



ORDINARY MEETING OF COUNCIL

Wednesday 20 July, 2022

at 9:15am

Council Chambers

56 Chanter Street, Berrigan



Agenda



Council Meeting

Wednesday 20 July, 2022

BUSINESS PAPER

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **Wednesday 20 July, 2022** when the following business will be submitted:-

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No business, other than that on the Agenda, may be dealt with at this meeting unless admitted by the Mayor.

A handwritten signature in blue ink that reads "K. Ewer".

KARINA EWER
CHIEF EXECUTIVE OFFICER



1. OPENING OF MEETING

In the spirit of open, accessible and transparent government, Berrigan Shire Council's meetings are audio recorded. By speaking at a Council Meeting, members of the public agree to being recorded. Berrigan Shire Council accepts no liability for any defamatory, discriminatory or offensive remarks or gestures that are made during the course of the Council Meeting. Opinions expressed or statements made by individuals are the opinions or statements of those individuals and do not imply any form of endorsement by Berrigan Shire Council.

Confidential matters of Council will not be audio recorded.

Recordings are protected by copyright and owned by Berrigan Shire Council. No part may be copied, recorded, reproduced or transmitted without the prior written consent of the Chief Executive Officer. Any recording is not, and shall not, be taken to be an official record of Berrigan Shire Council meetings or the discussion depicted therein. Only the official minutes may be relied upon as an official record of the meeting.

An audio recording of the Council Meeting will be taken for administrative and minute preparation purposes only and is provided to the public for listening purposes to support Council's statutory obligations.

2. ACKNOWLEDGEMENT OF COUNTRY

"We acknowledge the original inhabitants whose country we are gathered on, and we pay respect to the elders, past, present, and future and extend respect to all first nations people."

3. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE OR ATTENDANCE VIA AUDIO-VISUAL LINK BY COUNCILLORS

4. CONFIRMATION OF PREVIOUS MINUTES

Recommendation: That the Minutes of the Ordinary Council Meeting held in the Council Chambers on Wednesday 15 June, 2022 and the Minutes of the Extraordinary Council Meeting held in the Council Chambers on Wednesday 22 June, 2022 be confirmed.

5. DISCLOSURES OF INTEREST

6. MAYORAL MINUTE(S)

6.1 Mayoral Minute – Accounting Treatment of Rural Fire Service (“Red Fleet”) Assets

Recommendation: that:

1. Council writes to the local State Member(s), Helen Dalton MP, the Treasurer the Hon. Matt Kean MP, Minister for Emergency Services and Resilience the Hon. Stephanie Cook MP and the Minister for Local Government Wendy Tuckerman MP:
 - a. Expressing Council’s objection to the NSW Government’s determination on ownership of Rural Fire Service assets;
 - b. Advising of the impact of the Government’s position on Council finances of this accounting treatment;
 - c. Informing that Council will not carry out RFS assets stocktakes on behalf of the NSW Government and will not record RFS assets in Berrigan Shire Council’s financial statements;
 - d. Calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of Rural Fire Service (RFS) assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS; and
 - e. Amending s119 of the *Rural Fires Act 1997* so that the effect is to make it clear that RFS assets are not the property of councils.
2. Council writes to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC:
 - a. Advising Members of Berrigan Shire Council’s position, including providing copies of correspondence to NSW Government Ministers; and
 - b. Seeking Members’ commitments to support NSW Councils’ call to amend the *Rural Fires Act 1997* as set out in correspondence.
3. Berrigan Shire Council writes to the Auditor General advising that notwithstanding any overtures of future qualified audits, it will not carry out RFS stocktakes on behalf of the NSW Government and will not record RFS assets in Berrigan Shire Council’s financial statements, noting that the State Government’s own Local Government Code of *Accounting Practice and Financial Reporting* provides for councils to determine whether or not they record the RFS assets as council assets.

4. Council promotes these messages via its digital and social media channels and via its networks.
 5. Re-affirms its complete support of and commitment to local RFS brigades noting that Berrigan Shire Council's action is entirely directed towards the NSW Government's nonsensical position that rather than being owned and controlled by local brigades, RFS assets are somehow controlled by councils, which councils consider to be a cynical financial sleight of hand abdicating the NSW Government's responsibilities at the cost of local communities.
 6. That Berrigan Shire Council affirms its support to Local Government NSW (LGNSW) and requests LGNSW continue advocating on Council's behalf to get clarification finally from the State Government about the accounting treatment of RFS assets
-

Report:

I am calling on Councillors to support the local government campaign on the financial accounting treatment of Rural Fire Service (RFS) mobile assets known as the 'Red Fleet'.

A long-standing dispute over the accounting treatment of the Red Fleet has come to a head with the Auditor-General's 2021 Report on Local Government on 22 June 2022. The Audit Report reemphasises the State Government determination that RFS assets are the "property" of councils and must be recorded in Council's financial statements with Council required to therefore absorb all depreciation costs.

The *Audit Office Local Government Report* has reinforced the notion that RFS mobile and other fire-fighting assets can somehow be deemed to be council assets and applies more pressure on councils and the Office of Local Government (OLG) to conform with this determination, even though councils do not have effective management or control of these assets.

Councils across the State and Local Government NSW (LGNSW) refute this determination. Councils do not have any say in the acquisition, deployment, or disposal of these assets. Comparable assets held by Fire & Rescue NSW (FRNSW) and the State Emergency Service (SES) are not vested anywhere other than with the organisations that purchase, use, maintain and dispose of them.

Councils and LGNSW have also raised concerns that the requirement breaches Australian Accounting Standards. The State Government's own *Local Government Code of Accounting Practice and Financial Reporting* (the Code) provides for councils to determine whether to record RFS assets on their books as council assets. This position has been confirmed by the Secretary of the Department of Planning and Environment in his letter to the Auditor-General



dated 7 June 2022, presented in Appendix1 on page 47 of the 2021 Local Government Audit Report.

Council notes advice from LGNSW that many councils are refusing to comply with the Auditor General's instructions. Councils remained firm in 2021, resisting pressure to record RFS assets with the majority (68), choosing not to record the RFS mobile assets in accordance with the Code. This was the same number of councils as in 2020. LGNSW is encouraging councils to continue resisting pressure from the Audit Office and make their own determinations notwithstanding overtures that ongoing non-compliance with the Auditor General's instructions may result in future qualified financial reports.

The latest Audit Report has made further impositions on Berrigan Shire Council by:

- recommending Council undertakes a stocktake of RFS assets and records the value in Council's financial statements;
- warning that if Council does not recognise the assets, it will be found non-compliant and will have a high risk finding reported; and
- calling on the NSW Department of Planning and Environment (OLG) to intervene where councils do not recognise rural firefighting equipment.

The Government's blanket determination is not only nonsensical, but also inconsistent with the treatment of the comparable assets of other emergency service agencies such as Fire & Rescue NSW (FRNSW) and the State Emergency Service (SES). There is no rational reason for maintaining this anomaly.

LGNSW has been advocating this position on councils' behalf and has written to the NSW Treasurer the Hon. Matt Kean MP, Minister for Emergency Services, the Hon. Steph Cooke MP, Minister for Local Government the Hon. Wendy Tuckerman MP and the Auditor-General, Ms Margaet Crawford to express the local government sector's strong objection to the NSW Government's determination, applied by the Auditor-General, that RFS assets are the property of councils for accounting purposes and amend the *Rural Fires Act 1997*.

LGNSW has advised it will continue its advocacy efforts on councils' behalf and is asking all affected councils in NSW to consider adopting a resolution advising the Audit Office that Council will not carry out the RFS stocktakes on behalf of the NSW Government and will not record RFS assets on Council's financial statements.



7. REPORTS OF COMMITTEES

Nil



8. REPORTS TO COUNCIL

8.1 Council Action List Report

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council receive and note the Council Action List Report.

Report:

The Council Action List Report, circulated separate to this Agenda to Councillors is designed to note the motion, and actions being taken to implement that decision, including the timeframe in which it is likely to be completed.



8.2 Finance - Accounts

Report by: Finance Manager, Tahlia Fry

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 30 June 2022,
- b) Confirm the accounts paid as per Warrant No. 06/22 totaling \$3,843,802.70 and
- c) Note the report on investments attached as **"Appendix 8.2-A"**

Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 30 June 2022 is certified by the Finance Manager.
- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 30 June 2022.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 30 June 2022, totaling \$2,521,355.32 and will be submitted for confirmation of payment as per Warrant No. 06/22
- d) The Finance Manager certifies that all Investments have been placed in accordance with:
 - i. [Council's Investment Policy](#),
 - ii. [Section 625 of the Local Government Act 1993 \(as amended\)](#),
 - iii. [the Minister's Amended Investment Order gazetted 11 January 2011](#),
 - iv. [clause 212 of the Local Government \(General\) Regulations 2021](#), and
 - v. Third Party Investment requirements of the Office of Local Government Circular 06-70
- e) June has seen a small increase in total funds compared to the end of May of \$28K. This represents the normal cash pattern and large number of invoices paid to finalise the end of the financial year.

In comparison to June 2021 total funds have increased by \$625K, this increase is largely due to the Financial Assistance Grant advance payment.



- f) Further information regarding Council's investments is attached to this Agenda as "Appendix 8.2-A".

Statement of Bank Balances as at 30 JUNE 2022

Bank Account Reconciliation

Cash book balance as at 30 JUNE 2022	\$17,107,557.26
Receipts for JUNE 2022	\$ 2,549,154.29
Term Deposits Credited Back	\$ -
	<u>\$19,656,711.55</u>
<i>Less Payments Statement No 06/22</i>	
Bank Transfers	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 579,119.03
Electronic Funds Transfer (EFT) Creditors E039877-E040113	\$ 1,875,717.65
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 66,518.64
Total Payments for JUNE 2022	<u>\$ 2,521,355.32</u>
Cash Book Balance as at 30 JUNE 2022	<u>\$17,135,356.23</u>
<i>Bank Statements as at 30 JUNE 2022</i>	\$17,135,356.23
Plus Outstanding Deposits	\$ -
Less Outstanding Cheques/Payments	\$ -
Reconciliation Balance as at 30 JUNE 2022	<u>\$17,135,356.23</u>

INVESTMENT REGISTER

INSTITUTION	FUND	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	WATER	136/18	365	**0.80%	19/10/2022	\$ 2,000,000.00	BBB+
AMP	SEWER	144/19	365	**1.25%	23/03/2023	\$ 2,000,000.00	BBB+
AMP	GENERAL	133/17	365	**2.90%	23/05/2023	\$ 1,000,000.00	BBB+
AMP	GENERAL	125/16	365	**2.90%	31/05/2023	\$ 2,000,000.00	BBB+
Bank Of Queensland	GENERAL	147/22	365	3.15%	29/05/2023	\$ 2,000,000.00	BBB+
Bendigo Bank	WATER	141/18	364	*0.30%	13/09/2022	\$ 2,017,008.19	BBB+
Bendigo Bank	WATER	142/18	365	*0.30%	26/09/2022	\$ 2,000,000.00	BBB+
Bendigo Bank	GENERAL	146/20	365	*0.30%	28/09/2022	\$ 5,039,534.40	BBB+
Central Murray Credit Union	SEWER	126/16	365	0.40%	31/08/2022	\$ 2,000,000.00	UNRATED
Defence Bank Limited	WATER	146/19	365	0.30%	31/08/2022	\$ 2,000,000.00	BBB
Defence Bank Limited	WATER	138/18	365	0.70%	10/01/2023	\$ 2,000,000.00	BBB
NAB	WATER	143/18	365	0.50%	18/11/2022	\$ 2,000,000.00	AA-
						<u>\$ 26,056,542.59</u>	

Total Funds Held at 30 JUNE 2022

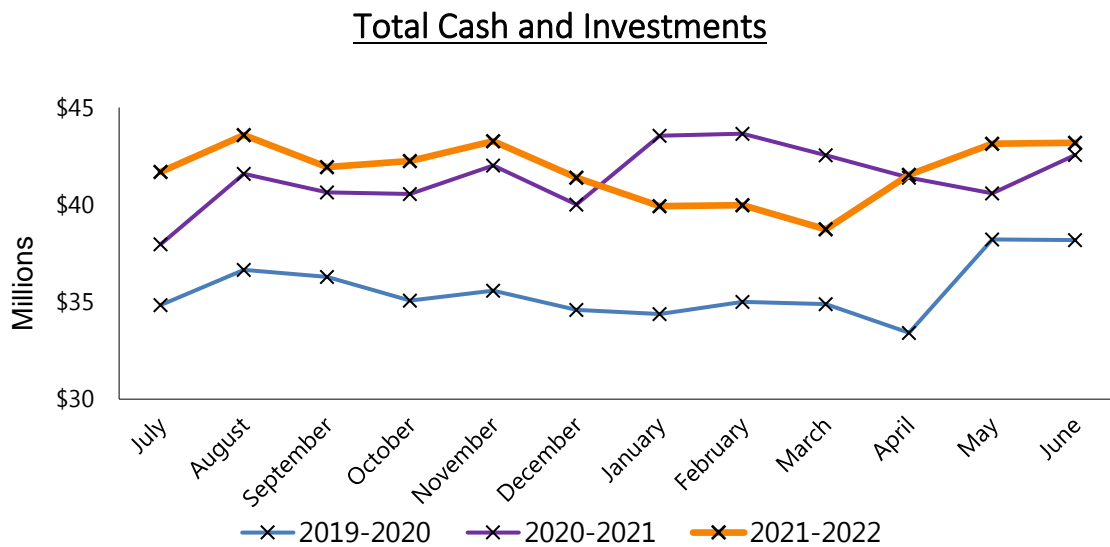
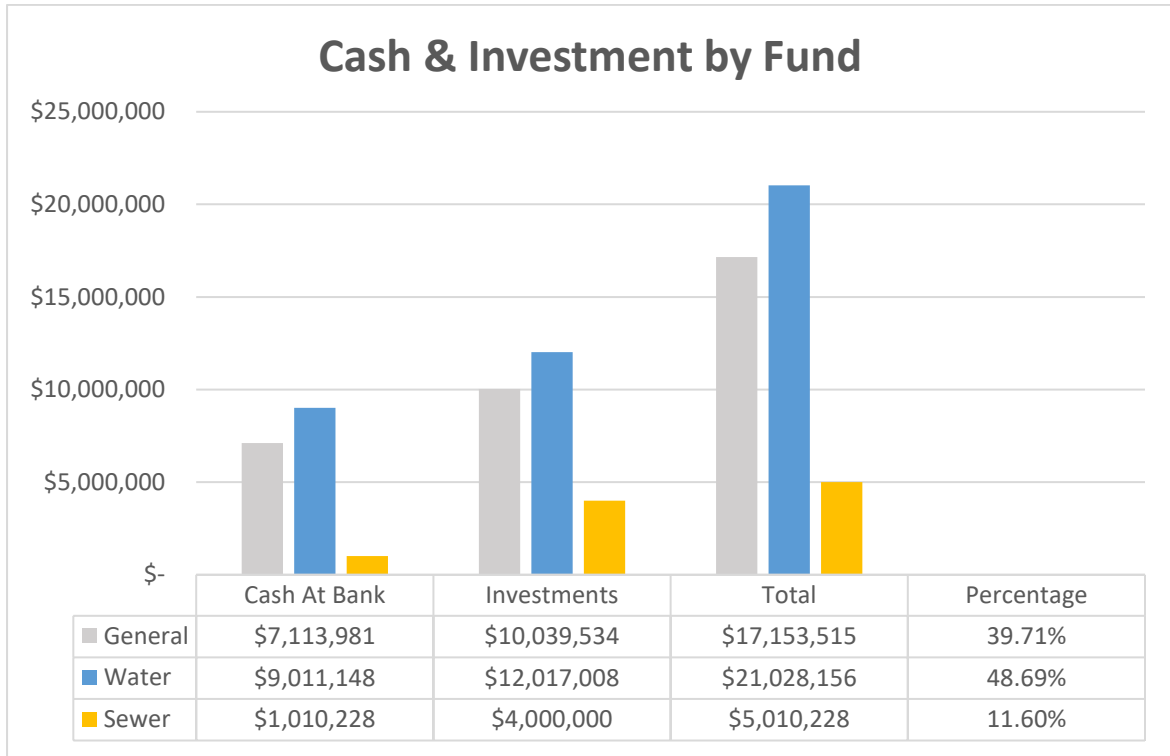
\$43,191,898.82

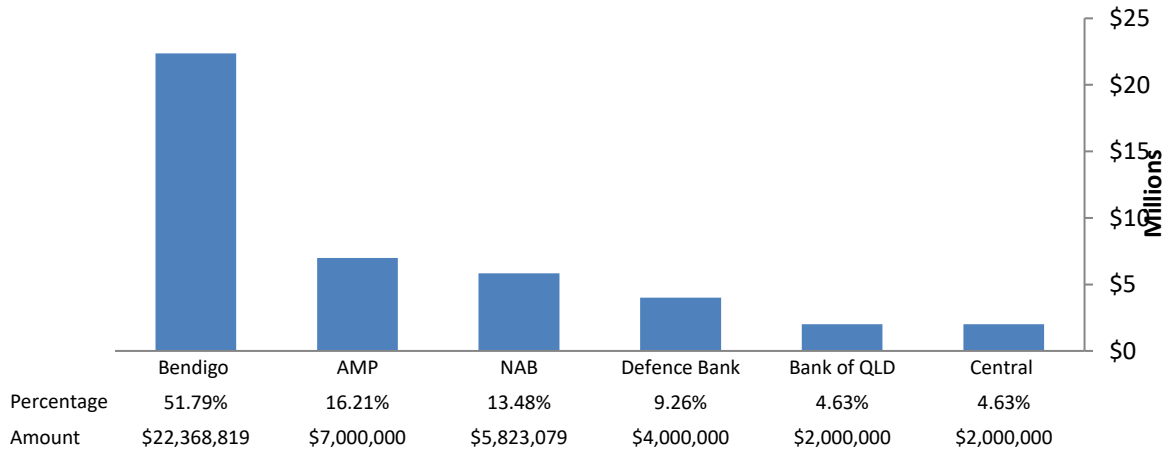
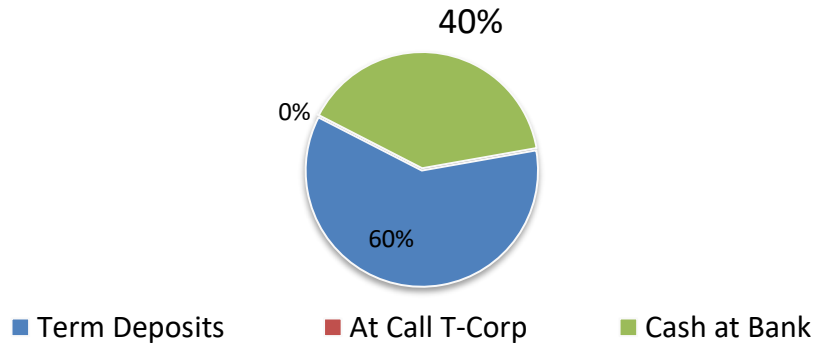
Tahlia Fry - Finance Manager

*The Council also receives an additional 0.25% commission

**The Council also receives an additional 0.20% commission

Total Funds held between General, Water and Sewer are as follows:





Term Deposits Credited Back

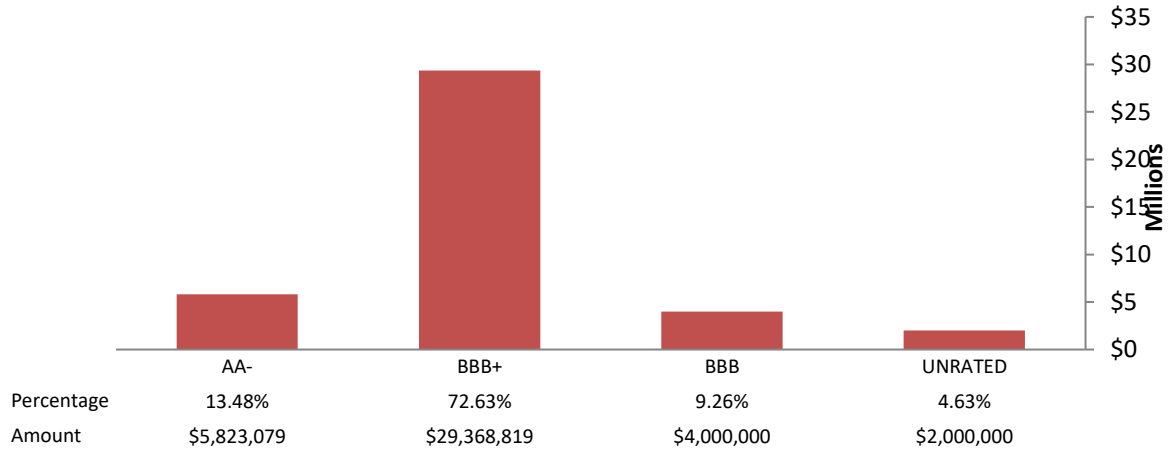
Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
NIL CHANGES				

Term Deposits Invested / Reinvested

Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
NIL CHANGES				

*The Council also receives an additional 0.25% commission

**The Council also receives an additional 0.20% commission



8.3 Rebranding Project Evaluation

Report by: Executive Assistant, Jacq-Lyn Davis

Strategic Outcome: 2. Good government

Strategic Objective: 2.2 Strengthen strategic relationships and partnerships with community, business and government

This report is for information only.

Report:

This report has been prepared to provide an update to Council following the Council's decision at the June Ordinary Council Meeting where it made the following resolution:

8.24 Berrigan Shire Council Rebrand

175 Resolved Cr Marriott and Cr Paine that the Council:

1. proceed with Option 1 of the rebranding proposal – a full rebrand, including consideration of the Council name;
2. delegate authority to the CEO to appoint a suitable Creative Agency to conduct the rebrand, based on submissions received through the EOI process.

The evaluation panel consisting of Keelan McDonald, Bianca Bourke and Jacq-Lyn Davis met on Friday 24 June 2022 to assess all submissions received through the Expression of Interest (EOI) process for the rebrand.

The criteria used for evaluating these responses is as follows:

Price possible score out of 5

Timeline possible score out of 5

Portfolio possible score out of 10

Approach possible score out of 10

Tactical Direction Pty Ltd was the highest scoring Creative Agency in this process.

A recommendation from the evaluation panel to appoint Tactical Direction was presented to the Chief Executive Officer on Tuesday 28 June 2022.



The Chief Executive Officer accepted the recommendation of Tactical Direction Pty Ltd undertake the rebranding project at the quoted price of \$35,950 (excl. GST) on Friday 1 July 2022.

The project team will initiate an introductory meeting with Tactical Direction's project team in early August and will continue to keep Council informed and included throughout the project.

8.4 Tocumwal Aviation Museum – Adventure Flights Memorandum of Understanding

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.1 Strengthen and diversify the local economy and invest in local job creation and innovation

Recommendation: That Council endorse the Memorandum of Understanding between Berrigan Shire Council and the Tocumwal Aviation Museum as presented as “**Appendix 8.4-A**” and direct the Mayor and CEO to sign the document and implement its outcomes.

