



**Minutes of the Council Meeting held in the Council Chambers on
Wednesday, 15th March, 2017 commencing at 9:15am**

Min. No. **Present** Cr. Matthew Hannan (Mayor)

Crs: Ross Bodey, John Bruce, Denis Glanville, Colin Jones, Daryll Morris, John Taylor, Director of Corporate Services (Matthew Hansen), Director of Technical Services (Fred Exton), Development Manager (Laurie Stevens) and General Manager (Rowan Perkins).

Apology

34 **RESOLVED** Crs Glanville and Jones that an apology for non-attendance be received from Cr Bernard Curtin.

Declaration of Items of Pecuniary and other Interests

Rowan Perkins declared a non-Pecuniary Interest in Item 5.11 as is a member of the River Park Community Association.

4. CONFIRMATION OF MINUTES

35 **RESOLVED** Crs Morris and Taylor that the Minutes of the meeting held in the Council Chambers on Wednesday 15th February, 2017 be confirmed.

5.1 FINANCE – ACCOUNTS

AUTHOR: Finance Manager

STRATEGIC OUTCOME: Good government

**STRATEGIC OBJECTIVE: 2.2 Ensure effective governance
by Council of Council operations
and reporting**

36 **RESOLVED** Crs Bodey and Taylor that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 28 February 2017, be received and that the accounts paid as per Warrant No. 02/17 totalling \$3,358,113.37 be confirmed.

**5.2 POLICY FOR COMMUNICATION DEVICES AND THE
INTERNET**

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

**STRATEGIC OBJECTIVE: 2.2 Ensure effective governance
by Council of Council operations
and reporting**

FILE NO: 17.048.1

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37 **RESOLVED** Crs Glanville and Taylor that the Council:

- Revoke its Policy for Communication Devices and the Internet; and
- Adopt the Policy for Communication Devices and the Internet set out below.

COMMUNICATION DEVICES AND THE INTERNET

File Reference No: 17.048.1

Strategic Outcome: Good government

Date of Adoption: 15/03/2017

Date for Review: 17/03/2021

Responsible Officer: Director Corporate Services

1. POLICY STATEMENT

Berrigan Shire Council staff and Councillors must be efficient, economical and ethical in their use and management of public resources. Communication devices and services, such as telephones and e-mail, are public resources provided for business purposes and all users have a responsibility to ensure their proper use.

2. PURPOSE

The policy provides direction to Councillors and Council staff on appropriate use of Council-provided communication devices and the internet.

3. SCOPE

All Councillors, Council staff and volunteers with access to Council-provided communication devices and Council-provided internet access.

4. OBJECTIVE

This policy is developed to assist the Council with the following Delivery Plan Objectives:

2.2.2 Council operations support ethical, transparent and accountable corporate governance.

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5. DEFINITIONS

A communication device includes:

- Telephones
- Facsimiles
- Mobile telephones
- Computers (including but not limited to desktop personal computers, notebook or laptop computers, tablet computers [i.e iPads] and servers)
- Two-way radio devices
- Other peripheral devices such as scanners, printers, photocopiers, speakers etc.

The principles contained in this policy, however, are equally applicable to any other communication device provided by Berrigan Shire Council for business use.

The internet includes:

- Electronic Mail (E-mail),
- the World Wide Web,
- online mobile applications, and
- “peer-to-peer” networking sites

Again, the principles contained in this policy are equally applicable to any other service or platform provided via the internet.

Access to the internet may be via

- A fixed line connection
- a data connection through a mobile telephone or other device
- a satellite connection.

6. POLICY IMPLEMENTATION

6.1. Economic Use

Staff and Councillors are encouraged to use electronic means of communication where appropriate.

Computers and other electronic communication equipment should be used in as efficient a manner as possible.

6.2. Electronic Mail

Electronic mail (e-mail) is a business communication and sending it is classed as a business transaction. All e-mails sent or received via the Berrigan Shire e-mail address are the property of Berrigan Shire Council and are subject to regular monitoring and screening.

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Sending an e-mail from your network account is similar to sending a letter on the council's letterhead. E-mail transactions should be handled with the normal courtesy, discretion and formality of all council communications.

Using Council's e-mail facilities for communicating with family and friends is a limited privilege which should be negligible and not interfere with work responsibilities or business productivity. Use of Council's e-mail system for the benefit of a charity, sports, religious, trade, or industry groups is subject to the authorisation of the General Manager.

In the event that private material is received or sent from council communication devices, privacy of this material is not guaranteed. Personal e-mails that contain inappropriate material and are excessive in size or frequency may be blocked and the sender blocked from sending further e-mails to Council.

Viruses should be reported to the Technology and Innovation Officer immediately, and care needs to be taken to prevent unauthorized use of copyright material.

It is acknowledged that a user may at times receive unsolicited material which is in breach of this policy. In this event it is the duty of the user to immediately delete the offending material.

6.3. Internet use and restrictions

Using Council's internet facilities for personal use is a limited privilege which should be negligible and not interfere with work responsibilities or business productivity.

The Council has the means to monitor use of the internet on the Council's equipment or using the Council's Wi-Fi network and to restrict access to particular applications and/or sites, either on a Council-wide or a user-by-user basis.

Access to websites and/or applications will be blocked if:

- The site contains material that is racist, discriminatory, derogatory or obscene or otherwise offensive.
- Use of the site is not consistent with maintaining staff productivity. This includes, but is not limited to, online games, social networking sites, online auction sites, instant messaging applications etc.
- Use of the site or application may compromise network security or performance.

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Other sites may be blocked as determined by the Director Corporate Services on a case by case basis.

Allowing access to a blocked site or application will only be made if it can be demonstrated to the satisfaction of the Director Corporate Services that the site is:

- Related to the performance of the duties as per their job description or general responsibilities, or
- Will not affect workplace productivity or be otherwise inappropriate for a work environment.

The blocking and unblocking of websites and/or applications must only occur on the advice of the Director Corporate Services or the Finance Manager.

With the express permission of the General Manager, use of social networking sites such as Facebook and Twitter may be approved for the purposes of informing the public about Council matters. Such use will be in line with the Council's policies on the provision of information to the public.

6.4. Record Keeping

Business communications sent electronically (e.g. e-mail messages) become official records, subject to statutory record keeping requirements. Electronic records are subject to the same standards of record keeping that apply to paper records and should be filed in the relevant property and/or subject file in council's central filing system.

Some electronic records cannot be maintained in hard copy form without loss of content or meaning and are best maintained in electronic form. Such messages must be maintained in an electronic form with appropriate back-up measures instituted. Care should be taken before deleting any electronic business communication.

6.5. Security

Staff and Councillors should be alert to the possibility that any messages conveyed through communication devices can be intercepted, traced or recorded. Such practices are normally illegal, but there can be no expectation of privacy. Password or personal identity number protection should be used on all mobile devices (eg. mobile telephones, laptop computers, pagers) that are vulnerable to theft.

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Information regarding access to council's computer and communication system shall be considered as confidential and should not be divulged without authorisation.

New devices or software should only be installed with the express permission of the Council's Technology and Innovation Officer and the misuse of user privileges will not be tolerated.

6.6. Unlawful Use

The use of any telecommunications system to make or send fraudulent, unlawful, or abusive information, calls or messages is prohibited.

Persons receiving any threatening, intimidating or harassing telephone calls or electronic messages should immediately report the incident to their immediate supervisor who will report the incident to their Director (or in the absence of their Director the General Manager).

Persons who initiate fraudulent, unlawful or abusive calls or messages may be subject to disciplinary action and possible criminal prosecution.

The use of a hand held mobile telephone while driving is an offence under the *Road Rules 2008* and Berrigan Shire Council will not be responsible for the payment of any fines incurred.

All Councillors and employees should be aware that it is illegal to record telephone conversations unless authorised under relevant legislation to do so.

6.7. Personal Use

The Council acknowledges that family and community responsibilities impact on Council business. It therefore accepts that its communication devices may need to be used for personal reasons.

Such use should be infrequent and brief, and should not involve activities that might be questionable, controversial, offensive, or could cause embarrassment to the council. This includes gambling, online auction sites, accessing chat lines, pornography, transmitting inappropriate jokes, sending junk programs or mail that could be considered racist, discriminatory, derogatory or obscene.

Personal use does not extend to the sending of non-business related written material to any political organisation.

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The use of Council communication devices in the operation of any business activity other than legitimate Berrigan Shire Council business is prohibited.

Personal use of Council-provided communication devices is not considered private, and staff and Councillors using such devices do not have the same personal rights as they would have when using private or public communication devices.

Persons reasonably suspected of abusing personal use of Council-provided communication devices may be asked to explain such use (which may be monitored as part of the council's responsibility to implement appropriate control mechanisms). Persons who continue to disregard Council's communication devices policy will be subject to disciplinary process applicable to them.

The guidelines for personal use as outlined in this policy relate equally to travel-related use of Council-provided communication devices.

While Councillors provided with mobile telephones and tablet computers are permitted to personalize those devices to suit their individual needs, use of the devices must remain consistent with the Council's Policy on the payment of expenses and provision of facilities to Councillors and Mayors.

6.8. Industrial Awards and Enterprise Agreements

Nothing in this policy over-rides the rights of accredited union delegates to use council's communication devices in accordance with the conditions contained in properly constituted industrial instruments or other legislation.

6.9. Monitoring

All staff and Councillors should be aware that their use of communication devices may be randomly monitored to ensure adherence to the policy.

7. RELATED POLICIES OR STRATEGIES

7.1. Legislation

- *Local Government Act 1993*
- *Workplace Surveillance Act 2005*
- *Road Rules 2008*

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7.2. Other documents

- Local Government (State) Award 2010
- Division of Local Government Circular 8/24 – Misuse of Council Resources

7.3. Council plans, policies and strategies

- *Berrigan Shire 2023* (Community Strategic Plan)
- Berrigan Shire Council Code of Conduct
- Berrigan Shire Council Guidelines for the payment of expenses and the provision of facilities to staff members
- Berrigan Shire Council Information and Communication Technology Strategic Plan
- Payment of expenses and the provision of facilities for Mayors and Councillors
- Media Policy
- Social Media Policy
- Workplace Bullying and Harassment Policy

5.3 POLICIES FOR FINANCIAL HARDSHIP

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 25.138.1

38 RESOLVED Crs Glanville and Taylor that the Council:

- Revoke its Policy for Financial Hardship; and
- Adopt the Policy for Financial Hardship set out below.

FINANCIAL HARDSHIP

File Reference No: 25.138.1

Strategic Outcome: Good government

Date of Adoption: 15/03/2017

Date for Review: 17/03/2021

Responsible Officer: Director Corporate Services

1. POLICY STATEMENT

This policy recognises that due to exceptional circumstances, ratepayers may at times encounter difficulty in paying their rates

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and charges. *The Local Government Act 1993* (The Act) allows Council to provide a range of measures to assist those ratepayers.

This policy prescribes the procedures to be followed in providing financial assistance to those ratepayers and debtors who are suffering genuine financial hardship with the payment of their rates and / or charges.

2. PURPOSE

To provide a formal process for the administration of assisting those ratepayers who are experiencing genuine financial hardship with the payment of their rates and / or charges.

To provide a decision making framework for the appropriate assessment of all financial hardship applications.

To fulfil the statutory requirements of the Local Government Act and other relevant legislation in relation to the recovery of rates, charges, fees and other debts owing to Council.

3. SCOPE

This policy is applicable to all property owners within the Shire boundaries.

4. OBJECTIVE

This Policy has been developed to assist the Council with Delivery Plan Objective 2.2.2.3 –

Coordinate Council Investments, financial management, financial operations & processing.

5. POLICY IMPLEMENTATION

5.1. Policy Guidelines

- Council will treat all people fairly and consistently under this policy.
- Council will consider all matters relating to this policy with complete confidentiality.
- Council will treat people with respect and compassion in considering their circumstances.

5.2. Hardship provisions in legislation

The *Local Government Act 1993* contains the following specific hardship provisions

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Section 564 of the Act provides for Council to accept payment of rates and charges due and payable by a person in accordance with an agreement made with the person and also to write off or reduce interest accrued on rates or charges if the person complies with the agreement.

