PLANNING AND COMMUNITY DEVELOPMENT

Agenda

1. Open Meeting
2. Apologies
3. Confirmation of Minutes
4. Declarations of Interest
5. Reports
 - 1 Consultation on the Model Code of Conduct
 - 2 Question on Notice responses
6. Standing agenda item: New Questions on Notice
7. Standing agenda item: Strategic Planning Proposals and Current Project Updates
 - 1 Update from the General Manager
8. Standing agenda item: Inland Rail Update
9. Standing agenda item: Overseas Trade and Investment
10. Close meeting

Community Development and Services Committee Meeting Public Business Paper

24 OCTOBER 2019

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Report Title	1. Consultation on the Model Code of Conduct
Report by	Corporate Services
Contact	Alice Colbran, Governance Coordinator
Attachments	No attachment
File	FILE12/2747

RECOMMENDATION

That the Committee recommend Council write to the Office of Local Government to express the following view:

- a. That Council does not support an increase in the cap on the value of gifts that can be accepted**
- b. That, should the Minister for Local Government consider an increase in the cap, it should be applied uniformly to all Council Officials**

REPORT

ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

An Inclusive, Caring Community

Not applicable

Sustainable Spaces and Places

Not applicable

A Vibrant Regional Economy

Not applicable

A Leading Organisation

L1.7 Be accountable and transparent in our affairs, operate with integrity, improve our responsiveness and pursue innovative solutions for organisational improvement

BACKGROUND AND KEY ISSUES

The Model Code of Conduct for Local Councils in NSW (**Model Code**) and the associated Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (**the Procedures**) were prescribed on 14 December 2018. A copy of both of these documents can be found on the Office of Local Government website via this link <https://www.olg.nsw.gov.au/strengthening-local-government/conduct-and-governance/model-code-of-conduct>. The Council adopted the Model Code on 28 March 2019. Council's Code of Conduct is on Council's website via this link <https://www.mpssc.nsw.gov.au/index.php/hot-topics/docman/policies/1355-code-of-conduct/file>.

The Model Code sets out the minimum standards of conduct expected of council officials (defined as councillors, members of staff, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers). Part 6 of the Model Code provides the provisions under which council officials can obtain a personal benefit through gifts and benefits. Whilst the acceptance of gifts and

benefits is allowable in certain circumstances, the monetary value limit for this was set as \$50. Previously, the Model Code did not specify a monetary limit.

As a result of a number of mayors and councillors expressing concern at this limit, the Minister for Local Government, the Honourable Shelley Hancock MP, is seeking feedback from councils on the following four questions:

- Whether \$50 is an appropriate monetary value for the cap on the value of gifts that may be accepted by councillors.
- If the \$50 cap on the value of gifts that may be accepted by councillors is not appropriate, at what value should it be set?
- If it is suggested that the cap on the value of gifts that may be accepted should be raised, should it be raised uniformly for all council officials, or should it just be raised for councillors and the \$50 cap retained for other council officials such as council staff.
- If it is suggested that the cap on the value of gifts that may be accepted should be raised for councillors and not for other council officials such as council staff, why does your council believe that councillors should be subject to a different standard than the one that applies to other classes of council officials in relation to the acceptance of gifts.

In considering these questions, it is important to have regard for the two key principles that govern the acceptance of gifts and benefits for council officials:

1. You must not be influenced, or be seen to be influenced, as a result of the receipt of a gift or benefit for personal use or enjoyment
2. You must not benefit personally from your role as a council official other than through your remuneration.

It is also beneficial to consider under what circumstances you wish to see council officials able to accept gifts and benefits. The \$50 limit does not prevent, for instance, a staff member accepting a bunch of flowers from a ratepayer they have assisted or a reasonable bottle of wine as a Christmas present for a staff member at Gwdyir Daycare from a parent.

Having considered the implications of a decision to increase the acceptable limit, it is not recommended that the Committee support an increase to the cap on the value of gifts as enabling the acceptance of gifts of such a high value is to move away from the intent of the key principles. Further, it is not considered appropriate to have a Model Code which sets different standards for different types of council officials. There is merit in having all council officials subject to the same suite of behaviour standards, as they currently are.

FINANCIAL IMPACT TO COUNCIL

No significant financial implications have been identified.

STATUTORY AND POLICY IMPLICATIONS

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

Council has adopted the Model Code, including the \$50 limit on the value of gifts that can be accepted. Should the Minister choose to amend the Model Code to increase the limit, Council has discretion as to

whether or not to apply the change as councils may resolve requirements more onerous than those included in the Model Code. It is, however, unlawful to provide less onerous provisions and a council's adopted Code of Conduct has no effect to the extent that it is inconsistent with the Model Code.

RISK IMPLICATIONS

An increase in the monetary value of acceptable gifts and benefits may lead to increased occasions of the perception of the provision of a gift being to encourage favourable treatment by a person or body, regardless of whether this was the intent of the person or body who offered it.