Report:

The purpose of this report is to ensure Council is supportive of the content of this Memorandum of Understanding (MOU), noting that the requirement for regular approvals for these flights will not be required as a result of this MOU, however regular review provisions are included in the document.

Summary

An MOU is provided to broadly outline an agreement by two or more parties. In this case, the MOU Provides a framework in which Adventure Flights might be managed, including a review mechanism to ensure the intend of the MOU is attained.

Background

Tocumwal Aviation Museum operators have approached Council to commence Adventure Flight operations from the Tocumwal Aerodrome. The approach is made in response to increasing requests from the community, visitors and tourists alike to be able to access this form of tourism product (aviation tourism) from the Tocumwal Aerodrome.

A report was presented to the April Ordinary Council meeting where the following decision was made:

8.31 Adventure Flight Proposal – Tocumwal Aerodrome

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Resolved Cr Hatty and Cr Cornwell McKean that the Council:

1. approve the operation of Adventure Flights from the Tocumwal aerodrome by the operators of the Tocumwal Aviation Museum.
2. direct the CEO to arrange a formal agreement with the operators of the Tocumwal Aviation Museum to manage Adventure Flights from the museum only, and to accept the transfer of liability for that operation through their current \$20,000,000 in Public Liability Insurance.

Relevance to Community Strategic Plan and Other Strategies /Masterplans / Studies

At the March Corporate Workshop Council requested aviation tourism be included in the review of the Tourism Strategy currently being undertaken by Council's Economic Development Manager.

Issues and Implications

Policy

The Strategic Partnership White Paper and requirements of the Strategic Partnerships Policy are relevant to this MOU

Financial

There are no financial costs to Council's budget.

Council's fees and charges regime currently provides for commercial activity at the Aerodrome to be negotiated between the commercial provider and Council. The Aviation Museum and I have agreed to pay per flight, paid in arrears each quarter. A report will be provided at each quarterly meeting to allow that invoice to be raised.

Legal / Statutory

There are legal and statutory requirements associated with airplanes and aerodrome management. These matters are covered as fully as can be possible by the requirements for relevant approvals to be provided for the Adventure Flights through referral agencies such as CASA. The Aerodrome Manager's requirements are also included in the considerations for managing these Adventure Flights.

Community Engagement / Communication

As minimal impact is expected for those neighbouring the aerodrome (these flights are allowed and occur without permission at the moment). The only difference is the flights will now include paying passengers.

Risks

Public Liability

Likelihood	Consequence				
	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

Adventure Flights do come with some risk as things can go wrong and this should be acknowledged, however the Aviation Museum carry the required \$20M Public Liability Insurance and each pilot will carry \$10M in Public Liability Insurance as required by CASA. Jointly, the risk of exposure to such risk is therefore reduced however, cannot be eliminated. Council's Risk Appetite in this area is Resistant, and all steps have been taken to minimise exposure.

Community (Social & Cultural) / Government / Reputation / Media

Likelihood	Consequence				
	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

It is possible those surrounding the Aerodrome may complain about the noise of the aircraft as the flights become more regular. It is expected the complaints most likely will be only from those who usually make complaints about the Air Show and Aerobatics Events as most of the community appear to enjoy these events. It should be noted these pilots already fly in and out of the aerodrome however they do not have paying passengers, and do not fly multiple times in one day. Council staff will monitor the impacts and assess what precautions etc. might be possible, however purchasing land beside an active aerodrome does mean flights will take place in your vicinity.

Legal

Likelihood	Consequence				
	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

There are a number of statutory and industry requirements associated with delivering Adventure Flights at the Tocumwal Aerodrome. The owners of the Tocumwal Aviation Museum however do have an extensive understanding of these requirements however and will be required to meet them in order for the regulatory authorities to give their approvals. Council's Aerodrome Manager will also be involved in quarterly meetings with the Museum and as partners we will be able to address any matters that may arise from the operation of Adventure Flights as part of those meetings.

Positive Consequences

Likelihood	Consequence				
	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

Although Council will not see any real financial gain in supporting these flights, there is potentially considerable benefit to the community as this industry grows (aviation tourism). Working with the Museum has proved a fruitful enterprise in the past and there is no reason that relationship will not continue to gain momentum with the establishment of Adventure Flights from the Aviation Museum.

Options

1. Endorse the MOU as presented
- Do not endorse the MOU as presented
- Alter the MOU presented to include agreed changes

Conclusions

Should Council endorse the MOU for signature today, I will expedite the signing as there is still a significant amount of work required of the Aviation Museum to work with the regulatory authorities to have these Adventure Flights approved and in place before the peak tourism season.



8.5 Draft Strategic Partnerships White Paper, Framework and Policy

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That Council:

1. endorse the Strategic Partnerships White Paper attached as **"Appendix 8.5-A"**;
2. adopt the Strategic Partnerships Framework and Policy attached as set out below:



Policy

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STRATEGIC PARTNERSHIPS FRAMEWORK AND POLICY

Strategic Outcome:	Good government		
Date of Adoption:	20 July 2022	Minute Number:	
Date for Review:	16 July 2025		
Responsible Officer:	Chief Executive Officer		
Document Control:	New Document		
Delivery Program Link:	<i>2.2 Strengthen strategic relationships and partnerships with community, business and government</i>		

1. POLICY STATEMENT

The Berrigan Shire Council (the Council) aims to be recognised as the Shire that builds on and promotes our natural assets and advantages to create employment and economic activity to attract residents, families and tourists. To achieve our aim, the Council's Strategic Plan 2022 – 2032 commits us to several objectives including to:

- strengthen strategic relationships and partnerships with community, business and government;
- ensure Council operations, partnerships and co-ordination of resources contribute toward the implementation of the Strategic Plan; and
- participate in networks that promote regional and cross-border collaboration, planning and service delivery.

To achieve these objectives, the Council intends to consider a broad range of working arrangements and resourcing options. Part of this process is an assessment of partnership arrangements with a variety of public sector agencies, businesses, not for profit organisations and community groups.

This framework and policy is directed towards giving clear direction to all when dealing with Strategic Partnership arrangements with the Council, and being open and transparent in the arrangements entered into by the Council.



Policy

2. PURPOSE

The purpose of this policy is to implement a framework for consistently establishing and managing Strategic Partnership arrangements entered into by the Council.

Responsible officers of Council's administration must ensure:

- all Strategic Partnership arrangements entered into are in accordance with this policy;
- a central register is kept of all formal Strategic Partnership arrangements entered into, including the parties, the purpose of the arrangement and its duration;
- all Strategic Partnership arrangements are formally reviewed on a regular basis to ensure alignment with the Council's current priorities and strategic outcomes; and
- criteria for evaluation and approval of proposals are provided to ensure consistency, transparency and direct alignment of resources with core organisational responsibilities and strategic priorities, and to maximise the benefits and minimise the risks associated with Strategic Partnership arrangements.

This policy is based on key principles and guidance for entering into Strategic Partnerships as provided in the *Public Private Partnership (PPP) Guidelines* issued by the Office of Local Government. It should be recognised however that not all Strategic Partnerships will be Public Private Partnerships and will therefore not be subject to the PPP Guidelines.

The Council aims to ensure consistency, transparency and direct alignment of resources with core organisational responsibilities and government and Council priorities when entering into a Strategic Partnership arrangement, and to maximise the benefits and minimise the risks associated with partnership arrangements.

Council's motivation in entering Strategic Partnerships is to access pools of resources and expertise not generally available, and thereby assist Council to improve its delivery outcomes and leverage Council resources more effectively.

The policy provides guidance to management of Strategic Partnership arrangements. While most partnerships are expected to result from invitations from the Council, some may result from unsolicited requests or offers from external organisations.

3. SCOPE

This policy applies to Strategic Partnership arrangements as described in the definition section below.



Policy

The underlying pretext of any Strategic Partnership arrangement is that is:

- must be tied to the success of a core goal or strategic objective of the Council as outlined in its suite of Integrated Planning and Reporting documents;
- should be critical to the development or maintenance of core competencies;
- mitigate identified risks to Council and be included in Council's risk register;
- create or maintain a strategic advantage for the Berrigan Shire community; and
- broaden Council's reach to engage more successfully with the community.

All Strategic Partnerships must meet the requirements of Part 6 Chapter 12 of the *Local Government Act 1993* (the Act) and the PPP Guidelines.

All Strategic Partnerships must consider the intent of the Council's Strategic Partnerships White Paper.

4. DEFINITIONS

Council is the Berrigan Shire Council

Memorandum of Understanding is a legally non-binding agreement between Council and at least one other party outlining terms and details of relationship between the parties noting each party's requirements and responsibilities. It is not intended these documents will give rise to a legally enforceable agreement, nor imply legal commitment to undertake or not undertake particular actions or projects.

Public Private Partnership is defined as per the PPP Guidelines as an "arrangement whereby a council joins with a private person or entity to provide public infrastructure, a facility and / or service *where the Council retains an interest, liability or responsibility.*

Strategic Partnership is an agreement between two or more organisations intended to create shared benefit and accept shared risk of equal or similar value. Partnerships may allow for the sharing of resources to assist with efficient delivery outcomes.

5. PRINCIPLES

5.1 General principles



Policy

The Council will only enter into Strategic Partnership arrangements:

- for activities that are aligned with the Council's objectives and values as outlined in the Community Strategic Plan;
- for specific projects, programs, or services, where it can identify mutual benefits and complementary aims with the Strategic Partner; and / or
- with organisations that have complementary objectives and values to the Council.

Activities that are suitable for a Strategic Partnership arrangement should not include the Council's operational or core activities.

As per the PPP Guidelines, the following cannot be considered as either Strategic Partnerships or Public Private Partnerships:

- the contracting of services by Council from the private sector (these are subject to tender requirements);
- council business units or staff working for a private party, under a contract or a tender on a full cost recovery (or for profit) basis;
- where Council receives a bequest or donation of land, facility or building from a private party to act as trustee;
- leasing or licensing of Crown or Community land to a private person where the requirements of the Act are followed;
 - council sales of property (including operational land);
 - any arrangements which related to planning agreements, local infrastructure contributions, special infrastructure contributions etc.; or
 - any arrangements related to developer contributions to the construction of water management works.

5.2 Key Principles

The key principles of a Strategic Partnership have been developed with reference to the PPP Guidelines:

1. A Strategic Partnership should not impose or imply conditions that would limit or appear to limit the Council's ability to carry out its functions fully and impartially.
 2. There should be no real or apparent conflict between the objectives and values of the Council and those of the Strategic Partner.
-



Policy

3. The Council will not accept or enter into a Strategic Partnership from/to a person or organisation that is or is likely to be interfere with Council's regulatory functions.
4. A Strategic Partnership arrangement of the Council or a Council activity should not involve explicit endorsement of the Strategic Partner or of its products or services.
5. Where a Strategic Partnership takes the form of the provision of a product, the product will be evaluated for its fitness for the purpose against the objective criteria which are relevant to the Council's needs.
6. Councillors and Council employees must not receive any personal benefit from the Strategic Partnership.
7. In general, the public interest is best served through making Strategic Partnership arrangements widely known. On this basis, Strategic Partnerships for high risk projects in particular should be sought by calling for expressions of interest as outlined in the PPP Guidelines. Where the Strategic Partnerships are sought to address matters that do not meet the high risk threshold, then more broadly based mechanisms may be used (such as Memorandums of Understanding).
8. All Strategic Partnerships will be assessed against pre-determined criteria which will either be published in advance of seeking an Expression of Interest or which will be circulated to organisations prior to the development of any formal document.
9. All medium risk and above Strategic Partnerships must include a formal written agreement. Those assessed as low risk may take the form more of a network opportunity, though any formal projects agreed to must meet the conditions of the PPP Guideline.
10. The form of an Memorandum of Understanding to be used in included at [Appendix A](#).
11. All formalised Strategic Partnership arrangements must be approved by resolution of Council.
12. All Strategic Partnerships which meet the high risk threshold must adhere to the processes outlined in the PPP Guideline.
13. Sufficient resources must be made available to enable the promised benefits to be delivered.

6. POLICY

6.1 Assessment of Proposals

Whilst it is more likely that Council will approach other parties to enter into Strategic Partnership arrangements, circumstances may arise in which the Council is asked to partner



Policy

with an external body. In these circumstances, such requests will be considered and should include:

- full details of the organisation, including purpose and governance structure;
- the reason for approaching the Council and any details of existing arrangements;
- full details of the event, activity, program and any associated timeframes (where applicable);
- the expected outcomes and benefit to be gained from the partnership;
- alignment with Council's strategic outcomes and objectives;
- details of any proposed media and promotional coverage (where applicable);
- scope and duration of the strategic partnership;
- details of other strategic partners;
- benefits to the Council of being engaged as a Strategic Partner;
- how the partnership will support the values, objectives and vision of the Council; and
- details of the inputs required of the Council.

The Council may, subject to the information provided above, request additional information.

The Council will then assess all requests for Strategic Partnerships against:

- the requirements of the *Unsolicited Proposals: Guide for Submission and Assessment* (where applicable)
- the requirements of the *Public Private Partnership Guidelines*
- the stated benefits to the Council resultant of the Strategic Partnership
- a full risk assessment based on Council's Risk Management Framework and Policy
- relevance of the Strategic Partnership outcomes to the Council's Community Strategic Plan, Delivery Program, Operational Plan, vision and values
- the ability of the Council to adequately evaluate and assess the success of the Strategic Partnership
- agreement on the expected level of Council acknowledgement / funding / engagement

All requests for Strategic Partnerships will be referred to the Chief Executive Officer who will:

1. complete a summary assessment of the proposal against the criteria set out above;
 2. refer the request to the Council to determine the suitability of the Strategic Partnership and / or any funding associated with implementation of the Strategic Partnership;
-



Policy

3. negotiate a formal agreement with the organisation if directed by Council
4. present any agreed Memorandum of Understanding to Council for consideration prior to execution of the document; and
5. implement, manage report on the success or otherwise of the Strategic Partnership

Records will be kept of all assessments and comments for feedback to help ensure transparency of decision-making. The records will include the original proposal, all relevant correspondence, media releases and other collateral material and a formal evaluation of the agreement.

An evaluation of all projects and / or outcomes will be evaluated against the initial agreement, including the proposed benefits and anticipated costs. A report on the evaluation will be provided to Council at least annually and at the end of each project (depending on the agreement relationship).

6.2 Receiving Strategic Partnership Arrangements

Strategic Partnerships may offer the Council an opportunity to advance its objectives and values.

Projects which may be suitable for seeking Strategic Partners would be those that:

- promote the Council's strategic objectives and values;
- are enhanced by participation or support by content experts;
- are not compromised by the participation or involvement of the Strategic Partner;
- provide a benefit or value to the Council, its stakeholders, or the broader community; and
- avoid, or at least minimise, costs to the Council.

All proposals will include the success criteria that defines the grounds upon which a sponsorship or Strategic Partnership will be entered into. The criteria has regard to the organisational fit, benefits, values, risk and costs associated with accepting the Strategic Partnership arrangement. Additionally, such consideration will occur independently of any discussions or consultations with potential strategic partners.

However, in accordance with the PPP Guideline and in recognition of the Council as a regulatory and government agency, direct investment in private business through Strategic Partnerships, will only be considered in exceptional circumstances.



Policy

It should be recognised that a Memorandum of Understanding (MOU), whilst not necessarily giving rise to a PPP arrangement as such, may provide the framework in which a project or projects are to be undertaken, that could give rise to a PPP arrangement. The CEO is therefore responsible for assessing any projects which may arise as part of an MOU that could require the application of the PPP Guideline.

Consideration criteria should include a minimum of the following:

<p>Benefits to the Council</p>	<ul style="list-style-type: none"> • increased opportunity to reach the community • opportunity to foster better working relationships with stakeholders and / or the community • increased networks for promotion and advertising • promotion of the Council’s values and objectives • opportunity to promote the work of the Council through increased access to resources • increased opportunity to promote learning, awareness and work of the Council • opportunity to promote the statutory and regulatory functions of the Council
<p>Risks for the Council</p>	<ul style="list-style-type: none"> • partner fails to deliver its commitment • behaviour by strategic partner is inconsistent with the Council’s values and objectives • independence (or perception) of the Council is damaged • ability for the Council to exercise its regulatory function is adversely impacted



Policy

	<ul style="list-style-type: none">• negative reputational impact for the Council
Strategy for risks to the Council	<ul style="list-style-type: none">• Strategic partnership be suspended if a failure to delivery or a breach occurs• Future strategic partnerships should be considered in determining ongoing arrangements• Transparency of arrangements entered into are included on the Council's website as part of its Annual Report

All Strategic Partnership arrangements will be assessed against set criteria, which will be developed by the Council prior to negotiations regarding formal documentation of the arrangement commence. The criteria will have regard to the organisational fit, benefits, values, risks and costs associated with entering into the Strategic Partnership arrangement. Such consideration will occur independently of any discussions or consultations with potential Strategic Partners.

Written agreements in the form provided at Appendix A will be entered into a formalised Strategic Partnership arrangement.

7. ROLES AND RESPONSIBILITIES

The Council

- determine the efficacy of Strategic Partnership proposals in accordance with this policy;
- provide guidance to the CEO and staff as required in accordance with this policy;
- take appropriate action in relation to any reported corrupt conduct.

The CEO

- review proposals in accordance with this policy
- provide guidance and staff as required in accordance with this policy
- implement and actively administer the management of any Strategic Partnerships approved by Council



Policy

- ensure all records related to the Strategic Partnership are managed as per the requirements of this policy
- maximise opportunities through Strategic Partnerships

The CEO's Executive Assistant

- keep a register of all Strategic Partnerships including review and reporting dates and ensure records relating to those matters are kept according to the requirements of this policy

All employees:

- adhere to this policy and associated procedures when involved in Strategic Partnerships
- maintain awareness of their responsibility as outlined in the Council's Code of Conduct, Conflict of Interest requirements, gifts and benefits and Council's values in managing interaction in relation to Strategic Partnerships

Strategic Partnerships hold both benefits and risks for the Council. The benefits must be balanced against the risks that such arrangements might create.

8. MANAGING CONFLICTS OF INTEREST

As a Local Government Authority, the Council may from time to time consider and / or enter into Strategic Partnership arrangements with organisations that fall within its legislative jurisdiction and its community service responsibilities.

The entering into such Strategic Partnership arrangements will not limit or influence the independence of the Council in the exercise of its regulatory or legislated functions.

In circumstances where the Council has entered into a Strategic Partnership arrangement with an organisation that is subject to its regulatory oversight, the Council will implement case management arrangements as appropriate. These may include:

- advice to relevant parties involved setting out a case management approach;
 - differential case management;
 - delegated decision-making, where appropriate;
 - increased quality assurance arrangements;
 - engagement of the Audit, Risk and Improvement Committee to provide advice on further management considerations;
-



Policy

- quarantining of material information; and
- seeking advice from an independent third party, which may include legal advice, where appropriate.

In addition, it may be necessary for the Council to reconsider the appropriateness of continuing, or suspending, a Strategic Partnership as a result of the need to exercise its regulatory functions. Should this be necessary, a referral is to be made Audit, Risk and Improvement Committee for consideration and advice regarding any actions to be taken by staff or the Council.

9. UNDERSTANDING PUBLIC PRIVATE PARTNERSHIPS

Where the CEO believes the Strategic Partnership, or a project arising from Council's engagement with a Strategic Partner, meets the definition of a Public Private Partnership, then the CEO must report the matter to Council for consideration as to whether to pursue the engagement further.

Should Council believe the project meets the PPP Guidelines, it must then direct the CEO to apply to the Office of Local Government (OLG) for review. The OLG will only provide advice regarding the proposed Public Private Partnership. The OLG does not approve or reject PPPs as the responsibility for the project integrity remains with Council.

Where the OLG believes the project to be a significant and / or high risk project, the project will be referred to the Project Review Committee (PRC). The PRC will assess the procedures and processes of Council and whether they are appropriate for the delivery of that project. A PPP cannot proceed unless the OLG and / or PRC form a positive assessment as to Council's compliance with the procedures and process matters set out in the PPP Guidelines.

A significant project is defined in the Act as:

- a. any project with an estimated total cost of more than \$50 million or such other amount as may be prescribed by the regulations; or
- b. any project where Council's financial contribution, or its equity position, amounts to 25% or more of the Council's annual revenue that is lawfully available for spending on facilities or services of the kind to which the project relates.

A high risk project is:



Policy

- a. any project the OLG considers is likely to result in the Council either losing money or asset value; or
- b. any project where there is considered to be a transfer of financial risk from the private sector to the Council' or
- c. a project that appears to be inconsistent with Council's community responsibilities.

Assessment of these projects will be undertaken as outlined in the PPP Guidelines.

10. EVALUATION

The CEO, in conjunction with the relevant Director and staff member engaged with the implementation of the Strategic Partnership, will evaluate all projects against the initial agreement, benefits and anticipated cost. A report on the evaluation is to be provided to the Council within four weeks of the end of any project related to a Strategic Partnership agreement.

Where no specific projects are delivered related to a Strategic Partnership, an evaluation of the partnership should be provided to the Council at least annually.

The evaluation report is to be provided to the Council and should include:

- the results achieved against the objective specified in the Strategic Partnership Agreement;
- how closely the terms of the agreement were met;
- the success of any projects / events / activities and how success was measured;
- where and how the Council benefitted from the arrangement;
- whether either or both parties would wish to continue in a Strategic Partnership arrangement on the same or other ventures;
- whether any conflicts of interest arose and mitigation measures taken in response; and
- continuous improvement opportunities.

All decisions approving Strategic Partnerships will be published in Council's minutes and on Council's website as part of its commitment to promote open access and transparency.

11. REPORTING

The Act requires Integrated Planning and Reporting must be at the centre of all Council plans, activities, resourcing decisions and improvement strategies. Any Strategic Partnerships, or any projects which arise from those partnerships (including PPP projects) must have undergone a



Policy

clear planning process that links it to Council's Local Strategic Planning Statement, Community Strategic Plan, the Delivery Program and the Operational Plan.

Where Strategic Partnerships or the projects they might spawn, arise out of unsolicited proposals, the Council must carefully weigh the risks associated with taking advantage of such ad-hoc opportunities, especially where participation in the partnership or project will involve expenditure or commitments that impact adversely upon Council's ability to deliver on existing and adopted long-term plans.

12. RELATED LEGISLATION, POLICIES AND STRATEGIES

12.1 Legislation and external guidelines

- [Local Government Act 1993](#)
- Public Private Partnership (PPP) Guidelines
- Ministerial Investment Order (Section 625)
- Unsolicited Proposals Guide for Submission and Assessment, August 2017
- Capital Expenditure Guidelines
- Formation of Corporations and Entities (Section 358) Guidelines
- Tendering Guidelines
- Integrated Planning and Reporting Guidelines

12.2 Council policies and guidelines

- Code of Conduct
- Risk Management Framework and Policy

13. RECORDS MANAGEMENT

Records will be kept of all assessments and comments for feedback to help ensure transparency of decision making. The records will include the original proposal, all relevant correspondence, media releases and other collateral material, and a formal evaluation report.

The CEO will be responsible for the Strategic Partnership once approved.

The Chief Executive Officer's Executive Assistant will be responsible for keeping the records of all relevant documentation associated with a Strategic Partnership.