Section 567 of the Act provides for Council to write off accrued interest on rates or charges payable by a person if, in Council's opinion the reasons that the person was unable to pay the rates or charges when they became due and payable were beyond the person's control, or that the person is unable to pay the accrued interest for reasons beyond their control, or that the payment of the accrued interest would cause the person hardship.

Section 582 of the Act, as amended, provides for Council to waive or reduce rates, charges and interest due by any person prescribed by regulations who is in receipt of a pension, benefit or allowance under the *Social Security Act 1991* of the Commonwealth.

Section 601 of the Act provides for ratepayers who incur a rate increase in the first year following a revaluation of land values to apply to Council for a rate relief if the increase in the amount of rates payable would cause them substantial hardship. In such circumstances Council has the discretion to defer payments or waive interest.

5.3. Hardship criteria

The following conditions apply to all applications under this policy:

- That the property for which the hardship application relates is the principal place of residency or occupancy of the applicant, in line with guidelines of Pensioner Concession Subsidy.
- That the actual hardship exists and is genuine.

5.4. Making an application for hardship consideration

Consideration will be given to cases of hardship only on the following grounds:

- **Death / Terminal illness** – consideration will be given to waiving interest on rate and water accounts for a specific term.
- **Temporary illness / serious accidents** – consideration will be given to waiving interest on rate and water accounts for a specific term.
- **Financial Hardship** (extenuating circumstances) beyond the control of the ratepayer.
- **Unemployment** – this policy does not deem unemployment and consequent loss of incomes as automatic or entirely

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sufficient to support a claim for hardship; it will however be a consideration in the context of structuring a hardship payment plan. The debt obligation plus interest remains with the debtor, however their situation is assisted by way of a plan which is structured through consultation to recognise the financial constraints that exist.

- **For Natural Disasters** (bushfire, flooding, drought) - consideration will be given to waiving interest for rates and water accounts for a specific term.
- **Valuation Changes** - Under Section 601 of *the Act* which relates to Hardship resulting from certain valuation changes, Council has discretion to defer the payment of the whole or any part of the increase in the amount of the rate payable by the ratepayer, for such period and subject to such conditions as it thinks fit.

Ratepayers seeking concessions for financial hardship are to submit an application using the attached form outlining their particular circumstances. The application will be reviewed by the Revenue Officer and Finance Manager with the final approval agreed by the Director Corporate Services.

A determination under this policy will be assessed against financial data provided by the applicant. Supporting documentation may include but is not limited to:

- A copy of recent bank / financial institution statements.
- Details of all income and expenditure (monthly budget analysis).
- Letter confirming financial hardship from a recognised financial counsellor or financial planner.
- A letter with details of the extent of the losses of property will be required with regards to apply under the natural disaster clause.

All applications for hardship caused through revaluation must be received within 1 month of the due date for payment of the first instalment notice where the new valuation has taken effect.

5.5. Procedures

The following procedures will be followed with all financial hardship concessions:

- Any mutually acceptable repayment schedule will have a maximum 24 month term.
- All repayment schedules are to be reviewed at the end of each quarter and upon the raising of further rates and charges.

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- Any future rates and charges raised against the property are due and payable on the due dates.
- Interest will be charged and then written off where a repayment schedule is adhered to and the arrangement provides for accrued interest to be waived.
- Where a scheduled repayment default occurs, interest will be calculated and levied from the date of the last payment made in accordance with the repayment schedule. The ratepayer will be contacted in regard to the repayment default.

5.6. Amount of hardship concession

The amount of any financial hardship concession will be determined on the merits of each individual application but will be limited to the waiving of interest charges that would otherwise be applicable during the period of a mutually acceptable repayment arrangement.

Council reserves the right to vary the terms and conditions of this policy.

5.7. Reporting

A register of all applications received by Council will be kept.

Reports to Council will be provided on a quarterly basis outlining the shortfall in Council income as a result of assistance provided.

5.8. Privacy

As per the Council's Privacy Management Plan, Personal information collected as a consequence of this policy will only be used for the purpose of assessing eligibility under the policy and will not be used for any other purpose or disclosed to any person unless we are required by law to do so or authorised to do so by the person whom the personal information relates.

6. RELATED POLICIES

6.1. Legislation

- Local Government Act 1993
- Local Government Regulation 1994
- Privacy and Personal Information Act 1998

6.2. Policies

- Revenue Policy
- Pensioner Concession Policy
- Privacy Management Plan

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- Hardship Policy – Loose Fill Asbestos

Note that it has reviewed the Policy for Financial Hardship – Loose-Fill Asbestos and set the date for its next review as March 2021

5.4 POLICY FOR MEDIA

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 02.103.1

39 RESOLVED Crs Glanville and Taylor that the Council:

- revoke its Policy for Media; and
- adopt the Policy for Media set out below.

MEDIA POLICY

File Reference No: 02.103.1

Strategic Outcome: Good government

Date of Adoption: 15/03/2017

Date for Review: 17/03/2021

Responsible Officer: Director Corporate Services

1. POLICY STATEMENT

The Council has an important relationship with the media. This relationship provides an opportunity to:

- Keep the community informed about Council activities, services and programs,
- Involve the community in dialogue about the provision of services and planning for the future, and,
- Involve the community in activities which support the aims and objectives of the Council and the wider community as detailed in the Community Strategic Plan – *Berrigan Shire 2023*.

Berrigan Shire Council has a responsibility to the community to ensure that when it provides public information – in particular to the media – that then information is accurate and accurately reflects the Council's position in relation to activities and issues.

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It is unreasonable to expect that the community can readily differentiate either inaccurate information or personal views or opinions.

Where inaccurate information or personal views or opinions are provided it portrays the Council as unprofessional at best and incompetent or secretive at worse.

2. PURPOSE

The purpose of this Policy is to:

- Provide for effective communication of Council affairs to the public through the media
- Promote positive coverage of Council affairs that is fair, accurate and reliable
- Establish a process that clarifies which person or persons provides public information in relation to Council activities or issues.
- Clarify if information provided is the official Council position or a personal expression of opinion.

3. SCOPE

This policy applies to Council officials as defined in Council's Code of Conduct (see Definition section below).

This policy applies to situations where Council officials:

- Communicate with the media about Council affairs and related matters,
- Attend public speaking engagements, or,
- Make comments on Council affairs where it is reasonably foreseeable that their comments will be published in the media.

This policy acknowledges the rights and responsibilities of Councillors as elected representatives as outlined in the *Local Government Act 1993*

4. OBJECTIVE

This policy is developed to assist the Council with the following Delivery Plan Objectives:

2.2.2 Council operations support ethical, transparent and accountable corporate governance

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5. DEFINITIONS

Council affairs: includes matters before the Council or other Council affairs and business, Council policy, interpretation of policy, management of Council business, management of Council staff or actions or matters that may commit the Council's resources to any purpose.

Council officials: as defined in Council's Code of Conduct, Council officials includes councillors, members of staff of Council and delegates of Council including volunteers.

Council staff: means Council officials who are not Councillors. This includes consultants, contractors and other delegates of Council, including volunteers.

Media: includes print media such as national or local newspapers, magazines, newsletters, brochures and other documents and the broadcast media including radio and television broadcasters and internet publishers.

Public comment: includes interviews with the media (including comments to or interviews with the press, radio or television), public speaking engagements, expressing views in letters to the press, in books, notices, articles, social media or in any medium where it is reasonably foreseeable that the publication or circulation will enter the public domain.

Publication: the distribution of information via print or electronic media including but not being limited to newspapers, radio and television broadcasting and the internet.

6. POLICY IMPLEMENTATION

6.1. General spokespersons

The Mayor and General Manager are the official spokespersons regarding Council affairs and it is expected that in most cases this will remain the most appropriate situation.

The Director Technical Services and Director Corporate Services are delegated authority to speak to the Media on areas under their jurisdiction. The General Manager must be informed either before, or directly after, the comments made.

The Strategic and Social Planning Coordinator is delegated authority to speak to the Media to provide information on Council affairs as per the Council's Community Engagement Framework.

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6.2. Specific spokespersons

In some cases it would be more appropriate to designate specific Councillors or staff to act the Council spokesperson on specific issues.

The Council will from time to time designate a Councillor or staff member to be its official spokesperson in relation to specific issues or activities. Such designation will be by Council resolution.

If this designation is to occur it should be at the inception of an issue or activity as this will create certainty and consistency.

Where no such designation exists, the Mayor and General Manager will continue to be the Council's official spokespersons. The Mayor and General Manager may also express the Council's position in relation to activities or issues even if there is a designation.

The General Manager may nominate specialist members of staff to respond to technical questions on operational matters only. The Mayor and/or the General Manager must approve of other information before it is issued or distributed to the media.

6.3. Unauthorised comment

Where Council officials are asked to respond to media or public enquires regarding activities of the Council, they should:

- clarify that they are not the best person to speak to, and
- refer the enquiry to the Mayor, General Manager or other authorized delegate

Council officials should support Council decisions and should refrain from using the media to make negative personal reflections on each other or comments that could be interpreted as such and which are reasonably likely to undermine public confidence in the Council or local government generally.

Council staff must not make political or controversial statements in or to the media relating to Council affairs, decisions and/or events, or about Council officials which are likely to generate negative publicity for Council.

Breaches of this policy will be dealt with in accordance with the Code of Conduct i.e. staff will be disciplined while allegations against Councillors, the Mayor or General Manager will be referred to the Conduct Committee.

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6.4. Councillors and public debate

As members of the community, Councillors are entitled to enter into public debate in their private capacity and make comment on Council affairs provided they clearly state that such public comment reflects their personal opinion and not that of the Council or a committee of Council.

6.5. Media releases

All media releases must be approved by the General Manager or Mayor prior to release.

6.6. Incorrect information

In the event of incorrect information or information that has a personal or corporate reputational risk being published, the Director Corporate Services will investigate and report to the General Manager on how the information came to be published.

If necessary, the General Manager will issue or will authorise a media release to be issued clarifying the incorrect information.

7. RELATED POLICIES OR STRATEGIES

7.1. Legislation

- *Local Government Act 1993*
- *Privacy and Personal Information Protection Act 1998*
- *Defamation Act 2005*

7.2. Council policies and guidelines

- Berrigan Shire 2023 (Community Strategic Plan)
- Code of Conduct
- Community Engagement Framework
- Privacy Management Plan
- Internal Reporting Policy
- Access to Information Policy
- Policy for volunteering in Berrigan Shire
- Social Media Policy

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5.5 POLICY FOR SOCIAL MEDIA

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 02.103.1

40 RESOLVED Crs Glanville and Taylor that the Council:

- Revoke its Policy for Social Media; and
- Adopt the Policy for Social Media set out below.

SOCIAL MEDIA POLICY

File Reference No: 02.103.1

Strategic Outcome: Good government

Date of Adoption: 15/03/2017

Date for Review: 17/03/2021

Responsible Officer: Director Corporate Services

1. POLICY STATEMENT

Council recognises the benefits of using social media as a means for engaging our communities, marketing, promotion and disseminating time-sensitive information to the widest possible audience.

It is acknowledged that certain risks are associated with social media tools and that these risks are not limited to reputation and the legitimate interests of Council. Moreover, it is based on the notion that under law, online content is permanent and should never be considered private.

Therefore, this policy has been developed to assist staff use social media in a productive and responsible manner.

2. PURPOSE

The purpose of this policy is to:

- Guide and support Council officials responsible and productive use of social media.
- Extend reach of Council messages online by strengthening its relationships with relevant audiences.

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- Seek feedback and suggestions from engaged residents, ratepayers, business and visitors.
- Monitor social media activity as it relates to Berrigan Shire Council.

3. SCOPE

This policy covers:

- The establishment and content management of Berrigan Shire Council social media accounts.
- The use of social media by Council officials on matters concerning the Council or likely to be viewed as concerning Council; and
- Describes appropriate use of social media by Council Officials in a private or work capacity.

