

Referral of code of conduct complaints to external agencies

- 5.26 The general manager, Mayor or a conduct reviewer or conduct review committee may, at any time refer a code of conduct complaint to an external agency or body such as, but not limited, to the Division, the Independent Commission Against Corruption, the NSW Ombudsman or the Police for its consideration, where they consider such a referral is warranted.
- 5.27 Where the general manager, Mayor or conduct reviewer refers a complaint to an external agency or body, under clause 5.26, they will notify the complainant of the referral in writing where it is appropriate for them to do so.
- 5.28 Referral of a matter to an external agency or body will serve to finalise consideration of the matter under the code of conduct unless the council is subsequently advised otherwise by the referral agency or body.

Disclosure of the identity of complainants

- 5.29 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
  - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
  - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
  - d) a conduct reviewer or conduct review committee is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
  - e) it is otherwise in the public interest to do so.
- 5.30 Clause 5.29 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.31 Where a councillor makes a code of conduct complaint about another councillor or the general manager and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.32 A request made by a complainant councillor under clause 5.31 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.33 Conduct reviewers or conduct review committees must consider a request made under clause 5.31 before disclosing information that

identifies or tends to identify the complainant councillor but are not obliged to comply with the request.

- 5.34 Where a complainant councillor makes a request under clause 5.31, a conduct reviewer or conduct review committee will notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

#### Code of conduct complaints made as Public Interest Disclosures

- 5.35 Code of conduct complaints that are made as public interest disclosures under the Public Interest Disclosures Act 1994 are to be managed in accordance with the requirements of that Act, the council's internal reporting policy and any guidelines issued by the NSW Ombudsman that relate to the management of Public Interest Disclosures.

- 5.36 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

- 5.37 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.36, the general manager or the Mayor must refer the complaint to the Division for consideration.

#### Special complaints management arrangements

- 5.38 The general manager may request in writing that the Division enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.

- 5.39 Where the Division receives a request under clause 5.38, it may agree to enter into a special complaints management arrangement where it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:

- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
- b) impeded or disrupted the effective administration by the council of its code of conduct, or
- c) impeded or disrupted the effective functioning of the council.

- 5.40 A special complaints management arrangement must be in writing and must specify the following:

- a) the code of conduct complaints the arrangement relates to, and
- b) the period that the arrangement will be in force.

- 5.41 The Division may by notice in writing, amend or terminate a special complaints management arrangement at any time.

- 5.42 While a special complaints management arrangement is in force, an officer of the Division (the assessing Divisional officer) will undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of these procedures except as provided by clauses 5.43 below.
- 5.43 Where, following a preliminary assessment, the assessing Divisional officer determines that a code of conduct complaint warrants investigation by a conduct reviewer or a conduct review committee, the assessing Divisional officer will notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing Divisional officer.
- 5.44 Prior to the expiry of a special complaints management arrangement, the Division, will, in consultation with the general manager review the arrangement to determine whether it should be renewed or amended.
- 5.45 A special complaints management arrangement will expire on the date specified in the arrangement unless renewed under clause 5.44.

## **PART 6      PRELIMINARY ASSESSMENT**

### Referral of code of conduct complaints to conduct reviewers

- 6.1 The complaints coordinator will refer all code of conduct complaints about councillors or the general manager submitted to the complaints coordinator within 21 days of receipt of a complaint by the general manager or the Mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
  - b) a panel of conduct reviewers established by an organisation prescribed under the Regulation.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interests in relation to the matter referred to them, or
  - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
  - c) they or their employer has entered into one or more contracts with the council in the 2 years preceding the referral and they or

- their employer have received or expect to receive payments under the contract or contracts of a cumulative value that exceeds \$100K, or
- d) at the time of the referral, they or their employer are the council's legal service providers or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interests in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 7.1 of the Model Code of Conduct)
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council.
- 6.8 The complaints coordinator will notify the complainant in writing that the matter has been referred to a conduct reviewer and advise which conduct reviewer the matter has been referred to.

#### Preliminary assessment by a conduct reviewer

- 6.9 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.10 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action, or
  - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
  - c) to refer the matter to the general manager or, in the case of a complaint about the general manager, the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, or apology, or
  - d) to refer the matter to another agency or body such as, but not limited to the ICAC, the NSW Ombudsman, the Division or the Police, or
  - e) to investigate the matter, or

- f) to recommend that a conduct review committee be convened to investigate the matter.
- 6.11 In determining how to deal with a matter under clause 6.10, the conduct reviewer is to have regard to the complaint assessment criteria prescribed under clause 6.27.
- 6.12 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what option to exercise under clause 6.10.
- 6.13 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what option to exercise in relation to the matter under clause 6.10. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.14 The conduct reviewer must refer to the Division, any complaints referred to him or her that should have been referred to the Division under clauses 5.16 and 5.21.
- 6.15 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.16 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.10, paragraphs (a), (b) or (c), they will provide the complainant with written notice of their determination and provide reasons for it and this will finalise consideration of the matter under these procedures.
- 6.17 Where the conduct reviewer refers a complaint to another agency or body, they will notify the complainant of the referral in writing where it is appropriate for them to do so.
- 6.18 The conduct reviewer may only determine to investigate a matter or to recommend that a conduct review committee be convened to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a “code of conduct complaint” for the purposes of these procedures, and
  - b) that the alleged conduct, on its face, is sufficiently serious to warrant investigation, and
  - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.19 The conduct reviewer may only determine to recommend that a conduct review committee be convened to investigate a matter where they are satisfied that it would not be practicable or appropriate for the matter to be investigated by a sole conduct reviewer.

- 6.20 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator.
- 6.21 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint except as may be specifically required under these procedures.

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

- 6.22 Where the conduct reviewer determines to refer a matter to the general manager or to the Mayor to be resolved by alternative and appropriate means, they will write to the general manager or, in the case of a complaint about the general manager, to the Mayor, recommending the means by which the complaint may be resolved.
- 6.23 The conduct reviewer is to consult with the general manager or Mayor prior to referring a matter to them under clause 6.22.
- 6.24 The general manager or Mayor may decline to accept the conduct reviewer's recommendation. Where the general manager or Mayor declines to do so, the conduct reviewer may determine to deal with the complaint by other means under clause 6.10.
- 6.25 Where the conduct reviewer refers a matter to the general manager or Mayor under clause 6.22, the general manager or, in the case of a complaint about the general manager, the Mayor, will be responsible for implementing, or overseeing the implementation of the conduct reviewer's recommendation.
- 6.26 Where the conduct reviewer refers a matter to the general manager or Mayor under clause 6.22, the general manager, or, in the case of a complaint about the general manager, the Mayor, will advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

#### Complaints assessment criteria

- 6.27 In undertaking the preliminary assessment of a complaint, the conduct reviewer may have regard to the following considerations:
- a) whether the complaint is a "code of conduct complaint",
  - b) whether the complaint is trivial, frivolous, vexatious or not made in good faith
  - c) whether the complaint discloses prima facie evidence of a breach of the code,
  - d) whether the complaint raises issues that would be more appropriately dealt with by another agency or body,

- e) whether there is or was an alternative and satisfactory means of redress available to the complainant in relation to the conduct complained of,
- f) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to explanation, counselling, training, informal discussion, negotiation or apology,
- g) whether the issue/s giving rise to the complaint have previously been addressed or resolved,
- h) whether the conduct complained of forms part of a pattern of conduct,
- i) whether there were mitigating circumstances giving rise to the conduct complained of,
- j) the seriousness of the alleged conduct,
- k) the significance of the conduct or the impact of the conduct for the council,
- l) how much time has passed since the alleged conduct occurred, or
- m) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

## **PART 7 OPERATIONS OF CONDUCT REVIEW COMMITTEES**

- 7.1 Where a conduct reviewer recommends that a conduct review committee be convened to investigate a matter, the conduct reviewer will notify the complaints coordinator of their recommendation and the reasons for their recommendation in writing.
- 7.2 The complaints coordinator will convene a conduct review committee comprising three conduct reviewers selected from:
- a) a panel of conduct reviewers established by the council, or
  - b) a panel of conduct reviewers established by an organisation prescribed under the Regulation.
- 7.3 In selecting suitable conduct reviewers for membership of a conduct review committee convened under clause 7.2, the complaints coordinator may have regard to the following:
- a) the qualifications and experience of members of the panel of conduct reviewers and
  - b) any recommendation made by the conduct reviewer about the membership of the committee.
- 7.4 The conduct reviewer who made the preliminary assessment of the complaint may be a member of a conduct review committee convened under clause 7.2.
- 7.5 A member of a panel of conduct reviewers may not be appointed to a conduct review committee where they would otherwise be precluded

from accepting a referral of the matter to be considered by the committee under clause 6.4.