Policy

Where a Strategic Partnership relates direction to a project, a project plan will be developed. The plan will include details of any committee, reporting arrangements, tasks and activities, and evaluation criteria in conjunction with the project's purpose, scope, roles and responsibilities, and implementation framework.

All records must be kept in accordance with the Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

14. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

15. DOCUMENT AVAILABILITY

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

*Berrigan Shire Council
56 Chanter Street
Berrigan NSW 2712*

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

16. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	20.07.2022	New Policy	Chief Executive Officer



Appendix 1 – MOU Template

Memorandum of Understanding

Berrigan Shire Council

and

[Insert Partner Name]





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Date: xxx 2022

This is a Memorandum of Understanding (MOU) between:

Berrigan Shire Council, ABN 53 900 833 102 of 56 Chanter Street Berrigan NSW 2712
(referred to in this document as the Council) and

[Insert Partner Name], ABN [Insert ABN] of [Insert Address] (referred to in this document as
[insert any relevant acronym]).

Duration of the MOU

This is a non-binding MOU between the Council and [Insert Name of Acronym of Partner].

The MOU will apply from [Insert Date] and will continue to apply until [Insert Date] or until the termination of the MOU by either party on the giving on one (1) month's written notice to the other.

Scope

The Council and [Insert Partner Acronym] are committed to maintaining a positive and co-operative working relationship.

The Council and [Insert Partner Acronym] are committed, where practicable to work collaboratively to: *(the below are guides only and can be deleted / changed or added to)*

- identify key mutual outcomes for [township] and the greater Berrigan Shire (with particular focus on tourism, employment, infrastructure, services and population growth);
- apply for and deliver mutually beneficial government grants and other funding opportunities;
- share data and information that is mutually beneficial to both parties;
- promote and facilitate events and opportunities; and
- develop for our youth a collaborative approach to education, training, employment and wellbeing opportunities through the use of available facilities and programs

As part of the parties' mutual commitment, the Council and [Insert Partner Acronym] will act in accordance with the spirit and intent of this MOU, even though neither party intends that it be legally binding.

Goals and Objectives

For the term of this MOU, the Council and [Insert Partner Acronym] agree to work together to achieve a *(Outline briefly the objective of the MOU)*.

For the term of this MOU, the Council and [Insert Partner Acronym] agree to investigate any opportunities associated with:

- *List any goals / projects the MOU would like to see achieved during its term*

Roles and Responsibilities

The Council and [Insert Partner Acronym] *summary of the importance of each partner.*

Set out the roles and responsibilities of each party

[Insert Partner Acronym] will ensure it works openly and honestly with Council to align with Council's strategic plans for the area and fulfils its role as a leader in the community.

Consider if regular meetings are required to implement the MOU / report on its effectiveness etc.

Meetings

If there are to be regular meetings, who will attend, how often will they be held and what are the Terms of Reference for the group?

Reporting

How will the MOU be assessed for its effectiveness and what report will be required for Council and for the partner to ensure effective outcomes are a result of the MOU?

Advertising and Announcements

Unless required by law, an announcement, circular or other public disclosure, including promotional materials such as newsletters, brochures, flyers or annual reports, referring to the contents or subject matter of this MOU, must not be made or permitted by a party without the prior written approval of the other party.

Confidentiality

The parties acknowledge that information disclosed by one party to the other (the disclosing party) in the course of the subject matter of this MOU, may be confidential and, unless required by law must not be disclosed to a third part, except with the prior written consent of the disclosing party.

[Insert Partner Acronym] acknowledges that information provided to Council, other than Commercial In Confidence information, will be subject to the provisions of the *Government Information (Public Access) Act 2009*.

Dispute Resolution

If a dispute or difference arises between the parties out of, or in connection with, this MOU, either party may give the other a written notice specifying the dispute or difference.

Within 7 days of the date of the notice, a person holding a position of senior management of each party, must meet and undertake negotiations in good faith, in line with the Scope of this MOU, and on a without prejudice basis with a view to resolving the dispute or difference.



Variation

The parties may agree to vary any of the requirements of this MOU. Such agreement must be in writing and signed by both parties.



Signatures	
Signed for Berrigan Shire Council by its authorised representative in the presence of:	
Signature of witness	Signature of authorised representative
Name of witness	Name and title of authorised representative
Date:	
Signed for [Insert Partner Acronym] by its authorised representative in the presence of:	
Signature of witness	Signature of authorised representative
Name of witness	Name and title of authorised representative

Date:

Report:

One of my Key Performance Indicators for the 2021-2022 financial year was to:

Prepare a paper that will set out a plan for development of private and public sector partnerships. The plan should include consideration of Council's access to grant funding and strategic partnerships to underpin investment and economic development in the Shire.

The purpose of this report is to complete the delivery of this KPI with Council adopting the recommendations noted above.

Background

The KPI was due 30 March 2022 and the original White Paper was presented to Council at the Strategic and Policy Workshop in April 2022. At that discussion, Council requested that I complete the development of the Framework and Policy prior to bringing the document back to Council for endorsement.

It should be noted that where the document highlights the need for links to other documents, those will be embedded prior to publishing of the White Paper should it be endorsed today.

Relevance to Community Strategic Plan and Other Strategies / Masterplans / Studies

The White Paper presented will allow Council and Council staff to assess the outcomes against our Community Strategic, Delivery and Operational Plans to determine the efficacy of any proposed Strategic Partnership and whether that alignment will assist with Council delivering on its agreed outcomes.

Issues and Implications

Local Government's current climate is complex and rapidly changing. Continuing to deliver Council core business, services and deliverables to the community is therefore also becoming increasingly complex. It is firmly believed that delivering Council's services and deliverables the way they have always been, is not a model that will continue to work for Local Governments. Accessing Strategic Partnerships may provide opportunity for Council to reach its community more broadly. Certainly, purely traditional delivery options are proving costly and resource intensive and Council must become more open and flexible in response to the changing environments they are operating in.

Policy

A new Draft Framework and Policy is provided in the recommendation section of this report.



Financial

There may be some financial impacts into the future, however these should always be aligned with Council's strategic objectives.

Legal / Statutory

MOUs are not legally binding documents. They do set out the intention of how partners might work together. Any projects delivered as a result of an MOU or other commitments etc. may require legal documents to ensure roles, responsibilities and any deliverable or financial accountabilities are clearly articulated and agreed to.

Community Engagement / Communication

I would suggest some community information is provided so there is an understanding that these MOUs in themselves do not cost the community anything. What they do offer though are alternate delivery options which may in some cases, reduce the costs of particular service deliverables to the community, at least in the short to medium term.

Human Resources / Industrial Relations

The management of these MOUs may require considerable time investment, particularly in their early stages as trust is built. It will be important then that Council ensures, only those relationships with strategic benefit to both parties are considered.

Risks

An assessment across the various risk types (financial, public liability, WHS, Environment, Professional Indemnity, community, and legal) have determined all exposures to be very Low as MOUs in and of themselves only outline an intention of working together.

Positive Consequences have been assessed as High as there is the possibility of enhancement of Council's reputation due to an increased willingness to engage with the community and its organisations in a strategic and managed way.

All considerations of Risk sit within Council's agreed Risk Appetite Statement.

Options

Not applicable

Conclusions

The adoption of the Strategic Partnerships White Paper and the Strategic Partnerships Framework and Policy are outcomes of a specific objective of Council, to engage more closely with the community. It is also an increasing expectation of community that Councils find new and innovative ways to deliver the services expected of Councils. Both documents provide a template in which these partnerships might be considered and developed.



Ordinary Council Meeting
Wednesday 20 July, 2022

8.6 National General Assembly Update

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council receive and note this report.

Report:

The intention of this report is to provide Council an update as to the attendance and outcomes of the National General Assembly to date.

From 19-22 June 2022 Mayor Matt Hannan and I attended the National General Assembly. More than 1,000 delegate attended the assembly, making it the largest delegation in some years.

Berrigan Shire Council had 5 motions up for debate, with three being included in larger motions of the same theme. In these instances only the primary motion is voted on, with all others included in the advocacy planned for that particular matter.

During the two sessions time was set aside to debate the motions and those passed are included in "**Appendix 8.6-A**" of this report.

Of interest are Council's motions:

- Motion 16 (Page 5) – a stand-alone motion
- Motion 23 (Page 8) which includes Berrigan's motion 23.3 noted below
- Motion 33 (Page 10) which includes Berrigan's motion 33.2 noted below
- Motion 54 (Page 17) which includes Berrigan's motion 54.7 noted below

23.3 Berrigan Shire Council NSW

This National General Assembly calls on the Australian Government to ensure regional and rural councils are engaged with decisions regarding the provision of utility infrastructure (Including electricity and digital connectivity) to support access to alternate systems and enable adoption of advancing technologies more readily and in larger numbers, thus keeping delivery costs to a minimum.

Motion 33.2 Berrigan Shire Council NSW

This National General Assembly calls on the Australian and State governments to work with rural and regional councils and community housing providers on the place-based supply, including financing and construction of medium to long-term secure tenure rental housing for key workers otherwise excluded from home ownership due to their economic circumstances.

Motion 54.7 Berrigan Shire Council NSW

This National General Assembly calls on the Australian Government to and state governments to work more closely with local councils to support their efforts to reduce emissions through the reduction of costs related directly to climate-change management (such as landfill fees) where councils can demonstrate progress across an agreed framework to climate policy, emission reductions, climate mitigation management and adaptation responses.

There was considerable debate surrounding motion 53 which was debated previous to motion 54. Motion 53 was debated and adopted without the subsequent motions being considered as many were contradictory to the lead motion. Motion 54 was then Carried unanimously.

Motions were only debated to motion 57 when debate was suspended and all other motions were then considered by the ALGA's board. The fact that only half the motions were debated at the National General Assembly became a matter for much concern as many people had travelled multiple days to attend the conference and all made it known the primary reason for attending the conference is the debate of motions. ALGA have promised to reconsider their debating timeframes for the next Conference. I have personally not been at any conference where all motions have not been debated and both the Mayor and I agree it is not acceptable for future conferences for this to occur.

Our other motion, Motion 81 (noted below) is yet to be considered by the Board at its 28 July 2022 meeting.

This National General Assembly calls on the Australian Government and state governments to work with local councils to assist with the identification of existing skills and the types of on-the-job training in local government that might meet micro-credentialing requirements and assist local councils to take up these options at the leading edge.

The motion was important as it provides Councils with the opportunity to have the skills and qualifications required to deliver to our communities recognised in a broader context. In turn, this will offer attractive opportunities to attract qualified individuals to Councils and those seeking career pathing options. There are a number of skill sets required in local government that are not recognised more broadly other than in specific industries (such as water suppliers and our fluoridation certification requirements). To have these addressed

and to include for example, plumbing qualifications for our water and sewer operators will lead to acknowledgement of the broad skills base required and accessible in rural and regional areas more fully.

I will provide an update on this motion when advice is received. I do however note it is not listed in attachment 1 as I would generally expect it to be. The letter regarding the review at the next ALGA meeting is included at **"Appendix 8.6-B"** of this report.

The National General Assembly also provides the opportunity for local government to engage with others on national and international topics. Two of the most significant matters to be discussed during the assembly were the Uluru Statement from the Heart and the Ukrainian Invasion. To that end the following motions were added as emergent and important issues to the assembly and both were carried unanimously.

Motion 56 Newcastle City Council NSW

This National General Assembly calls on the Australian Government to continue to demonstrate strong leadership in support of Aboriginal and Torres Strait Islander Peoples by supporting a constitutionally enshrined voice to Parliament for Aboriginal and Torres Strait Islander Peoples and endorsing the Uluru Statement from the Heart.

*Request that the Australian Local Government Association work with the Uluru Statement from the Heart's campaign to develop a resource kit for councils seeking to host public forums to inform their communities about the proposed referendum.
(amendment from Inner West Council)*

This motion was upheld 141 to 56 and will now become the policy position of ALGA.

Of further import was the address to the assembly from the Ukrainian Ambassador to Australia, His Excellency Vasyl Myroshnychenko. Following his speech the following motion was put to the assembly and Carried unanimously:

We the delegates of the 2022 National General Assembly of Local Government stand in solidarity with the people of Ukraine and its legitimate elected democratic governments in seeking peace, security and stability within the State of Ukraine.

We note we may now have all made it to the Russian black list. The media release from ALGA is included at **"Appendix 8.6-C"**.

Following the Assembly, a Communique was sent to all local government CEO/GMs and is included at **"Appendix 8.6-D"**.

Finally, of concern for us was the ability to meet with the Federal Minister for Infrastructure, Transport, Regional Development and Local Government the Honourable Catherine King MP and her Advisor. This meeting provided the opportunity for Mayor Matt to discuss the Regional Transport Strategy with the Minister and ensure it is firmly on her agenda for our



region. Her commitment was for us to ensure our State members are also aware and on board with the document so that joint funding of our priority freight routes is possible.

Again, attendance at the Assembly has been a useful and successful exercise for Berrigan Shire Council and the region.



8.7 Special Request for Interment Berrigan Cemetery

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: the direction of the Council is sought.

Report:

A special request has been received to place ashes into a new burial plot in the monumental portion of the Berrigan Cemetery. A copy of the request is attached as “**Appendix 8.7-A**”. Council’s current policy for Monumental and Lawn Cemeteries stipulates ashes may not be a first interment in any monumental or lawn section. A copy of the policy is attached as “**Appendix 8.7-B**”.

The family requested this specific plot as it is located between two family graves. They suggest it is unlikely this space would be used for a grave if not used by family. The Council may recall it approved a similar request at its April 2022 meeting for ashes to be interred into a burial plot in the Barooga Cemetery.

As with the similar request, grave spaces do not pose an issue in the monumental section in the Berrigan cemetery; the only concern being setting a precedent for these requests should it be allowed.



8.8 Social Media Review and Policy

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That Council:

1. revoke the current Social Media Policy adopted on 15 March, 2017;
2. adopt the new Social Media Policy as set out below;
3. delegate to the CEO the ability to remove posts and ban repeat offenders from Council's social media platforms in line with the policy;
4. direct staff to investigate the costs associated with the implementation of a Social Media Monitoring and Management Software System that will address the record keeping requirements of Social Media according to the State Records Act; and
5. direct staff to provide a report to Council regarding the costs of the Social Media Monitoring and Management Software System should the costs prove excessive.



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SOCIAL MEDIA POLICY

Strategic Outcome:	Good government	
Policy type	Strategic	
Date of Adoption:	20 July 2022	Minute Number:
Date for Review:	15 July 2026	
Responsible Officer:	Deputy Chief Executive Office	
Document Control:	Replaces and revokes the Social Media Policy adopted 15 March 2017	
Delivery Program Link:	2.1.3.5 Provide information technology and associated support for Council operations 4.2.1.5 Provide a broad range of Visitor Services including an accredited Visitor Information Centre, a destination website and social media	

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.

This policy should be read in conjunction with Council' Code of Conduct.

2. PURPOSE

The purpose of this policy is to:

- ensure communications through social media meet legal requirements;
- increase community engagement and connect with residents;



Policy

- ensure the communication team has a record of all existing accounts and their activity;
- offer responsive communication to the community;
- improve and encourage community engagement;
- guide and support Council officials responsible and productive use of social media;
- extend the reach of Council messages online by strengthening its relationships with relevant audiences;
- seek feedback and suggestions from engaged residents, ratepayers, business and visitors;
- monitor social media activity as it relates to Berrigan Shire Council; and
- assist employees to understand their responsibilities when posting social media content, including where private postings become a matter of concern to Council

3. SCOPE

This policy applies to the use of all social media by any employees, temporary contractors, volunteers or agency staff at Berrigan Shire Council.

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 Delivery Program Objective:

2.1.3 Council operations and financial management support ethical, transparent, and accountable corporate governance

4.2.1 Implement the Berrigan Shire Tourism Strategy

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, Instagram, LinkedIn
- Video and photo sharing websites – for example. YouTube
- Micro-blogging sites – for example. Twitter



Policy

- Weblogs, including corporate blogs, personal blogs or blogs hosted by traditional media publications
- Forums and discussion boards such as Microsoft Teams
- Online encyclopedias such as Wikipedia
- 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 Chief Executive Officer

Defamation – is a communication from one person to at least one other that harms the reputation of an identifiable third person, where the communicator (the publisher) has no legal defence. The law of defamation aims to balance the right of free speech with protecting a person's reputation against harm.

Post – broadcast information in a public forum

6. POLICY IMPLEMENTATION

6.1 Principles

The Berrigan Shire Council is committed to upholding and promoting the following principles of social media engagement:

- **Openness** – our social profiles are a place where anyone can share and discuss issues that are relevant to our Council and the community we represent and service
- **Relevance** – we will ensure our social media platforms are kept up to date with informative content about our Council and Community
- **Accuracy** – the content we upload onto our social media platforms will be a source of truth and we will prioritise the need to correct inaccuracies if/when they occur
- **Respect** – our social profiles are safe spaces, and inappropriate behaviour or comments will not be tolerated.

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.



Policy

When using Council social media, Councillors and Council employees 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; and
- not post or cause the posting on social media Confidential and Personal information held by the Council.

6.2 Personal use of social media and making public comment online

Under Council's Code of Conduct, employees must behave at all times in a way that upholds Council's values and must not behave in a way that calls into questions Council's capacity to act apolitically and impartially.

Personal social media comment should ensure the poster notes the opinions are their personal opinion and not a reflection of Council's own policies or procedures. Personal criticism or attacks of Council staff, Councillors or comments that are seen to bring Council into disrepute, even on an employee's personal social media pages will not be tolerated and may result in disciplinary action.

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.

When using personal social media accounts, Council officials will:

- take responsibility for their online activity. Social media is a public forum and Council staff must act accordingly. Council staff 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 Chief Executive Officer;
- 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;



Policy

- ensure their postings on social media are clearly separated from their role as a Council employee;
- not present personal views in a manner to suggest that those views are endorsed or supported by the Council; and
- council employees 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 as a whole or a committee of Council.

Comments by Councillors cannot contravene or negate a decision made by the Elected Body as a whole.

Comments made by Councillors must adhere to the Code of Conduct and the intent of this policy.

6.2.3 Employees

Employees will ensure 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. Posting to social media regarding such incidents may contravene privacy laws and / or Code of Conduct and may give rise to disciplinary action.

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

6.3 **Establishment and Posting on 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 Chief Executive Officer.



Policy

Only Council officials expressly authorised by the Chief Executive Officer will be permitted to add content to, and/or moderate a Council social media account and/or site. The principles expressed in this policy and that of the Council's Media Policy apply to all use of Council's social media accounts. All content posted online must therefore be appropriately authorised.

6.4 Accessibility

The Council is committed to social inclusion and provides support for people living with disability.

Where possible, content on official departmental social media accounts should also be made available in an alternative accessible format. This alternative may be represented on the Council's internet site, however given the online interaction inherent in social media, it may also be appropriate to refer individuals to telephone or face-to-face channels.

6.5 Hours of Operation

Berrigan Shire Council's social media profiles are monitored between 8.30am and 5.00pm during Council business hours on weekdays only (except for emergencies).

Council will respond to relevant questions posed on our social media sites as per our Customer Service Charter.

Outside of Council's operating hours, comments on Council posts will be turned off with a message noting same during the periods social media sites cannot be monitored.

6.6 Appropriate Content

We expect our community members and all who engage with Council through our Social Media platforms to apply a common sense approach when:

- making comments or responding to posts;
- posting information to our wall, including photos;
- commenting underneath a Berrigan Shire Council post
- tagging Berrigan Shire Council in a post or tweet

Council staff will moderate Berrigan Shire Council social media pages and any comments, links, photos or videos etc, deemed inappropriate will be managed according to the harm they may cause readers and / or the Council.

Where necessary, Council staff will hide or delete inappropriate content.

6.7 What is Inappropriate Content?

Inappropriate content including information that is:



Policy

- inflammatory;
- defamatory, offensive, humiliating or intimidating;
- contains profanity;
- commercial or promotional;
- spam;
- click bait;
- overtly party political;
- encouraging activities illegal in Australia;
- considered bullying and harassment;
- discriminatory
- transgressing copyright or intellectual property laws; and / or
- compromising a person's privacy or personal details (for example, a phone number).

If Council's moderators deem content inappropriate we may remove that content, in which case we will keep a record of it and notify the person who posted the content, including information as to why it has been removed. If staff believe the person's content violates our social media policy we may ban or block that individual. Before a ban or block is actioned Council will aim to notify the person of the intention to take such action.

Whilst 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 is not a general platform for discussion. There are no general public right to access, nor posting of comments on Council's social media platforms.

6.8 Owner's Rights and Record Management

The Council will respect the legal and moral rights of content owners when publishing third-party content on its social media accounts. Council will ensure it has consent to use the material and that appropriate credit is given to the creator in circumstances where Council utilises third party content.

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

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

6.9 Council Services and Committees



Policy

Where appropriate, the Chief Executive Officer 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 and ensure the Council is provided appropriate administrative access to that staff may monitor their content.

Accounts maintained and managed by volunteer and committees of Council 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 the views expressed are not necessarily the views or the position of the Council. The deletion of inappropriate content is equally the responsibility of volunteer committee members as it is of Council staff, including managing the records associated with any deleted or hidden posts.

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. The primary responsibility for the active management of these sites therefore rests with the volunteer committee members.

6.10 Privacy

When accessing Berrigan Shire Council social media pages, the community, staff and Councillors are expected to treat the site as they would any other external internet site. They are therefore bound by the privacy principles of that site.

Berrigan Shire Council will collect and use information provided on its social media sites as per the requirements its Privacy Policy.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- [Local Government Act 1993](#)
- [State Records Act 1998](#)



Policy

- [Privacy and Personal Information Protection Act 1998](#)
- [Government Information \(Public Access\) Act 2009](#)
- [Defamation Act 2005](#)
- [Copyright Act 1968](#) (Cth)
- [Online Safety Act 2021](#) (Cth)
- [Local Government \(State\) Award](#)
- [NSW Government Social Media Guidelines](#)

7.2 Council policies and guidelines

- [Code of Conduct](#)
- Customer Service Charter (under development)
- [Media Policy](#)
- [Communication Devices and the Internet Policy](#)
- [Public Internet Usage Policy](#)
- Records Management Policy (under development)
- [Community Strategic Plan](#)
- [Delivery Program](#)
- [Discrimination, Workplace Bullying and Harassment Policy](#)
- [Active Aging and Disability Inclusion Strategy and Action Plan](#)

8. RECORDS MANAGEMENT

The Berrigan Shire Council will record all information posted to its social media channels and use that information for administering those channels including:

- record keeping
- considering and / or addressing any comments made.

No attempt will be made to further identify social media subscribers except where requested or authorised by law.

Social media posts and responses will be recorded where they:

1. are high risk, commercial or highly valuable to the Council;
2. communicate decisions, give advice or commit to an action or outcome;
3. are about sensitive or contentious issues;
4. generate great interest from the public or media;
5. contain information not communicated elsewhere; and / or
6. have a long-term retention period or are identified as State archives.



Policy

Social media posts and associated comments that fit any of the above criteria will remain open (available publicly) for 2 years after the date of publishing.