4. OBJECTIVE

This policy is developed to assist the Council with the following Delivery Plan Objectives:

2.2.2 Council operations support ethical, transparent and accountable corporate governance

2.2.3 Participate in networks that promote regional and cross-border collaboration, planning and service delivery

3.2.2 Provide opportunities for lifelong learning, cultural expression and recreation

4.2.3 Engage local business through regular meetings, electronic newsletter, Council bulletin and media publications

5. DEFINITIONS

Social Media – Software tools that allow groups to generate content and engage in peer-to-peer conversations and exchange of content.

Examples include:

- Social networking sites – for example. Facebook, MySpace, Bebo, Friendster
- Video and photo sharing websites – for example. Flickr, YouTube
- Micro-blogging sites – for example. Twitter
- Weblogs, including corporate blogs, personal blogs or blogs hosted by traditional media publications
- Forums and discussion boards such as Whirlpool, Yahoo! Groups or Google Groups
- Online encyclopaedias such as Wikipedia

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- Any other web sites that allow individual users or companies to use simple publishing tools.

Council Official – as defined in the Council Code of Conduct. It includes Councillors, Council employees and Council volunteers.

Council Social Media Accounts: – are only those social media accounts created with the express permission of the General Manager.

Post – broadcast information in a public forum.

6. POLICY IMPLEMENTATION

6.1. Use of Council accounts

6.1.1. General principles

Social media is a public forum and Council officials will act accordingly. Posting on social media is the equivalent of a letter in the newspaper or a public address. Council officials are bound by the Berrigan Shire Council Code of Conduct and this policy applies to postings and use of Council social media accounts. This policy also applies to postings made by Council Officials on non-Council social media on matters concerning the Council or likely to be viewed as concerning Council.

When using Council social media, Council officials will

- Act in accordance with the Council's Code of Conduct and not bring the Council into disrepute
- Take responsibility for their online activity
- Only use these services in accordance with this policy and Council's Communication Devices and the Internet Policy
- Not share or re-post publicly available information that may foreseeably harm or damage the reputation of Council, other entities or persons
- Post or cause the posting on social media Confidential and Personal information held by the Council.

6.1.2. Establishment and posting of Council accounts

In general, Council's activity on social media services will be via social media accounts established specifically for this purpose. Council social media accounts will only be established with the express permission of the General Manager.

Only Council officials expressly authorised by the General Manager will be permitted to add content to, and/or moderate a Council social media account and/or site. The principles of the Council's Media Policy apply to all use of Council's social media accounts.

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Therefore, all content posted online must be appropriately authorised.

6.1.3. Monitoring

The Council will take reasonable steps to monitor and/or moderate content posted on its social media platforms by third parties.

People making requests of the Council via social media accounts will be referred back to the Council's standard customer request procedures. The Council will not otherwise respond to requests on social media platforms other than the provision of straightforward publicly available information, i.e. opening hours etc.

The following inappropriate content posted on its social media platforms will be edited and/or removed:

- Personal attacks (including attacks on Council staff and individual Councillors) and defamatory statements or comments
- Profane or sexual language or content, or links to sexual content
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, colour, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- Solicitations of commerce;
- Conduct or encouragement of illegal activity;
- Content that violates a legal ownership interest of any other party.
- Other material as determined by the Council's General Manager.

The Council will keep a record of all posts it deletes for reason of inappropriate conduct as per the above. People who repeatedly or egregiously post material as per the above will be banned from accessing Council's social media platforms.

While the Council encourages debate on topical issues relating to its activities, the Council's social media platforms are a means to promote the Council's plans, activities and positions and not a general platform for discussion. There is no general public right to access, post or comment on the Council social media platforms.

6.1.4. Owner's Rights and Records Management

The Council will respect the legal and moral rights of content owners when publishing third-party content on its social media accounts. This includes ensuring that the Council has consent to use the material and that appropriate credit is given to the creator.

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Online Council statements can be held to the same legal standard as traditional media communications. The Council will establish a process to ensure that the Council meets its statutory and regulatory record keeping obligations when using its social media accounts.

Council officials responsible for maintaining social media accounts will ensure that relevant procedures regarding copyright and consent and records management are followed.

6.1.5. Council services and committees.

Where appropriate, the General Manager may authorise a service-specific social media platform; for example Library, Economic Development etc. This policy equally applies to these dedicated accounts.

Volunteer committees of the Council may establish dedicated social media accounts and/or sites. The committees must advise the Council of the existence of these accounts so the Council can monitor their content.

These accounts remain bound by this policy and the volunteers responsible for the accounts remain bound by the Council's Code of Conduct.

Social media accounts operated by volunteer committees must include a disclaimer clearly stating that the views expressed are not necessarily the views or the position of the Council.

Posting on volunteer committee accounts does not fall under the banner of the Council's Media Policy and specific authorisation is not required for each individual item posted on those platforms. However, the Council reserves the right to direct a volunteer committee to remove inappropriate content or in the case of continual breach of this policy, require that it close and delete the account.

It is impractical for the Council to continually monitor activity on social media sites operated by its volunteer committees. When the Council is informed about inappropriate, offensive or otherwise objectionable material posted on these sites, it will take timely and appropriate action to rectify the issue.

6.2. Use of personal accounts

6.2.1. General principles

All Council officials are bound by the Berrigan Shire Council Code of Conduct. This includes their interactions on personal social media services.

Min. No.

When using personal social media accounts, Council officials will:

- Take responsibility for their online activity. Social media is a public forum and Council officials must act accordingly. Council officials are bound by the Berrigan Shire Council Code of Conduct and this policy applies to postings to and uses of social media accounts.
- Only use these services in accordance with this policy and Council's Communication Devices and the Internet Policy. Use of social media from Council devices and/or Council internet connections is not considered private.
- Not use a personal social media account for Council purposes without the express permission of the General Manager
- Not share or re-post publicly available information that may foreseeably harm or damage the reputation of Council, other entities or persons
- Not create or establish fictitious names or identities with the intent to avoid compliance with this policy or Council's Code of Conduct
- Ensure that their postings on social media are clearly separated from their role as a Council official.
- Not present personal views in a manner to suggest that those views are endorsed or supported by the Council.
- Council officers must not use corporate email addresses, for example. "<name>@berriganshire.nsw.gov.au" to create personal accounts in sites unrelated to the Council.

6.2.2. Councillors

As members of the community, Councillors are entitled to use social media services to enter into public debate in their private capacity and make comment on Council affairs provided they clearly state that such public comment reflects their personal opinion and not that of the Council or a committee of Council.

6.2.3. Employees

Employees will ensure that their personal use of social media services does not undermine their productiveness and effectiveness at work. Employees will give their attention to the business of Council when on duty.

Employees must not use social media to communicate with other employees about Council business without express permission.

Use of personal social media accounts by employees during workplace incidents such as evacuations or accidents may cause distress to others. Employees should be mindful of this and exercise care when posting on social media.

Min. No.

Inappropriate use of social media may lead to disciplinary action in line with the Local Government (State) Award

7. RELATED POLICIES OR STRATEGIES

7.1. Legislation

- *Local Government Act 1993*
- *Local Government Regulation 1994*
- *State Records Act 1998*
- *Privacy and Personal Information Protection Act 1998*
- *Government Information (Public Access) Act 2009*
- Local Government (State) Award 2014
- NSW Government Social Media Policy and Guidelines.

7.2. Council policies and guidelines

- Berrigan Shire Council Code of Conduct
- Berrigan Shire 2023 (Community Strategic Plan)
- Communication Devices and the Internet Policy
- Equal Employment Opportunity, Workplace Bullying and Harassment policy
- Media Policy

5.6 PROCUREMENT AND DISPOSAL FRAMEWORK – POLICY REVIEW

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 04.175.1

- 41 RESOLVED** Crs Glanville and Taylor that the Council:
- note that it has reviewed the following policies
 - Procurement and Disposal
 - Tender
 - Local Preference
 - Disposal
 - Fuel Cards, and
 - set the date for their next scheduled review as March 2021.

Min. No.

5.7 POLICY FOR USER FEES AND CHARGES

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 12.049.1

42 RESOLVED Crs Glanville and Taylor that the Council:

- Revoke its Policy for User Fees and Charges; and
- Adopt the Policy for User Fees and Charges set out below.

USER FEES AND CHARGES POLICY

File Reference No: 12.049.1

Strategic Outcome: Good government

Date of Adoption: 15/03/2017

Date for Review: 17/03/2021

Responsible Officer: Director Corporate Services

1. POLICY STATEMENT

Berrigan Shire Council offers a range of services for which it is entitled to charge a fee or charge. This policy provides guidance to Council and its staff regarding the setting of those user fees and charges – inside the statutory restrictions of the *Local Government Act 1993* and other legislation.

The setting of user fees and charges is the only major revenue source over which the Council generally has full and free influence, inside legislation. As such, while user fees and charges may only be a small part of the Council's overall revenue, the setting of those fees and charges play an important part in the Council's budget, long term planning and financial sustainability.

2. PURPOSE

The purpose of this policy is to:

- Develop a framework for setting user fees and charges in a systematic, transparent, consistent and justifiable manner, based on relevant, reliable and robust costing information
- Provide guidance to Council staff on:

Min. No.

- principles for fee and charge setting and their relationship to service delivery objectives;
- appropriate fee and charge setting methods, including factors to be considered in determining the required level of cost recovery;
- procedures for assuring compliance with competitive neutrality requirements;
- procedures for monitoring service costs and fees and charges

3. SCOPE

This policy applies to all user fees and charges set by the Council with the exception of the rates and annual charges set under Chapter 15, Part 1 of the *Local Government Act 1993*

4. OBJECTIVE

This policy is developed to assist the Council with Delivery Plan Objective 2.2.2.3:

Coordinate Council investments, financial management, financial operations and processing.

5. DEFINITIONS

Competitive Neutrality is aimed at eliminating any net competitive advantages accruing to government businesses as a result of their public sector ownership. Such action removes potential market distortions and promotes an efficient allocation of resources between public and private businesses.

Full Cost represents the value of all the resources used or consumed in the provision of a service. In addition to the costs directly associated with the service, full cost includes an appropriate allocation of indirect cost, including capital costs.

6. POLICY IMPLEMENTATION

6.1 General principle

Where legally possible, the Council intends to charge users for the provision of **all** goods and services that it provides.

As a general rule the Council will set its fees and charges at a rate to generate the maximum amount of revenue possible to offset the cost burden of the provision of services borne by other sources of revenue such as rates and untied grants.

Min. No.

Therefore, the Council will at a minimum seek to recover the full cost of service provision from its customers and clients. This general principle will only be modified where the other specific fee and charge setting principles apply.

6.2 Specific principles

The following principles will be considered by the Council when setting their fees and charges:

- **Efficiency:** the fees are simple and not cumbersome to administer.
- **Legality:** the fees are set in line with legislation and/or other legal restrictions.
- **Transparency:** the nature and use of the service is understood by users.
- **Effectiveness:** the fees provide value for money for users.
- **Clarity:** users are clear about when & how fees apply.
- **Equity:** the fees are fairly applied across a range of users.
- **Ethics:** users with special service needs are not charged exorbitant fees directly in accord with the cost of higher servicing requirements.

6.3 Costing and recovery

The Council will review and where necessary, enhance its current cost allocation practices by developing a costing model and related processes to allocate indirect cost and recognising and reporting the full cost of their services.

While full cost recovery represents the optimum pricing outcome, it is important to note that there will be situations where it is appropriate for the Council to recover less than the full cost, or not to recover costs through fees and charges at all.

For example, where:

- users receive only some of the benefits of the service, with the balance going to external, unrelated third parties.
- social policy or access considerations outweigh the objectives of full cost recovery.

Fee setting decisions must be evidence based and demonstrate consideration of:

- both the direct and indirect cost of goods and services to establish the full cost and

Min. No.

- "Best Value" principles including:
 - accessibility,
 - affordability, and
 - the efficient cost of services.
- The level of commercial risk, if any, borne by the Council.

6.4 Rationales

Every fee or charge set by the Council will be based on a clear fee setting rationale. This rationale will be shown for each fee in the Fees and Charges Register.