- 7.6 Where the complaints coordinator convenes a conduct review committee, they will advise the complainant in writing that the committee has been convened and the membership of the committee.
- 7.7 Where, after a conduct review committee has been convened, a member the committee becomes unavailable to participate in further consideration of the matter, the complaints coordinator may appoint another person from a panel of conduct reviewers to replace them.
- 7.8 Meetings of a conduct review committee may be conducted in person or by teleconference.
- 7.9 The members of the conduct review committee are to elect a chairperson of the committee.
- 7.10 A quorum for a meeting of the conduct review committee is two members.
- 7.11 Business is not to be conducted at any meeting of the conduct review committee unless a quorum is present.
- 7.12 If a quorum is not present at a meeting of the conduct review committee, it must be adjourned to a time and date that is specified.
- 7.13 Each member of the conduct review committee is entitled to one vote in relation to a matter. In the event of an equality of votes being cast, the chairperson will have the casting vote.
- 7.14 If the vote on a matter is not unanimous, then this should be noted in the report of the conduct review committee in which it makes its determination in relation to the matter.
- 7.15 The chairperson may make a ruling on questions of procedure and the chairperson's ruling is to be final.
- 7.16 The conduct review committee will conduct business in the absence of the public.
- 7.17 The conduct review committee will maintain proper records of its proceedings.
- 7.18 The complaints coordinator will undertake the following functions in support of a conduct review committee:
  - a) provide procedural advice where required,
  - b) ensure adequate resources are provided including secretariat support



- c) attend meetings of the conduct review committee in an advisory capacity
  - d) provide advice about council's processes where requested
- 7.19 The complaints coordinator must not be present at, or in sight of a meeting of the conduct review committee where it makes its final determination in relation to the matter.
- 7.20 The conduct review committee may adopt procedures governing the conduct of its meeting that supplement these procedures. However any procedures adopted by the committee must not be inconsistent with these procedures.

## **PART 8 INVESTIGATIONS**

### What matters may a conduct reviewer or conduct review committee investigate?

- 8.1 A conduct reviewer or conduct review committee (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 8.2 Where an investigator identifies further possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the Mayor.
- 8.3 The general manager or the Mayor is to deal with a matter reported to them by an investigator under clause 8.2 as if it were a new code of conduct complaint in accordance with these procedures.

### How are investigations to be commenced?

- 8.4 The investigator must at the outset of their investigation provide a written notice of investigation to the subject person. The notice of investigation must:
- a) disclose the substance of the allegations against the subject person, and
  - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
  - c) advise of the process to be followed in investigating the matter, and
  - d) invite the subject person to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice, and

- e) provide the subject person the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 8.5 The subject person may within 14 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the subject person to identify the substance of the allegation against them.
- 8.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the subject person in relation to the matter referred to them.
- 8.7 Where an investigator issues an amended notice of investigation, they will provide the subject person with a further opportunity to make a written submission in response to the amended notice of investigation within 28 days or such other reasonable period specified by the investigator in the amended notice.
- 8.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the Mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
  - b) in the case of the notice to the complainant, invite them to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice.

#### Written and oral submissions

- 8.9 Where the subject person or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 8.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 8.11 Prior to preparing a draft report, the investigator must give the subject person an opportunity to address the investigator on the matter being investigated. The subject person may do so in person or by telephone.
- 8.12 Where the subject person fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of

investigation, the investigator may proceed to prepare a draft report without hearing from the subject person.

- 8.13 Where the subject person accepts the opportunity to address the investigator in person, they may have a support person or legal advisor in attendance. The support person or legal advisor will act in an advisory or support role to the subject person only. They must not speak on behalf of the subject person or otherwise interfere with or disrupt proceedings.
- 8.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

#### How are investigations to be conducted?

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

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

- 8.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
  - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
  - c) refer the matter to another agency or body such as, but not limited to the ICAC, the NSW Ombudsman, the Division or the Police.
- 8.21 Where an investigator determines to exercise any of the options under clause 8.20 after the commencement of an investigation, they must do

so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.

- 8.22 Where an investigator determines to exercise any of the options under clause 8.20 after the commencement of an investigation, they may by written notice to the subject person, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager the Mayor, discontinue their investigation of the matter.
- 8.23 Where the investigator discontinues their investigation of a matter under clause 8.22, this will serve to finalise the consideration of the matter under these procedures.
- 8.24 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 8.20 or to discontinue their investigation except as may be specifically required under these procedures.

#### Draft investigation reports

- 8.25 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 8.26 The investigator must provide their draft report to the subject person and invite them to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.
- 8.27 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide that person with relevant extracts of their draft report containing such comment and invite the person to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.
- 8.28 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 8.29 The investigator may, after consideration of all written submission received in relation to their draft report make further enquiries into the matter. Where as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the subject person or any other person, they must provide the affected person with a further opportunity to make a written submission in relation to the new adverse comment.
- 8.30 Where the subject person or any other affected person fails to make a written submission in relation to the draft report within the period

specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.

- 8.31 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

#### Final investigation reports

- 8.32 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 8.22.

- 8.33 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

- 8.34 The investigator's final report must:

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

- 8.35 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:

- a) that the council revise any of its policies or procedures,
- b) that the subject person undertake any training or other education relevant to the conduct giving rise to the breach
- c) in the case of a breach by a councillor, that the councillor be counselled by the general manager for their conduct,
- d) in the case of a breach by the general manager, that the general manager be counselled by the Mayor for their conduct,
- e) that the subject person apologise to any person affected by the breach in such a time and form specified by the recommendation,
- f) that findings of inappropriate conduct be made public,
- g) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach,
- h) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act,
- i) in the case of a breach by a councillor, that the council resolves as follows:
  - i. that the councillor be formally censured for the breach under section 440G of the Act, and
  - ii. that the council states its belief that grounds may exist that warrant the councillor's suspension, and
  - iii. that the council request that the Director General suspend the councillor for the conduct.

8.36 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:

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

8.37 In making a recommendation under clause 8.35, the investigator may have regard to the following:

- a) the seriousness of the breach,
- b) whether the breach can be easily remedied or rectified,
- c) whether the subject person has remedied or rectified their conduct,
- d) whether the subject person has expressed contrition,
- e) whether there were any mitigating circumstances,
- f) the age, physical or mental health or special infirmity of the subject person,
- g) whether the breach is technical or trivial only,
- h) any previous breaches,
- i) whether the breach forms part of a pattern of conduct,
- j) the degree of reckless intention or negligence of the subject person,
- k) the extent to which the breach has affected other parties or the council as a whole,
- l) the harm or potential harm to the reputation of the council or local government arising from the conduct,
- m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny,
- n) whether an educative approach would be more appropriate than a punitive one,
- o) the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action,
- p) what action or remedy would be in the public interest.

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

- a) a description of the allegations against the subject person,
- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated,
- c) a statement of reasons as to why the conduct reviewer considered that the matter warranted investigation,
- d) a statement of reasons as to why the conduct reviewer considered that the matter was one that could not or should not be resolved by alternative means,
- e) where the matter is investigated by a conduct review committee, a statement as to why the matter was one that warranted investigation by a conduct review committee instead of a sole conduct reviewer,

- f) a description of any attempts made to resolve the matter by use of alternative means,
  - g) the steps taken to investigate the matter,
  - h) the facts of the matter,
  - i) the investigator's findings in relation to the facts of the matter and the reasons for those findings,
  - j) the investigator's determination and the reasons for that determination,
  - k) any recommendations.
- 8.39 The investigator must provide a copy of their report to the complaints coordinator, the subject person and the complainant,
- 8.40 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator will provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the Mayor and this will finalise consideration of the matter under these procedures.
- 8.41 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraph (a), the complaints coordinator will provide a copy of the investigator's report to the general manager. The general manager will be responsible for implementing the recommendation/s.
- 8.42 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (b) to (d), the complaints coordinator will provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the Mayor. The general manager will be responsible for implementing the recommendation/s where the report relates to a councillor's conduct. The Mayor will be responsible for implementing the recommendation/s where the report relates to the general manager's conduct.
- 8.43 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (e) to (i), the complaints coordinator will, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration.

#### Consideration of the final investigation report by council

- 8.44 The role of the council in relation to a final investigation report is to impose a sanction where it is recommended by an investigator in their final report under clause 8.35, paragraphs (e) to (i).
- 8.45 The council is to close its meeting to the public under section 10A of the Act to consider the final investigation report.

- 8.46 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interests in relation to the matter unless otherwise required to do so under the Act.
- 8.47 Prior to imposing a sanction, the council must provide the subject person with an opportunity to make an oral submission to the council. The subject person is to confine their submission to addressing the investigator's recommendation.
- 8.48 Once the subject person has completed their oral submission, they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 8.49 The council must not invite oral submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 8.50 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
  - b) seek an opinion by the Division in relation to the report.
- 8.51 The council may, by resolution defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Division.
- 8.52 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 8.53 Where the investigator prepares a supplementary report, they are to provide copies to the complaints coordinator for submission to the council and to the subject person and the complainant.
- 8.54 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 8.55 The council will only be required to provide the subject person a further opportunity to address it on a supplementary report where the supplementary report contains new information that is adverse to them.
- 8.56 A council may by resolution impose the following sanctions on a subject person:
- a) that the subject person apologise to any person affected by the breach in such a time and form specified by the resolution,
  - b) that findings of inappropriate conduct be made public
  - c) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach,



- d) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act
- e) in the case of a breach by a councillor:
  - i. that the councillor be formally censured for the breach under section 440G of the Act, and
  - ii. that the council states its belief that grounds may exist that warrant the councillor's suspension, and
  - iii. that the council request that the Director General suspend the councillor for the conduct.

8.57 The council may only impose a sanction on the subject person under clause 8.56 that is recommended by the investigator in their final report.