Records that will be kept using Council's social media management platform include:

- all posts
- all comments
- analytics generated by the platform
- analytics, case notes and responses from social media management platforms.

The following records will be kept for the periods of time outlined below:

- Councillor social media activity (during the Councillor's term of office)
- Replies to comments that involved complex answers (retention periods vary according to the State Records Act)
- Any posts that have been deleted, the reason for them being deleted and a copy of the policies and / or procedures that support the comment / post deletion (retention periods vary according to the State Records Act)

Records will not be kept on the social media management platform include but are not limited to:

- Marketing and promotional posts
- Customer service interaction
- General inquiries from customers and any responses (these will be moved to the Customer Request database to ensure recording); and / or
- Community consultation where a report is generated summarising the results.

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:



Policy

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	19.08.2015	New Policy	Director Corporate Services
2.0		Minor Update	Director Corporate Services
3.0	15.03.2017	Minor Updates	Director Corporate Services
4.0	20.07.2022	Complete Review to include Voller Case Findings and to come in line with current legislation	Chief Executive Officer

APPENDICES

Nil

Report:

Purpose

The purpose of this report is to finalise the review of the management of Council's Social Media platforms, adopt the new Social Media Policy and to direct staff to implement the outcomes of the Social Media Policy.

Summary

The "Voller case" is a defamation case that challenged the way social media is used as an engagement tool. Specifically, the case considers defamation and whether the leaving of posts by third parties was the responsibility of the Page Owner as a "publisher". Defamation is a communication from one person to at least on other that harms the reputation of an identifiable third person, where the communicator (the publisher) has no legal defence. The law of defamation aims to balance the right of free speech with protecting a person's reputation against harm. The "Voller case" findings will apply to all people and organisations that maintain their own websites and social media pages, including non-media companies, not for profits and government bodies; and all websites and social media pages, not just Facebook.

Background

At Council's October 2021 Ordinary meeting Council moved the following:

7.17 Social Media – Comments

- 255 **Resolved** Crs Traylor and Reynoldson that the Council,
1. Note the High Court of Australia's findings in Fairfax Media Publications Pty Ltd v Voller:
 2. Direct the Chief Executive Officer to undertake a review of the Council's exposure to liability via third-party comments left on its social media platforms including actions to mitigate this risk;
 3. Endorse the action of the Chief Executive Officer to temporarily disable the comments function on the Council's Facebook and Instagram platforms - with comments to remain disabled until this review is complete and presented to the Council for consideration.

A review of Social Media and Council's risks associated with managing its Social Media platforms was presented to the April 2022 Ordinary Council meeting. That report is attached for information at "**Appendix 8.7-A**".

As a result of that meeting Council moved:

8.18 Social Media Management

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Resolved Cr Cornwell McKean and Cr Taylor that the Council:

1. complete a full review of its Social Media Policy prior to allowing comments to be “turned back on” on any of its Social Media platforms. That Policy should include a framework that will allow staff to decide how and when to moderate posts, how and when to remove posts and how any relevant records must be kept;

Relevance to Community Strategic Plan and Other Strategies / Masterplans / Studies

Communication is core to developing and achieving all Council strategies, masterplans etc and having to disable comments for an extended period has led to some difficulties in directly communicating with the community.

Issues and Implications

Council regularly use their Social Media platforms to engage with the community and to gauge the attitude of the community regarding its decisions, actions and / or service delivery. Social Media is therefore an important part of Council’s operating practice and not allowing comments on any posts has severely restricted Council’s ability to engage with the community.

Financial

There will be some financial impacts with regards to purchasing a Social Media Monitoring and Management Software System. Initial investigations indicate approximately \$5,000 per year. We need to investigate if the system being considered meets NSW records management requirements and interfaces sufficiently with Magiq to use our records management system in a seamless way.

Legal / Statutory

Although the *Social Media (Anti-Trolling) Bill 2022* lapsed at the dissolution of parliament in April 2022, recent cases in court have shown that publishers of content will be held accountable for defamation in Australia.

Barilaro v Shanks-Markovina & Google awarded the former NSW Deputy Premier, John Barilaro \$715,000 over a series of “racist” and “abusive” videos published on YouTube channel Friendlyjordies. The federal court ruling found that Google became the publisher responsible for the videos in late December 2020, when lawyers for Barilaro wrote to Google to demand their removal. The decision is now awaiting appeal.

Avi Yemini v Twitter ruled that Twitter had 14 days to reveal the personal identity of the Twitter user known as PRGUy as Mr Yemini wants to sue the user for defamation and cannot without knowing their real identity. Twitter has complied with the court ruling. Although this



case is now getting obscured in a Twitter slanging match, it is yet to be seen if Avi Yemini will in fact bring the defamation case threatened.

It would seem therefore that defamation is a real risk for publishers of social media content in Australia. It would therefore remain prudent for Council to enact the Policy as presented and ensure it actively manages its accounts.

Community Engagement / Communication

“Turning back on comments” will be undertaken in a controlled way and as per the new Policy guidelines. It is felt however that turning off comments has meant engagement with Council has declined during that period and we will need to work to encourage it back to previous levels.

Human Resources / Industrial Relations

Access to effective software should mean there are no to minimal impacts on staff as the software should monitor social media and highlight any key words should they be used. Out of hours, all comments will be turned off as per the provisions of the policy.

Risks

Risks have been assessed in the Social Media Review included at “**Appendix 8.8-B**”. The assessments therefore will not be repeated here.

As Council’s Risk Appetite Statement highlights that Legal Risks Primarily should be Resisted, and Secondary should be Avoided, the importance of engaging a Social Media Monitoring and Managing Platform should reduce the risk to an acceptable level by placing some protections and actions in around actively managing and engaging in that risk.

Conclusions

Social Media has been adopted as a simple way to engage with community on wide ranging topics. The risks of anti-social behaviour, including defamation can no longer be ignored and the Social Media Policy aims to address those risks and minimise them as much as is possible for Council.



8.9 Naming of Streets, Roads and Public Places

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council:

1. Revoke the following policies:
 - a. Naming of Community Facilities and Public Places Policy adopted on 14 December, 2016
 - b. Street Naming and Addressing Policy adopted on 14 December, 2016
2. Adopt the Naming of Streets, Roads and Public Places Policy set out below:



Policy

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NAMING OF STREETS, ROADS AND PUBLIC PLACES

Strategic Outcome:	Good government		
Policy type	Statutory		
Date of Adoption:	20 July 2022	Minute Number:	
Date for Review:	22 July 2026		
Responsible Officer:	Deputy Chief Executive Officer		
Document Control:	Replaces Street Naming and Addressing and Naming of Community Facilities and Public Places, both adopted 14 December 2016		
Delivery Program Link:	<i>1.3.1 Coordinate flood levee, local road, sewer and stormwater asset management and planning</i> <i>3.2.1 Provide opportunities for life-long learning, cultural expression and recreation</i>		

1. POLICY STATEMENT

It is often appropriate to name Council-controlled roads, streets, community facilities and public places to recognise and honour the history and culture of Berrigan Shire and its community.

It is important the names chosen are appropriate and the views of relevant stakeholders are given consideration and weight. It is also important a consistent process is used to determine the names chosen for a facility.

This policy provides a consistent and open process to determine appropriate and relevant names that reflect the history and culture of Berrigan Shire and its community.

2. PURPOSE

The purpose of this policy is to ensure:

1. a consistent process is followed when naming or renaming Council controlled roads, streets, community facilities and public places;
2. the Council meets its statutory and regulatory obligations when Council controlled roads, streets, community facilities and public places;



Policy

3. all parties involved in naming roads, streets and other facilities understand the Council's process and that names chosen for Council-controlled community facilities and public places are appropriate and enjoy community support
4. emergency services are able to identify and access all properties in a timely manner;
5. utility services, including electricity, gas, water, telecommunications and postal services, are able to uniquely and accurately identify the properties they serve;
6. inconvenience to residents and ratepayers is minimised, as far as possible; and
7. the names of roads, streets, public places – and the rationales behind their naming – are recorded and stored for future reference.

3. SCOPE

This policy applies to:

- the naming or renaming of public and private roads and streets, and allocation or amendment of street addresses; and
- the naming of Council-controlled facilities and public places, including and not limited to buildings and structures, fixed equipment, parks and sporting fields which include:
 - o facilities and public places owned directly by the Council as well as Crown Land where the Council is trustee; and
 - o where the Council has delegated care, control and management of the facilities to a volunteer committee of the Council.

The policy does not apply to the naming of geographical or topographical features which are covered by the Geographic Names Board of New South Wales (GNB).

4. OBJECTIVE

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

- *1.3.1 Coordinate flood levee, local road, sewer and stormwater asset management and planning*
- *3.2.1 Provide opportunities for life-long learning, cultural expression and recreation*

5. DEFINITIONS

Committee of Management: A committee established under s355 of the *Local Government Act 1993* to exercise a function of the Council. In this case, the volunteer committees of the Council delegated care, control and management of Council's community facilities



Policy

Facility:	A park, piece of open space, building, oval, garden, court or other public place owned by the Council and managed directly or through a Committee of Management. This may be on land owned by the Council or Crown Land for which the Council is trustee
Non-continuous road:	A road or street with a barrier that does not allow vehicular access from at least one direction. This may be a natural barrier, such as a creek, or a constructed barrier.
Road naming:	The naming of an unnamed road or street, and includes roads only referenced by an engineering road number
Road re-naming:	The naming of a road or street that already has a name
User body:	A group that makes use of a Council-provided community facility

6. POLICY IMPLEMENTATION

6.1 General principles

When naming or renaming roads, streets and public places the Council will take into account the following principles:

- Portray the appropriate physical, historical or cultural character of the area/place concerned
- Consistency with the overall interest, values and expectation of the Berrigan Shire community
- Consideration of existing indigenous place names and the area's indigenous heritage
- Consistency with the relevant legislation and GNB principles

6.2 Implementation

When naming, renaming, or addressing, the Council will follow all legislation, regulation, policy and guidelines set down by GNB and other appropriate authorities.

The Council will liaise with GNB and other agencies to ensure the new names and addresses are being accurately recorded and disseminated in a timely manner to the relevant authorities

The Council will ensure the origin of the name of the road, street and public place will be clearly stated and recorded.

6.3 Streets and roads

6.3.1 Principles



Policy

As the Roads Authority, Council has responsibility for managing and approving the naming and renaming of public and private roads, and allocating street addresses, within Berrigan Shire.

In fulfilling this function, the Council must follow the processes and principles set down in relevant legislation and other guidelines issued by the NSW government and its agencies.

Road name requests will be assessed against the Principles of Road Naming contained in the GNB's NSW Addressing User Manual

Further roads and streets:

- should not be named after living people; and
- with the same name should be continuous

Note the above does not oblige the Council to rename or re-address any existing streets or street addresses until such time as a request – internal or external – is made.

6.3.2 Proposals

The Council receives numerous street naming, renaming and addressing requests every year from members of the public.

These requests range from formalising long used unofficial street names, the naming of unnamed roads and streets (including roads identified only by an engineering road number), as well as requests to change existing road and street names.

Subdivisions and other developments often lead to requests for street addresses from the public

Street naming or renaming requests are also generated internally either as a result of Council's own road construction activity or as anomalies in road naming or addressing are identified.

6.3.3 Signage

Clearly visible street signs are to be erected at a standard incorporating Berrigan Shire Council logo with black writing on white luminous background.

6.4 **Street renaming and addressing**

6.4.1 When roads and streets may be renamed

The Council acknowledges many of its existing road and street names and addresses do not meet current GNB naming policies and guidelines. This may be the result of:

- non-continuous roads and streets sharing a name;
- duplicate street names with the local government area;



Policy

- the use of suffixes, prefixes and directional indicators (i.e. Old Cobram Road, Barooga St Nth); and / or
- the use of "ranged" street numbers (i.e. 223-229 Murray St Finley)

Despite this non-compliance, the Council is not obliged to correct these existing naming issues until such time as it feels it is appropriate.

When considering whether to rename and/or re-address existing streets and properties, the Council will consider the:

- potential risk to life and property resulting from delayed response from emergency services caused by inconsistent or ambiguous street names and address; and
- temporary inconvenience to residents and business owners resulting from a change in address.

The Council will not move to rename and re-address these roads and streets without consulting with affected residents and businesses, emergency services, utility providers and the public.

6.4.2 How streets and roads are re-named and addressed

When renaming an existing non-continuous road or street the Council will, where possible and feasible, work to minimise the number of properties that will require a change of street address.

The intent to minimise the impact of address changes will usually mean the section of the non-continuous road or street where the street numbering begins, will retain the existing name and the section of the road or street where the street numbering finishes will be given the new name.

Providing delineation as outlined above prevents all residents and businesses on the affected road or street having to change their address.

Example:

Renaming Smith Street, which is not continuous from 21 Smith Street onwards.

- 1-20 Smith Street – addresses are unchanged
- 21-60 Smith Street – readdressed as 1-40 Jones St

6.4.3 Assistance provided when renaming

Where the Council is renaming and/or readdressing to bring its names and addresses into compliance with GNB addressing policies and guidelines, the Council will assist affected residents, including:

- Direct notification of utility providers (electricity, telephone, post, gas) and other services
- Templates to use to advise other organisations of the new address
- Notification of the local Chamber of Commerce or equivalent



Policy

- Supply of other material such as fridge magnets and address conversion tables to assist in reducing the risk of a delay in an emergency during the changeover period.

Where a street has been renamed, a temporary street sign showing the former name (i.e. "Formerly "X" Street) will remain in place for at least two years.

6.5 Public places

6.5.1 Principles

The Council will not approve naming facilities after sponsors; however individual rooms and features may be informally named as such by user bodies on a temporary basis.

Public places should be named after individuals only in exceptional circumstances and such naming would:

- commemorate and recognise individuals who contributed significantly to the betterment of the Berrigan Shire community; or
- demonstrated achievement at a high level.

As a rule, facilities will not be named for members of Council staff, Councillors or those formally associated with Council, as long as that formal relationship exists. An exception may be made where the naming is specifically to honour the Councillor's or staff member's service outside their formal Council role.

6.5.2 Proposals

Names for Council-controlled community facilities and public places may be proposed by:

- Councillors
- Council staff
- The responsible volunteer Committee of Management
- User bodies using the facility
- Other community groups and government organisations
- The public

Requests for naming or renaming a facility must be submitted to the Council in writing and include sufficient information on the name and its link to the facility to allow the Council to make an informed decision.

6.5.3 Consultation

Council officers will consult with relevant parties in a discreet fashion about the proposed name and prepare a report for the Council.



Policy

If the facility is proposed to be named after a living person, the Council will require that person's express approval. Before a deceased person's name is proposed for naming, the deceased person's next of kin or appropriate relative will be consulted where practicable.

While there is no obligation to undergo a public consultation process, the Council may seek public comment if appropriate.

As a result of the consultation process, the Council will not promise and cannot guarantee confidentiality regarding the naming proposal.

6.5.4 Approval

Approval of the proposed name will then be determined by the Council by means of a Council resolution based on the report provided and the judgement of the Council.

If required, approval may be subject to concurrence from GNB.

6.5.5 Signage

Once approved, the installation and type of signage will be coordinated by the Council with the cost being borne by the applicant of the request. Only in extraordinary circumstances will the Council cover the cost of purchasing and installing signage.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- Local Government (General) Regulation 2021
- *Roads Act 1983*
- Roads Regulation 2018
- GNB Guidelines for the Determination of Place Names
- GNB Address Policy
- GNB Retrospective Address Policy
- GNB Addressing User Manual

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct

8. RECORDS MANAGEMENT



Policy

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

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11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	20 July 2022	New Policy document	Deputy Chief Executive Officer

APPENDICES

Nil



Report:

As part of the ongoing review of the Council's policies, Council staff have reviewed the:

- [Naming of Community Facilities and Public Places Policy](#)
- [Street Naming and Addressing Policy](#).

Naming of streets, roads and public places is often a contentious process, and it is important that the Council has a robust framework to ensure that new names meet community expectations, Council requirements and the obligations set by the Geographic Naming Board of New South Wales (GNB).

The review determined that both policies are tightly linked and may be better combined into a single policy.

It is important to note that while Council routinely provides detailed information on street and road names and addresses to the NSW Government (including emergency services) and utility companies such as Essential Energy, it has no ability to require Google to update their "Google Maps" product.

Unfortunately, while emergency services should be using the official NSW Government mapping system, they appear to often rely on Google Maps – which is often incorrect.



8.10 CCTV Surveillance Policy

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council:

1. Adopt the CCTV Surveillance Policy attached as **“Appendix 8.10-A”** as a draft; and
2. Place the draft policy on public exhibition for 14 days and call for public submissions; and
3. Consider the policy and any submissions received at its ordinary meeting to be held on 17 August 2022

Report:

Acting on concerns from its volunteer committees of management and the public, the Council proposes to install Closed-Circuit Television (CCTV) systems at various public places around Berrigan Shire.

To provide a framework for the management and operation of these systems, Council staff have prepared a draft CCTV Surveillance Policy, attached as **“Appendix 8.10-A”**.

Development of the policy has been guided by the [NSW Government policy statement and guidelines for the establishment and implementation of closed circuit television \(CCTV\) in public places](#).

The policy calls for community consultation when establishing CCTV systems. While there is no obligation to consult before implementing this policy, the Council may wish to consider seeking community feedback and police advice before formal adoption.



8.11 Authority to Send Council Plant Outside the Council's Area in Emergency Situations Policy

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council revoke the Authority to Send Council Plant Outside the Council's Area in Emergency Situations Policy adopted on 21 November 1995

Report:

As part of the incoming Council's review of all adopted policies, Council staff have reviewed its [Authority to send Council plant outside the Council's area in Emergency Situations Policy](#).

This policy was last reviewed by the Council in November 1995.

The review identified that the Chief Executive Officer (CEO) already has delegated authority to send Council plant outside Berrigan Shire should she deem it necessary. While Council plant is not used outside Berrigan Shire very often, the CEO last exercised this authority to assist Federation Council clean up after severe storm damage in February.

The existing policy does require the CEO to report on "action taken" to the next ordinary meeting of the Council. It is unclear as to what is to be reported and what the Council would do with the information. Council staff consider these are routine operational matters.

If the Council wishes to retain this policy, a revised version can be provided for consideration at the August ordinary meeting.

8.12 Tocumwal War Memorial Hall

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council:

1. Note the letter of 30 June 2022 received from Tocumwal War Memorial Hall Committee of Management;
2. Provide a sum of \$9,000 in in-kind assistance from the Council's building maintenance team for the Tocumwal War Memorial Hall, to be allocated over a three-year period from 1 July 2022 to 30 June 2022.

Report:

Tocumwal War Memorial Hall Committee of Management have written to the Council requesting reimbursement for the costs associated with the recent upgrade of the Tocumwal Laundromat. A copy of the letter is attached as "**Appendix 8.12-A**".

As the Council is aware, the Council amended its delegation to the Tocumwal War Memorial Hall Committee of Management earlier this year to return responsibility for managing the laundromat occupancy agreement – including responsibility for setting and collecting rent and meeting those costs assigned to the "landlord" in the occupancy agreement.

The Committee's records show that it spent \$17,549 on the refurbishment of the laundromat. The Committee believe the Council will now receive the benefit of these works through the revenue from the laundromat occupancy agreement.

Council staff do not believe that this alone is reason for any reimbursement to the Committee of Management.

Firstly, to recompense the Committee of Management for the loss of the revenue generated by the laundromat, the Council has increased the grant received by the committee from \$4,280 to \$8,000.

Secondly, the Committee of Management received the revenue associated with the occupancy of the laundromat for many years and upgrading the laundromat shopfront is both an appropriate and necessary cost of this activity.

Thirdly, while the current Committee state that the works were not formally approved at a Committee meeting, they were authorised by the then-executive of the Committee. The



Council did not direct that these works must be undertaken, they were undertaken at the behest of the committee executive.

The Committee also agree that the works were, at least in part, necessary to bring the facility up to a suitable standard.

Nevertheless, the Committee are correct in that the works were not appropriately supervised by Council staff as a “capital works” project as per the Council’s Guide to Volunteer Operations. That was an oversight by Council staff and by me specifically.

On this basis, there are grounds to consider assisting the Committee

An appropriate method of supporting the Committee may be to provide in-kind assistance with the maintenance and improvement of the facility. An in-kind contribution of 50% of the claimed amount – say, \$9,000 over three years for plumbing, electrical, carpentry etc. – would make a measurable difference to the Committee of Management.



8.13 User Fees and Charges Policy

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council:

1. revoke the User Fees and Charges Policy adopted on 17 March 2017
2. adopt the User Fees and Charges Policy set out below
3. Direct the Chief Executive Officer to ensure Council staff provide suitable support to Council's volunteer committees of management to assist them with complying with Council's statutory obligations.



Policy

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USER FEES AND CHARGES

Strategic Outcome:	Good government		
Policy type	Strategic		
Date of Adoption:	20 July 2022	Minute Number:	
Date for Review:	15 July 2026		
Responsible Officer:	Deputy Chief Executive Officer		
Document Control:	Replaces User Fees and Charges Policy adopted 17 August 2016		
Delivery Program Link:	2.1.3 Council operations and financial management support ethical, transparent and accountable corporate governance.		

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; and
- provide guidance to Council staff on:
 - 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; and
 - procedures for monitoring service costs and fees and charges.



Policy

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 the Delivery Program Objective 2.1.3:

Council operations and financial management support ethical, transparent and accountable corporate governance.

5. DEFINITIONS

Competitive Neutrality: the aim of 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: 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 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.

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.



Policy

- **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 and 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. Recognising and reporting the full cost of their services will form part of Council's development of its costing model and the basis for Council's communications strategy regarding these matters

While full cost recovery represents the optimum pricing outcome, it is important to note 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; and /or
- 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 recovery; and
- "Best Value" principles including:
 - accessibility;
 - affordability; and
 - the efficient cost of services.
 - The level of commercial risk, if any, borne by the Council.

The Council must also consider the requirements of [s610D of the Local Government Act 1993](#)



Policy

(1) A council, if it determines the amount of a fee for a service, must take into consideration the following factors—

- (a) the cost to the council of providing the service,
- (b) the price suggested for that service by any relevant industry body or in any schedule of charges published, from time to time, by the Department,
- (c) the importance of the service to the community,
- (d) any factors specified in the regulations.

(2) The cost to the council of providing a service in connection with the exercise of a regulatory function need not be the only basis for determining the approved fee for that service.

(3) A higher fee or an additional fee may be charged for an expedited service provided, for example, in a case of urgency.

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 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.



Policy

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

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

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

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

Accordingly, if a fee 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 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 Competitive neutrality

When setting fees, the Council will ensure that it observes the principle of competitive neutrality to ensure a level playing field between persons in the marketplace, particularly between private and public sector competitors.

Essentially, the Council will work to ensure that it does not use its inherent advantages as a government organisation (exemption from taxes, access to low-cost borrowings) etc. to obtain a market advantage against private competitors, unless there is an overriding social impact.

6.8 Council services provided by delegated authorities



Policy

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*.