The rationales applicable include:

- **Statute Limited** – Priced at the figure stipulated by law as applicable to this activity
- **Cost Recovery** – Priced so as to return full cost recovery for the activities provided
- **Commercial Basis** – Priced to cover the cost of the item plus a commercial mark-up
- **Community Service Obligation** – Priced at below the cost of providing this activity as provision of the activity meets a social or economic objective of the Council

The Council will also identify those fees where the maximum amount charged does not cover the cost to the Council of providing the service.

6.5 Price setting model

Taking into account the above, the Council will use the following price setting model when setting its fees and charges.

$$P = C - G + M - S - D$$

Where:

- P** – The price ultimately charged by the Council to the user.
- C** – The full cost (direct and indirect) of providing the goods or service.

Min. No.

G – Any grants provided by third parties to fund the provision of the goods or service.

M – A commercial margin (may be zero).

S – Any subsidy provided by the Council to meet a social or economic objective.

D – A mandatory discount applied to reduce the fee to an amount mandated by law.

6.6 Goods and Services Tax (GST)

The Council will use its best endeavours to determine the Goods and Services Tax (GST) status for each user fee and charge that it sets. However there may be fees and charges for which the Council is unable to confirm the GST status.

Accordingly, if a fee that is shown as being subject to GST is subsequently found not to be subject to GST, then that fee will be amended by reducing the GST to nil.

Conversely, if the Council is advised that a fee which is shown as being not subject to GST becomes subject to GST, then the fee will be increased but only to the extent of the GST.

6.7 Council services provided by delegated authorities

The Council has delegated care, control and management of some of its facilities such as Recreation Reserves, Swimming Pools and Public Halls to volunteer committees of management established under the provisions of s355 of the *Local Government Act 1993*.

The delegation to these committees includes the power to set the fees and charges relating to the use of these facilities.

While these committees are not expected to follow the fee setting model established in this policy, they should be guided by the general principle of full cost recovery where possible and the other specific fee setting principles where appropriate.

7. RELATED POLICES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Local Government Regulation 2005*
- *Environmental Planning and Assessment Act 1979*
- *Roads Act 1993*

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- *Companion Animals Act 1998*
- *Government Information (Public Access) Act 2009*
- *A New Tax System (Goods and Services Tax) Act (Cwth) 1999*
- National Competition Policy guidelines

7.2 Other plans, policies and strategies

- Long Term Financial Plan
- Financial Strategy 2016
- Social Justice Framework
- Commercial Credit Policy
- A Guide to Developer Contributions for Water and Sewer

5.8 TOCUMWAL FORESHORE PROJECT – CAPITAL EXPENDITURE REVIEW

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 4.3 Diversify and promote local tourism

FILE NO: 05.101.7

43 RESOLVED Crs Morris and Bodey that the Council:

1. note the Capital Expenditure Review for the Tocumwal Foreshore Revitalisation project attached as Appendix “C”.
2. having considered the Capital Expenditure Review, include the project and the necessary funding in its 2017/18 Operational Plan and Budget.

5.9 TOCUMWAL FORESHORE PROJECT – REGIONAL GROWTH – ENVIRONMENT AND TOURISM FUND

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 4.3 Diversify and promote local tourism

FILE NO: 05.101.7

Min. No.

- 44** **RESOLVED** Crs Morris and Jones that the Council submit an application for funding for the Tocumwal Foreshore Revitalisation project under the Regional Growth – Environment and Tourism Fund (RGETF) based on the capital funding model below.

<u>Funder</u>	<u>Amount</u>
Council	\$826,938
Community	\$300,000
RTEGF	<u>\$2,126,938</u>
TOTAL	<u>\$3,253,875</u>

5.10 TOCUMWAL FORESHORE PROJECT – PUBLIC RESERVES MANAGEMENT FUND PROGRAM

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 4.3 Diversify and promote local tourism

FILE NO: 05.101.7

- 45** **RESOLVED** Crs Morris and Glanville that the Council submit an application for funding for the Splash Park toilets, plant room, play area, spine path and town square component of the Tocumwal Foreshore Revitalisation under the Public Reserves Management Fund Program.

Rowan Perkins declared a non-Pecuniary Interest in this item and left the Chambers at 9:45am.

5.11 DEVELOPMENT APPLICATION 82/17/DA/D1

AUTHOR: TOWN PLANNER

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.1 Support sustainable use of our natural resources and built landscapes

FILE NO: 82/17/DA/D1

- 46** **RESOLVED** Crs Morris and Taylor that following the receipt of further information and an amended site plan from the applicant and subsequent site visit by Councillors, the application be deferred pending additional neighbour notification and assessment.

Division:

In Favour: Crs: Ross Bodey, John Bruce, Denis Glanville, Colin Jones, Daryll Morris, John Taylor, Matt Hannan

Against: Nil

Min. No.

Rowan Perkins returned to the Chambers at 9:48am.

5.12 JOINT ORGANISATIONS

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.3 Strengthen strategic relationships and partnerships with community, business and government

FILE NO:

47 RESOLVED Crs Jones and Bodey that the Council

1. adopts a position of total opposition to the formation of Regional Joint Organisations of Councils as proposed by the NSW State Government as part of the "Fit For The future " program.
2. write to the Chairman of the Riverina and Murray Regional Organisation of Councils expressing in the strongest terms the Berrigan Shires Council's determination to have the structure of RAMROC retained in its current form and further that RAMROC be requested to treat the Council's position as a matter of urgency.
3. lobby all member councils of RAMROC seeking their support for the Council's position.
4. write to the Premier of NSW, the Local Government Minister, Member for Murrumbidgee and the President of the LGNSW outlining the Council's opposition to the formation of Joint Organisations.

ITEMS FOR NOTING

- 6.1 MASSIVE MURRAY PADDLE 2016
- 6.2 QUEENSLAND FRUIT FLY PROGRAM
- 6.3 RAMROC MEETING MINUTES
- 6.4 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING
- 6.5 DEVELOPMENT DETERMINATIONS FOR THE MONTH OF FEBRUARY 2017

48 RESOLVED Crs Morris and Jones that Items for Noting numbered 6.1 to 6.5 inclusive be received and noted.

Min. No.

7. CLOSED COUNCIL

In accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

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 grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

7.1 REGIONAL BRANDING

This item is classified CONFIDENTIAL under section 10A(2)(d)(i) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

Min. No.

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or

7.2 PURCHASE OF PLANT ITEM – P454 GRADER

This item is classified CONFIDENTIAL under section 10A(2)(d)(i) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or

It is not in the public interest to reveal the commercial information provided by the consultant.

- 49 RESOLVED** Crs Glanville and Jones that the Council move into a closed session to consider the following business together with any reports tabled at the meeting.

And further that pursuant to section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above and that the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

7.1 REGIONAL BRANDING

7.2 PURCHASE OF PLANT ITEM – P454 GRADER

Council closed its meeting at 10:12pm. The public and media left the Chamber.

- 52 RESOLVED** Crs Glanville and Taylor that the Council move out of closed and into open Council.

Open Council resumed at 10:27am.

Min. No.

RESOLUTIONS FROM THE CLOSED COUNCIL MEETING

The Mayor advised those present of the following resolution made while the meeting was closed to the public.

7.1 REGIONAL BRANDING

AUTHOR: General Manager

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.2 Strengthen and diversify the local economy

FILE NO:

“that the Council does not want to participate with Murray Irrigation Ltd in their move to better brand the region.”

7.2 PURCHASE OF PLANT ITEM – P454 GRADER

AUTHOR: Director Technical services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: V05/16/17

“that the Council note the information regarding Tender V05/16/17 for the purchase of plant item P454 Grader.”

8.1 MINUTES OF THE TECHNICAL SERVICES COMMITTEE MEETING

- 53 RESOLVED** Crs Morris and Jones that recommendations numbered 1 to 2 inclusive of the Technical Services Committee Meeting held on 1st March, 2017 be adopted.

4. AMENDMENT OF NSW ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

AUTHOR: Development Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO:

Min. No.

RECOMMENDATION NO. 1 - that the Council make a submission to the Department of Planning and Environment with regard to the amendments to the EP&A Act 1979 and indicating general support for the proposed amendments with the exception of the community participation proposal.

5. DRAFT CAPITAL WORKS PLAN

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 04.121.1

RECOMMENDATION NO. 2 - that the Council adopt the draft 2017/2018 Capital Works Program.

8.2 MINUTES OF THE CORPORATE SERVICES COMMITTEE MEETING

54 RESOLVED Crs Bodey and Jones that recommendation numbered 1 inclusive of the Corporate Services Committee Meeting held on 1st March, 2017 be adopted.

4. THE MILD 2 WILD ROD RUN

AUTHOR: Economic Development Officer

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.3 Diversify and promote local tourism

FILE NO:

RECOMMENDATION NO. 1 - that the Council allocates \$3,760.70 to the Mild 2 Wild Rod Run.

8.3 MINUTES OF THE RISK MANAGEMENT COMMITTEE

The Mayor, Cr Hannan, declared a non-Pecuniary Interest in Item 4 as he and family members reside at a street affected by the recommendation.

Cr Hannan left the Chambers at 10:30am.

Cr Morris assumed the chair.

Min. No.

RESOLVED Crs Bruce and Taylor that recommendations numbered 1 to 4 inclusive of the Risk Management Committee Meeting held on 1st March, 2017 be adopted.

4. DENISON AND COREE STREET TREE REMOVAL

AUTHOR: Enterprise Risk Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: 27.121.2

RECOMMENDATION NO. 1 - that the Council agree to the removal of identified trees along Denison and Coree Streets, Finley.

5. RISK MANAGEMENT POLICY AND FRAMEWORK

AUTHOR: Enterprise Risk Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 27.121.2

RECOMMENDATION NO. 2 -

1. that the Council revoke the existing Risk Management Policy and Framework.

2. that the Council adopt the Risk Management Policy and Framework as follows:

RISK MANAGEMENT POLICY AND FRAMEWORK

File Reference No: 27.121.2

Strategic Outcome: Good government

Date of Adoption: 15/03/2017

Date for Review: 15/03/2021

Responsible Officer: Enterprise and Risk Manager

1. POLICY STATEMENT

Berrigan Shire Council is committed to managing its risks strategically and systematically in order to benefit the community and manage the adverse effects to Council.

Min. No.

Risk management is everyone's responsibility. It is an activity that begins at the highest level and is applied consistently through all levels of Council. All workers are required to integrate risk management procedures and practices into their daily activities, and must be competent and accountable for adequately managing risk within their area of responsibility.

2. PURPOSE

The purpose of this policy is to:

- Outline the way in which Council's risk management functions are integrated into the activities and processes of the Council;
- Emphasise Council's commitment to identify, evaluate and control risks;
- Outline the responsibilities of key stakeholders;
- Provide a statement clarifying Council's risk appetite

3. SCOPE

This policy applies to all workers and processes of Berrigan Shire Council.

4. OBJECTIVE

This policy is developed to assist the Council in achieving all outcomes of the Community Strategic Plan (CSP):

Sustainable Natural and Built Landscapes;
Good Government;
Supported and Engaged Communities;
Diverse and resilient business

5. DEFINITIONS

Consequence – the nature and type of impact which could occur assuming that a particular event, situation or circumstance has occurred.

Likelihood – chance of something happening

Risk - the effect of uncertainty on objectives

Min. No.

Risk appetite – the amount and type of risk Council is willing to pursue, retain or tolerate in the achievement of goals and objectives.

Risk assessment – the overall process of
a) finding, recognising and describing risks,
b) analysing the nature and level of risk, and
c) evaluating the risk by comparing results with risk criteria to determine whether the risk is acceptable or tolerable.

Risk management - coordinated activities to direct and control an organisation with regard to risk.

6. POLICY IMPLEMENTATION

6.1 Integrating Risk Management into Council Activities

Risk management is an integral part of the Council's planning processes and must be integrated into the daily activities of the Council. The executive and all program areas within the Council will adopt and implement the risk management guidelines contained within AS/NZS31000:2009 Risk Management – principles and guidelines (the Standard) and specified in Council's Risk Management Framework.