8.58 The council is not obliged to adopt the investigator's recommendation. Where the council does not adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution, the reasons for its decision.

8.59 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Division of the council's decision and the reasons for it.

## **PART 9 RIGHTS OF REVIEW**

### Failure to comply with a requirement under these procedures

9.1 Where any person believes that a person has failed to comply with a requirement prescribed under these procedures, they may, at any time prior to the council's consideration of an investigator's final report, raise their concerns in writing with the Division.

### Practice rulings

9.2 Where a subject person and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Division to make a ruling on a question of procedure (a practice ruling).

9.3 Where the Division receives a request in writing for a practice ruling, the Division may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.

9.4 Where the Division makes a practice ruling, all parties are to comply with it.

9.5 The Division may decline to make a practice ruling. Where the Division declines to make a practice ruling, it will provide notice in writing of its

decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

#### Requests for review

- 9.6 A person the subject of a sanction imposed under Part 8 of these procedures other than one imposed under clause 8.56, paragraph (e), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation.
- 9.7 A review under clause 9.6 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
  - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
  - c) that the council has failed to comply with a requirement under these procedures in imposing a sanction.
- 9.8 A request for a review made under clause 9.6 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 9.9 The Division may decline to conduct a review, where the grounds upon which the review is sought are not sufficiently specified.
- 9.10 The Division may undertake a review of a matter without receiving a request under clause 9.6.
- 9.11 The Division will undertake a review of the matter on the papers. However the Division may request that the complaints coordinator provide such further information that the Division considers reasonably necessary for them to review the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the Division.
- 9.12 The Division will notify the person who requested the review and the complaints coordinator of the outcome of the Division's review in writing and the reasons for its decision. In doing so, the Division may comment on any other matters the Division considers to be relevant.
- 9.13 Where the Division considers that the investigator or the council has erred, the Division may recommend that a decision to impose a sanction under these procedures be reviewed.
- 9.14 In the case of a sanction implemented by the general manager or Mayor under clause 8.42, where the Division recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator will provide a copy of the Division's determination in relation to the matter to the general manager or the Mayor, and

- b) the general manager or Mayor will review any action taken by them to implement the sanction, and
- c) the general manager or Mayor will consider the Division's recommendation in doing so.

9.15 In the case of a sanction imposed by the council by resolution under clause 8.55, where the Division recommends that the decision to impose a sanction be reviewed:

- a) the complaints coordinator will, where practicable, arrange for the Division's determination to be tabled at the next ordinary council meeting, and
- b) the council will:
  - i. review its decision to impose the sanction, and
  - ii. consider the Division's recommendation in doing so, and
  - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

9.16 Where having reviewed its previous decision in relation to a matter under clause 9.15, the council resolves to reaffirm its previous decision the council must state in its resolution its reasons for doing so.

## **PART 10 PROCEDURAL IRREGULARITIES**

10.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct except as may be otherwise specifically provided under the code of conduct.

10.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:

- a) the non-compliance is isolated and/or minor in nature, or
- b) reasonable steps are taken to correct the non-compliance, or
- c) reasonable steps are taken to address the consequences of the non-compliance.

## **PART 11 PRACTICE DIRECTIONS**

11.1 The Division may at any time issue a practice direction in relation to the application of these procedures.

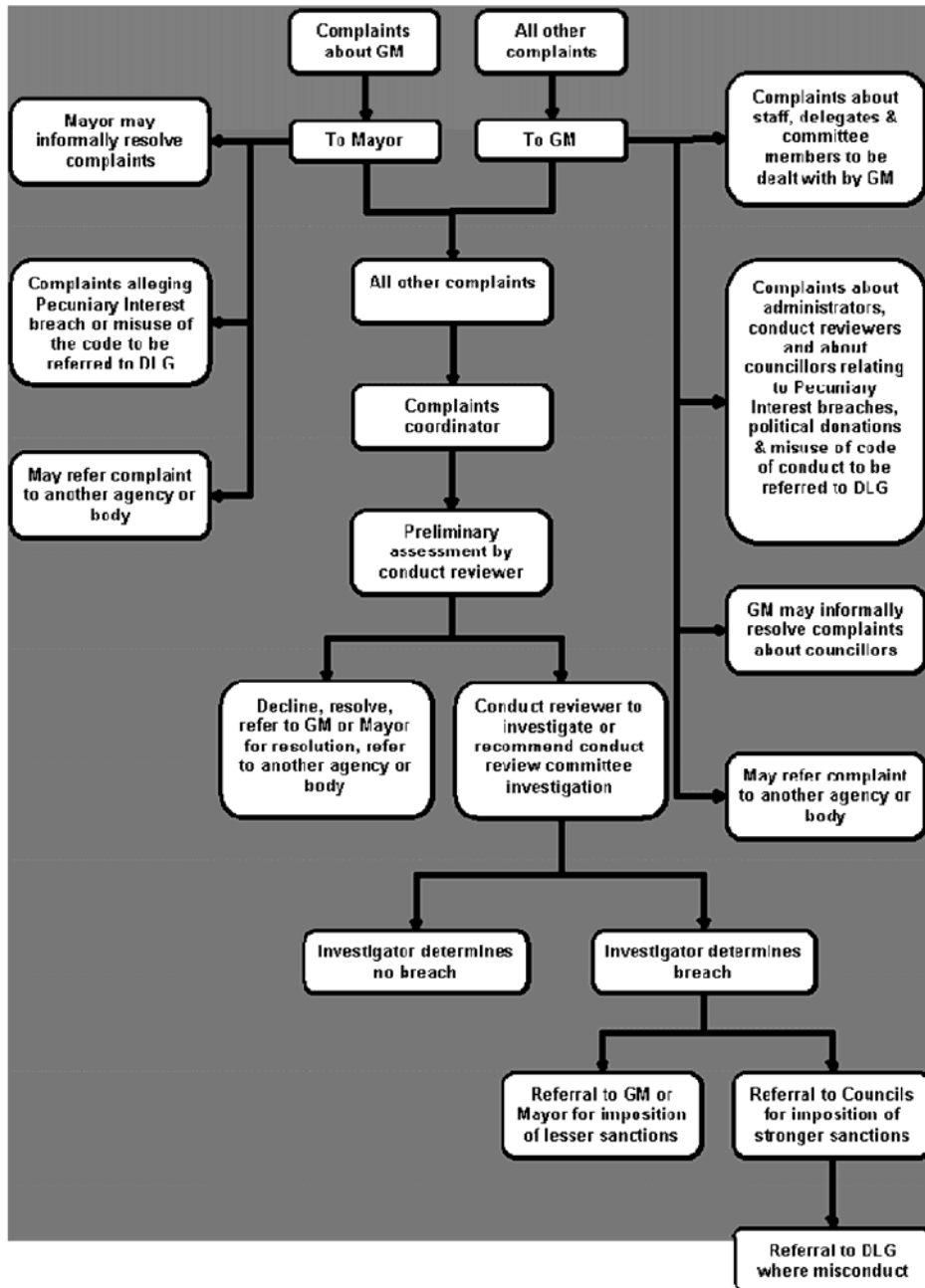
11.2 The Division will issue practice directions in writing, by circular to all councils.

11.3 All persons performing a function prescribed under these procedures must consider the Division's practice directions when performing the function.

**PART 12 REPORTING ON COMPLAINTS STATISTICS**

- 12.1 The complaints coordinator will arrange for the following statistics to be reported to the council within 3 months of the end of each financial year:
- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct,
  - b) the number of code of conduct complaints referred to a conduct reviewer,
  - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints,
  - d) the number of code of conduct complaints investigated by a conduct reviewer,
  - e) the number of code of conduct complaints investigated by a conduct review committee,
  - f) without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures,
  - g) the number of matter reviewed by the Division and, without identifying particular matters, the outcome of the reviews.
- 12.2 The council is to provide the Division with a report containing the statistics referred to in clause 12.1 within 3 months of the end of each financial year.

Model Code Procedure Flowchart





# **Proposed Amendments to the Local Government Act 1993 to Support the Revised Model Code of Conduct**

**May 2012**

## INTRODUCTION

The purpose of this document is to provide an indication of how proposed amendments to the Local Government Act 1993 to support the revised Model Code of Conduct for Local Councils in NSW may look. This document has been prepared by the Division of Local Government for consultation purposes only to assist you to provide feedback on the drafting of the proposed amendments.

The proposed amendments are highlighted in bold. Existing headings in the legislation are also in bold. Proposed amendments to headings in the legislation are underlined.

The proposed amendments outlined in this document are indicative only and may not reflect any final amendments that may be made to the Act. Your comments will assist us to provide drafting instructions to the Parliamentary Counsel's Office.

Ultimately any final proposed amendments will need to be approved by Cabinet, drafted by the Parliamentary Counsel's Office and passed by both Houses of Parliament.

### **Proposed amendment to section 10A**

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
  - (a) the discussion of any of the matters listed in subclause (2), or
  - (b) the receipt or discussion of any of the information so listed.
  