Where committees setting fees for use of their facilities (such as entry fees for a swimming pool or hourly rates to hire a public hall) then those committees are expected to follow the fee setting model established in this policy, including being guided by the general principle of full cost recovery where possible and the other specific fee setting principles where appropriate. Fees for activities such as camping that may be subject to relevant legislation must also be negotiated with Council staff prior to implementation.

Delegating the authority to set fees and charges to a volunteer committee does not abrogate the Council's obligation to provide public notice of these fees and consider public submissions as per [s610F of the Local Government Act 1993](#). Council will work with its committees of management to ensure all fees and charges set by its volunteer committees meet this statutory obligation.

The setting of charges associated with leases or licences for use of a facility (as opposed to temporary use or hire) are not included in the delegation to the volunteer committee of management.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- *Environmental Planning and Assessment Act 1979*
- *Roads Act 1993*
- *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
- Pricing and Costing for Council Businesses: A Guide to Competitive Neutrality (NSW Department of Local Government 1997)
- Guidelines for Pricing of User Charge (NSW Treasury 2001)

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Long Term Financial Plan
- Financial Strategy 2021



Policy

- Social Justice Framework
- Commercial Credit Policy
- A Guide to Developer Contributions for Water and Sewer.

8. RECORDS MANAGEMENT

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

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Policy

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	08/2016	New document	Director Corporate Services
1.1	20.07.2022	Minor review	Deputy Chief Executive Officer

APPENDICES

Nil



Report:

As part of the ongoing review of the Council's policies, Council staff have reviewed the [User Fees and Charges Policy](#), last reviewed in 2017.

The policy provides a framework for the Council to set its fees and charges in line with Council objectives while complying with statutory obligations as per [Chapter 15, Part 10 of the Local Government Act 1993](#)

The policy states:

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.

Principles

The general principle of the policy is that where it is legally possible, the Council intends to charge users for the provision of **all** goods and services it provides – i.e., a 'user pays' principle will apply.

The policy sets a simple price-setting model

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



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
- 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

Changes

The major changes proposed in this revision relate to fees and charges set by Council's volunteer committees of management. The Council has traditionally taken a "hands-off" approach to fee setting by the committees.

The processes followed by the volunteer committees processes arguably do not meet statutory obligations – in particular the notification requirements as per [s610F of the Local Government Act 1993](#).

The revised policy proposes greater Council involvement to ensure that fees charged by the Council's volunteer committees of management are set in a rigorous and defensible manner and in line with legislation. The intent is to continue to allow Council's volunteer committees to set the fees associated with their facility and assist those committees with compliance, in particular notification.

These changes will require Council staff to work closely with the volunteer committees to ensure that fee setting does not become an overwhelming process for the committees.

8.14 Barooga Aquatic and Recreation Centre – Operational Partnership Agreement

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.2 Support community engagement through life-long learning, culture and recreation

Recommendation: That Council:

1. commit to continuing the \$50,000 annual investment into the BARC pool facility
 2. work with Moira Shire Council and Sporties to renegotiate a further 3 year agreement to extend this funding beyond the 2022-2023 financial year.
-

Report:

Purpose

This report is provided to allow discussion regards Sporties Barooga's (Sporties) request for an Operational Partnership Agreement to allow for continued funding of the losses associated with the operation of the Barooga Aquatic and Recreation Centre (BARC), namely the indoor pool.

Summary

Sporties letter to Council requesting ongoing assistance for the next three years is included at "Appendix 8.14-A".

Background

Council has previously determined its continued support of funding the pool as the BARC pool provides a highly valued community service. \$50,000 has been included in next year's budget (2022/2023) to allow for Council to continue that support.

The Memorandum of Understanding recently signed with Sporties ("Appendix 8.14-B") further confirms Council's commitment to Sporties to work with them to ensure the provision of the BARC pool may continue into the future.

Council were invited to a meeting with Sporties to view the upgrades to the pool on the evening of Wednesday 8 June 2022. Mayor Matt Hannan, and Councillors Hatty, Reynoldson, Cornwell-McKean and Marriott all attended along with a number of Councillors from the Moira Shire Council. At the time of writing this report, Moira Council's continued funding for this provision of service was unconfirmed.



Relevance to Community Strategic Plan and Other Strategies /Masterplans / Studies

The operation of the BARC Pool has seen significant increases in participation in learn to swim classes in particular. Further, the payments to the BARC pool to assist with the operating losses, provides Council with a pool in Barooga that would otherwise not be possible.

The delivery of all year swimming classes is not only important to our own community but is accessed approximately 60% of the time by those from the Moira Shire. Maintaining this facility is therefore critical to our wider community to ensure water recreation is available at all times, to all ages and abilities.

Issues and Implications

At the time of writing it is uncertain as to whether Moira Shire Council will continue to provide funding to the facility. A meeting has been requested so that the Mayor and I may speak with our Moira counterparts about the importance of continuing to work together to sustain this facility at least in the short term.

Policy

Policy 69 – Social Justice Framework

Financial

Council has already budgeted the \$50,000 contribution to the BARC pool for the 2022-2023 financial year so no further financial commitments are required.

Legal / Statutory

Nil

Community Engagement / Communication

It will be important to communicate our continued support for the BARC facility so some media will be arranged should Council agree to develop a further 3 year agreement with Sporties.

Human Resources / Industrial Relations

Nil

Risks

1. Community (Social & Cultural) / Government / Reputation / Media

Likelihood	Consequence				
	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

The previous experience of Council in this area, where the closing of the BARC pool facility was a real possibility, has demonstrated the willingness of the community to campaign strongly to keep the facility. The risk to reputation and media exposure is therefore High should Council choose to not continue its assistance for the next 3 years.

2. Positive consequences

Likelihood	Consequence				
	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

Ensuring media is managed and developed around the signing of any new agreement and Council's ongoing support is probably not going to receive as much attention as if Council were not to continue their funding. Some enhancement is possible but the status quo does not generally provide opportunity for positive reactions from the community generally.

Conclusions

It is believed Council remains committed to assisting the continued operation of the BARC pool. It is understood Council did not expect to be continuing its assistance at this time, however at the time of signing the original agreement, Covid was not a matter that was considered. The impact of Covid on the operations of the pool have been obvious and Sporties were able to demonstrate that clearly at their presentation to both Councils. A further 3 year agreement should see Sporties in a better position to make the pool a viable resource and grow membership so that Council's contribution may be able to reduce over time.



8.15 Family and Domestic Violence Policy

Report by: HR Coordinator, Sam Armer

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council:

1. Revoke the Family and Domestic Violence Policy adopted on 20 May 2020
2. Adopt the Family and Domestic Violence Policy below



Policy

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FAMILY AND DOMESTIC VIOLENCE

Strategic Outcome:	Good government		
Policy type	Administrative		
Date of Adoption:	20 July 2022	Minute Number:	
Date for Review:	15 July 2026		
Responsible Officer:	Human Resource Coordinator		
Document Control:	Replaces Family and Domestic Violence Policy adopted 20 May 2020		
Delivery Program Link:	2.1.3 Council operations and financial management support ethical, transparent and accountable corporate governance		

1. POLICY STATEMENT

Berrigan Shire Council acknowledges that employees may face situations of violence or abuse in their personal life that may affect their attendance or performance at work.

Council is committed to supporting staff members experiencing domestic and family violence to continue to participate in the workforce and maintain their employment

2. PURPOSE

The purpose of this policy is to outline Council's commitment to supporting the health and wellbeing of our staff.

3. SCOPE

This policy relates to all employees of the Berrigan Shire Council.

4. OBJECTIVE

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

2.1.3 Council operations and financial management support ethical, transparent and accountable corporate governance

5. DEFINITIONS



Policy

The below definitions of Family Violence and Domestic Violence have been provided by [Mission Australia](#).

Domestic violence refers to violent behaviour between current or former intimate partners – typically where one partner tries to exert power and control over the other, usually through fear. It can include physical, sexual, emotional, social, verbal, spiritual and economic abuse.

Family violence is a broader term that refers to violence between family members, which can include violence between current or former intimate partners, as well as acts of violence between a parent and a child, between siblings, and more. Family violence is the preferred term for violence between Aboriginal and Torres Strait Islander people, as it covers the extended family and kinship relationships in which violence may occur.

Behaviour towards victims can include limiting their access to finances, preventing them from contacting family and friends, demeaning and humiliating them, threatening them or their children with injury or death, and acts of physical violence.

Both men and women experience violence, and most men are not perpetrators of violence. However, there are gendered patterns in violence perpetration and victimisation. Women are much more likely than men to experience violence from an intimate partner, and with more severe impacts including hospitalisation or death. Understanding gendered patterns is crucial for understanding domestic and family violence and developing effective responses including preventative measures.

Family member: a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the employee; or a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the employee; or a person related to the employee according to Aboriginal or Torres Strait Island kinship rules.

6. POLICY IMPLEMENTATION

6.1 Council's commitment

Berrigan Shire Council as an employer makes the following commitment:

- know the facts about family and domestic violence and educate their workplace
- know our legal responsibilities and what our employees are entitled to at work if they're experiencing family or domestic violence



Policy

- conduct regular training or information sessions to inform employees about the signs and impact of family and domestic violence. This can include:
 - displaying workplace safety information prominently at the workplace
 - holding safety classes and training sessions (both in-person or online courses)
 - regularly including safety information in meetings and employee newsletters
- provide ongoing support to affected employees through our Employee Assistance Program and referral to external support providers

6.2 Leave provisions

In accordance with the Award, employees (other than casual employees) experiencing family and domestic violence and who require flexibility to deal with the impact of family and domestic violence are entitled to up to ten days' paid family and domestic violence leave.

Casual employees, whilst not eligible for paid leave, may make themselves unavailable for work without consequences to deal with the impact of family and domestic violence.

Family and domestic violence leave is available at the start of each 12-month period of an employee's employment and does not accumulate from year to year.

6.2.1 Accessing leave

Council acknowledges that some employees may feel uncomfortable accessing this leave and speaking to others. Employees requiring family and domestic violence leave are encouraged to access Council's Employee Assistance Program and speak with the Human Resource Coordinator to arrange for this leave to be utilised.

Domestic and family violence leave is available. If you find that you need to take family violence or domestic violence leave. Please let your manager know and apply for leave as soon as

1. it is safe for you to do so or
2. if circumstances permit before leave is taken.

6.2.2 Supporting documentation

An employee will need to provide evidence to support the use of family and domestic violence leave. This may be in the form of a document issued by the police, a court order or statutory declaration.

6.3 Confidentiality



Policy

All personal and information regarding family and domestic violence will be kept confidential in accordance with Council policy and relevant legislation.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Fair Work Act 2009 (Cth)*
- *Privacy and Personal Information Protection Act 1998*
- *Local Government (State) Award 2020*
- [Fair Work Ombudsman – Employer Guide to Family and Domestic Violence](#)

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Berrigan Shire 2032: Workforce Management and Development Plan 2022 - 2026
- Equal Employment Opportunity Policy
- Work Health and Safety Policy
- Employee Assistance Program Policy
- Discrimination, Workplace Bullying and Harassment Policy
- Berrigan Shire Council Human Resource Manual

8. RECORDS MANAGEMENT

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:



Policy

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0		New Policy document	Enterprise Risk Manager
1.1	20.07.2022	Reviewed / inclusion of training and support	HR Coordinator

APPENDICES

Nil



Report:

As part of the ongoing review of the Council's policies, Council staff have reviewed the Family and Domestic Violence Policy.

Council has a commitment to supporting staff members that are experiencing family and domestic violence to ensure they can maintain their employment along with supporting health and wellbeing of our staff.

The changes made in this review were to the Definitions of Family Violence and Domestic Violence. The previous definitions were taken from the Local Government (State) Award 2020 and were very legalistic, the new definitions come from Mission Australia and are easier for staff to understand.

The policy has also changed to allow staff to report their need for leave to the HR Coordinator rather than the CEO. This change was made to address concerns that employees may not feel comfortable having to report to senior management.

Following Council feedback at the Strategy and Policy Workshop this Policy has been amended to include a positive commitment to support employees affected by Family and Domestic Violence and to provide ongoing training for all staff.



8.16 Strategic Risk Plan

Report by: Enterprise Risk Manager, Michelle Koopman

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: The Council adopt the Strategic Risk Plan below:





1.0 Introduction

The Community Strategic Plan (CSP) represents the highest level of strategic planning undertaken by a local council and identifies the main priorities and aspirations of the community, providing a clear set of objectives to achieve their vision. "Berrigan Shire 2032" is the Berrigan Shire Council's CSP outlining the actions to be taken to achieve the vision, "In 2032, we will be recognised as a Shire that builds on and promotes our natural assets and advantages to create employment and economic activity to attract residents, families and tourists".

In working towards the execution of the CSP, Council will be exposed to many risks. It is imperative that those risks are identified so Council can make decisions and establish controls or identify opportunities in order to achieve their strategic objectives.

When making decisions around the management of risks, Council must be aware of their risk appetite, their vision, and their values. These three components help direct the Council in making informed and community-focused decisions which reflect best practice in governance.

2.0 Strategic Risk Plan

The following Strategic Risk Plan (the 'plan') has been developed to assist Council in managing the risks it faces, and acts as a high-level document supported by the Risk Appetite Statements, and the Risk Management Policy and Framework.

The plan identifies the strategic risk categories and utilises Council's Risk Appetite Statements to apply the risk appetite level to that category. Risks have then been identified that correlate to the strategic risk category, and the effect on Council's ability to achieve the CSP objectives. The plan uses Council's Risk Management Framework to assess the severity of the risk and lists the existing controls Council have in place to address and reduce the risks and reveal the residual risk or the amount of risk Council is prepared to tolerate. Wherever there is room to expand on existing controls, these are identified as possible further actions.

The plan is a fluid document and will be reviewed and updated regularly to reflect changes in Council's operating environment.

2.1 Risk Appetite Statements

The risk appetite statements are based on the ten strategic risk categories. Within each category, Council has considered its appetite for taking, retaining or accepting risk. Each category is then allocated a level reflecting Council's appetite. The four levels are Avoid, Resistant, Accept, and Receptive. Accept and Receptive levels are less conservative and indicate an increasing willingness to take on, retain or accept risk, where Avoid and Resistant levels are considered more conservative.



2.2 Risks

The risks identified reflect Council's current operating environment affected by internal and external factors. They represent real risk scenarios, where if left untreated or mismanaged can have a devastating effect on Council's sustainability.

2.3 Strategic Objective

Not all strategic objectives outlined in the CSP will be affected by a risk scenario. Where the risk is identified as having an effect on a CSP objective, this is listed, and the corresponding adverse effect documented.

2.4 Risk Rating

The risk rating is established utilising the risk management framework. Risks are rated after identifying the likelihood of an event occurring, and the subsequent consequences of that event. These are then allocated a risk rating utilising Council's risk matrix.

2.5 Controls

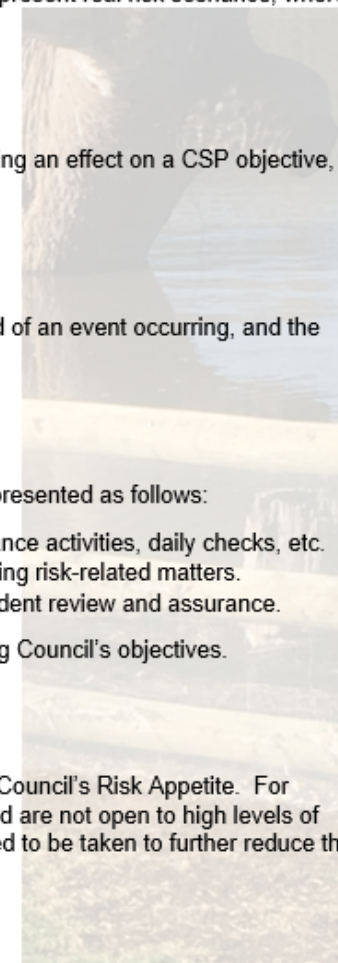
The three lines of defence are activities taken to manage risk and compliance. Within Council, the three lines are represented as follows:

- First line of defence – Council processes performed by staff to reduce the risk to Council. These include compliance activities, daily checks, etc.
- Second line of defence – Council's designated role in risk management and the focus on supporting and monitoring risk-related matters.
- Third line of defence – Internal audit and the Audit, Risk and Improvement Committee (ARIC), providing independent review and assurance.

The controls listed in the plan are across all three lines of defence and work to protect Council and assist in achieving Council's objectives.

2.6 Residual Risk

This is the risk remaining after the controls have been put in place. It is Council's risk tolerance and must align with Council's Risk Appetite. For example, if a Strategic Risk Category has a Risk Appetite of Resistant, this means Council are quite conservative and are not open to high levels of risk. The residual risk must sit at Medium or Low. Where it is High, consideration must be given to what actions need to be taken to further reduce the risk.





2.7 Possible Further Actions

Possible further actions are where there is opportunity to adopt further controls, or where the residual risk is High to Very High and is not acceptable or does not align with the risk appetite. Possible further actions are there for consideration. They do not reflect actual controls but will be referred to particularly during the activities of the third line of defence when recommendations for improvement may be flagged.

3.0 Monitoring and Review

The plan will be monitored by the Enterprise Risk Manager with changes discussed with the Executive Leadership Team and incorporated where required.

The plan will be regularly reviewed through the Internal Audit function, and by the ARIC on an annual basis as part of the ARIC Work Plan.





Strategic Risk – Financial
Risk Appetite - Resistant

Risk	Strategic Objective	Effect on Strategic Objective	Risk Rating	Controls	Residual Risk	Possible Further Actions
Inadequate revenue raising processes	1.3 Connect and protect our communities	Loss of, or reduction in critical services; Financially unsustainable; Job losses; Loss of, or reduction in local economic development services; Reputational damage.	Very High	Development of budgets and budget review; Regular financial reporting to ELT and Council; Qualified and trained staff; Robust revenue framework.	Low	Given the current rate rise of 0.9%, the considerable investment in new assets (LRCI funding etc) and the increase in service expectations by the community, a full SRV may need to be considered in the future to allow Council to continue to provide services at the current levels and to ensure Asset renewal ratios are kept at sustainable levels.
	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting					
	3.1 Create safe, friendly and accessible communities					
	4.1 Strengthen and diversify the local economy and invest in local job creation and innovation					
	4.2 Diversify and promote local tourism					
4.3 Connect local, regional and national road and rail infrastructure and networks						
Inadequate or ineffective budgeting process	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting	Reputational damage; State Government intervention; inefficient allocation of Council's cash resources	High	Qualified and trained staff; Adequate financial management software; Robust budgeting and budget review processes; Introduction of ARIC and regular Internal and External Audits	Medium	Some risk remains even with regular audit and ARIC oversight however active management (ensuring leave is taken etc) is imperative to continuing to mitigate the risk long term; Internal review of budget process.
Lack of controls, or controls inadequate for effective financial management	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting	Financial loss; Fraud; Reputational damage	Very High	Qualified and trained staff; Regular Internal and External audits; Robust financial management procedures; Enforcement of excess leave management practices Adequate separation of duties	Medium	Not all risks can be mitigated in this area. Ensuring adherence to relevant audit findings and working on continual improvement in this area will be essential to managing risks as much as is possible.
Incorrect advice provided to Council by third parties	1.1 Support sustainable use of our natural resources and built landscapes	Unlawful and/or inappropriate decisions (development); Reputational damage Unlawful and/or inappropriate decisions affecting the preservation or protection of environment.	Very High	Assessment of third-party reports and credentials when submitted as part of Development Applications; Legal Advice is sought where appropriate; Professional Indemnity insurance required	Medium	Good relationships established with relevant external agencies need to be developed to ensure honest discussion regards advice and assistance needed to Council
	1.2 Retain the diversity and preserve the health of our natural landscapes and wildlife					
	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting.					



Risk	Strategic Objective	Effect on Strategic Objective	Risk Rating	Controls	Residual Risk	Possible Further Actions
Inadequate insurance cover against potential loss	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting	Exposure to financial loss	Medium	Annual review of insurance coverage; Correlation between insurance asset schedules and asset listings; Awareness of uninsurable claims, e.g. WHS fines	Low	Review of insurance renewals by ARIC



Strategic Risk – People and Culture

Risk Appetite - Accept



Risk	Strategic Objective	Effect on Strategic Objective	Risk Rating	Controls	Residual Risk	Possible Further Actions
Inability to attract staff and fill vacancies or workforce needs.	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting	Loss of services; Strain on providing critical services; Increase in financial cost to recruit; Increase in financial cost to outsource Increase in financial cost to maintain staff.	High	Reviewing salaries to reflect market; Updating PDs and offering incentives such as salary packaging; Advertising in a wider network; Contracting out where positions cannot be filled	Medium	Explore hybrid work models and changes to computer systems to attract a higher quality of recruitment. Actively engage in Award negotiations from employer perspective and with an eye to representing rural Council needs and issues
Inadequate workforce planning to address staff changes.	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting	Loss of services; Loss of knowledge, skills and experience Loss of further staff due to workload increases	Medium	Key positions identified for succession planning; Opportunities for training existing staff identified.	Medium	Send out Expressions of Interest for Key positions and work with successful applicants to ensure official training plan in place. Cross skill workforce as much as is possible; Review of Workforce Development Plan; Staff Housing Strategy.
Ineffective management of staff performance and behaviour.	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting	Poor service delivery; Reputational damage; Exposure to liability and workers comp claims; Inability to attract staff	Medium	Code of Conduct training; Performance Management programs; Discipline procedures; State Award	Low	Review of bonus system (decoupling from salaries and moving to performance based bonus system). Ensure Disciplinary procedures allow for procedural fairness and follow due process at all times.
Poor workplace culture resulting in staff resignations and retention of unsuitable staff	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting	Poor service delivery; Reputational damage; Exposure to liability and workers comp claims; Inability to attract staff	Medium	Code of Conduct training; Morale boosting activities including breakfast meetings, workshops, open door policy; Regular monitoring of workforce culture and morale; Workers Compensation insurance.	Low	Succession Planning undertaken through formal recorded processes Ensure rules are applied fairly to all staff Clear expectations regards behaviour is set at the top and exhibited by leaders
Ineffective management of volunteers resulting in poor culture and resignations	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting	Loss of services; Reputational damage; Inability to attract volunteers; Exposure to liability claims	High	Designated role to liaise with volunteers.	High	Additional supervision Review of volunteer delegations Review of volunteer recognition and reward program.
Inability to attract volunteers to maintain Council facilities	2.2 Strengthen strategic relationships and partnerships with community, business and government 3.2 Support community engagement through life-long learning, culture and recreation	Loss of services; Poorly maintained facilities due to lack of Council resources/staffing Exposure to liability claims	High	Acknowledge ageing volunteer base and ensure work design to meet the relevant demographic; Designated role to liaise with volunteers.	High	Additional supervision Review of volunteer delegations Review of volunteer recognition and reward program



Risk	Strategic Objective	Effect on Strategic Objective	Risk Rating	Controls	Residual Risk	Possible Further Actions
Ongoing industrial action	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting	Loss of services; Increase in financial cost to outsource	Low	Operations in line with State Award and legislation; Consultative Committee; WHS Committee	Low	Develop good working relationship with USU to ensure they are a partner to Council rather than an adversary





Strategic Risk – Community (Social & Cultural, Government, Reputation and Media)