Risk management is the responsibility of every individual within the organization. Training in knowledge and skills required to successfully undertake risk assessment and risk management practices will be provided by the Council, in line with responsibilities.

6.2 Identification and Treatment of Risks

The resources available for specific risk management activities will be specified in the Council's Operational Plan. The risk management responsibilities of Council are extremely diverse and must be prioritised within the resources available. Further it is neither possible nor viable to treat all identified risks, and guidance on what may be regarded as acceptable risk can be determined through the Risk Management Framework or provided by the Risk Management Committee.

Risk management principles will be systematically applied with risks assessed as unacceptable, incorporated into relevant business plans. Progress in the management of treatments will be monitored by the Enterprise Risk Manager and reported to the Risk Management Committee.

Where necessary, recommendations provided by internal audit procedures, advice from risk management specialists and relevant

Min. No.

external stakeholders will be used to direct Council's risk management activities.

6.3 Risk Management Responsibilities

Council and staff have an obligation in develop a "risk aware" culture within the organisation.

Council

The Council is accountable for overseeing risk management processes and ensuring appropriate resources are allocated in order to carry out risk management activities.

General Manager

The General Manager has overall responsibility for the implementation of risk management across the Council including:

- Ensuring appropriate resources are allocated to meet Council's risk management obligations;
- Establishing and maintaining a climate of risk awareness and intelligence;
- Ensuring Directors, Managers and staff receive support and training to fulfill their responsibilities.

Enterprise Risk Manager

The Enterprise Risk Manager is responsible for coordinating Council's risk management processes including:

- Facilitating development and continual improvement of appropriate systems;
- Developing and maintaining governance mechanisms that effectively monitor risks and their management;
- Integrating risk management activities from the various sections of the Council and coordinating the risk management budget;
- Setting requirements for risk management based on the Standard and ensuring they are consistent with Council's CSP.

Risk Management Committee

The Risk Management Committee provides a forum for strategic advice and direction for Council's risk management activities. The Committee will:

- Provide guidance on what is considered to be an acceptable risk;
- Assist with the prioritisation of risk management activities;

Min. No.

- Review and monitor the implementation of Council's risk management program.

Directors, Managers and Supervisors

Directors, Managers and Supervisors are accountable for risk management within their areas of responsibility. They must also:

- Integrate risk management into all aspects of their business;
- Create an environment where managing risk is accepted as the personal responsibility of each employee;
- Systematically identify, analyse, evaluate and treat any risk that might impact on their objectives. Where necessary they can seek guidance from the Enterprise Risk Manager or the Risk Management Committee;
- Ensure that risk management practices and treatments are:
 - Consistent with Council requirements;
 - Monitored to ensure that management strategies remain effective;
 - Commensurate with the level of risk exposure.
- Maintain appropriate records recording identified risks and treatment methods. Where treatments have not occurred this must also be documented, specifying the reasons why.

Workers

All workers of the Council must be actively involved in Council's risk management activities including:

- Maintaining an awareness of risks (current and potential) that relate to their area of responsibility;
- Advising managers of risk issues requiring attention;
- Being actively involved in the identification, assessment and management of risk.

6.4 Risk Management Framework

Berrigan Shire Council will use the International Standard, AS/NZS ISO 31000:2009 as the basis for risk management activities. Council has developed a framework that emphasises the integral role of risk management in the management process and includes procedures and practices designed to support Council's risk management policy. Adherence to the framework will integrate risk management practices into all business activities and systems of the Council and help develop a "risk aware" culture amongst all stakeholders.

Min. No.

The purpose of the framework is to assist in effective management of risk. The framework ensures that information about risk derived from the risk management process is adequately reported and used as a basis for decision making and accountability at all levels.

Observing the framework will enable the Council to fulfil its stewardship responsibilities including:

- Protecting resources from loss or misuse;
- Ensuring the safety of Council, staff and the public; and
- Generally encouraging excellence in management, including innovation that may involve responsible risk-taking.

6.4.1 Risk Management Practice

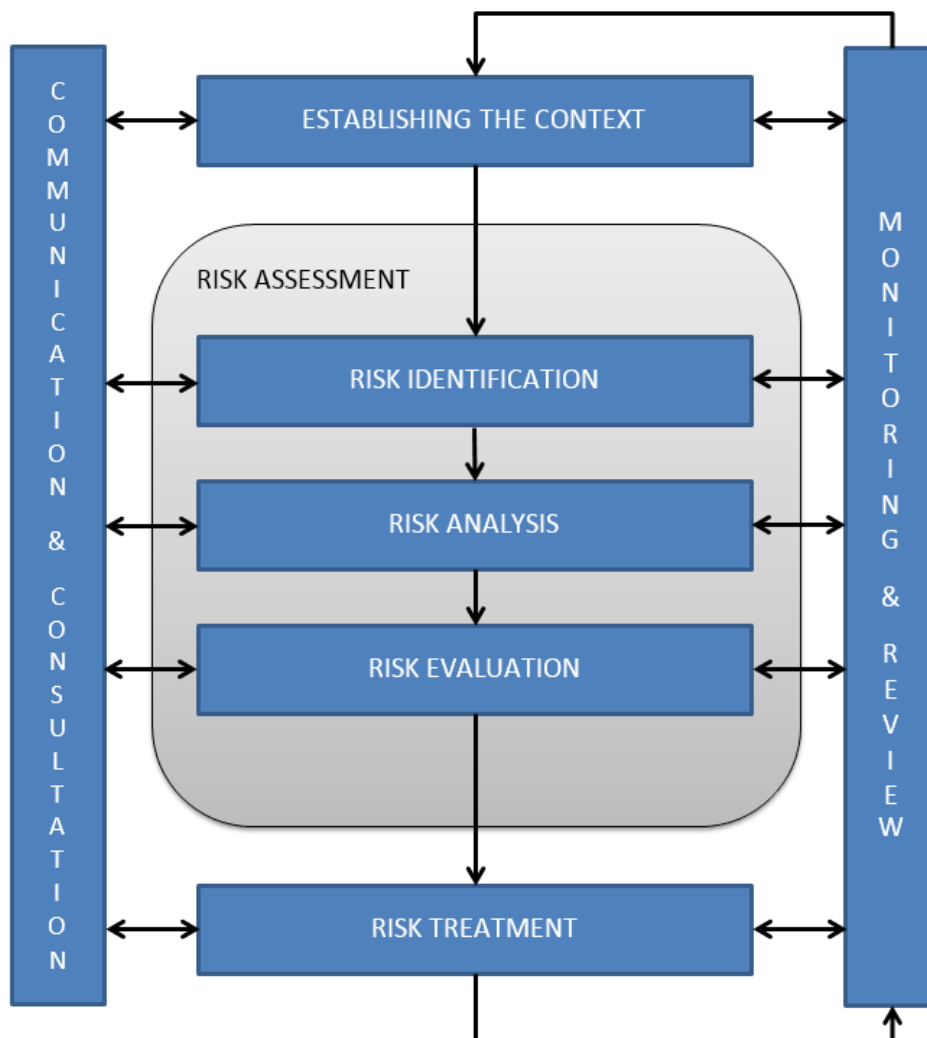
The Standard provides a template that enables a consistent and comprehensive approach to risk management across the Council.

The risk management process includes:

1. Establishing context and culture (i.e. the scope, risk criteria).
2. Risk Identification.
3. Risk Analysis.
4. Risk Evaluation.
5. Risk Treatment.
6. Monitoring and review.
7. Communication and consultation.

This process will be systematically applied to manage risk and determine risk management activities by all levels of the Council.

Min. No.



6.4.2 Risk Environment

Council's risk environment is diverse and incorporates a wide range of issues.

This creates a range of competing interests that need to be prioritised against the available resources (both time and financial). The resources available for Berrigan Shire Council's risk management activities will be specified in the Council's Operational Plan. Identification, analysis, and management of risks on which resources will be used will be undertaken in a transparent, efficient and effective manner.

In carrying out risk management activities the Council aims to be objective, open and accountable in its decision making processes. Risk management is the responsibility of everyone within the organisation and active participation in risk identification and treatment will be sought from both employees and the wider community.

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In general qualitative analysis of risks will use the risk rating matrix outlined in this framework. While this will cater for most of the risks faced by the Council, it must be recognised that risk assessment is fundamentally subjective, and it may be beneficial to carry out activities that receive a lower rating. These decisions will be overseen by the Enterprise Risk Manager and the General Manager, who have the primary responsibility for developing, implementing and monitoring Council's risk management activities.

Risk management will be integrated into the Council's existing planning and operational processes on the basis of the evaluation of the level of risk and Council's exposure. The Council's Risk Management Strategic Plan will set the parameters for the Council's risk management activities. The Best Practice Manuals provided by Statewide Mutual and StateCover (Council's insurers), self-audits and continuous improvement plans will also guide the Council's risk program.

Regular reporting and monitoring activities are essential in ensuring the strategic and systematic application of risk management processes. These processes will be overseen by the Risk Management Committee and monitored through internal auditing processes.

6.4.3 Risk Analysis

Once risks have been identified it is necessary to analyse the risk in terms of the likelihood and consequences of an event occurring. These two parameters can be used to produce a level of risk which will help set treatment priorities and options.

In general Berrigan Shire Council will use a qualitative process to measure risks. This process uses descriptive information about the nature of the consequences and likelihood rather than a strict numerical analysis.

In analysing risks the most pertinent information sources should be used and any assumptions made in the analysis of risks should be recorded. Some relevant sources of information could include:

- Past records
- Practice and relevant experience
- Relevant published literature
- Specialist and expert judgements

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Likelihood Table

Level	Descriptor	Description	Indicative Frequency
A	Almost Certain	The event will occur on an annual basis.	Expected to occur.
B	Likely	The event has occurred several times or more in your career.	Will probably occur.
C	Possible	The event might occur once in your career.	Might occur at some time.
D	Unlikely	Heard of something like this occurring.	Not likely to occur.
E	Rare	Have never heard of this happening.	Conceivable but highly unlikely.

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Level of Severity	Financial	Public Liability	Work Health & Safety	Environment	Professional Indemnity	Community (Social & Cultural)/Government Reputation Media	Legal	Positive consequences
5	Extensive financial loss (>25% annual budget); loss of program or business operation.	Death or permanent disability	Single fatality and/or severe irreversible disability (>30%) to one or more persons	Fatalities occur; extensive release off- site; requires long term remediation.	Extensive litigation with possible class action; worst case loss to organisation; threat to viability of program or service.	Extensive public outcry; potential national media attention.	Extensive fines and litigation with possible class action; threat to viability of program or service.	Significantly enhanced reputation, huge financial gain, significant saving in time.
4	Major financial loss (<25% annual budget);severe impact on program or business operation	Long term illness or serious injury resulting in permanent disability.	Moderate irreversible disability or impairment (<30%) to one or more persons.	Major environmental impact; release spreading off-site; contained with external assistance.	Major complaint with litigation and long term significance; very high loss to organisation.	Serious public or media outcry, broad media attention.	Major breach with fines and litigation; long term significance and major financial impact.	Enhanced reputation, major financial gain, large saving in time.
3	Significant financial loss (<20% annual budget); considerable impact on program or business operation.	Serious injury requiring hospitalisation (i.e. broken limb, facial lacerations, partial disability etc.)	(i. Serious injury requiring hospitalization and lost time.	Significant environmental impact; on-site release contained with assistance.	Significant complaint involving statutory authority or investigation; prosecution possible with significant loss to organisation.	Significant public criticism with or without media attention.	Serious breach involving statutory authority or investigation; prosecution possible with significant financial impact.	Some enhancement to reputation, high financial gain, good saving in time.
2	Minor financial loss (<10% annual budget); minimal impact on program or business operation	Minor injury requiring medical first aid treatment (i.e. sprains & strains)	Minor injury requiring medical treatment or first aid.	Minor environmental impact; on-site release immediately controlled.	Contain complaint or action with short term significance; medium loss to organisation.	Heightened local community concern or criticism.	Contained non-compliance or breach with short term significance and minor financial impact.	Small benefit, low financial gain, small saving in time.
1	Negligible financial loss (<2.5% annual budget); no impact on program or business operation.	Insignificant – minor injury not requiring medical treatment (i.e. cuts, grazes, bruises, bleeding etc./No injury	Minor injury not requiring medical treatment / No injury	Minimal environmental impact; isolated release only.	Isolated, internal or minimal complaint; minimal loss to organisation.	Isolated, internal or minimal adverse attention or complaint.	Isolated non-compliance or breach; negligible financial impact.	Minimal benefit or financial gain, negligible saving in time.