- (2) The matters and information are the following:
  - (a) personnel matters concerning particular individuals (other than councillors),
  - (b) the personal hardship of any resident or ratepayer,
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret,
  - (e) information that would, if disclosed, prejudice the maintenance of law,
  - (f) matters affecting the security of the council, councillors, council staff or council property,

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
  - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
  - (i) **a matter dealt with under the council's code of conduct adopted under section 440(3).**
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

#### **Proposed amendments to sections 439 and 440**

##### **439 Conduct of councillors, administrators, staff and delegates**

- (1) Every councillor, **administrator**, member of staff of a council and delegate of a council must act honestly and exercise a reasonable degree of care and diligence in carrying out his or her functions under this or any other Act.
- (2) Although this section places certain duties on councillors, **administrators**, members of staff of a council and delegates of a council, nothing in this section gives rise to, or can be taken into account in, any civil cause of action.

##### **440 Codes of conduct**

- (1) The regulations may prescribe the following:
- (a) a model code of conduct (the model code) applicable to councillors, **administrators**, members of staff of councils and delegates of councils,
  - (b) **procedures for the administration of the model code (model code procedures), and**
  - (c) **arrangements for the implementation of the model code and model code procedures.**
- (2) Without limiting what may be included in the model code, the model code may:
- (a) relate to any conduct (whether by way of act or omission) of a councillor, **administrator**, member of staff or delegate in carrying out his or her functions that is likely to bring the council or holders of civic office into disrepute, and



- (b) in particular, contain provisions for or with respect to conduct specified in Schedule 6A.
- (3) A council must adopt a code of conduct (the adopted code) **and procedures for the administration of the adopted code (the adopted code procedures)** that incorporate the provisions of the model code **and the model code procedures respectively**. The adopted code **and adopted code procedures** may include provisions that supplement the model code **and model code procedures**.
- (4) A council's adopted code **and adopted code procedures** have no effect to the extent that they are inconsistent with the model code and **the model code procedures** as in force for the time being.
- (5) Councillors, **administrators**, members of staff and delegates of a council must comply with the applicable provisions of:
- (a) the council's adopted code, except to the extent of any inconsistency with the model code as in force for the time being, and
- (b) the model code as in force for the time being, to the extent that:
- (i) the council has not adopted a code of conduct, or
- (ii) the adopted code is inconsistent with the model code, or
- (iii) the model code contains provisions or requirements not included in the adopted code.
- (6) A provision of a council's adopted code is not inconsistent with the model code merely because the provision makes a requirement of the model code more onerous for persons required to observe the requirement.
- (7) A council must, within 12 months after each ordinary election, review its adopted code **and adopted code procedures** and make such adjustments as it considers appropriate and as are consistent with this section.
- (8) **The Director General may issue:**
- (a) **practice directions to provide procedural guidance to councils on the administration of their adopted codes of conduct.**
- (b) **practice rulings on questions of procedure in relation to particular matters being dealt with under a council's adopted code.**
- (9) **A council and any person exercising a function under a council's adopted code procedures must comply with a practice direction or practice ruling issued by the Director General.**
- (10) **The Director General may authorise a member of staff of the Department to exercise a function of the Department that is prescribed under the model code procedures.**

- (11) Nothing in this section or such a code gives rise to, or can be taken into account in, any civil cause of action, but nothing in this section affects rights or liabilities arising apart from this section.

### **Proposed amendments to the current misbehaviour provisions**

#### **Division 3 Misconduct**

##### **440F Definitions**

- (1) In this **Chapter**:

***administrator* means a person appointed under section 256**

***Disciplinary action* means any of the following:**

- (a) disciplinary action by the Director General under section 440K**
- (b) suspension of a councillor from civic office by the Director General under section 440L**
- (c) a decision by the Pecuniary Interest and Disciplinary Tribunal under section 482A**

***Misconduct* of a councillor means any of the following:**

- (a) a contravention by the councillor of this Act or the regulations,**
- (b) a failure by the councillor to comply with an applicable requirement of a code of conduct as required under section 440 (5),**
- (c) an act of disorder committed by the councillor at a meeting of the council or a committee of the council,**
- (d) a failure to comply with an order made by the Director General under this Division.**

but does not include a contravention of the disclosure requirements of Part 2.

***Pattern of misconduct* means a pattern of conduct that comprises of more than one incident of misconduct.**

Note. A contravention of the disclosure requirements of Part 2 is dealt with under other provisions of this Chapter.

- (2) A reference in this **Chapter** to **misconduct** or an incident of **misconduct** includes a reference to **misconduct** that consists of an omission or failure to do something.

**440G Formal censure of councillor for misconduct**

- (1) A council may by resolution at a meeting formally censure a councillor for **misconduct**.
- (2) A formal censure resolution may not be passed except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360 and, if applicable, the council's code of meeting practice.
- (3) A council may pass a formal censure resolution only if it is satisfied that the councillor has **engaged in misconduct** on one or more occasions.
- (4) The council must specify in the formal censure resolution the grounds on which it is satisfied that the councillor should be censured.
- (5) A motion for a formal censure resolution may, without limitation, be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

**440H How may the process for disciplinary action under this Division be initiated?**

- (1) The process for **disciplinary action under this Division** may be initiated by:
  - (a) a request made by the council by resolution communicated to the Director-General, in which the council states its belief that grounds may exist that warrant the councillor's suspension, or
  - (b) **a referral by the general manager where such a referral is required under section 328B or the model code procedures, or**
  - (c) **at the Director-General's own motion, or**
  - (d) a request made by the Director-General to the council for a report from the council in relation to the councillor's alleged **misconduct**, or
  - (e) a report made by the Ombudsman in which the Ombudsman states that the Ombudsman is satisfied that grounds exist that warrant **disciplinary action under this Division**, or
  - (f) a report made by the Independent Commission Against Corruption in which the Commission recommends that consideration be given to **disciplinary action** under this Division.
- (2) **The process for disciplinary action under this Division cannot be initiated by a request made by the council unless the councillor has:**
  - (a) **been formally censured for the misconduct in question, or**
  - (b) **been expelled from a meeting of the council or a committee of the council for the incident of misconduct in question.**

- (3) The council must make a report to the Director-General requested under subsection (1)(c) before the date specified in the Director-General's request or any later date allowed by the Director-General.
- (4) This section authorises such requests and reports to be made, and a reference in this section to a report made by the Independent Commission Against Corruption or the Ombudsman is a reference to a report made to the Director-General under the authority of this subsection or under any other provisions of this or any other Act.
- (5) Nothing in this section affects any function under any other provisions of this or any other Act that authorises the making of a report or recommendation concerning suspension of a councillor from civic office.

**440I What are the grounds on which disciplinary action may be taken against a councillor?**

The grounds on which disciplinary action may be taken against a councillor under this Division are that the councillor's conduct has involved one or more incidents of misconduct or a pattern of misconduct.

**440J Preparation of a departmental report a prerequisite to disciplinary action**

- (1) The Director-General may arrange for a departmental report to be prepared into the matters initiated under section 440H.
- (2) The Director-General may authorise a member of the staff of the Department to conduct an investigation into any or all of those matters to assist in the preparation of the departmental report.
- (3) A member of staff authorised to conduct an investigation under subsection (2) may require a councillor or member of staff of a council to:
  - (a) give a statement of information,
  - (b) produce any document or other thing, or
  - (c) give a copy of any document.
- (4) The preparation of a departmental report is a prerequisite to a decision by the Director-General to take disciplinary action against a councillor, but is not necessary if the Independent Commission Against Corruption or the Ombudsman states in a report that the Commission or Ombudsman is satisfied that grounds exist that warrant disciplinary action against the councillor

- (5) In this Division, departmental report means a report prepared by a person authorised by the Director-General to do so.

**440K Disciplinary action by the Director General**

- (1) The Director General may by order in writing take one or more of the disciplinary actions against a councillor referred to in subsection (2):
- (a) if the Director-General has considered a departmental report into the matters concerned and is satisfied that grounds exist that warrant disciplinary action against the councillor, or
  - (b) if the Independent Commission Against Corruption or the Ombudsman states in a report that the Commission or Ombudsman is satisfied that grounds exist that warrant disciplinary action against the councillor.
- (2) For the purposes of subsection (1), the Director-General may take one or more of the following disciplinary actions against the councillor:
- (a) counsel the councillor.
  - (b) reprimand the councillor
  - (c) make public findings of misconduct
  - (d) require the councillor to apologise to any person adversely affected by the conduct that constitutes an incident of misconduct
  - (e) require the councillor to take such action specified in the order
  - (f) suspend the councillor's right to be paid any fee or other remuneration to which the councillor would otherwise be entitled as the holder of the civic office in respect of a period not exceeding 3 months.
- (3) A copy of the order must be served on the councillor.
- (4) A failure by a councillor to comply with a requirement under an order issued by the Director General under this section will constitute grounds for suspension from civic office by the Director General or referral to the Pecuniary Interest and Disciplinary Tribunal.

**440L Suspension by Director-General for misconduct**

- (1) The Director-General may by order in writing suspend a councillor from civic office for a period not exceeding **three months**:
- (a) if the Director-General has considered a departmental report into the matters concerned and is satisfied that grounds exist that warrant the councillor's suspension, or
  - (b) if the Independent Commission Against Corruption or the Ombudsman states in a report that the Commission or

Ombudsman is satisfied that grounds exist that warrant the councillor's suspension.