Risk Appetite - Accept

Risk	Strategic Objective	Effect on Strategic Objective	Risk Rating	Controls	Residual Risk	Possible Further Actions
Inadequate awareness and understanding of community requirements through poor consultation	2.2 Strengthen strategic relationships and partnerships with community, business and government	Reputational damage; Poor media exposure; Unsuitable and/or unused facilities; Decline in population as people move away	High	Community Consultation Policy and Framework; Customer Request system; Strategic plans developed via service user engagement that inform service delivery (Library Services Strategy; Children Young People and Families Strategy; Active Ageing Disability Inclusion Strategy)	Medium	
	3.1 Create safe, friendly and accessible communities					
	3.2 Support community engagement through life-long learning, culture and recreation					
	4.1 Strengthen and diversify the local economy and invest in local job creation and innovation					
	4.2 Diversify and promote local tourism					
Lack of community understanding of the Council's role and responsibilities	2.2 Strengthen strategic relationships and partnerships with community, business and government	Abuse directed at Council staff; Low staff morale; Staff resignations; Misdirected complaints in the community; Unrealistic expectations of Council	High	Social media posts on projects and works; Promotion of Council activities; Bulletin board in newspapers; Response to customer complaints; Council listening posts.	Medium	
Loss of, or reduction in key services due to: -lack of funding -skills shortage -ineffective tendering/contract management	2.2 Strengthen strategic relationships and partnerships with community, business and government;	Reputational damage; Loss of community support; Unsafe facilities; Exposure to liability	Medium	Grant applications and business case development; Access to local contractors; Procurement Policy; VendorPanel; User group engagement in the development of Master Plans and Strategies	Low	
	3.1 Create safe, friendly and accessible communities					
Decline in population and attraction to the Shire	4.1 Strengthen and diversify the local economy and invest in local job creation and innovation;	Revenue growth limited; Decline in financial prospects for businesses and the community; Reduced ability to secure grant funding; Overlooked for federal or state projects.	Medium	Encouraging development.	Low	
	4.2 Diversify and promote local tourism;					
	4.3 Connect local, regional and national road and rail infrastructure and networks					



Strategic Risk – Work Health and Safety

Risk Appetite - Avoid



Risk	Strategic Objective	Effect on Strategic Objective	Risk Rating	Controls	Residual Risk	Possible Further Actions
Inadequate or ineffective WHS management systems resulting in unsafe acts and conditions	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting	Death, injury, or illness; Legal action; Reputational damage; Increase in costs/premiums; Staff resignations	Very High	Policies and procedures in place; Workplace inspections; Consultation mechanisms (HSRs and WHS Committee); WHS Self Audit (StateCover)	Medium	Identification of KPIs and regular reporting to Executive Leadership Team.
Lack of WHS commitment by management	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting	Death, injury or illness; Legal action; Reputational damage; Increase in costs/premiums; Staff resignations	High	Incident Investigations and follow up with management; Reports to management	Medium	Identification of KPIs and regular reporting to Executive Leadership Team.
Unsafe plant, equipment and substances resulting in death, injury or illness	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting	Death, injury or illness; Legal action; Reputational damage; Increase in costs/premiums; Staff resignations	Very High	Risk Assessments; Plant inspections – daily; Preventative maintenance regimes; Procurement procedures	Medium	Identification of KPIs and regular reporting to Executive Leadership Team.
Ineffective injury management and return to work process results in ongoing claims and poor outcomes for affected staff	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting	Reputational damage; Increase in costs/premiums; Staff resignations	High	Return to Work Co-ordinator involved in development of Return to Work plans; StateCover co-ordination; Rehabilitation programs; Staff trained in return to work	Low	Identification of KPIs and regular reporting to Executive Leadership Team.



Strategic Risk – Natural Environment

Risk Appetite - Resistant

Risk	Strategic Objective	Effect on Strategic Objective	Risk Rating	Controls	Residual Risk	Possible Further Actions
Failure to plan for the impacts of climate change	1.1 Support sustainable use of our natural resources and built landscapes;	Decline in condition of infrastructure; Increase in weather events such as storms damaging critical infrastructure; Increase in droughts affecting viability of business communities; Decline in population; Decline in natural landscapes and wildlife populations	High	Engagement and employment of staff with skills, knowledge and resources to plan for or commission strategic plans that model impact and mitigation needed to adapt to or limit impact of climate change; Asset Management Plans consider climate change on asset performance; Climate Change Audit key infrastructure; Planning and Development Controls support net zero emissions for new developments	Medium	Train and develop additional staff
	1.2 Retain the diversity and preserve the health of our natural landscapes and wildlife					
	1.3 Connect and protect our communities					
Failure to develop, implement and effectively resource environmental and biosecurity strategies and controls	1.1 Support sustainable use of our natural resources and built landscapes;	Impact on water sources; Decline in natural landscapes and wildlife populations	High	Engagement and employment of staff with skills, knowledge and resources to plan for or commission strategic plans that model impact and mitigation needed to adapt to or limit impact of climate change;	Medium	Train and develop additional staff
	1.2 Retain the diversity and preserve the health of our natural landscapes and wildlife					
Failure to enforce compliance	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting	Negative impact on environmental resources; Decline in natural landscapes and wildlife populations; Reputational damage; State Government intervention	Medium	Planning and Development Controls; Community Education Programs; Annual Program Compliance & Enforcement	Low	



Strategic Risk – Governance (Legal and Public Liability)

Risk Appetite - Resistant

Risk	Strategic Objective	Effect on Strategic Objective	Risk Rating	Controls	Residual Risk	Possible Further Actions
Failure to adhere to governing legislation	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting	Reputational damage; State Government action - removal of Council and appointment of Administrator	High	Council suite of IP&R plans and strategies meets essential requirements described by Local Government Act; Code of Conduct, and Council policies require adherence to governing legislation; Council activities; ARIC review	Low	Internal Audit function and Internal Audit Work Plan
Failure to establish and implement robust systems of management	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting	Reputational damage; Exposure to legal action and/or liability	High	Council suite of IP&R plans and strategies meets essential requirements described by Local Government Act; IMS – regularly reviewed and procedures developed; ARIC review	Low	Internal Audit function and Internal Audit Work Plan
Council is not prepared for political decisions that may affect the Council's ability to deliver services	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting	Council exposed to possible Council amalgamations; Removal of funding streams affecting delivery of services; Closure of services	High	Community engagement and conduct of political/social scans as part of the development of Council strategies and plans will provide Council with insight into impact of political decisions that may impact service delivery.	Medium	Adoption of Advocacy Document and engagement at ALGA and LGNSW Annual Conferences will ensure Council maintain an eye on current political climate; Actively engaging with current local ministers and departmental staff will assist in understanding changing climate to mitigate sudden shocks as much as is possible; Strategic partnerships with other entities.
Inability to respond to emergency event where critical infrastructure is affected	1.3 Connect and protect our communities; 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting 3.1 Create safe, friendly and accessible communities; 3.1.4 Coordinate and facilitate the delivery of potable water, public health and safety services.	Vulnerable communities in an emergency are exposed and cut off from critical services and infrastructure; Increased risk of personal injury and loss	Very High	Adverse Event Management Plans include business continuity and recovery strategies; Adverse Event Management Plans – informed by local knowledge and reviewed on regular basis with relevant communities of interest	Medium	Practice of implementation of Adverse Event Plan and training to understand all roles within plan essential to ensuring understanding of roles and responsibilities throughout emergency and adverse events.



Risk	Strategic Objective	Effect on Strategic Objective	Risk Rating	Controls	Residual Risk	Possible Further Actions
Failure to plan and be prepared for emergency events: -flood -bushfire -storm damage -pandemic	1.3 Connect and protect our communities;	Vulnerable communities are not identified; Needs of vulnerable communities are not known; Vulnerable communities in an emergency are exposed and cut off from critical services and infrastructure; Increased risk of personal injury and loss	Very High	Asset Plans identify performance requirements/thresholds, emergency events; Adverse Event Management Plans – informed by local knowledge and reviewed on regular basis with relevant communities of interest	Medium	
	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting					
	3.1 Create safe, friendly and accessible communities; 3.1.4 Coordinate and facilitate the delivery of potable water, public health and safety services					
Failure to plan for recovery and business continuity	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting	Vulnerable communities are not identified; Recovery and business continuity needs of vulnerable communities and broader business community(not known); Increased risk of long-term and sustained personal injury and loss; Increased risk of permanent loss of services impacting community and business recovery.	Very High	Adverse Event Management Plans include business continuity and recovery strategies; Adverse Event Management Plans – informed by local knowledge and reviewed on regular basis with relevant communities of interest; Regular reviews of BCP including testing.	Medium	



Strategic Risk – Built Environment (including plant and equipment)

Risk Appetite - Accept

Risk	Strategic Objective	Effect on Strategic Objective	Risk Rating	Controls	Residual Risk	Possible Further Actions
Council fails to manage infrastructure renewal and/or replacement	1.3 Connect and protect our communities	Renewal ratios increase to unsustainable level Reputational damage Infrastructure failure	High	Asset Management Plans Asset Management Strategy Funding of renewals in LTFF	Low	Ensure asset valuations are current and annual depreciation is fully funded for various asset classes
	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting					
	3.1 Create safe, friendly and accessible communities; 3.1.4 Coordinate and facilitate the delivery of potable water, public health and safety services					
Council is unprepared for population growth resulting in pressure placed on infrastructure	1.3 Connect and protect our communities	Built environment encroaches on natural environment due to population expansion; Water and Sewer supply unable to cope with population increase and demand on services. Homelessness experienced by increasing number of population due to unavailability of suitable housing	Medium	Asset Management Plans and Integrated Water Cycle Management studies incorporate population projections and projects related to growth are identified; Local Environmental Plan	Low	Ensure AMPs are up-to-date
	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting					
	3.1 Create safe, friendly and accessible communities; 3.1.4 Coordinate and facilitate the delivery of potable water, public health and safety services					
Adverse events as a result of climate change have the potential to disturb or destroy Council's built environment	1.3 Connect and protect our communities	Roads are impassable exposing vulnerable communities; Water supply is affected; Sewer system unable to cope with flooding or other encroachments Community buildings are no longer useable.	Medium	Insurance coverage; Flood Study; Adverse Events Plan	Low	Development of stormwater catchment study for growth areas
	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting					
	3.1 Create safe, friendly and accessible communities; 3.1.4 Coordinate and facilitate the delivery of potable water, public health and safety services					



Strategic Risk – Technology

Risk Appetite - Receptive

Risk	Strategic Objective	Effect on Strategic Objective	Risk Rating	Controls	Residual Risk	Possible Further Actions
Council's systems are compromised following a cyber attack	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting	Closure of services; Financial strain from ransom demand; Extensive and long term system outage with employees unable to work.	High	IT Strategy developed and implemented; Cyber Security Strategy developed and implemented; Access controls; Staff training; Backup and restoration procedures; Support from Cyber Security NSW; Insurance	Low	Regular testing of systems undertaken to ensure security systems meet current needs; Review Cyber Security Strategy regularly.
Council services are compromised due to computer system inadequacies	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting	Inability to work remotely as required; Improvement strategies hampered due to old technology; Opportunities missed (including staff attraction, partnerships, effective monitoring, etc.) due to old technology Increase in costs of managing IT landscape	High	Implementation of IT Management Plan; Implementation of Cloud Computing Update of software and hardware to allow for changed working practices	Medium	Review IT Management Plan
Inadequate system controls allow internal fraud to occur	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting	Financial loss; Reputational damage	High	Access controls; Staff training; Adequate separation of duties; Internal Audit; Insurance	Low	
As a result of cyber attack, the security of sensitive public information is breached	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting.	Reputational damage Legal action – lawsuit Breach of legislative responsibilities	Very High	Access controls; Implement Privacy Management Plan; Staff training; Insurance	Medium	Review Privacy Management Plan as documents move to a paperless, online environment; Develop and implement comprehensive Records Management Plan.
Council's systems destroyed due to inadequate disaster recovery processes	2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting.	Closure of services; Financial strain from ransom demand; Extensive and long term system outage with employees unable to work.	High	Backup and restoration procedures	Low	Review backup and restoration procedures; Regular testing of backups.



Report:

The Strategic Risk Plan (SRP) is a high level document supporting the Community Strategic Plan, Berrigan Shire 2032, and will be utilised to review and prioritise Council's risk management activities.

The SRP will also be utilised by Council's ARIC as a reference document and as a basis to identify internal audit priorities.

8.17 Risk Management Policy and Framework

Report by: Enterprise Risk Manager, Michelle Koopman

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: The Council:

1. revoke the Risk Management Policy and Framework adopted 15 March, 2017;
2. adopt the Risk Management Policy and Framework set out below:



Policy

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RISK MANAGEMENT POLICY AND FRAMEWORK

Strategic Outcome:	Good government		
Policy type	Administrative		
Date of Adoption:	20 July 2022	Minute Number:	
Date for Review:	15 July 2026		
Responsible Officer:	Enterprise and Risk Manager		
Document Control:	Replaces Risk Management Policy and Framework adopted on 15 March 2017		
Delivery Program Link:			

1. POLICY STATEMENT

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

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 identifying and adequately managing risk within their area of responsibility.

Risk management is not an isolated function and can be applied to any activity, including decision making at all levels. Effective identification, analysis, evaluation and treatment of defined risks are critical to Council achieving its objectives and meeting community expectations.

2. PURPOSE

The purpose of this policy is to reflect the Council's Risk Management Appetite Statement and in doing so:

- outline the way in which Council's risk management functions are integrated into the activities and processes of the Council whilst adhering to the principles of risk management;
- emphasise Council's commitment to identify, evaluate and control risks in order to achieve its objectives;
- outline the responsibilities of key stakeholders;



Policy

- ensure standard reporting protocols are established across all Council departments; and
- assist in the development of a continuous improvement culture by integrating risk management processes into all Council function.

3. SCOPE

This policy applies to all workers, elected members, Audit, Risk and Improvement Committee (ARIC) members, and the processes of the Berrigan Shire Council.

4. OBJECTIVE

This policy is developed to assist the Council in achieving the outcomes of the Community Strategic Plan (CSP), and to provide guidance in determining the risks to achieving those outcomes.

5. DEFINITIONS

ARIC	Audit, Risk and Improvement Committee
Consequence:	outcome of an event affecting objectives
Likelihood:	chance of something happening.
Risk:	effect of uncertainty on objectives.
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, recognizing 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.
Workers	in accordance with the definition of workers in the <i>Work Health and Safety Act 2011</i> , a person is a worker if they carry out work in any capacity for the person conducting a business or undertaking. This includes employees, contractors, volunteers, elected members, ARIC members.

6. POLICY IMPLEMENTATION



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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 ISO31000:2018 *Risk management guidelines* (the Standard) and specified in Council's risk management framework.

Risk management is the responsibility of every individual within the organisation. 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

Risks will be routinely identified through inspections, audits, incidents, complaints and more informally through the everyday work activities undertaken by Council. As the risk management responsibilities of Council are extremely diverse, treatment must be prioritized within the resources available. It is neither possible or viable to treat all identified risks, and guidance on what may be regarded as acceptable risk can be determined through Council's Risk Appetite Statement, and Council's Risk Management Framework.

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

Where necessary, recommendations provided by external audit, advice from risk management specialists, and relevant external stakeholders will be used to direct Council's risk management activities.

The goal is not necessarily to eliminate risks, but rather to manage risks involved in Council's functions and services and to create and protect value for our stakeholders and community.

6.3 Risk management responsibilities

All Council workers have an obligation in developing a 'risk aware' culture within the organisation.

6.3.1 Council

The Council is responsible for

- demonstrating leadership in their commitment to risk management;
- overseeing risk management processes;
- ensuring risks are adequately considered when setting Council's strategies and objectives;



Policy

- ensuring there is a systematic and effective approach to managing risk and opportunity across Council operations that is implemented, monitored and communicated;
- applying risk management principles to the decision making process; and
- ensuring appropriate resources are allocated in order to carry out risk management activities.

6.3.2 Chief Executive Officer

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

- Promoting a strong risk management culture by providing firm and visible support for risk management including ensuring appropriate accountability for the management of risk;
- ensuring appropriate resources are allocated to meet Council's risk management obligations;
- establishing and maintaining a climate of risk awareness and intelligence;
- ensuring the Council's strategic and operational risks are regularly reviewed; and
- ensuring Directors, managers and staff receive support and training to fulfill their responsibilities.

6.3.3 Enterprise Risk Manager

The ERM is responsible for co-ordinating 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 co-ordinating the risk management budget;
- setting requirements for risk management based on the Standard and ensuring they are consistent with Council's strategic objectives; and
- co-ordinating reports and information for the ARIC to review

6.3.4 ARIC

The ARIC, as an advisory committee, provide a forum for strategic advice and recommendations for improvement on Council's risk management processes. The ARIC will:

- review current risk management practices in accordance with the ARIC Schedule 1 – Responsibilities, and advise on improvements; and
- review Council's risk register and set the internal audit work plan.

6.3.5 Directors, managers and supervisors



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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;
- include risk treatments into departmental plans;
- empower staff to be actively involved in managing risk;
- ensure risk management practices and treatments are consistent with Council requirements, monitored to ensure management strategies remain effective, and commensurate with the level of risk exposure;
- promote a proactive risk culture in accordance with business management and improvement initiatives; and
- maintain appropriate records recording identified risks and treatment methods. Where treatments have not occurred, this must also be documented specifying the reasons why.

6.3.6 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; and
- being actively involved in the identification, assessment and management of risk.

6.4 **Risk management framework**

Berrigan Shire Council will use ISO31000:2018 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 this 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.

The purpose of the framework is to integrate risk management into Council's activities. The framework encompasses integration, design, implementation, evaluation and improvement, and requires leadership and commitment for it to be effective.

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

- protecting resources from loss or misuse;



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- 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 in practice

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

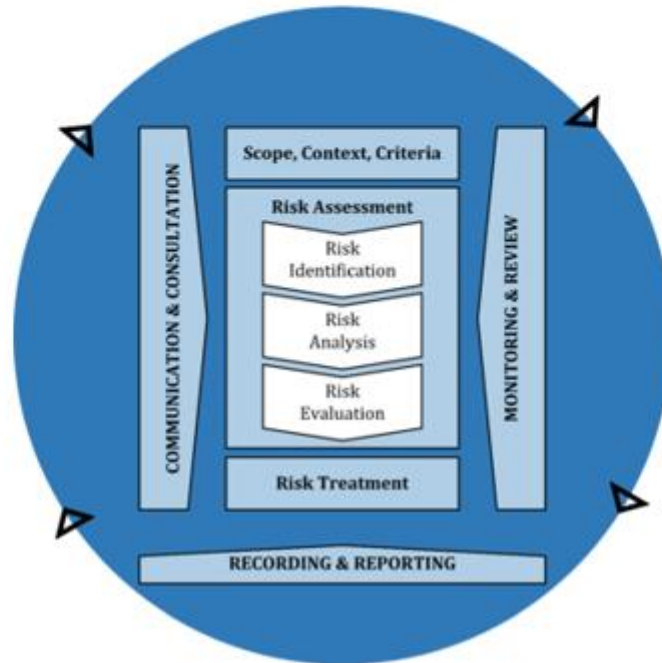
The risk management process includes:

1. Communication and consultation
2. Establishing the scope, context and criteria
3. Risk identification
4. Risk analysis
5. Risk evaluation
6. Risk treatment
7. Recording and reporting
8. Monitoring and review

This process will be applied to manage and determine risk, and customised to achieve Council's objectives, and to suit the external and internal context in which it is applied.



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6.4.2 Risk environment

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

The complexity of Local Government creates a range of competing interests that need to be prioritised against the available resources (both time and financial). 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.

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 priority and options. Using a qualitative approach, risks will be assessed against descriptive likelihoods (*refer* Table 1) and consequence (*refer* Table 2) rather than a strict numerical analysis.

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 <u>occur</u> .
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.

Table 1 – Likelihood



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Table 2 – Consequences

Level of Severity	People & Culture	Financial	Work Health & Safety	Natural Environment	Technology	Community (Social & Cultural/Government / Reputation and Media	Governance (Legal and Public Liability)	Built Environment (including plant and equipment)	Positive consequences
5	Loss of critical services, major financial strain to outsource, inability to recruit, Major loss of workforce knowledge.	Extensive financial loss (>25% operating budget), loss of program or business operation.	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	Fatalities occur, extensive release off- site, requires long term remediation.	Cyber security severely compromised, Unable to recover from breach or data failure, Business continuity severely affected, Back up system failure	Extensive public outcry, potential national media attention.	Extensive fines and litigation with possible class action, threat to viability of program or service., Death or permanent disability,	Major weather event destroys infrastructure.	Significantly enhanced reputation, huge financial gain, significant saving in time.
4	Loss of services, moderate financial strain to outsource and recruit, increase in workers compensation claims, Moderate loss of workforce knowledge.	Major financial loss (<25% operating budget),severe impact on program or business operation	Moderate irreversible disability or impairment (<30%) to one or more persons.	Major environmental impact, release spreading off-site, contained with external assistance.	Cyber security compromise likely, Loss of data from backup restoration > 1 week, Business continuity delayed due to outdated systems.	Serious public or media outcry, broad media attention.	Major breach with fines and litigation, long term significance and major financial impact., Long term illness or serious injury resulting in permanent disability	Infrastructure (including plant and equipment) failure resulting from ignored upgrade requirements.	Enhanced reputation, major financial gain, large saving in time.
3	Service delivery is strained and reputational damage increases, High staff turnover, Moderate loss of workforce knowledge.	Significant financial loss (<20% operating budget), considerable impact on program or business operation.	Serious injury requiring hospitalization and lost time.	Significant environmental impact, on-site release contained with assistance.	Data loss up to several days from backup restoration, Difficulty managing business continuity due to outdated systems.	Significant public criticism with or without media attention.	Serious breach involving statutory authority or investigation, prosecution possible with significant financial impact, Serious injury and hospitalisation.	Increase in population growth places strain on Council infrastructure.	Some enhancement to reputation, high financial gain, good saving in time.



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Level of Severity	People & Culture	Financial	Work Health & Safety	Natural Environment	Technology	Community (Social & Cultural/Government / Reputation and Media	Governance (Legal and Public Liability)	Built Environment (including plant and equipment)	Positive consequences
2	Timeframes to recruit staff are extensive, workplace culture is stressful to accommodate workloads, Minor staff turnover with some loss of workforce knowledge.	Minor financial loss (<10% operating budget), minimal impact on program or business operation	Minor injury requiring medical treatment or first aid.	Minor environmental impact, on-site release immediately controlled.	Data loss of 24 hours from backup restoration, Business continuity processes implemented with moderate disruption up to 24 hour outage.	Heightened local community concern or criticism.	Contained non-compliance or breach with short term significance and minor financial impact, Minor injury	Staff required to utilise outdated and unsafe plant and equipment due to strain on ability to replace or upgrade items.	Small benefit, low financial gain, small saving in time.
1	Staff recruited without extensive experience, Service delivery is slowed but manageable, Staff turnover stable.	Negligible financial loss (<2.5% operating budget), no impact on program or business operation.	Minor injury not requiring medical treatment / No injury	Minimal environmental impact, isolated release only.	Data loss of negligible, Business continuity processes implemented with minor disruption up to 2 hour outage.	Isolated, internal or minimal adverse attention or complaint.	Isolated non-compliance or breach, negligible financial impact, Minor insignificant injury or no injury.	Council receive complaints regarding infrastructure, requiring ongoing maintenance.	Minimal benefit or financial gain, negligible saving in time.