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Incident Rating Matrix

The incident rating matrix compares the level of likelihood (A-E) to the level of severity (1-5) to produce a risk rating (Low, Medium, High, Very High).

	Consequence				
Likelihood	1	2	3	4	5
A	Medium	High	High	Very High	Very High
B	Medium	Medium	High	High	Very High
C	Low	Medium	High	High	High
D	Low	Low	Medium	Medium	High
E	Low	Low	Medium	Medium	High

On occasions it is also necessary to prioritise activities with the same risk rating. This can be done using the following table, where risk ratings of a lower numerical value correspond to a lower level of priority (i.e. items with a risk rating of “1” are given the lowest priority and “25” indicates items with the highest priority).

	Consequence				
Likelihood	1	2	3	4	5
A	Medium (11)	High (16)	High (20)	Very High (23)	Very High (25)
B	Medium (7)	Medium (12)	High (17)	High (21)	Very High (24)
C	Low (4)	Medium (8)	High (14)	High (18)	High (22)
D	Low (2)	Low (5)	Medium (9)	Medium (13)	High (19)
E	Low (1)	Low (3)	Medium (6)	Medium (10)	High (15)

Response Requirements

Responses are required in accordance with the table below:

	Response	Action
Very High	Senior management attention required. Action plan required.	Immediate response Specify management responsibility

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High	Senior management attention Action plan required	Response required within 7 working days Specify management responsibility
Medium	Implement specific monitoring or response procedures	Heightened action Specify management responsibility
Low	Manage by routine procedures. Unlikely to require a specific application of resources	Business as usual Response may not be necessary

6.4.4 Risk Evaluation & Treatment

The purpose of a risk evaluation is to make decisions about which risks need treatment and treatment priorities, based on results of the analysis.

In carrying out a risk evaluation it may be useful to ask the following questions:

- What current systems may prevent, detect or lower the consequences or likelihoods of undesirable risks or events?
- What are the consequences or range of consequences of the risks if they do occur?
- What is the likelihood or range of likelihoods of the risks happening?
- What factors might increase or decrease the likelihoods or the consequences?
- What additional factors may need to be considered?
- What are the limitations of the analysis and assumptions made?
- How confident are you in your judgement or research specifically in relation to the high consequence and low likelihood risks?
- Is the logic behind the analysis sound?
- What current systems may enhance or increase the consequences or likelihoods of opportunities or beneficial events?

In general the severity of the risk will determine the level of detail required in the assessment. While detailed documentation may not be required for very low risks, a record should be kept of the rationale behind undertaking an initial screening of these risks.

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When evaluating risks it may be appropriate to identify and analyse both “problems” and “catastrophes” as separate risks. For example a frequent but low-impact (or chronic) problem may have large cumulative or long-term effects that are at least as important as those of a rare but high-consequence (or acute) event. In addition, the treatment actions for dealing with these two distinct kinds of risks are often quite different so it is sensible to distinguish between them and to record them both.

As has been noted previously the risk evaluation stage is critical in determining which risks will be treated and the priority assigned to an activity. With Council having limited resources for risk management activities it will usually not be cost-effective or even desirable to implement all possible risk treatments. It is however necessary to choose, prioritise and implement the most appropriate combination of risk treatments. Treatment options, or more usually combinations of options, are selected by considering factors such as costs and benefits, effectiveness, Council’s risk appetite and other criteria of relevance to the Council. It is therefore important to consider individual risks and treatment programs in the broader context of Council’s risk management strategy and the overall objectives of the Council. Assistance with this task can be provided by Council’s Enterprise Risk Manager and the Risk Management Committee as required.

It should be noted that there are risk treatment activities that will be carried out as part of scheduled maintenance or recurrent expenditure programs. On these occasions prioritising work will be the duty of the responsible manager.

6.4.5 Risk Appetite

Under this policy, risk appetite refers to:

1. The risks that the Council is prepared to take to achieve its strategic objectives;
2. The risks that it is prepared to endure in response to a decision not to implement treatments;
3. The acceptance of the residual risk following the implementation of risk treatments.

Under most risk scenarios, Council generally has a conservative risk appetite but accepts there are risks associated with many of Council’s activities. Where there is scope for discretion, Council is usually willing to accept a higher level of risk to achieve its strategic objectives, however all risk scenarios will be considered on a case by case basis.

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6.4.6 Risk Treatment

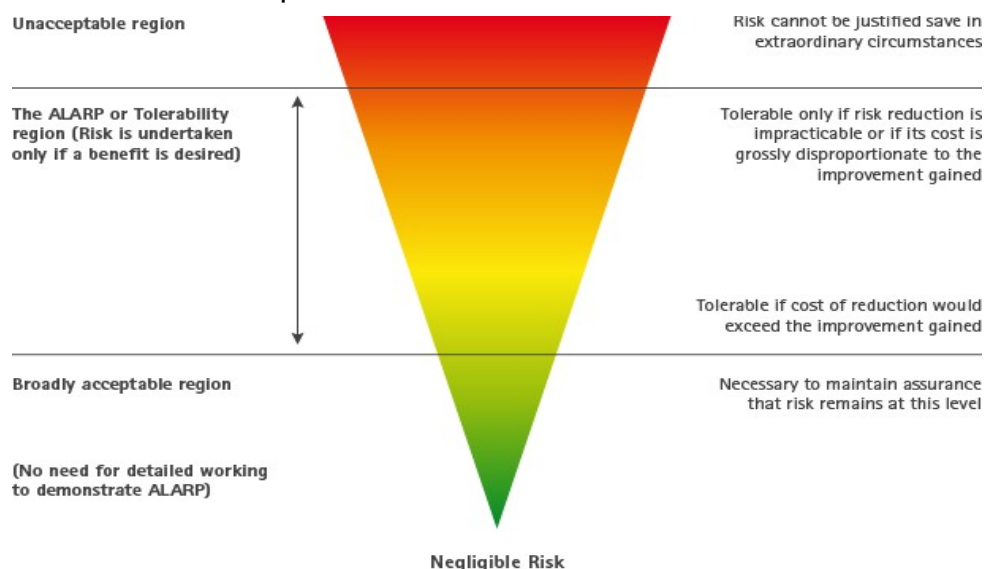
Council will use the ALARP (“As Low as Reasonably Practicable”) technique in determining which risks will be treated through an evaluation of “tolerable risk”. ALARP enlists the concept of what is “reasonably practicable” by evaluating if something can be done against the costs and benefits of action or inaction. These two aspects need to be balanced carefully if the risk being treated is related to an expressed or implied duty of care.

ALARP divides risks into three bands:

1. An upper band where adverse risks are intolerable (red area) whatever benefits the activity may bring, and risk reduction measures are essential whatever their cost.
2. A middle band, or orange/yellow area, where costs and benefits are taken into account and opportunities balanced against potential adverse consequences.
3. A lower band where positive or negative risks are negligible (green area), or so small that no risk treatment measures are needed.

In applying this principle it is expected that, when the risk is close to the intolerable level, the risk will be reduced unless the cost of reducing the risk is grossly disproportionate to the benefits gained. Similarly when the risks are close to the negligible level the action may only be undertaken to reduce the risk where the benefits exceed the costs of reduction.

The ALARP Principle



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6.4.7 Monitoring and Review

Ongoing review of risk management activities is essential for management plans to remain relevant. Factors affecting the likelihood and consequence of an outcome may change, as might factors that affect suitability or cost of the treatment options. Therefore the risk management cycle should be repeated regularly.

Berrigan Shire Council's risk management activities will be monitored in a number of ways:

- Annual performance assessment co-ordinated by Council's insurer;
- Performance against planned objectives;
- Review and reporting against Council's Risk Management Strategic Plan; and
- Internal auditing procedures.

Progress in the management of treatments will be monitored continually by the Risk Management Committee and the Enterprise Risk Manager. Where possible, accountability for the management of risk at both management and employee level should also be reflected in performance plans, job descriptions and key performance indicators.

6.4.8 Documentation

Documenting each step of the risk management process is important for a number of reasons:

- Demonstrate to stakeholders that the process has been conducted properly;
- Provide evidence of a systematic approach to risk identification and analysis;
- Enable the review of decisions or processes;
- Provide a record of risks;
- Develop Council's knowledge database;
- Provide the Risk Management Committee with guidance on what items should be included in the Risk Management Strategic Plan;
- Provide an accountability mechanism and tool;
- Facilitate continued monitoring and review;
- Provide an audit trail;

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- Share and communicate information.

Appropriate documentation need not impose another layer of paperwork. Subject to legislative requirements, decisions and processes involving risk management should be documented to the extent appropriate to the circumstances. Processes of low consequence may be documented through a diary note, note to file or note on the Practical Finance System. Comprehensive risk assessments or items of significant cost should be documented in much more detail and a copy placed in the central filing system. In some circumstances, an appropriate level and standard of documentation may be needed to satisfy an independent audit.

Irrespective of the level of detail required all assessments should at minimum include:

- The objectives;
- All major assumptions made in the process;
- Who was involved;
- The decisions that were agreed;
- The information sources on which the outcomes were based.

6.4.9 Risk Management Knowledge and Skills Development

The knowledge and skills development component of the Council's Risk Management Framework is aimed at increasing the understanding and skills of staff regarding their risk management accountabilities and responsibilities.

All management and staff will be made aware of their obligations to manage risk. Staff inductions will include making new workers aware of the Council's risk management policy and their obligations to manage risk.

Training will be provided on an "as required" basis to management and staff with functional responsibilities for risk management within the Council. Training will focus on policies, procedures and the use of risk management templates.

7 RELATED POLICIES OR STRATEGIES

7.1 Legislation

Work Health and Safety Act 2011

Work Health and Safety Regulations 2011

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7.2 Policies and strategies
ISO 31000 2009 Risk Management - Principles and guidelines
Work Health and Safety Policy
Liability Management Policy
Fraud Control Policy
Signs as Remote Supervision Policy
Playground Management Policy
Risk Management Strategic Plan

6. WORK HEALTH AND SAFETY POLICY

AUTHOR: Enterprise Risk Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance
by Council of Council operations and reporting

FILE NO: 27.121.2

RECOMMENDATION NO. 3 -

1. that the Council revoke the existing Work Health and Safety Policy
2. that the Council adopt the Work Health and Safety Policy as follows:

WORK HEALTH AND SAFETY POLICY

File Reference No: 22.112.1

Strategic Outcome: Good government

Date of Adoption: 15/03/2017

Date for Review: 15/03/2021

Responsible Officer: Enterprise and Risk Manager

1. POLICY STATEMENT

The Berrigan Shire Council is committed to providing a safe and healthy workplace for all its employees, volunteers, contractors and the public. The Council recognises its obligations under the *Work Health and Safety Act 2011*, the *Work Health and Safety Regulations 2011* and associated legislation.

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2. PURPOSE

The purpose of this policy is to inform all workers of Council's responsibilities and commitment to providing a safe and healthy workplace for all workers.

3. SCOPE

This policy applies to all workplaces and workers of the Berrigan Shire Council including volunteers, contractors and members of the public.

4. OBJECTIVE

This policy is designed to assist the Council to meet the following Community Strategic Plan objectives:

- 1.3 Connect and protect our communities;*
- 2.2 Ensure effective governance by Council of Council operations and reporting;*
- 3.1 Create safe, friendly and accessible communities*

5. DEFINITIONS

Hierarchy of Control

Is a list of control measures, in priority order, that can be used to eliminate or minimise exposure to the hazard. Elimination of the hazard must be considered before all other options.

Officers A person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business or undertaking of a public authority, excluding elected members, and who have the capacity to significantly affect the financial standing of the business.