- (2) A copy of the order must be served on the councillor.
- (3) A councillor, while suspended from civic office under this section:
  - (a) is not entitled to exercise any of the functions of the civic office, and
  - (b) is not entitled to any fee or other remuneration to which he or she would otherwise be entitled as the holder of the civic office.
- (4) **The Director General may take into consideration previous incidents of misconduct by the councillor when determining whether to suspend the councillor from civic office.**

#### **440M When does an order of suspension take effect?**

The period of suspension under an order made by the Director-General commences on the date 7 days after the service of the order on the councillor or the date specified in the order for the commencement of the period of suspension, whichever is the later.

#### **440N Appeals against disciplinary action by the Director General**

- (1) A councillor against whom an order of **disciplinary action** or suspension is made by the Director-General may appeal against the order to the Pecuniary Interest and Disciplinary Tribunal.
- (2) Such an appeal may not be made more than 28 days after the date the order was served on the councillor.
- (3) The Tribunal may stay the order of suspension until such time as the Tribunal determines the appeal.
- (4) The Tribunal may:
  - (a) confirm the order, or
  - (b) quash the order, or
  - (c) amend the order consistently with the powers of the Director-General.
- (5) If the order is quashed, any fee or other remuneration withheld is payable to the councillor.
- (6) If the order is amended, the order as amended has effect as if it had been made in that form by the Director-General.
- (7) The regulations may make provision for or with respect to the making, hearing and determination of appeals under this section.

**440O Referral of matters to Pecuniary Interest and Disciplinary Tribunal**

- (1) The Director-General may refer a matter **initiated** under section 440H for consideration by the Pecuniary Interest and Disciplinary Tribunal instead of **taking disciplinary action** against the councillor concerned under this Division.
- (2) The preparation and consideration of a departmental report is not a prerequisite to a decision by the Director-General to refer a matter to the Tribunal, but the Director-General may take into consideration a departmental report into the matter if one is prepared.
- (3) A matter is referred to the Tribunal under this section by means of a report presented to the Tribunal by the Director-General. A report may contain or be accompanied by such material and observations as the Director-General thinks fit.
- (4) The regulations may make provision for or with respect to the reference of matters to the Tribunal under this section.

**440P Are there alternatives to disciplinary action under this Division or referral to Pecuniary Interest and Disciplinary Tribunal?**

- (1) The Director-General may, after considering a matter **initiated** under section 440H and any relevant departmental report prepared under section 440J, decide to take no further action on the **matter**, whether or not a departmental investigation or departmental report has been authorised, started or completed, if satisfied that no further action is warranted.
- (2) The Director-General may, instead of **taking disciplinary action against a councillor** under this Division or referring the matter to the Pecuniary Interest and Disciplinary Tribunal, refer the matter to the council with recommendations as to how the council might resolve the matter, by alternative dispute resolution or otherwise.

**440Q Expenses to be borne by council**

- (1) The Director-General may recover the reasonable expenses incurred by or in respect of the Department in considering and dealing with a request made by a council under section 440H from the council, including the expenses of any departmental investigation and departmental report into the matters raised by or connected with the request.
- (2) The Director-General may make a determination of the amount of the expenses referred to in subsection (1) and serve a notice on the council requiring the amount so determined be paid in recovery of the Department's expenses.

- (3) An amount equal to the expenses as so determined is payable to the Department as a debt by the council concerned, except as determined by the Director-General.
- (4) The council may apply to the Administrative Decisions Tribunal for a review of whether any part of the expenses so determined are not reasonable expenses.
- (5) The Director-General must give effect to any decision of the Tribunal on a review of the determination of the amount of the expenses.
- (6) A reference in this section to expenses incurred includes a reference to remuneration paid to departmental staff.

#### **440Q Reasons to be given**

- (1) The Director-General is required to prepare a written statement of reasons for:
  - (a) **disciplinary action taken under section 440K,**
  - (b) **imposing a period of suspension,**
  - (c) **a decision to take no action**
  - (d) referring a matter to the Pecuniary Interest and Disciplinary Tribunal.
- (2) The statement of reasons is to be provided to the council and councillor concerned.
- (3) **The Director General may make the written statement of reasons public.**

#### **Proposed amendments to section 482A**

##### **482A Decision of Pecuniary Interest and Disciplinary Tribunal—misconduct matters**

- (1) This section applies where a matter has been referred to the Pecuniary Interest and Disciplinary Tribunal under section 440O.
- (2) The Tribunal may, if it finds that the **conduct** concerned warrants action under this section:
  - (a) counsel the councillor, or
  - (b) reprimand the councillor, or
  - (c) suspend the councillor from civic office for a period not exceeding 6 months, or
  - (d) **disqualify the councillor from holding civic office for a period not exceeding 5 years, or**
  - (e) suspend the councillor's right to be paid any fee or other remuneration, to which the councillor would otherwise be entitled as the holder of the civic office, in respect of a period not



exceeding 6 months (without suspending the councillor from civic office for that period).

- (3) **The Tribunal may take into consideration previous incidents of misconduct by the councillor when determining what action to take under this section.**

**Proposed amendment to section 661**

**275 Who is disqualified from holding civic office?**

- (1) A person is disqualified from holding civic office:
- (a) while disqualified from being an elector, or
  - (b) while a judge of any court of the State or the Commonwealth, or
  - (c) while serving a sentence (including a sentence the subject of an intensive correction order) for a serious indictable offence or any other offence, except a sentence imposed for a failure to pay a fine, or
  - (d) if he or she is while holding that office, or has been within 2 years before nomination for election, election or appointment to the office, convicted of an offence under the regulations made for the purposes of section 748 (3), or
  - (e) if he or she is while holding that office, or has been within 5 years before nomination for election, election or appointment to the office, convicted of an offence referred to in Part 4 of the Crimes Act 1900 (Offences relating to property), or
  - (f) while a surcharge, payable by the person under Part 5 of Chapter 13 and not paid within 6 months after it became payable, remains unpaid, or
  - (g) while disqualified from holding a civic office under a provision of this Act or Part 4A of the Crimes Act 1900 (Corruptly receiving commissions and other corrupt practices), or
  - (h) while disqualified from managing a corporation under Part 2D.6 of the Corporations Act 2001 of the Commonwealth, **or**
  - (i) **while disqualified from holding civic office by an order by the Pecuniary Interest and Disciplinary Tribunal made under section 482 or section 482A.**
- (2) A person is disqualified from holding civic office on a council if he or she is an employee of the council or holds an office or place of profit under the council.
- (3) A person is not disqualified from holding a civic office only because, while holding the civic office, the person ceases to be a resident in the area, to own property in the area or to be an occupier or ratepaying lessee of rateable land in the area.
- (4) A person is taken not to be disqualified from holding civic office if the Administrative Decisions Tribunal, in proceedings under section 329,

has refused to order the dismissal of the person in circumstances to which subsection (4) of that section applies.

Note. If a person while holding civic office becomes subject to disqualification under this section, the office becomes vacant under section 234.

### **Proposed amendment to section 329**

#### **329 Can the holder of a civic office be dismissed?**

- (1) Any person may apply to the Administrative Decisions Tribunal for an order that a person be dismissed from civic office.
- (2) On any such application, the Tribunal may order the dismissal of a person from civic office:
  - (a) if there has been any irregularity in the manner in which the person has been elected or appointed to that office, or
  - (b) if the person is disqualified from holding civic office.
- (3) Proceedings based on the ground that there has been an irregularity in the manner in which a person has been elected or appointed to civic office may not be commenced more than 3 months after the date of the person's election or appointment to that office.
- (4) If the proceedings are based on the ground that a person is disqualified from holding civic office, the Tribunal may refuse to order the dismissal of the person from that office if it is satisfied:
  - (a) that the facts and circumstances giving rise to the disqualification are of a trifling character, and
  - (b) that the acts which gave rise to that disqualification were done in good faith and without knowledge that the person would incur disqualification by doing those acts.
- (5) Subsection (4) does not apply to a person who is disqualified from holding civic office by a decision of the Pecuniary Interest and Disciplinary Tribunal under section 482 **or section 482A** or by a decision of the Governor under section 440B.
- (6) The Tribunal may award costs under section 88 of the Administrative Decisions Tribunal Act 1997 in respect of proceedings commenced by an application made under this Part.

### **Proposed amendment to section 661**

#### **661 Failure to comply with certain directions**

A person who fails, without lawful excuse, to comply with a direction given to the person under Part 3 or 5 of Chapter 13 **or Part 1 of Chapter 14** by a person authorised to give the direction is guilty of an offence.

Maximum penalty: 20 penalty units.

### **Proposed amendment to Part 8A of Chapter 10**

#### **Part 8A Political donations**

##### **328A General manager to keep register of political donation disclosures**

- (1) The general manager is required to keep a register of copies of current declarations of disclosures of political donations lodged with the Election Funding Authority by or on behalf of councillors of the council concerned (including in their capacity as candidates for election as councillors).
- (2) For the purposes of this section, current declarations of disclosures of political donations are declarations lodged under Part 6 of the **Election Funding, Expenditure and Disclosures Act 1981** in respect of the relevant disclosure period that includes the date of the last election (other than a by-election) and all subsequent relevant disclosure periods.

Note. Part 6 of the **Election Funding, Expenditure and Disclosures Act 1981** makes provision for disclosure by councillors and candidates for civic office (and parties registered in connection with local government elections) of political donations and electoral expenditure.