Policy

Table 3 - Incident Rating Matrix

LIKELIHOOD	CONSEQUENCE				
	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)

The incident rating matrix compares the level of likelihood (A-E) to the level of severity (1-5) to produce a risk rating and a prioritised value.

6.4.4 Risk evaluation and 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.

Table 4 - Risk Response

RESPONSE REQUIREMENTS		
	Response	Action
Very High	<ul style="list-style-type: none"> CEO and Senior management attention required. Consider cessation / suspension of the activity giving rise to the risk until such time as the CEO / Senior Management Team authorises its continuation and / or whilst other risk treatment strategies are being developed / implemented Action plan required. 	<ul style="list-style-type: none"> Immediate response. Specify management responsibility Identify and development treatment strategies for immediate action
High	<ul style="list-style-type: none"> Senior management attention. Action plan required. 	<ul style="list-style-type: none"> Response required within 7 working days. Specify management responsibility.
Medium	<ul style="list-style-type: none"> Implement specific monitoring or response procedures. 	<ul style="list-style-type: none"> Heightened action. Specify management responsibility.
Low	<ul style="list-style-type: none"> Manage by routine procedures. Unlikely to require a specific application of resources 	<ul style="list-style-type: none"> Business as usual Response may not be necessary Review within department parameters and routine procedures



Policy

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

As Council has limited resources for risk management activities, it will usually not be cost-effective nor 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.

6.4.5 Risk appetite

Under this policy, risk appetite refers to:

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

Council has established its risk appetite using the levels and definitions of:

- avoid (little to no appetite)
- resistant (small appetite)
- accept (medium appetite), and
- receptive (larger appetite).

After consultation, Council's risk appetite has been defined in a separate document and is summarised in Table 5.

Table 5 - Risk Appetite Summary

Category of Risk	Avoid	Resistant	Accept	Receptive
Legal	Secondary	Primary		
People & Culture			Primary	
Positive Consequences				Primary
Financial		Primary	Secondary	
Public Liability		Primary		
Work Health & Safety	Primary			
Natural Environment		Primary		



Policy

Category of Risk	Avoid	Resistant	Accept	Receptive
Built Environment (including plant & equipment)			Primary	
Community (Social & Cultural, Government, Reputation & Media)			Primary	
Technology	Secondary			Primary

6.4.6 Risk treatment

Risk treatment options will be selected by considering the Council's obligations, voluntary commitments and stakeholder views, the Council's objectives, risk criteria resource availability.

Options for treating risk include:

- avoiding the risk by deciding not to start or continue with the activity that gives rise to the risk,
- taking or increasing the risk in order to pursue an opportunity,
- removing the risk source,
- changing the likelihood,
- changing the consequences,
- sharing the risk (e.g., contracts, insurance)
- retaining the risk by informed decision.

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.

Progress in the management of treatments will be monitored by the Enterprise Risk Manager and the ARIC.

6.4.8 Recording and reporting

Everyone involved in the risk management process must ensure each step is documented. This is important for a number of reasons including to:

- 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 decision or processes;



Policy

- provide a record of risks;
- develop Council's knowledge database;
- provide an accountability mechanism and tool;
- facilitate continued monitoring and review;
- provide an audit trail; and
- share and communicate information.

6.5 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 to all staff and included on training plans with a focus on policies, procedures and the use of risk management templates.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulations 2017*
- ISO31000:2018 Risk management - guidelines

7.2 Council policies and guidelines

- Work Health and Safety policy
- Fraud Control policy and plan
- Signs as Remote Supervision policy
- Playground Management policy
- Risk Appetite Statement
- Strategic Risk Plan
- ARIC Terms of Reference and Schedule 1

8. RECORDS MANAGEMENT

Recording of all information relating to this policy ...



Policy

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

Berrigan Shire Council
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BERRIGAN NSW 2712

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11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0		New Policy document	Enterprise Risk Manager
1.1		Minor review (detail)	Director Corporate Services
2.0	20.07.2022	Major revision (detail)	Enterprise Risk Manager

APPENDICES

Nil

Report:

The Risk Management policy has undergone review to bring it into line with ISO 31000:2018 Risk management – Guidelines, and in response to the development of Council’s Risk Appetite Statements.

The Risk Management policy has been reviewed with input from Council’s Executive Leadership Team (ELT) and Audit Risk and Improvement Committee.

8.18 Claims Management Policy

Report by: Enterprise Risk Manager, Michelle Koopman

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: The Council:

1. revoke the Gathering Information Policy adopted 19 April 2017;
2. adopt the Claims Management Policy set out below:



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CLAIMS MANAGEMENT POLICY

Strategic Outcome:	Good government	
Policy type	Administrative	
Date of Adoption:	20 July 2022	Minute Number:
Date for Review:	15 July 2026	
Responsible Officer:	Enterprise and Risk Manager	
Document Control:	Replaces Gathering Information Policy adopted 19 April 2017	
Delivery Program Link:	2.1.3 Council operations and financial management support ethical, transparent and accountable corporate governance.	

1. POLICY STATEMENT

When an incident occurs that exposes Council to litigation, or a claim against our insurance, it is vital that Council can investigate, gather information, retrieve documents, and establish responsibility. It is important to understand the processes around claims management in order to confirm when to reject and/or defend a claim or accept liability and settle. |

2. PURPOSE

The purpose of this policy is to provide direction to Council staff on reporting and investigating incidents, gathering information surrounding the incident, making decisions regarding Council's position in response to the information gathered, and ensuring any information collected is in a format that constitutes admissible evidence when defending claims against Council.

3. SCOPE

This policy applies to all staff involved in reporting and investigating incidents.

4. OBJECTIVE

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

2.1.3 Council operations and financial management support ethical, transparent and accountable corporate governance.



Policy

5. DEFINITIONS

- Environmental incident** Any incident involving an environmental spill at a Council controlled facility or workplace, or damage caused by Council to the landscape constituting an environmental breach.
- Financial incident** Any occurrence in fraud, misappropriation, major cost over-run, or failure in debtor, creditor and investment control systems.
- Governance incident** Any occurrence of failure in Code of Conduct, fraud or misappropriation; significant reputational loss; project management failure; or privacy principles failure.
- Incident investigation** Formal internal investigation involving gathering of information and completion of investigation report.
- Incident review** This is an informal discussion with relevant parties about the incident which may or may not lead to a formal internal investigation.
- Legislative compliance incidents**
Any failure against legislation to which Council should be complying with.
- Professional indemnity incidents**
Loss or damage suffered by a member of the public as a result of a determination, certificate issue, design or advice supplied by Council.
- Property incidents** Any loss or damage to fleet, equipment or property asset from actions of staff, volunteers, contractors, visitors or members of the public.
- Public liability incidents** Injury, illness, loss or damage suffered by a member of the public as a result of actions or activities of Council staff, volunteers or contractors, or at Council controlled facilities or infrastructure.
- Work health and safety incidents**
Work related injury or illness to Council workers.
- Workers** As per the *Work Health and Safety Act 2011*, the term workers includes paid employees, volunteers, contractors, work experience students.



Policy

6. POLICY IMPLEMENTATION

6.1 Council responsibility

There is an expectation that Council will act honestly and fairly when handling claims and litigation. This is achieved by:

- dealing with claims promptly and not causing unnecessary delay in the handling of claims and litigation;
- paying legitimate claims without litigation, including making partial settlements of claims or interim payments, where it is clear that liability is at least as much as the amount to be paid;
- acting consistently in the handling of claims and litigation;
- endeavouring to avoid litigation wherever possible;
- where it is not possible to avoid litigation, keeping the costs of litigation to a minimum, including by:
 - not requiring the other party to prove a matter which the Council knows to be true, and
 - not contesting liability where the Council knows that the dispute is really about quantum;
- not taking advantage of a claimant who lacks the resources to litigate a legitimate claim; and
- apologising where the Council is aware that it has acted wrongfully or improperly.

In pursuing litigation or to test or defend claims, Council will act firmly and properly to protect its interests. In particular and where required, Council will:

- enforce costs orders or seek to recover costs;
- rely on claims of legal professional privilege or other forms of privilege and claims for public interest immunity;
- plead limitation periods;
- seek security for costs;
- oppose unreasonable or oppressive claims or processes;
- require opposing litigants to comply with procedural obligations, and
- move to strike out or otherwise oppose untenable claims or claims which are an abuse of process.

6.2 Incident investigation

Incidents can occur through a variety of scenarios and will ultimately fall into different categories including environmental, financial, governance, property, public liability and work health and safety. They may be reported to Council using a variety of mechanisms. These may be through Council's



Policy

Customer Request System, verbally received or formally reported through correspondence, or in the case of workplace incidents through workplace incident notification procedures.

All incidents will be investigated. Staff responsible for the investigation will vary according to the incident, however all incidents and investigations will be reported to the Enterprise Risk Manager for review and recording.

6.3 Gathering information

During the investigation, information will be collated in order to determine the cause, liability and a course of action. It is imperative that information gathered is presented in a format that constitutes admissible evidence when defending claims in court.

Information may include data, emails, phone records and external information such as weather reports in order to create a complete picture of the incident and the circumstances surrounding it. Investigations will require evidence and records to be retrieved as soon as reasonably practicable. It is therefore vital that Internal records are stored in accordance with Council procedures to ensure records retrieval can be performed efficiently.

6.4 Claims management

Following the investigation and the retrieval of records, the Enterprise Risk Manager will review the information and form an opinion around a claim, in accordance with the responsibilities outlined in this policy, and advise the CEO and relevant Director. The ultimate decision to accept or not accept liability will be with the CEO.

Claims involving workers and work health and safety incidents will also be managed by the Enterprise Risk Manager, and where required reported to the regulator. Where an incident involves a member of staff and results in a lost time injury or a workers compensation claim, claims will be managed by the Human Resource Services Officer in accordance with Council's workers compensation insurer's procedures.

6.4.1 Claim acceptance

Where a claim (other than a claim for workers compensation) is to be accepted, the Enterprise Risk Manager will review Council's insurance coverage and make a decision whether to lodge a claim with Council's insurers. This will be influenced by the type of claim, and where applicable, the cost of repair/replacement against Council's deductible. Insurance claims will be lodged in accordance with Council's Claims Management procedures.

If a claim is accepted and an insurance claim is not lodged, the Enterprise Risk Manager will liaise with the claimant and make arrangements for repair/replacement, in accordance with Council's Claims Management procedures.



Policy

6.4.2 Claim denial

Where a claim is to be denied, Council will compose a formal letter or email to the claimant explaining the reasons why the claim is to be denied. Claimants are advised to seek their own legal advice following denial. Any further action by the claimant following denial will be forwarded to Council's insurers.

6.5 Reporting and recording

All claims will be recorded and included in Council's records management system. Not all claims will be reported to Council's insurers. The Enterprise Risk Manager will review the circumstances around claims and where there exists a possibility of further action against Council, or where the Council determines that there is liability on their part, or the claim exceeds Council's deductible, Council's insurers will be notified.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Civil Liability Act 2002*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulations 2017*
- AS ISO 31000:2018 Risk management - Guidelines

7.2 Council policies and guidelines

- Governance Policy
- Records management Policy
- Risk Management Framework
- Work Health and Safety Policy
- Code of Conduct
- Claims Management Procedures
- Incident Investigation Procedures

8. RECORDS MANAGEMENT

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

9. REVIEW AND EVALUATION



Policy

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

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BERRIGAN NSW 2712

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Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	20.07.2022	New Policy document	Enterprise Risk Manager

APPENDICES

Nil

Report:

The Claims Management policy is based on the Model Litigant Policy for Civil Litigation released by Justice NSW in July, 2016, to provide guidelines for best practice for government agencies in civil litigation matters.

It is designed to be clear that whilst Council will gather information to mount a defence against a claim considered wrongful, it will also give the appropriate consideration to claims considered legitimate and seek to payout and avoid legal action where these claims can be settled.

8.19 Employee Assistance Program Policy

Report by: HR Coordinator, Sam Armer

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council:

1. Revoke the Employee Assistance Program Policy adopted on 21 June 2017
2. Adopt the Employee Assistance Program Policy set below:



Policy

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EMPLOYEE ASSISTANCE PROGRAM

Strategic Outcome:	Good government		
Policy type	Administrative		
Date of Adoption:	20 July 2022	Minute Number:	
Date for Review:	15 July 2026		
Responsible Officer:	Human Resource Coordinator		
Document Control:	Replaces Employee Assistance Program Policy adopted 21 June 2017		
Delivery Program Link:	2.1.3 Council operations support ethical, transparent, and accountable corporate governance.		

1. POLICY STATEMENT

The Berrigan Shire Council in its commitment to maintaining a safe and healthy working environment, has recognised the need to provide adequate support for staff experiencing personal or work-related problems by providing an Employee Assistance Program (EAP).

Council will enlist an EAP provider to provide professional counselling services for its workforce

2. PURPOSE

The purpose of this policy is to outline the provision of the EAP program and define the parameters by which the EAP program is offered.

3. SCOPE

This policy applies to:

- employees of Berrigan Shire Council,
- registered volunteers of Council's S355 Committees of Management, and
- current elected councillors.

4. OBJECTIVE

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



Policy

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

5. DEFINITIONS

Organisational Referral: when Council has identified a need, such as following an incident, and will arrange for EAP access this can be arranged at the employee's discretion

Self-Referral: where the employee has identified a problem which they wish to discuss in a private and confidential setting without anyone in the organisation being involved in any way

Suggested Referral: when the option of accessing the EAP is made, usually by a supervisor or manager, or even a work colleague

6. POLICY IMPLEMENTATION

6.1 Provider

The Council will contract a regionally located provider to manage the EAP, independent of Council.

The focus will be on providing professional counselling services that meet both the employee's and Council's needs

6.2 Council contact

The EAP is facilitated by the Human Resources Coordinator.

Information, direction, support and advice on the EAP service can be obtained by contacting the Human Resource Coordinator, Council's Contact Officers or by making direct contact with the EAP Provider.

Contact details of the current EAP Provider are displayed on all noticeboards.

6.3 Procedure

The EAP offers assistance for problems such as:

- Relationship difficulties
- Divorce and separation
- Experience of Family and Domestic Violence
- Harassment and discrimination
- Conflict
- Alcohol and drug problems
- Work related problems
- Grief and bereavement



Policy

- Financial difficulties
- Stress and fatigue
- Emotional difficulties

The EAP is free of charge up to a maximum of three visits in one calendar year, to all Berrigan Shire Council paid employees, registered volunteers of Council's S355 Committees of Management, and current elected members of Council. Any additional visits will be at the cost of the individual.

Use of the EAP can be through self-referral, suggested referral, or organisational referral. Where the referral is either suggested or organisational, use of the EAP is at the discretion of the individual and is completely voluntary.

The EAP provider will arrange to meet with the individual usually at a location close to their place of residence, or at the provider's premises, however on occasion an alternative venue may need to be arranged. Under these circumstances travelling will be charged according to the EAP agreement between the Council and the provider.

Where a counsellor may suggest referral to a specialist agency, any costs associated with the referral are to be met by the individual.

6.4 Critical Incident and Debrief

A critical incident is any event or series of events that is sudden, overwhelming, threatening or protracted. This may be an assault, threats, severe injury, death, fire or a bomb threat.

Critical incident stress management aims to help workers deal with emotional reactions that may result from involvement in or exposure to unusual workplace incidents

Debriefing is usually carried out within three to seven days of the critical incident, when workers have had enough time to take in the experience. Within 24 hours of a critical incident Council will make arrangements for a critical incident debrief and ensure workers are provided immediate support if required and kept informed of the process.

Debriefing is not counselling. It is a structured voluntary discussion aimed at putting an abnormal event into perspective. It offers workers clarity about the critical incident they have experienced and assists them to establish a process for recovery.

6.5 Leave

Where an employee wishes to use the EAP service, normal leave procedures will apply. If the referral to the EAP is a suggested or organisational referral, arrangements regarding leave or leave with pay will be made with the affected employee/s.



Policy

6.6 Confidentiality

A vital feature of the EAP is the confidentiality and respect for an individual's privacy. No one needs to know that an individual is utilising the services of the EAP. Should an individual confide in or advise somebody within Council that they are attending the EAP, they are required to observe strict confidentiality and where possible offer support.

Confidentiality also means that nobody, including the Council, will receive information from the EAP provider concerning an individual situation. Conversations and any information shared with a counsellor will be confidential and will not be communicated further unless written authorisation is given.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Privacy and Personal Information Protection Act 1998*
- Local Government (State) Award 2020

7.2 Council policies and guidelines

- Governance Policy
- Work Health and Safety Policy
- Internal Reporting Policy
- Code of Conduct
- Discrimination, Workplace Bullying and Harassment Policy
- Drug and Alcohol-Free Workplace Policy
- Family and Domestic Violence Policy
- Privacy Management Plan

8. RECORDS MANAGEMENT

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY



Policy

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Ph: 03 5888 5100
Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0		New Policy document	Enterprise Risk Manager
1.1	20.07.2022	Review / inclusion of critical debrief	HR Coordinator

APPENDICES

Nil

Report:

As part of the ongoing review of the Council's policies, Council staff have reviewed the Employee Assistance Program Policy.

Council has a commitment to maintaining a safe and healthy working environment for all employees and recognises the need to provide adequate support for staff experiencing personal or work-related problems by providing an Employee Assistance Program (EAP).

The only changes made to this policy was the inclusion of Critical Incident and Debrief, this was included to ensure employees are provided with appropriate support following a critical incident (for example a workplace death or serious injury) and to assists with establishing a process for recovery.

Following Council feedback from the Strategy and Policy Workshop this Policy has been amended to include Council commitment to commence the critical Incident debrief process within 24 hours and to keep workers informed during the process.

8.20 Tocumwal Friends of the Library

Report by: Library Manager, Anne Nevins

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.2 Support community engagement through life-long learning, culture and recreation

Recommendation: that the Council:

1. Revoke as a Section 355 Committee of Council the Tocumwal Friends of the Library Committee
 2. Revoke all delegations made to the Tocumwal Friends of the Library Committee - previous and current members
 3. Acknowledge via a morning tea or similar event the long-standing service and contribution of the Tocumwal Friends of the Library Committee
-

Report:

Tocumwal Friends of the Library members met on Monday 5 July 2022, T and resolved to disband as a volunteer committee of Council established under s355 of the *Local Government Act 1993*.

The Tocumwal Friends are the last remaining Friends of the Library groups formed in 1992-93 after Council withdrew from the Central Murray Regional Library Service agreement s. Friends of the Library groups included passionate community members who, with Council support and a delegation to do so, raised funds, supported staff and advocated for the provision of library services in their town.

Council has not appointed the 'Friends' of Barooga, Berrigan and Finley Libraries Committees for approximately fifteen years.

Monday 5th July 2022, Tocumwal Friends of the Library members met and, at this meeting, resolved to advise the Council that they would disband as a Section 355 committee of Council.

The current Tocumwal Friends of the Library President, Kate Folliard, has advised that she will send formal notification of their decision to the CEO, Karina Ewer. After such a long and dutiful time as an s355 committee, it is appropriate that the Council acknowledge the service of the Tocumwal Friends of the Library.

8.21 Uluru Statement from the Heart

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.2 Support community engagement through life-long learning, culture and recreation

Recommendation: That Council calls on the Australian Government to continue to demonstrate strong leadership, in support of Aboriginal and Torres Strait Islander Peoples, by endorsing the Uluru Statement from the Heart, establishing a process for truth telling, negotiating a treaty for reforming our constitution to enshrine a voice to parliament for Aboriginal and Torres Strait Islander peoples.

OR

That Council include the sentiment of the Uluru Statement from the Heart in the development of the Council's Reconciliation Action Plan

Report:

Purpose

The purpose of this report is to seek Council's consideration of the Uluru Statement from the Heart and to seek Council's endorsement of its sentiment. The Uluru Statement from the Heart is as follows:

ULURU STATEMENT FROM THE HEART

We, gathered at the 2017 National Constitutional Convention, coming from all points of the southern sky, make this statement from the heart:

Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations of the Australian continent and its adjacent islands, and possessed it under our own laws and customs. This our ancestors did, according to the reckoning of our culture, from the Creation, according to the common law from 'time immemorial', and according to science more than 60,000 years ago.

This sovereignty is a spiritual notion: the ancestral tie between the land, or 'mother nature', and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty. It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown.

How could it be otherwise? That peoples possessed a land for sixty millennia and this sacred link disappears from world history in merely the last two hundred years?

With substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia's nationhood.

Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are alienated from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.

These dimensions of our crisis tell plainly the structural nature of our problem. This is *the torment of our powerlessness*.

We seek constitutional reforms to empower our people and take *a rightful place* in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.

We call for the establishment of a First Nations Voice enshrined in the Constitution.

Makarrata is the culmination of our agenda: *the coming together after a struggle*. It captures our aspirations for a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.

We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.

In 1967 we were counted, in 2017 we seek to be heard. We leave base camp and start our trek across this vast country. We invite you to walk with us in a movement of the Australian people for a better future.

Summary

An initial report was provided to Council at the May Ordinary meeting and has since been to 2 Strategic and Policy Workshops. The original Council report is included at “**Appendix 8.21-A**” of this report. Most of the information provided has been information available from the Parliament of Australia website at [https://www.aph.gov.au/About Parliament/Parliamentary Departments/Parliamentary Library/pubs/rp/rp1617/Quick Guides/UluruStatement](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1617/Quick_Guides/UluruStatement)

Background

As noted in a previous report to this Council meeting the National General Assembly (the meeting of all Local Governments in Australia) moved the following motion:

This National General Assembly calls on the Australian Government to continue to demonstrate strong leadership in support of Aboriginal and Torres Strait Islander Peoples by supporting a constitutionally enshrined voice to Parliament for Aboriginal and Torres Strait Islander Peoples and endorsing the Uluru Statement from the Heart.

Request that the Australian Local Government Association work with the Uluru Statement from the Heart’s campaign to develop a resource kit for councils seeking to host public forums to inform their communities about the proposed referendum.

History

In 2016-2017, over 1,200 First Nations people participated in the first ever Indigenous designed and led deliberative process asking First Nations what meaningful constitutional recognition meant to them. This process culminated in the adoption of the Uluru Statement from the Heart in May 2017.

At the 2019 federal election, the Liberal party took a commitment to pursue constitutional recognition to the federal election. The policy stated that more work was needed on “what the model we take to a referendum and what a Voice to Parliament would be.” \$7.3 million was provided to develop a proposal to take to a referendum. A further budget allocation of \$160 million to hold a referendum was budgeted so that a referendum could be undertaken “once a model has been settled.”