PCBU Person Conducting a Business or Undertaking (PCBU) is the legal term under the WHS legislation for individuals, businesses or organisations that are conducting business.

Workers A worker is a person who carries out work in any capacity for a PCBU including work as an employee, volunteer, contractor, sub-contractor, work experience student or trainee.

6. POLICY IMPLEMENTATION

Council commitment:

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Council is committed to providing a safe and healthy workplace, and so far as is reasonably practicable, will:

- a) Provide a safe and healthy work environment for all our employees, contractors and other persons;
- b) Provide safe and healthy methods of work;
- c) Implement safe and healthy systems of work which includes programs and procedures which are continually reviewed and updated;
- d) Identify and eliminate or reduce hazards and risks to health and safety;
- e) Continually monitor and improve work health and safety;
- f) Provide advice and information, education and training resources;
- g) Comply with all relevant legislation;
- h) Provide for fair and effective workplace representation, consultation, co-operation and issue resolution to work health and safety;
- i) Co-ordinate effective management of injured workers and return to work programs.

Responsibilities:

Officers

Under the guidance of Work Health and Safety legislation, Officers are identified as:

- General Manager
- Director Technical Services
- Director Corporate Services
- Enterprise Risk Manager

Officers have the responsibility for exercising due diligence including taking reasonable steps to:

- Acquire and keep up-to-date knowledge of work health and safety matters;
- Gain an understanding of Council operations and the hazards and risks associated with those operations;
- Ensuring that the Council, within resource capability and availability, provides appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of Council's operations;

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- Ensuring the Council has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information, and
- Ensuring the Council has, and implements, processes for complying with duties and obligations under Work Health and Safety legislation.

Management

Management is defined as those with decision making responsibilities, and who are responsible for workers, in accordance with the definition of workers. This includes Department Managers, Supervisors and those who are responsible for employing contractors and utilising the services of volunteers.

Each Manager is required to ensure that this policy and the processes designed to support a safe and healthy workplace are effectively implemented in their areas of control, and to support workers and hold them accountable for their specific responsibilities. Management must ensure that:

- Workers are supervised and trained to meet their job requirements;
- Workers are consulted on issues which affect their health and safety;
- Hazardous situations are identified and measures adopted to eliminate risk, or manage it in accordance with the hierarchy of control.

Workers

Whilst at work, a worker must:

- Take reasonable care for his/her own health and safety;
- Take reasonable care that his/her acts or omissions do not adversely affect the health and safety of other persons;
- Comply, so far as the work is reasonably able, with any reasonable instructions;
- Abide by this policy, other Council workplace policies, and procedures that relate to health and safety at the workplace.

Other Persons

This applies to those people who visit the workplace and also extends to elected members of Council.

Whilst at a Council workplace, a person must:

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- Take reasonable care of his/her own safety;
- Take reasonable care that his/her acts or omissions do not adversely affect the health and safety of other persons, and
- Comply so far as the person is reasonably able, with any reasonable instructions.

7. RELATED LEGISLATION POLICIES OR STRATEGIES

Legislation

Local Government Act 1993

Work Health and Safety Act 2011

Work Health and Safety Regulations 2011

Policies and strategies

Local Government (State) Award 2014

Clothing and Protective Equipment Policy

Discrimination, Workplace Bullying and Harassment Policy

Drug and Alcohol Free Workplace Policy

Employee Assistance Program Policy

Heat Stress Policy

Pre-employment Medical Policy

Risk Management Policy and Framework

Workplace Rehabilitation Policy

7. FRAUD CONTROL PLAN AND POLICY

AUTHOR: Enterprise Risk Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 27.121.2

RECOMMENDATION NO. 4 -

1. that the Council revoke the existing Fraud Control Policy;
2. that the Council adopt the Fraud Control Policy as per the following:

FRAUD POLICY

File Reference No: 27.121.2

Strategic Outcome: Good government

Date of Adoption: 15/03/2017

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Date for Review: 15/03/2021

Responsible Officer: Enterprise and Risk Manager

1. POLICY STATEMENT

Berrigan Shire Council is entrusted by the community with the responsibility of managing assets and funds on behalf of the Berrigan Shire community. The Council has an obligation to establish and maintain systems that identify and deal effectively with risks relating to the fraudulent use of assets and funds controlled by the Council.

2. PURPOSE

The purpose of this policy is to protect the Council's assets and funds, maintain the integrity of the Council and its staff, and prevent fraud.

3. SCOPE

This policy applies to all Councillors, Council staff, delegates, volunteers, contractors and customers.

4. OBJECTIVE

This policy is designed to assist the Council to meet the following Community Strategic Plan objective:

2.2 Ensure effective governance by Council of Council operations and reporting.

5. DEFINITIONS

Fraud *According to the NSW Independent Commission Against Corruption, fraud is any practice which involves the use of deceit to confer some form of financial benefit upon the perpetrator (either directly or indirectly) and which results in some form of material loss to the entity defrauded. Fraudulent acts may involve theft, the making of false statements, evasions, the manufacturing of information or acts of omission.*

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6. POLICY IMPLEMENTATION

Fraud Control Plan

Council uses a risk management approach to control exposure to fraudulent activity. Following fraud risk assessments, high risk areas and processes in Council activities have been identified and a Fraud Control Plan developed.

The Fraud Control Plan is a summary of current control measures and preventative strategies that have been implemented, and monitored to achieve the following objectives:

- Elimination of internally and externally instigated fraud against the Council;
- Timely detection of all instances of fraud against the Council in the event that preventative strategies fail;
- Recovery for the Council of all property dishonestly appropriated or secure compensation equivalent to any loss suffered as a result of fraudulent conduct.

Reporting

In accordance with Council's Code of Conduct and Internal Reporting Policy, avenues are provided to Council officers and the public for the reporting of suspicious or known, illegal or unethical conduct.

Reports regarding suspected or known fraud can also be made to external agencies including:

- NSW Police Force
- Office of Local Government
- The NSW Independent Commission Against Corruption
- The NSW Ombudsman

Monitoring and Review

Implemented control measures will be periodically reviewed through various channels including but not limited to, internal audit, incident investigation and policy review, to ensure they remain effective.

The Fraud Risk Assessments and Control Plan will be reviewed in line with this policy to ensure risks are appropriately identified and any changes to Council activities are recognised and included where necessary.

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7. RELATED LEGISLATION POLICIES OR STRATEGIES

Legislation

Local Government Act 1993

NSW Public Interest Disclosures Act 1994

NSW Crimes Act 1900

Policies and strategies

AS8001-2003 Fraud and Corruption Control

Code of Conduct

Fraud Control Plan

Risk Management Policy and Framework

Internal Reporting Policy

3. that the Council revoke the existing Fraud Control Plan;
4. that the Council adopt the Fraud Control Plan as per the following:

FRAUD CONTROL PLAN

1. Executive Summary

1.1 Introduction

The Berrigan Shire Council is committed to protecting the revenue, expenditure, resources and assets that it is entrusted with, from fraudulent activity. In order to achieve this, the Council will act proactively in defining, managing, preventing and detecting fraud.

The Fraud Control Plan (the 'Plan') has been formulated from the Fraud Risk Assessments conducted, and the identification of activities which are more likely to be susceptible to acts of fraud. The Plan has been developed after these risks have been evaluated and in accordance with the following supporting documents:

- Berrigan Shire Council Fraud Control Policy
- Berrigan Shire Council Risk Management Framework
- Berrigan Shire Council Internal Reporting Policy
- Berrigan Shire Council Code of Conduct
- Berrigan Shire Community Strategic Plan
- Berrigan Shire Resourcing Strategy
- AS 8001-2008 Fraud and Corruption Control

The Plan is a summary of current control measures and preventative strategies that will be implemented to achieve the following objectives:

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- Elimination of internally and externally instigated fraud against the Council;
- Timely detection of all instances of fraud against the Council in the event that preventative strategies fail;
- Recovery for the Council of all property dishonestly appropriated or secure compensation equivalent to any loss suffered as a result of fraudulent conduct.

The Plan is a dynamic document and will be reviewed as new activities or risks arise, and to ensure control measures are operating effectively.

1.2 Definitions

In accordance with AS8001 – 2008 Fraud and Corruption Control, the following definition of fraud applies:

“Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity.”

1.3 Berrigan Shire Council's Attitude to Fraud

The Berrigan Shire Council is committed to ensuring all Council operations support ethical, transparent and accountable corporate governance. The Council will not tolerate any dishonest or fraudulent behaviour, and is committed to eliminating the risk and incidence of fraud across its operations.

1.4 Council Plans

The Berrigan Shire Community Strategic Plan is a ten year social, economic, civic leadership and environmental statement about the Berrigan Shire community's preferred future and the action Council will take and what the community can do to achieve this vision.

A Strategic Outcome of the Community Strategic Plan is 'Good Government'. Good government specifically focuses on making good decisions over time. This includes decisions around managing financial, economic and environmental risks.

The Fraud Control Plan acts as a supporting plan of the Community Strategic Plan in that it outlines how Council will achieve its objective of good governance by putting in place strategies to prevent fraudulent activity.

1.5 Roles and Accountabilities for Fraud Control

a) Council:

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The Council approves policy and receives advice on the Fraud Control Plan through the Corporate Services Committee, and/or the Risk Management Committee as required.

b) Corporate Services Committee, and Risk Management Committee:
These committees endorse the Fraud Control Plan and Risk Assessments and report to Council as required.

c) General Manager:
The General Manager has overall responsibility for the implementation of the Fraud Control Policy, and management of the Fraud Control Plan

d) Management:

Managers are responsible in their areas for:

- Establishing controls and procedures for prevention and detection of any fraudulent activities, in accordance with the Fraud Control Plan;
- Identifying risk exposures to fraudulent activities and ensuring that regular assessment of the risks are undertaken;
- Reinforcing the requirement for ethical conduct by staff and encouraging the prompt reporting of any instances of fraud or corruption;
- Ensuring that staff are aware of Council's policies in relation to fraud, ethical conduct and reporting;
- Remaining aware of indicators of fraudulent conduct, and responding appropriately.

e) All Staff:

All staff have a responsibility to undertake their duties in accordance with the Berrigan Shire Council Code of Conduct, and to promptly report any instances of fraudulent activities to their supervisor.

f) Others:

This applies to volunteers, contractors and members of the public who are encouraged to report any instances of fraudulent activities to relevant staff within Council.

2. Planning and Resourcing

2.1 Periodic Assessment of Fraud Risk

Berrigan Shire Council has conducted Fraud Risk Assessments which prioritise the current risks to Council. Due to the evolving nature of fraud risk, these assessments will be periodically reviewed, and will take into account the following questions:

- What role could exploit this fraud risk?
- How might it happen?

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- When and where might this occur?

2.2 Assignment of Fraud Control Resources/Responsibilities

Fraud Risk Assessments separate Council areas into the following categories:

- Financial Systems
- Procurement
- Human Resources
- Information Technology
- General Resources/Governance

Each of these areas has staff members who have a responsibility under the Code of Conduct to perform their duties in an ethical manner, and in accordance with Council policy. It is the responsibility of the Director Corporate Services and the Enterprise Risk Manager to periodically review the fraud control measures in these areas to ensure the preventative techniques adopted are effective, and to decide if further controls are required.

Recommendations to Council for further risk control measures will be made through either the Corporate Services Committee or Risk Management Committee. Decisions on whether particular controls should be implemented will be made with consideration of risk priority and cost/benefit analysis.

2.3 Audit

Council will utilise the following audit/review functions:

- External Financial Audit – this will be used on an annual basis to audit financial statements, identify anomalies and determine if fraud control measures are effective. Whilst it is anticipated that fraudulent activity will be uncovered during external audits, due to the nature of fraudulent activity detection may not be possible;
- Statewide Continuous Improvement Pathway Programme – this will be used to review Council's Fraud Control Framework to measure its adequacy against current best practice.
- Internal Reviews – Periodic reviews will be conducted by relevant personnel to ensure correct procedures are being followed, and to identify and verify any anomalies.