##### **328B Reference by general manager to Director-General of political donation matters**

- (1) If the general manager reasonably suspects that a councillor has not complied with the provisions of the code of conduct under section 440 relating to the disclosure of political donations or the manner of dealing with any perceived conflict of interest in relation to political donations, the general manager is to refer the matter to the Director-General.
- (2) Any such matter may be referred by the Director-General to the Pecuniary Interest and Disciplinary Tribunal.
- (3) **Any such matter is taken (for the purposes of this Act) to be referred to the Tribunal under section 440O.**

### **Other consequential amendments**

All other references in Chapter 14 to “misbehaviour” are to be amended to refer instead to “**misconduct**”.

All references in Chapter 14 to section “440N” in relation to the referral of matters to the Tribunal are to be amended to refer instead to “**section 440O**”

### **Consequential amendments to the Local Government (General) Regulation 2005**

#### **Division 4 Conduct generally**

##### **193 Code of conduct**

- (1) For the purposes of section 440 (Codes of conduct) of the Act:
  - (a) the Code called The Model Code of Conduct for Local Councils in NSW, as published in the Gazette on [XX] 2012, is prescribed as the model code of conduct, and
  - (b) **the procedures called Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, as published in the Gazette on [XX] 2012, is prescribed as the model code procedures.**
- (2) **Councils may use conduct reviewers appointed to a panel established by an organisation prescribed under this Regulation for the purposes of implementing the model code and model code procedures.**

#### **Division 5 Appeals against suspension**

##### **195 Making of appeal**

An appeal under section **440N** of the Act is to be made:

- (a) in accordance with any relevant procedures set out in the Pecuniary Interest and Disciplinary Tribunal Procedure Manual published by the Pecuniary Interest and Disciplinary Tribunal, as in force from time to time, or
- (b) if there are no such relevant procedures (or no such manual)—by giving written notice of the appeal to that Tribunal.



# COMMUNITY FACILITIES STRATEGY

SUMMARY REPORT

JUNE 2012



Wyong Shire Council

# COMMUNITY FACILITIES STRATEGY SUMMARY REPORT

**Version: 2**  
**Community & Cultural Development Unit**

**June 2012**

© Wyong Shire Council  
Wyong Shire Council  
2 Hely Street Wyong  
PO Box 20 Wyong NSW 2259  
P 02 4350 5555 F 02 4351 2098  
E [wsc@wyong.nsw.gov.au](mailto:wsc@wyong.nsw.gov.au)  
W [www.wyong.nsw.gov.au](http://www.wyong.nsw.gov.au)

## INTRODUCTION

Wyong Shire Council currently provides a network of 100 community facilities throughout the Shire for the benefit of the community. Community facilities make a fundamental contribution to our communities in the following key areas:

- They provide a space for groups to interact which supports the building of, community connections, participation and ownership.
- They provide suitable spaces to deliver services, programs and activities to meet the social needs of the community and build community capacity. This includes a range of educational, lifelong learning, recreational, leisure, cultural, skills development and social activities and programs for residents of all ages and backgrounds.

This Strategy focuses on Council owned facilities that are located within the asset ownership of the Community and Recreation Services Directorate. These include community halls, community centres, youth centres, senior citizen centres, arts and cultural centres, heritage buildings, community cottages, libraries, child care centres, scout and guide halls, recreation centres, recreation clubhouses and surf clubs. Council facilities that are not within the scope of this Strategy include swimming pools, tourist information centres, amenities blocks (buildings with change rooms, toilets, canteen and storage room), public toilets and buildings that are used for commercial purposes. A “community facility” refers to both the building and the activities provided within the building to meet the needs of the community.

Community facilities represent a significant proportion of Council’s asset portfolio (estimated value of \$91M) and as a community resource they represent a strong financial commitment by Council to improve residents quality of life.

Council has a responsibility to manage community facilities to ensure that they are:

- effective in meeting current and future community needs and expectations;
- well maintained and well utilised; and
- being developed and managed sustainably.

The *Community Facilities Strategy* provides a review and assessment of the current provision and operation of community facilities and a strategic framework to guide decision-making about the sustainable provision, development and management of community facilities over the longer term. The aim is to position the community facilities asset portfolio to better serve the needs and expectations of the community in the future.

The Strategy is needed for the following reasons:

- Ageing infrastructure.
- Facilities are not suited to meet the needs and expectations of the community.
- We need to cater for the Shire’s growing population.
- Demand exceeds financial resources available to provide new or upgrade facilities.

- High maintenance and recurrent costs for existing facilities are not sustainable, with the level of expenditure not sufficient to satisfy the community or overcome known defects in a timely manner.
- Improve how facilities are provided, managed and operated (look at better practice).
- Increase utilisation.
- Understand the nature of tenure agreements.
- Establish baseline data to be able to make informed decisions in relation to asset management.
- Establish a strategic direction for community facilities – vision and guiding principles, consistent approach to inform future asset strategies.

In addition, Council's *Community Strategic Plan (2030)* identifies a number of priority objectives and actions that are specific to the provision of community facilities, services, programs and activities. These include:

- Communities having access to a diverse range of affordable and co-ordinated facilities, programs and services.
- Communities being vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.
- The community being well educated, innovative and creative at all stages of life.

This Plan identified the need for higher levels of maintenance of existing assets and the development of new facilities for the growing population.

To develop this Strategy, the following stages and tasks were undertaken:

#### BACKGROUND

- Defined Scope and Content.
- Defined Purpose.
- Examined Role and Importance.
- Outlined Strategic Alignment.

#### NEEDS ASSESSMENT

- Analysed current and projected population and demographic trends.
- Reviewed engagement findings from key social, cultural and recreational strategies and plans to identify needs in relation to community facilities.
- Reviewed key land use and town centre planning strategies to identify future growth and development areas within the Shire.
- Considered benchmarks for facility provision.

#### CURRENT PROVISION

- Reviewed all relevant registers and existing spreadsheets/databases to develop a centralised and integrated database linking corporate, financial and asset management systems (key information on each facility, photos, floor plans and location map).



- Inspected facilities to provide a general assessment of facility location, accessibility, the structural condition of the building and identified strengths, issues and opportunities (SWOT analysis).
- Mapped the location and spatial distribution of facilities.
- Conducted 98 telephone surveys with key service providers and a representative sample of user groups to seek feedback on the provision and use of facilities, levels of service, and to identify strengths, weaknesses and gaps.
- Conducted 29 written surveys with 355 Committees to seek feedback on the provision, use, strengths and weaknesses of the facility, levels of service, compliance with 355 Code of Practice and, to understand current and future operational and support needs.
- Reviewed the current utilisation of facilities.
- Created a system in Pathways to link utilisation of Council managed facilities to the booking system.
- Prepared an inventory of privately owned facilities available for community use (clubs, resorts, schools and churches).
- Held meetings/workshops with key staff.
- Analysed information and identified key issues and opportunities, gaps in provision.

#### STRATEGIC DIRECTION

- Developed a Vision.
- Developed Guiding Principles.
- Considered best practice research.
- Established guidelines for new facilities, embellishment and rationalisation.
- Developed a Review of Asset Portfolio (RAP) Assessment Tool (with internal working group) to assist Council in its decision making.

#### OPERATIONAL REVIEW

- Reviewed current operational policies, procedures and systems.
- Identified key issues and opportunities.
- Held meetings/workshops with key staff.
- Benchmarked fees and charges with other Councils (Gosford, Lake Macquarie, Newcastle, Hornsby and Wollongong).
- Established recommendations.

#### STRATEGY DEVELOPMENT

- Prepared Strategy, including an implementation plan.
- Held Councillor Briefings in December 2011 and April 2012.
- Invited community comment on the Strategy in May 2012.

The Community Facilities Strategy has been project managed by the Community & Cultural Development Unit. The development of the Strategy has been overseen by a Project Control Group which has included representatives from the following units: Community & Cultural Development, Community Buildings, Sport Leisure and Recreation, Asset Management, Economic & Property Development and Major Projects, and sponsored by the Director Community and Recreation Services.

## STRATEGIC REVIEW

### Overview of Wyong Shire and Community Needs

Wyong Shire's population now exceeds 150,000 people and is projected to grow to around 200,000 people over the next 20 years. Most of this growth will occur within development precincts in Warnervale and Wadalba (short to medium term). In the longer term (beyond next 10 years) development areas will be located in the northern part of the Shire. Growth is also anticipated in the key town centres of Wyong, The Entrance and Toukley.

The current and future demographic profile will place significant demands on community facilities and services. The Shire is characterised by a unique age structure with high proportions of young and older residents and a projected ageing population. The Shire also has a large proportion of families and individuals requiring support. The relatively low socio-economic status of the population has implications for access and affordability.

A network of quality community facilities within Wyong Shire will be required to better meet the needs of the current and future population and to improve the Shire's profile of relative socio-economic disadvantage. Provision of local and district facilities will be important given the combination of a dispersed settlement pattern and limited public transport services.

Council's community facilities will need to accommodate a range of services, programs and activities for all age groups. This includes the provision of suitable space for programs that increase participation and build capacity among all ages; encourage and enhance neighbourhood connections; cultural development programs and activities (performance, visual art, music and events); focus on active and healthy lifestyles and positive ageing; children and family support/parenting programs; encourage lifelong learning, education, training and skills development. Council often assumes a facilitator role with other levels of government, non government agencies and the community to develop and provide these programs.