ASSET MANAGEMENT IMPLICATIONS

No asset management implications have been identified.

PREVIOUS COUNCIL DECISIONS

19/03/21 RESOLVED (SMITH/RITCHIE)

- 1. That the Council endorse the Draft Code of Conduct and place on public display for a period of 35 days.*
- 2. That, should no submissions be received, the Draft Code of Conduct be adopted.*

ATTACHMENTS

There are no attachments.

Report Title	2. Questions on Notice Responses
Report by	Planning and Community Development
Contact	Angus Witherby, Director of Planning and Community Development
Attachments	One (1) attachment; refer to Attachments section
File	FILE 15/183

RECOMMENDATION

That the Community Development and Services Committee receive the Questions on Notice responses for information.

REPORT

ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

An Inclusive, Caring Community

Not applicable

Sustainable Spaces and Places

Not applicable

A Vibrant Regional Economy

Not applicable

A Leading Organisation

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BACKGROUND AND KEY ISSUES

Questions on Notice (**QON**) provide an opportunity for Councillors to ask questions of the General Manager which are then recorded within the meeting minutes and the Moree Plains Shire Council (**Council**)’s Customer Request Management (**CRM**) system. A response to this question is either provided verbally at the meeting or taken on notice if the response requires further research.

In response to requests from Councillors, a QON response system has been implemented where all responses are made available to the public through a Standing Committee Meeting business paper (as per this report). This will ensure that the answers not provided at the meeting are publically available for review by members of the public and Council’s transparency is enhanced.

FINANCIAL IMPACT TO COUNCIL

Review of the QON’s has no significant financial implications.

STATUTORY AND POLICY IMPLICATIONS

Council's Code of Meeting Practice (2016) includes the provision for QON's as part of the Committee Meeting Standing Order of Business. The Code of Meeting Practice is consistent with the *Local Government Act 1993 (NSW)*, the Local Government (General) Regulation 2005 and the Model Code.

RISK IMPLICATIONS

There are no identified risk implications associated with QON responses.

ASSET MANAGEMENT IMPLICATIONS

No asset management implications have been identified.

PREVIOUS COUNCIL DECISIONS

QON responses are provided as part of a Standing Committee Meeting business paper on a regular basis to ensure all responses are made available to the public.

ATTACHMENTS

Attachment 1 Question on Notice responses

CRM 4291/2019

Question on Notice – Finance and Governance – Councillor Tramby

Is the Enhanced State Government funding for the Library an annual grant or a once off?

Response:

Sally Walters: On the 24th August 2019, the Premier, the Hon Gladys Berejiklian, and the Minister for the Arts, the Hon Don Harwin announced the new public library funding package, totalling \$60M over the forward estimates to 2022/23.

The funding model is the result of the current government’s election promise. The additional funding is to be directed into the following components:

- **Per Capita Subsidies**
This new funding strategy will increase annually from the current \$1.85 per head and reach \$2.85 per head by 2022/23, resulting in a 54% increase in per capita subsidy payments by 2022/23 for all councils, as noted in the Library Amendment (Subsidies) Regulation 2019. It will stay at \$2.85 until such time as legislation changes.

- **Subsidy Adjustments**
The Subsidy Adjustment funding pool will increase annually until 2022/23. The new model comprises an equal or flat rate allocation of Subsidy Adjustment funds to councils, with a portion of the funding allocated with reference to need, identified using the Socio-Economic Indexes for Areas scale (SEIFA) developed by the ABS.

For 2019/20 the model will include a flat rate payment of \$50,000 per council (total cost \$6.350 million), with the remainder of the funds (\$1.197 million) allocated with reference to the SEIFA score of each council.

- **Outback Letterbox Library**
The Outback Letterbox Library funding will double to \$200,000 per annum from 2019/20 to be delivered by Broken Hill Council.

- **Public Library Infrastructure Grants**
The \$6 million per annum Public Library Infrastructure Grants program will commence in 2019/20 and is to assist councils in improving public library infrastructure, including buildings and technology. There are two categories of funding: up to \$200,000; and \$200,001 to \$500,000.

Applications close Friday 8 November 2019 and is a competitive grant process.

CRM 4211/2019

Question on Notice – Community Development & Services – Councillor Humphries

Concerns about technical matters (such as gas cylinders) on the MAAC application to Stronger Country Communities Fund Round 3.

This to be taken forward as a matter of urgency as a Mayoral Minute from the Committee meeting to the Council Meeting today, Thursday 26 September 2019 due to applications to the Stronger Country Communities Fund closing Friday 27 September 2019.

Response:

Angus Witherby: At the Ordinary Council Meeting on 26 September 2019, Council resolved to remove their endorsement of the MAX out MAAC project from the list of projects to be applied for funding under the NSW Government's Stronger Country Communities Round Three program. This was due to potential impacts of the proposed location to existing utilities and associated infrastructure.

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