3. Fraud Prevention

3.1 Implementing and Maintaining an Ethical Culture

The Council has in place the following strategy for implementing and maintaining an ethical culture:

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1. Establishing and distributing a Code of Conduct to all staff;
2. Code of Conduct workshops/training delivered to existing staff;
3. Reiteration of Code of Conduct during Induction, with copy provided;
4. Management leading by example;
5. Periodic reinforcement through communication, e.g. memos;
6. Disciplinary procedures enforced.

3.2 Senior Management Commitment

The General Manager, Directors and Managers are committed to ensuring the risk of fraud is eliminated from their areas of control. Fraud Risk Assessments will be tabled at regular Management meetings, with issues of concern raised and discussed.

3.3 Accountability

All levels of management are accountable for setting the appropriate tone of intolerance for fraudulent acts by displaying the proper attitude toward complying with laws, rules, regulations and policies, and in particular the Berrigan Shire Council Code of Conduct.

More specifically, the General Manager, Directors and Managers should be aware of circumstances that may indicate the possibility of fraud.

These can include:

- Discrepancies in accounting records;
- Conflicting or missing evidence or documentation;
- Missing plant or equipment against purchases;
- Excessive ordering of goods/services;
- Excessive repeated use of the same contractor;
- Discrepancies on time sheets;
- Staff appointments or promotion made other than on merit;
- Misuse of computer/internet access;
- Unauthorised or undeclared personal use of motor vehicles;
- Unauthorised private use of Council resources.

3.4 Internal Controls

The Fraud Risk Assessments have identified those activities that pose risks of fraudulent activity. In addition, they list existing fraud control measures in place that assist in reducing the risks. During the risk assessment process, where existing control measures have been deemed inadequate, or need further support, additional control measures have been suggested.

Existing control measures include, but are not limited to:

- Internal Reporting policies and protected disclosure;
- Code of Conduct and Statement of Business Ethics;

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- Authorisation of payment runs;
- Bank reconciliations and Audit trails;
- Separation of duties;
- Job rotation through staff leave;
- Staff supervision;
- External audits;
- Time Sheet review and approval;
- IT controls such as Websense, and password protection;
- Controlled access and physical security.

Suggested controls include, but are not limited to:

- Purchasing policies and procurement protocols;
- Plant and equipment controls;
- Random internal checks;
- Improved controls for cash receipting;
- Fraud Awareness training

All control measures are subjected to periodic review to ensure they remain effective.

3.5 Management and Staff Awareness

The primary purpose of ensuring management and staff are aware of fraud is to assist in the prevention and control of fraud by raising the general level of awareness amongst all employees. This will be achieved by:

- Ensuring all employees have received instruction and information on the Council's Code of Conduct, and are provided with a copy of the document;
- Ensuring all employees receive fraud awareness training appropriate to their position;
- Ensuring all updates and changes to the Fraud Control policy, other relevant policies, the Code of Conduct, and other pronouncements are effectively communicated to all employees;
- Ensuring staff are aware of the alternative ways in which they can report allegations or concerns regarding fraud or unethical conduct, and
- Encouraging staff to report any suspected incidence of fraud.

3.6 Human Resource Controls

Human Resource controls are critical in minimising Council's fraud risks. Main areas of control include pre-employment screening, segregation of duties, job rotation and enforced leave.

Pre-employment Screening

Prior to appointment, or promotion, all employees will be subjected to pre-employment screening. This will be communicated to the employee at interview.

Min. No.

Screening controls utilised include:

- Verification of identify requiring a copy of a current driver's licence. Where that is not available, and the position does not require it, a copy of other documentation confirming identity will be required;
- Reference checks with recent employers. This will be made by phone contact;
- Justification for gaps in employment history;
- Verification of formal qualifications claimed

Segregation of Duties

Staff within Council will have distinct job functions, where an overlapping of roles exists, particularly for those roles identified with a Medium to High risk priority.

Job Rotation

Staff will be encouraged to learn other roles, and to be available to assume those roles during absences.

Enforced Leave

Council will monitor leave entitlements and will ensure that leave is taken in accordance with the State Award, and Council's Annual and Other Leave Policy.

3.7 Stakeholder Awareness

Emphasising that the Council is committed to ethical, transparent and accountable corporate governance is important in ensuring that stakeholders receive clear messages on Council's stance on fraud.

Council will use a variety of mediums to ensure this message is relayed. These include, but are not limited to:

- Community Plans
- Website
- Newspaper Bulletin items
- Tender documents
- S355 Committee documentation
- Statement of Business Ethics circulated to suppliers and partners

4. Fraud Detection

4.1 Fraud Detection Program

Monitoring and detection strategies used by Council will fall into two areas:

1. External checks
2. Internal checks

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External Checks

Council's external Financial Auditor has a responsibility for detecting fraud as part of the annual audit, and Council will offer any assistance required to enable the auditor to conduct a comprehensive examination of this issue.

Internal Checks

Council will develop and undertake a series of post-transactional reviews and periodic assessments of particular transactions that will support existing fraud control measures. This will be determined on a risk management basis.

4.2 Reporting Mechanism

Council's internal reporting system is outlined in the Internal Reporting Policy. All staff are provided with a copy of the Internal Reporting Policy.

4.3 Protected Disclosures

Berrigan Shire Council will support any staff who report wrongdoing. For a report to be considered a protected disclosure, it has to meet all the requirements under the Public Disclosures Act. This is outlined in the Internal Reporting Policy.

5. Responding to Fraud Incidents

5.1 Investigation Process

Following the reporting of fraudulent activity, and where possible, an internal investigation will occur. This investigation will be conducted by two or more persons who are appropriately qualified and not associated with the activity in question, and will occur as soon as practicably possible after becoming aware of the incident.

The Council are committed to ensuring any investigation is conducted in a confidential, transparent, independent and objective manner, and according to the rules of procedural fairness.

The purpose of the internal investigation is to quickly identify any wrongdoing, to ascertain if further external investigative expertise is required, and to take appropriate action.

The investigation will collate information from various sources, including but not limited to:

- Witness statements
- Collation of documentary evidence such as financial reports, time sheets, etc.
- Examination of emails

Min. No.

- Examination of telephone records
- Enquiries with other third parties, including banks, contractors, etc.
- Information supplied by the accused.

The conclusion of the investigation will result in finding fraud, no fraud or no conclusion. All findings however, will be supported with facts and documented in an Investigation Report (refer Appendix A).

Where instances of fraud involving external parties are uncovered, Council will seek external investigative advice.

5.2 Disciplinary Procedures

Upon completion of the investigation, Council will consider and recommend appropriate action in relation to those who have participated in fraudulent acts. This may include:

- Disciplinary action pursuant to Council policies and procedures, and the State Award;
- Police notification
- Possible termination of relationships with third parties;
- Legal Action

The police may also pursue criminal charges against those who have been found to have participated in criminal acts.

5.3 External Reporting

When matters come to the Council's attention, that have the potential to be investigated, Council is required to report such matters to the appropriate external body such as ICAC or NSW Police.

It is important that reporting takes place as soon as there are reasonable grounds to suspect fraud or a criminal offence has occurred or is about to occur.

Employees may also make reports directly to these external bodies. Refer to Council's Internal Reporting Policy.

All instances of fraud involving theft of cash, or redistribution of funds for personal gain will result in police notification.

All other instances of fraud will be assessed in relation to the nature of the fraudulent act and the findings of the investigation report. Any staff involved in fraudulent activity will be subjected to disciplinary action.

Council will pursue those who have committed fraudulent acts to recover any assets lost, and seek civil restitution where possible.

5.4 Internal Control Review

Min. No.

Following the detection of a fraud incident, Council will review and assess the adequacy of its internal controls, particularly those directly impacting on the fraud incident, and will consider whether any improvements are required. Where improvements are required, these will be implemented as soon as practicably possible.

5.5 Fidelity Guarantee Insurance

Council has in place Fidelity Guarantee Insurance to the value of \$1,000,000 for fraudulent embezzlement or misappropriation of money or goods belonging to Council, committed by an employee of Council.

Min. No.

Appendix A

Fraud Incident Investigation Report

This form is to be used to record investigation findings. It is important to provide as much details as possible and provide evidence to support any findings.

Investigation conducted by:

Position

Date/Time:

Signed:

Investigation conducted by:

Position

Date/Time:

Signed:

PART A – INCIDENT DETAILS

Date of Incident Detection

Time of Incident Detection

How the Incident came to the attention of management (e.g. anonymous report, normal report, supplier report)

Nature of the Incident

Details and value of loss (if any) to the Council

Min. No.

Action taken following discovery of the incident

PART B – WITNESS DETAILS (IF AVAILABLE)

Witness 1 - Name

Contact details
provide details below

Employee Other
If other box is ticked

Is statement attached?
 Yes No

Witness 2 - Name

Contact details
provide details below

Employee Other
If other box is ticked

Is statement attached?
 Yes No

Witness 3 - Name

Contact details
provide details below

Employee Other
If other box is ticked

Is statement attached?
 Yes No

Min. No.

Witness 4 - Name

Contact details
 provide details below

Employee Other
 If other box is ticked

Is statement attached?
 Yes No

PART C – INVESTIGATION DOCUMENTATION

Supporting documentation must be attached to this report.

✓/x	Supporting document
	Copies of interviews
	Financial Reports
	Other Reports – state which:
	Time Sheets
	E-mails
	Correspondence
	Bank Statements
	Cash receipts
	Purchase orders
	Accounts/Claims for Payment
	Tender documentation
	Other documentation – please specify:

Additional Comments

Cr Hannan returned to the Chambers at 10:51am and assumed the chair.

Min. No.

MAYORS REPORT

Cr Hannan reported that he had attended the following during the period:

- Health & Well Being Expo
- Healthy Brain/Ageing Finley TAFE
- Media training
- Back to Business Week Breakfast
- Murray Irrigation Ltd phone conference
- Albury training
- School of Arts/Memorial Hall meeting
- International Womens Day luncheon
- Meeting with Moira Council
- Finley Chamber of Commerce meeting

56 **RESOLVED** Crs Morris and Glanville that the Mayors report be received.

DELEGATES REPORTS

Cr Brodey

- Back to Business Week Breakfast
- Meeting with Moira Council

Cr Taylor

- Meeting with Moira Council
- Finley War Memorial Hall/School of Arts meeting

Cr Morris

- Nil

Cr Glanville

- Nil

Cr Jones

- Back to Business Week Breakfast
- Meeting with Moira Council

Cr Bruce

- Charles Sturt University Scholarship
- Back to Business Week Breakfast
- Meeting with Moira Council

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GENERAL BUSINESS

Cr Bruce

- Town Consultations
 - Time of meetings
 - Meeting should be at night
- Yarrawonga bridge – build asap. Request Roads authorities and State to move on.

57 RESOLVED Crs Bruce and Jones that Council write to RMS and VicRoads advising that the Yarrawonga bridge program needs to move forward.

- Takari Street shed
- SRN/tourism booklet – bring to Council for approval

Cr Jones

- Town advertising
- Main street DA's

Cr Glanville

- Tocumwal LHAC annual forum

Cr Morris

- Nil

Cr Taylor

- Finley Footbal & Netball Club – grand final application
- Finley Forum
- Memorial Service
- Finley Local Health Advisory Committee – parking/pedestrians
- Schools to attend Council workshops
- Business

Cr Hannan

- Business Awards value

Development Manager

- Issues at Berrigan grain bunker
- Issue notice of intention to serve an order
- Outdoor dining

Director Technical Services

- Nil

Director Corporate Services

- Volunteer recognition names up to 10
- Audit plan

Min. No.

- Berrigan Sportsground entry and improvements
- Finley Basketball insurance

General Manager

- Aerodrome meeting
- Business Awards numbers
- High security water pricing

Cr Bruce

- Central Murray County Council (CMCC)

Cr Morris declared a Pecuniary Interest in this matter as he is an employee of CMCC and left the Chambers at 11:45am.

Cr Bruce

- Central Murray County Council (CMCC) meeting next Wednesday

Director Technical Services

- Aerodrome NOTAM

Cr Taylor

- Away for committee meetings

Cr Hannan

- Away for committee meetings

There being no further business the meeting closed at 11:55pm.