### Current Provision

Council currently provides a network of 100+ facilities throughout the Shire for the benefit of the community. Some of these facilities comprise multiple buildings (for example, The Entrance Community Centre has six buildings).

Council provides facilities that are:

- All-purpose (for example, Community Centres);
- Activity specific (for example, Libraries); or
- Group specific (for example, Youth Centres).

Community facilities have been categorised according to their current key functionality. These include:

- 26 Community Halls;
- 17 Community Centres;

- 3 Youth Centres;
- 4 Senior Citizens Centres;
- 4 Arts and Cultural Centres;
- 5 Community Cottages;
- 2 Historic buildings;
- 7 Scout and Guide Halls;
- 5 Libraries;
- 11 Child Care Centres;
- 2 Recreation Centres;
- 10 Recreation Clubhouses; and
- 4 Surf Clubs

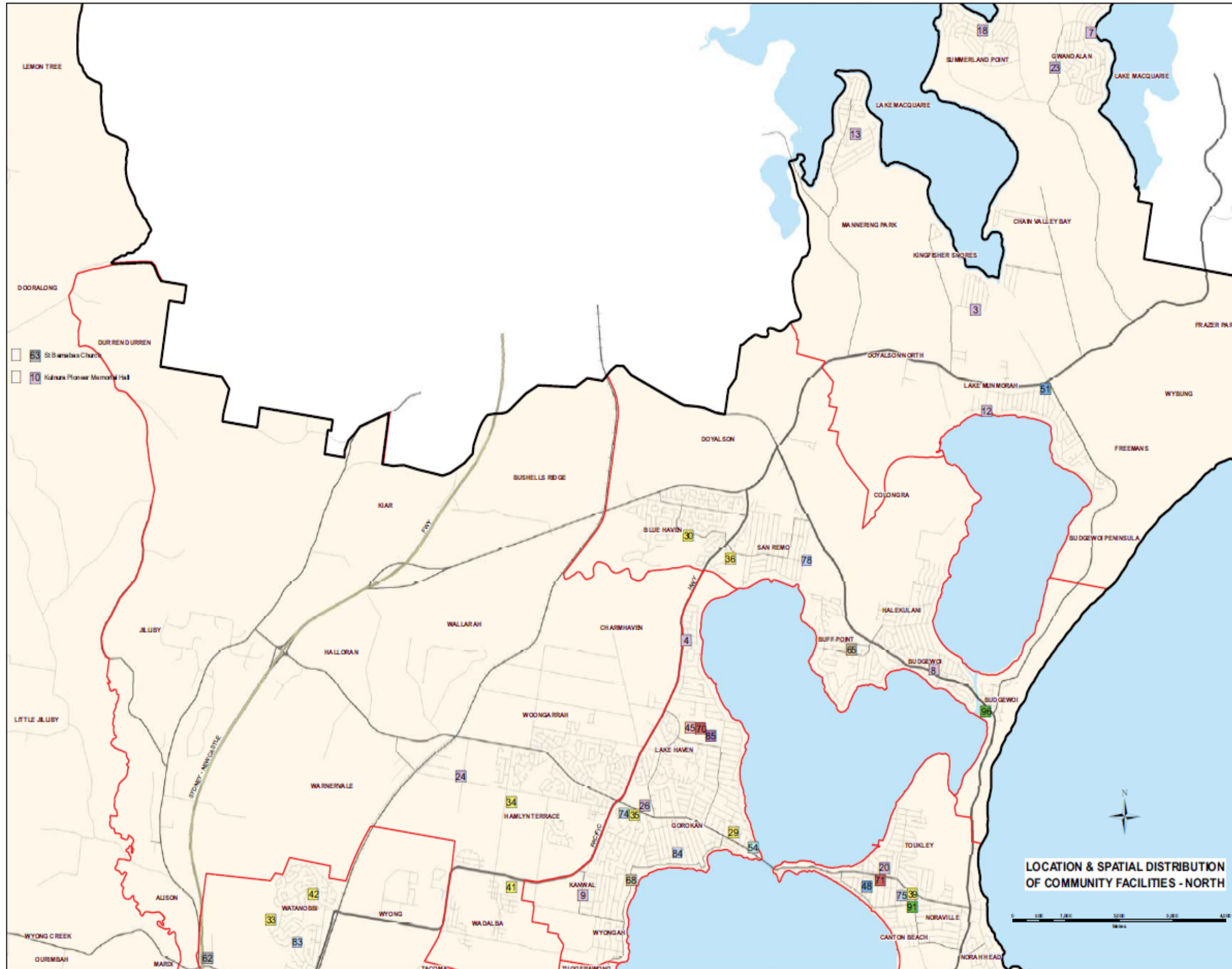
Facility provision across the Shire is based on a hierarchical model. This model is designed to service different catchment levels of population based on the type of the community building and level of service provision. The hierarchy of facilities includes:

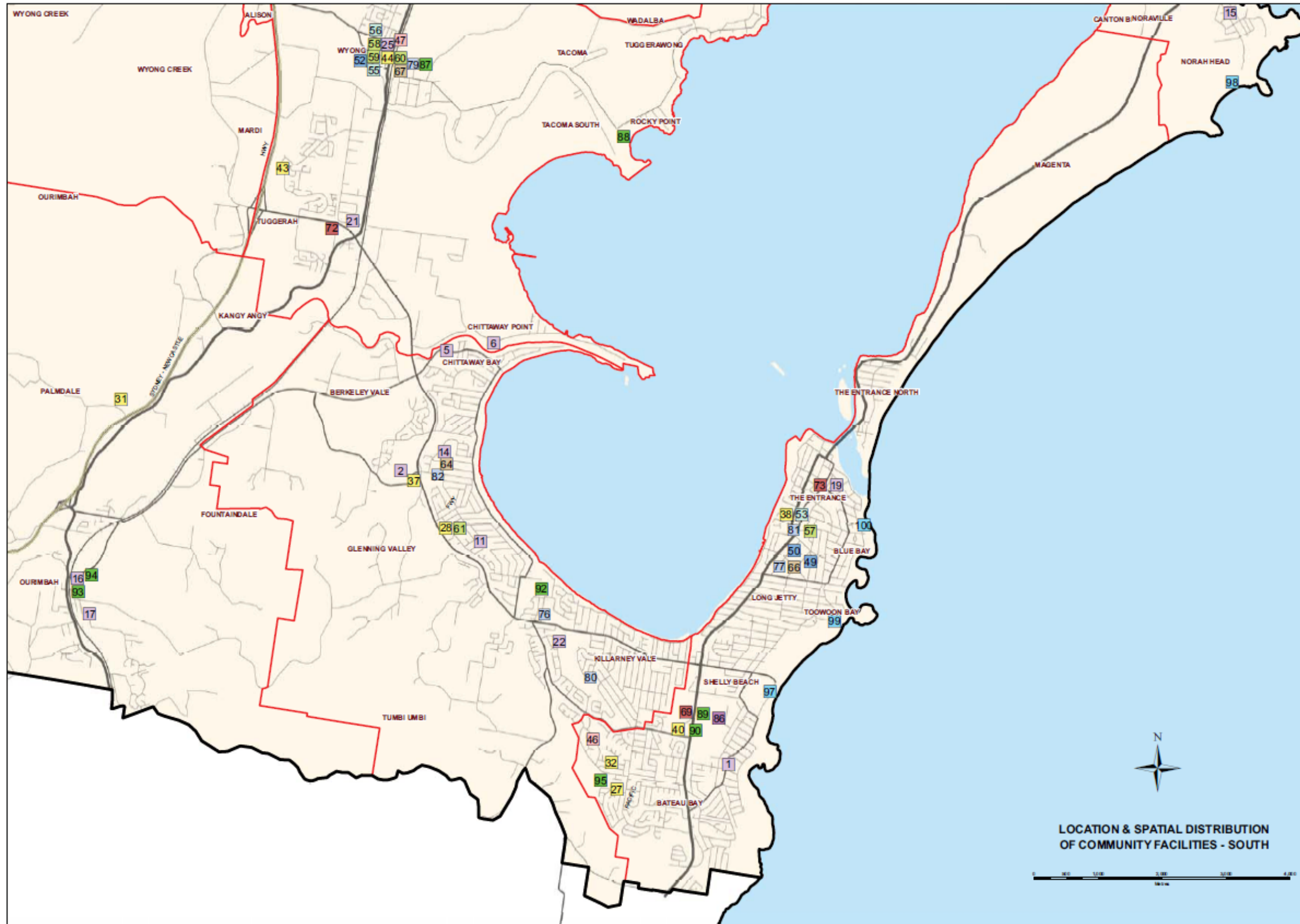
- Regional – these facilities by way of their size and/or function attract residents from across the Central Coast Region. For example, Central Coast Stadium and Regional Art Gallery.
- Shire Wide – these facilities are highly accessible facilities either offering specialised services or programs or higher level generalist services for all residents of Wyong Shire. For example, the proposed Art House.
- District – these are larger community facilities offering a wide range of programs and services. These generally cater for residents living within a social planning district and may be co-located with other urban centre functions. For example, a district multi-purpose community centre (500-600m<sup>2</sup>), children’s centre, vacation care, before and after school care, branch library, youth centre, senior citizens centre and community art/cultural centre. Examples include The Entrance Community Centre and Blue Haven Community Centre.
- Local – these are small community facilities that generally cater to residents living in the immediate area or nearby suburbs. For example, a local multi-purpose community centre (300-400m<sup>2</sup>), community hall, children’s centre and youth annex. Examples include Lakelands Community Centre, Mannering Park Community Hall and Kulnura Pioneer Memorial Hall.

The location and spatial distribution of facilities by asset class is shown in Table 1 and Map 1.

Table 1: Summary of Facilities by Social Planning District

SOCIAL PLANNING DISTRICT	COMMUNITY FACILITIES
Northern Lakes	Chain Valley Bay Community Hall, Gwandalan Community Hall, Lake Munmorah Colongra Bay Hall, Mannering Park Community Hall, Summerland Point Community Hall, Tunkawallin Community Hall, Lake Munmorah & District Senior Citizens Centre
San Remo-Budgewoi	Halekulani Hall, Blue Haven Community Centre, San Remo Neighbourhood Centre, Buff Point Scout and Guide Halls, Slade Park Oval Clubhouse, Northlakes Care and Education
Gorokan	Charmhaven Community Hall, Kanwal Community Hall, Wyong Youth and Community Hall, Beryl Street Community Centre, Lakelands Community Centre, Gravity Youth Centre, Wyongah Guide Hall, Kanwal Care and Education, Lake Haven Recreation Centre
Toukley	Norah Head Community Hall, Toukley Community Hall, Toukley Neighbourhood Centre, Toukley Senior Citizens Centre, Toukley Tourist and Art Centre, Toukley Library, Karinya Care and Education, Harry Moore Oval Clubhouse, Soldier's Beach Surf Club
Warnervale/Wadalba	Warnervale Hall, Hamlyn Terrace Community Centre, Wadalba Community Centre
Wyong	Tuggerah Community Hall, Wyong Memorial Hall, De'Lisle Community Centre, Watanobbi Community Centre, Woodbury Park Community Centre, Wyong Community Centre Complex, 3 x Community Cottages, Oasis Youth Centre, Wyong Senior Citizens Centre, Wyong Community and Cultural Centre, Alison Homestead, Wyong Scout and Guide Halls, Tuggerah Library and Council Services, Treelands Care and Education, Don Small Oval Clubhouse, Baker Park Netball Clubhouse
Southern Lakes	Berkeley Vale Sporting Complex, Chittaway Point Hall, Chittaway Bay Hall, Kurraba Hall, Myrtle Brush Hall, Tumbi Hall, Berkeley Vale Old School, The Berkeley Centre, Shannon Cottage, Berkeley Vale Scout Hall, Spotted Gum Care and Education, Tom Stone Care and Education, Adelaide St Oval Clubhouse
The Entrance	Bateau Bay Community Hall, The Entrance Band Hall, Banksia Community Centre, Cythnia St Community Centre, The Entrance Community Centre, Tuggerah Lakes Community Centre, Boomerang Cottage, The Cottage Youth Centre, Long Jetty Senior Citizens Centre, Long Jetty Meals on Wheels, Long Jetty Scout Hall/Sea Scouts Hall, Bateau Bay Library, The Entrance Library and Council Services, EDSACC Bateau Bay, EDSACC North and South Clubhouses, Sir Joseph Banks Oval Clubhouse, Shelly Beach Surf Club, The Entrance Surf Club, Toowoan Bay Surf Club
Ourimbah-Rural South	Ourimbah Neighbourhood Hall, Sohler Park Community Hall, Central Coast Care and Education Centre, Ourimbah Soccer & Rugby Clubhouses
Rural West	Kulnura Pioneer Memorial Hall, St Barnabas Church





## Legend

### Community Halls

- 1 Bateau Bay Progress Hall
- 2 Berkeley Vale Sporting Complex
- 3 Chain Valley Bay Community Hall
- 4 Charmhaven Community Hall
- 5 Chittaway Bay Hall
- 6 Chittaway Point Hall
- 7 Gwandalan Community Hall
- 8 Halekulani Hall
- 9 Kanwal Community Hall
- 10 Kurlura Pioneer Memorial Hall
- 11 Kuraba Hall
- 12 Lake Munmorah Colongra Bay Hall
- 13 Mannering Park Community Hall
- 14 Myrtle Brush Hall
- 15 Norah Head Community Hall
- 16 Ourimbah Neighbourhood Hall
- 17 Sohier Park Community Hall
- 18 Summerland Point Community Hall
- 19 The Entrance Band Hall
- 20 Toukley Community Hall
- 21 Tuggerah Community Hall
- 22 Tumbl Hall
- 23 Tunkawalin Community Hall
- 24 Warrervale Hall
- 25 Wyong Memorial Hall
- 26 Wyong Youth & Community Hall

### Community Centres

- 27 Banksia Community Centre
- 28 Berkeley Vale Old School
- 29 Beryl St Community Centre
- 30 Blue Haven Community Centre
- 31 Central Coast Care & Education Centre
- 32 Cynthia St Community Centre
- 33 DeLisle Community Centre
- 34 Hamlyn Terrace Community Centre
- 35 Lakelands Community Centre
- 36 San Remo Neighbourhood Centre
- 37 The Berkeley Centre
- 38 The Entrance Community Centre
- 39 Toukley Neighbourhood Centre
- 40 Tuggerah Lakes Community Centre
- 41 Wadalba Community Centre
- 42 Watanobbi Community Centre
- 43 Woodbury Park Community Centre
- 44 Wyong Community Centre Complex

### Youth Centres

- 45 Gravity Youth Centre
- 46 The Cottage
- 47 Oasis Youth Centre

### Senior Citizens Centres

- 48 Toukley Senior Citizens Centre
- 49 Long Jetty Senior Citizens Centre
- 50 Long Jetty Meals on Wheels
- 51 Lake Munmorah and District Senior Citizens Centre
- 52 Wyong Senior Citizens Centre

### Arts and Cultural Centres

- 53 The Entrance Gallery
- 54 Toukley Tourist and Art Centre
- 55 Wyong Community and Cultural Centre
- 56 Wyong Memorial Hall

### Community Cottages

- 57 Boomerang Cottage
- 58 3 Margaret St
- 59 Katakudu Womens Housing
- 60 Rose Cottage
- 61 Shannon Cottage

### Heritage Buildings

- 62 Alison Homestead
- 63 St Barnabas Church

### Scouts and Guide Hall

- 64 Berkeley Vale Scout Hall
- 65 Buff Point Scout & Guide Halls
- 66 Long Jetty Scout Hall / Long Jetty Sea Scouts Hall
- 67 Wyong Scout & Guides Hall
- 68 Wyongah Guide Hall

### Libraries

- 69 Bateau Bay Library
- 70 Lake Haven Library and Council Services
- 71 Toukley Library
- 72 Tuggerah Library and Council Services
- 73 The Entrance Library and Council Services

### Childcare Centres

- 74 Kanwal Care and Education Centre
- 75 Karinya Care and Education Centre
- 76 Killamey Vale Preschool
- 77 Long Jetty Preschool
- 78 Northlakes Care and Education Centre
- 79 Wyong Preschool
- 80 Spotted Gum Care and Education Centre
- 81 The Entrance Preschool
- 82 Tom Stone Care and Education Centre
- 83 Treelands Care and Education Centre
- 84 Gorokan Preschool

### Recreation Centres


- 85 Lake Haven Recreation Centre
- 86 EDSACC Bateau Bay

### Recreation Clubhouses

- 87 Baker Park Netball Clubhouse
- 88 Don Small Clubhouse
- 89 EDSACC North Clubhouse
- 90 EDSACC South Clubhouse
- 91 Harry Moore Clubhouse
- 92 Killamey Vale AFL Clubhouse
- 93 Ourimbah Rugby Clubhouse
- 94 Ourimbah Soccer Clubhouse
- 95 Sir Joseph Banks Clubhouse
- 96 Slade Park Clubhouse

### Surf Clubs

- 97 Shelly Beach Surf Lifesaving Club
- 98 Soldiers Beach Surf Lifesaving Club
- 99 Toowoan Bay Surf Lifesaving Club
- 100 The Entrance Surf Lifesaving Club

-  LGA
-  Social Planning District Boundaries





The spatial distribution of facilities shows:

- Potential oversupply of facilities in Southern Lakes and The Entrance social planning districts.
- Concentration of facilities associated with town centres, for example Wyong, The Entrance, Toukley and Lake Haven.
- Gaps in facility provision in the northern part of the Shire.
- Limited facility provision in less populated and rural areas, such as Ourimbah and Rural West social planning districts.

Other gaps identified include:

- A shortfall in the provision of library floor space and the size of the library collection, notably in The Entrance social planning district.
- A shortfall in cultural facilities for Wyong Shire including performance space, workshop space, gallery and exhibition space.
- District level community facilities in Warnervale Town Centre to meet needs of current and future population growth in Warnervale, Wadalba and northern Wyong Shire.

Extensive research and engagement with user groups, service providers and 355 Management Committees was undertaken to identify strengths, issues and opportunities. Physical inspections of facilities were conducted to provide a general assessment of facility location, accessibility and the structural condition of the building. Key findings are summarised below for each asset class.