Since 2010 9 reports have considered constitutional recognition of First Nations people. In 2018, a Joint Select Committee concluded there was only one option for constitutional recognition that was viable: an Indigenous Voice to Parliament. The Committee said it must be designed first before a referendum. In 2020, the government started a co-design process. In January 2021, this process released an Interim Report for public consultation with the final report being released in July 2021. That report is included at “**Appendix 8.21-B**” of this report and provided separately. The link to that report is provided below:

https://voice.niaa.gov.au/sites/default/files/2021-12/indigenous-voice-co-design-process-final-report_1.pdf

In 2020 Reconciliation Australia conducted a survey (Australian Reconciliation Barometer 2020) of the Australian people, with 94% of the general community agreeing it was important that Aboriginal and Torres Strait Islander people have a say in matters that affect them. 86% of the general community thought it important to establish a representative Indigenous body and 81% of the general community thought it important to protect that body within the constitution. A summary of the report is included at “**Appendix 8.21-C**” of this report. A link to the full report is provided below.

[https://www.reconciliation.org.au/wp-content/uploads/2021/02/Australian Reconciliation Barometer 2020 -Full-Report web.pdf](https://www.reconciliation.org.au/wp-content/uploads/2021/02/Australian_Reconciliation_Barometer_2020_-Full-Report_web.pdf)

Immediately following the 2022 Federal Election, and during his acceptance speech, Prime Minister Anthony Albanese promised to ensure the matter goes to referendum during Labor’s first term – i.e. within the next 3 years.

The three components of the Uluru Statement will therefore be considered at referendum those being:

Voice – refers to a First Nations Voice, guaranteed by the constitution, to provide a permanent platform for First Nations people to be heard by Parliament. Its role is to enshrine a First Nations voice into the constitution through referendum (although that voice to parliament is not intended to be legally binding. It is meant to ensure First Nations people are consulted where policy decisions may affect their people).

Treaty – is an agreement between First Nations peoples and the State and Federal Governments of Australia. The call for Treaty aims to set in motion both national acknowledgement of, and legal protection for, the rights and interests of First Nations peoples. A number of State Treaty processes are already underway. Australia is the only Commonwealth nation yet to sign a treaty with its First Nations peoples.

Truth – Australia’s First Nations peoples have long called for a comprehensive process of truth telling about Australia’s history that acknowledge both the periods of colonial conflict and dispossession and the strength and resilience of First Nations peoples and cultures.

Why is a Change to the Constitution felt to be Necessary?

A constitutionally protected Voice to Parliament will ensure it cannot be abolished by governments if their priorities change or they don’t like the advice provided. A constitutional Voice will deliver the authority and certainty required for a durable First Nations Voice on laws and policies that affect them. The previous Federal Government suggested a legislated Voice, but this was not in line with the wishes of Australia’s First Nations people. The new

Prime Minister has support the referendum and undertaken it will occur within the next 3 years.

It is important to note, Council's voting to endorse the Uluru Statement from the Heart is NOT a proxy vote yes for the referendum to change the constitution, similarly not endorsing the Statement is not opposing the referendum. Council's voting simply acknowledges (or endorses) their support or otherwise for the sentiment of the Uluru Statement and its importance to Aboriginal and Torres Strait Islander people of Australia.

Relevance to Community Strategic Plan and Other Strategies /Masterplans / Studies

Council has directed me to commence work on a Reconciliation Action Plan. Council has in that request indicated its support of reconciliation and is willing to commence the process of reconciliation. This will include supporting and acknowledging the truth of the history in the Shire, working with First Nations people on any number of issues and projects together and providing them a voice in our community.

Issues and Implications

Our surrounding Councils in the RAMJO region have either already discussed this matter or will be taking it for consideration to Council shortly. Albury City Council endorsed the Uluru Statement from the Heart at its June Ordinary Council meeting as per the motion noted below. Other Council responses were circulated by email for Councillor information only.

Albury City Council – June Ordinary Council meeting

MOTION

Cr Thurley Moved, Cr Cameron Seconded

That Council:

- a. Receives and notes the submissions received during the Public Exhibition of the draft AlburyCity Innovate Reconciliation Action Plan June 2022 – June 2024; and
- b. Adopts the draft AlburyCity Innovate Reconciliation Action Plan June 2022 – June 2024 and endorses that the document be submitted to Reconciliation Australia seeking their final endorsement.
- c. In accordance with Action 15, within the Respect pillar of the AlburyCity Innovate Reconciliation Action Plan, AlburyCity calls on the Australian Government to continue to demonstrate strong leadership, in support of Aboriginal and Torres Strait Islander Peoples, by endorsing the Uluru Statement from the Heart, establishing a process for truth telling, negotiating a treaty and reforming our constitution to enshrine a voice to parliament for Aboriginal and Torres Strait Islander peoples.

CARRIED

Policy

Policy 69 – Social Justice Framework

Rights – Within the exercise of its responsibilities and activities, the Berrigan Shire Council supports:

- a) the right to be respected as an individual and a member of the community without distinction or discrimination;
- b) the right to a standard of living which protects the health, safety and dignity of individuals, children, and families;
- c) the right to work and earn an income;
- d) the right to learning throughout life;
- e) the right to participate in the public and cultural life of the community;
- f) the right to access adequate food, clothing, housing, social support and health services;
and
- g) the right to access recreation and leisure facilities and services.

Financial

N/A

Legal / Statutory

N/A

Community Engagement / Communication

It is expected Councils will be required to provide education and information sessions as part of any referendum process, as has occurred with other referendums in the past.

Human Resources / Industrial Relations

Although there are no direct Human Resource or Industrial Relations impacts that will be experienced as a direct result of endorsing or not endorsing the Uluru Statement from the Heart, Council has acknowledged historically staff were actively discouraged from identifying as Aboriginal. Supporting the statement will perhaps assist with those staff having more confidence that Council does acknowledge their important cultural and social contribution to our workforce and community. Simply flying the Aboriginal flag has made an immeasurable difference to their feeling welcomed into the workplace and community.

Risks

1. Community (Social & Cultural) / Government / Reputation / Media

	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

The recent ABS data strongly indicates a willingness for Aboriginal and Torres Strait Islander peoples to identify with their heritage with significant increases in population rates. Previous surveys and discussions at higher levels of government show strong support by the Australian community for our First Nations people to have a voice to determine policies that are made on their behalf.

Conclusions

Although this matter is not technically a matter for Local Councils to decide (i.e. when a referendum will occur), it will be important all levels of government work together to ensure the First Nations voice is heard on this matter. As 3% of the Berrigan Shire population, First Nations people cannot do this alone, but Council can support their representation particularly where policies are being developed at State and Federal levels that will directly affect the future of those people. Council's themselves have the opportunity to play a small

part in the acknowledging the poor law and policy decisions of the past and supporting better informed law and policy development into the future.

Should Councillors need further information regarding the statement, may wish to review additional information at any of the following sites:

<https://ulurustatement.org/the-statement/>

[https://reconciliationnsw.org.au/wp-content/uploads/2021/12/FredHollows Fact-Sheet v3 Digital.pdf](https://reconciliationnsw.org.au/wp-content/uploads/2021/12/FredHollows_Fact-Sheet_v3_Digital.pdf)

Or there is a video available for \$1.00 at the bottom of the Reconciliation SA website provided below:

<https://reconciliationsa.org.au/document/uluru-statement-from-the-heart-explainer-video-atom-study-guide/>

8.22 Local Government New South Wales Conference Motions

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.2 Strengthen strategic relationships and partnerships with community, business and government

Recommendation: That Council adopt the following motions for submission to the Local Government NSW Conference for consideration:

1. That the Local Government NSW lobbies the Australian and NSW governments to work with rural and regional Councils and industry housing providers to address the place-based supply of secure tenure rental housing designed for key workers. Financing and construction of these key worker housing will require strategic partnerships between all levels of government and industry providers to ensure homelessness issues currently being faced in rural and regional areas are addressed urgently.
2. That the Local Government NSW actively engages with the Minister for Planning to ensure the Minister's continued engagement with rural and remote Councils regarding the issues being presented by the implementation of the ePlanning Portal, the costs to Local Councils being experienced due to the implementation of the Portal and the extreme stress being placed on planning employees due to the lack of industry qualified planners and building surveyors required to successfully manage the new planning system.
3. That the Local Government NSW work with the Minister for Education and TAFE bodies to assist Councils to identify existing skill sets and the types of on-the-job training in Local Government that might meet micro-credentialing requirements thereby assisting Local Councils to achieve recognition of prior learning to meet Australian Skills Quality Authority (ASQA) requirements, workforce professional career development and qualifications relevant to Continuing Professional Development.

Report:

At a previous Strategic Policy Workshop the submission of motions to the Local Government NSW Conference was briefly and informally discussed. I was asked to present motions on the topics of Housing, Planning and Workforce for consideration by Council. If adopted, these will be submitted through the LGNSW online portal. Submissions are due by 29 August 2022.

I have used both our Advocacy Document and the submission made to the National General Assembly as a guide to developing the motions suggested below.

Housing

Suggested motion:

That the Local Government NSW lobbies the Australian and NSW governments to work with rural and regional Councils and industry housing providers to address the place-based supply of secure tenure rental housing designed for key workers. Financing and construction of these key worker housing will require strategic partnerships between all levels of government and industry providers to ensure homelessness issues currently being faced in rural and regional areas are addressed urgently.

Note from Council

The current market-based housing supply model designed to incentivise home ownership or investment in residential property, excludes key workers from home ownership and secure tenure rental housing. Unmet housing demand is a constraint on economic growth. Therefore, Local Councils and communities throughout regional and rural Australia need to investigate bespoke and place-based responses designed to alleviate the economic and social consequences of the failure of market-based supply of key worker housing and accommodation in rural and regional Australia.

Planning

Suggested Motion

That the Local Government NSW actively engages with the Minister for Planning to ensure the Minister's continued engagement with rural and remote Councils regarding the issues being presented by the implementation of the ePlanning Portal, the costs to Local Councils being experienced due to the implementation of the Portal and the extreme stress being placed on planning employees due to the lack of industry qualified planners and building surveyors required to successfully manage the new planning system.

Note from Council

Whilst RAMJO Councils are pooling their API Grant monies to develop middleware that will allow integration of Council systems with the ePlanning Portal, we are aware many other Councils are trying to achieve this outcome in isolation. The ongoing costs of licensing are not considered in the grant providing and the Minister should consider the impact of this cost shifting to ensure the ePlanning Portal works effectively particularly on small rural and regional Councils. Further the lack of access to qualified planners and building surveyors is meaning rural and regional Councils are being forced to compete for these skillsets in an unequal playing field that is seeing extortionate rates being charged for access to these skills sets. The costs to Councils is directly affecting their ability to ensure the economic development of their regions, whilst the increasing complexity of applications is increasing reliance on the very skills sets rural and regional councils cannot easily access.

Workforce

Suggested Motion

That the Local Government NSW work with the Minister for Education and TAFE bodies to assist Councils to identify existing skill sets and the types of on-the-job training in Local Government that might meet micro-credentialing requirements thereby assisting Local Councils to achieve recognition of prior learning to meet Australian Skills Quality Authority (ASQA) requirements, workforce professional career development and qualifications relevant to Continuing Professional Development.

Note from Council

The attraction and retention of skilled workforce in rural and remote areas is increasingly problematic when competing with the salaries and conditions possible in urban and peri-urban areas. Council is actively encouraging and communicating the career opportunities afforded by working in Local Government, however access to suitable professional development opportunities is limited due to location costs of travel, accommodation etc included developing skill sets in house. A number of skills sets however are achievable by working in the complex areas of Local Government and their recognition would both make credentialling qualified people more accessible, and make working in Local Government a more palatable career opportunity for rural and remote community workforce.

8.23 Murray St Finley ABC Reconductor Design Update and Budget Estimate

Report by: Director Infrastructure, Rohit Srivastava

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.1 Support sustainable use of our natural resources and built landscapes

Recommendation: That the Council:

1. delegate the CEO and Director Infrastructure to work with Essential Energy and look for co-funding opportunities
2. delegate DI to explore costs for getting the powerlines underground.

Report:

Council officers have been working on Area Bundled Cables (ABC) Reconductor Design on Murray St, Finley for the last few years.

Council has engaged a Consultant (GPE HV) to do design and obtain approvals from the Essential Energy before tendering the works.

A summary of the project is mentioned below:

Objectives:

The two main stakeholders and their project drivers are:

1. *Essential Energy (EE)*: None, EE has no need to upgrade or has any technical issues to invest in the project.
2. *Council*:
 - The Council's main driver was aesthetics, to ensure the main streets of the Shire look tidy and appealing; &
 - Prepare the main street of Finley for landscaping works.

Scope:

The high-level scope of this project is presented below:

There are five cables running on the west side of Murray Street, Finley and there are overhead crossings to feed shops and buildings on eastside of Murray Street. Please refer to Figures 1.



Figure 1: Existing overhead powerlines with crossings

The scope of the project included:

- Bundling of cables on west-side
- replace old power poles with new
- re-attach existing lantern & bracket to new poles
- re-attach existing crossarm to the new poles
- re-attach services to the new poles

Figure 2 shows the scope of works.

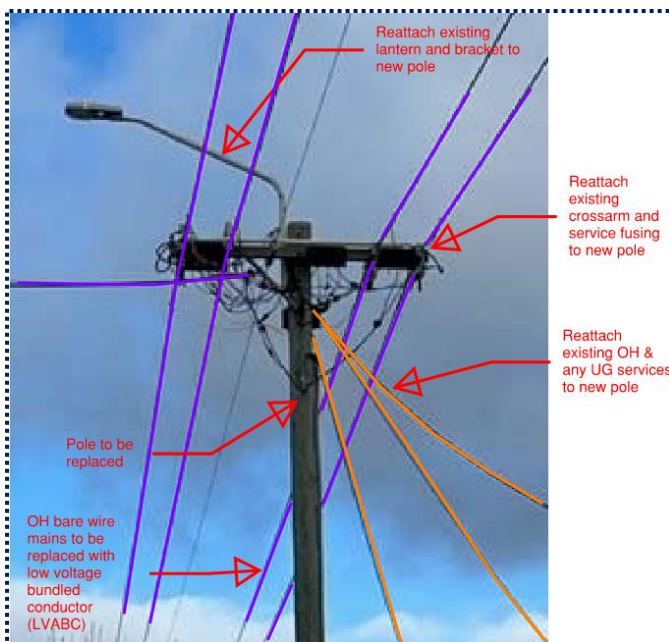


Figure 2: Scope of Works

Figure 3 shows an example of parallel Low Voltage Area Bundled Cable (LVABC), where five cables are bundled into two with other overhead crossings intact.



Figure 3: Example of LV ABC

Progress made (Design):

The Consultant has completed the design for the project and the next steps for the project would be (if Council fund the project):

- i. Inform GPEHV to proceed
- ii. GPEHV to submit request for Design Information Pack (DIP) to EE
- iii. If nothing changes from EE then GPEHV to simply revise existing design
- iv. Council obtain consent letters from shop owners/adjoining landowners
- v. GPEHV to submit drawings for approval to EE
- vi. Council can also take quotes from EE accredited contractors for the Level 1 & Level 2 works
- vii. If costs within budget then Council can proceed, else manage budget, or plan for future (knowing EE requirements can change)

Estimated Costs:

Consultant (Design): Council has incurred a cost of about \$13,000 towards the design at this stage. If EE does not change design requirements, then the approval of design would cost about \$5,000 towards Consultant's fee.

Construction Cost:

Approximate Cost of Level 1 works: new poles, ABC in 2019 was \$545,000. We have applied 20% escalation to this, \$654,000.

Approximate Cost of Level 2 works:

- i. \$1,500 for each OH service cable if it requires replacement
- ii. \$10,000 for each UG service cable if it requires replacement
- iii. \$5,000 if Consumer mains/Meter board require upgrading to current standard

It is estimated the cost of Level 2 would be about \$165,000

Items Berrigan Shire Council responsible for in 2019 cost estimates were:

- i. Underground asset locations –\$15,000
- ii. Traffic Management - \$20,000
- iii. Surveying services - \$10,000
- iv. Vacuum excavation of pole due to location of existing UG assets - \$2,500/pole

It is estimated the cost directly to the Council would be about \$70,000

Overall cost of the project is expected to be about:

Design: \$13,000 (incurred)

\$5,000 (to obtain immediate design approval) (A)

Construction:

- Level 1: \$654,000 (B)
- Level 2: \$165,000 (C)
- Traffic Management & Other: \$70,000 (D)

Total project cost = \$894,000 (E) = [A+A+C+D]

Contingency (10%) = \$89,400 F = [10% of E]

Overall project cost = \$983,400 G = [E+F]

Figure 4 shows various categories of works.



Figure 4: Categories of works

8.24 Chanter St Berrigan, ABC Project, and Estimates

Report by: Director Infrastructure, Rohit Srivastava

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.1 Support sustainable use of our natural resources and built landscapes

Recommendation: That the Council delegate CEO & DI to work with Essential Energy and explore co-funding opportunities towards Option 1: Undergrounding of Powerlines

Report:

Background:

Council has received complaints from Berrigan & District Development Association (BDDA) regarding overhead powerlines being too close to the front of the buildings. Considering this, there is a health & safety issue when maintenance works are required on the buildings.

Building owners are required to work with Essential Energy (EE), every time they would like to do any maintenance works on the front of building.

A planned shutdown is required to carry out works and each shutdown costs about \$5,000. BDDA wanted Council to investigate options in consultation with EE to manage this issue and the risks.

Council officers engaged with EE staff and have discussed the issue on site. EE staff had suggested three options to the Council:

- Option 1: Undergrounding of Powerlines
- Option 2: Bundling of Powerlines, this will solve the safe distance issue
- Option 3: Shutdown of Powerlines, every time work is conducted

Council staff met on-site and engaged a Consultant (GPE HV) to do high level cost estimate for various options.

Feedback has been received from the Consultant and is presented below:

Option 1 (Ideal): Undergrounding of Powerlines

Location: IGA on Chanter St – Jerilderie St

Cost: \$500,000.00 approximate

Timeline: 30/06/2023 approximate (for Design)

Option 2 (Compromise): Bundling of Powerlines, this will solve the safe distance issue

Location: IGA on Chanter St – Jerilderie St

Cost: \$350,000 approximate

Timeline: 30/06/2023 approximate (for Design)

Option 3 (Least preferred): Shutdown of Powerlines.

Location: IGA on Chanter St – Jerilderie St

Cost: \$5,000 per outage approximate works arranged between Berrigan Shire/Customer and Essential Energy

Timeline: minimum 28-day notification for outage request approximate

Objectives:

The two main stakeholders and their project drivers are:

1. *Essential Energy (EE)*: None, EE has no need to upgrade or has any technical issues to invest in the project.
2. *Council*:
 - To ensure the main streets of the Shire look tidy and appealing.
 - Ensure buildings on main streets are well-maintained

8.25 Barooga Recreation Reserve - Masterplan

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.2 Support community engagement through life-long learning, culture and recreation

Recommendation: That the Council adopt the Barooga Recreation Reserve Masterplan attached as “Appendix 8.25-A”

Report:

Attached as “Appendix 8.25-A” is a proposed masterplan for Barooga Recreation Reserve.

The masterplan provides a framework for the staged redevelopment of the Reserve’s facilities, upgrade of existing facilities, investment in new facilities and services and supports strategic linkages between the Barooga Recreation Reserve and the sports facilities operated by the Barooga Sporties Group.

Brief

The brief for the development of the master plan called for the following to be addressed:

- Review and upgrade netball courts, tennis courts, equestrian precinct, and other sporting facilities.
- Investigate pedestrian and vehicular interaction and manage conflicts.
- Review and up-grade cricket nets, playground and equestrian area.
- Consider the athletic facilities as a single precinct.
- Ensure the facility is a quality regional sports precinct.
- Collaborate with Barooga Sporties Group in preparing and delivering improvements.

The Council also identified the construction of new netball courts at Barooga as a priority as part of the Council’s overall plan to replace and bring to standard all its netball courts. In December 2021, the Council resolved to use a draft version of the masterplan to support a funding application for these works under the Federal Government’s Local Roads and Community Infrastructure program

Consultation

The masterplan was informed by the Barooga Recreation Reserve strategic plan and an extensive consultation process. This included consultation with:

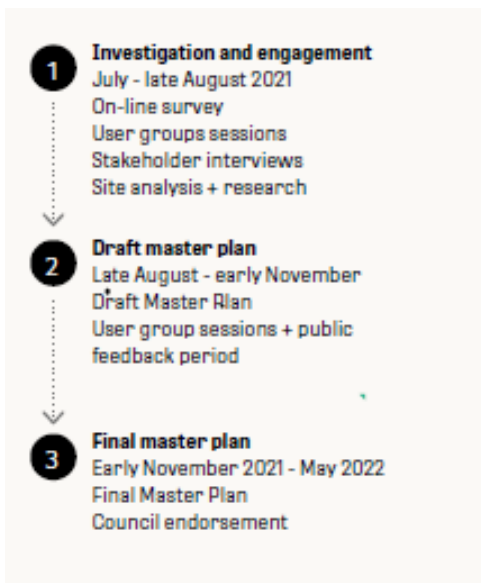
- Berrigan Shire Council staff
- Barooga Recreation Reserve Committee of Management

- Barooga Sporties
- User groups of the facility, including
 - Barooga Football Netball Club
 - Barooga Cricket Club
 - Barooga Equestrian Club
 - Barooga Little Athletics Club
 - Barooga Tennis Club
- Members of the Barooga community and the broader Berrigan Shire.

A draft version of the master plan was placed on public exhibition and submissions from the public sought.

The master plan reflects the views of the Council, informed by consultation with the Committee of Management, Sporties, user groups and the public. Responsibility for the development and implementation of the plan rests with Council with support from these other groups.

The table below sets out the consultation timeline.



As with all developments of this nature, it is very difficult to satisfy every concern and matter raised in the consultation process however I would like to thank all parties for their cooperation and input in the development of the plan.

Implementation

Masterplans are not detailed designs; they are a guide to inform future development and ensure this development is undertaken in a coordinated and coherent manner. As items from the masterplan are implemented and detailed design undertaken, there will almost certainly be changes from the layout shown on the masterplan.

The masterplan does not commit the Council to fund all, or any, works identified in the masterplan. Works will be prioritised and funded considering the recommendations of the masterplan and available sources of funding, among other items.

Council is now implementing the first stage of the masterplan – the construction of two new netball courts with Council currently seeking tenders for this work. The exact layout of the courts is somewhat different than shown in the masterplan however it is consistent with the direction of the masterplan.

Barooga Cricket Club have obtained funding from Cricket Australia to part-fund construction of new nets as per this masterplan. The club is seeking further grant funding to fully fund the project.

8.26 Finley Saleyards – Sheep Ramps

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.3 Connect local, regional and national road and rail infrastructure and networks

Recommendation: That the Council postpone consideration of installing a fourth sheep ramp at Finley Saleyards until receipt of the independent viability and options report in September 2022.

Report:

Berrigan Shire Council has been funded under the Heavy Vehicle Safety and Productivity Program to – among other works – upgrade the sheep ramps at Finley Saleyards.

This application was prepared using as a guide a report commissioned by the Council and prepared by Proway, a livestock industry consultant. This report has been made available to the Council earlier. This plan showed four (4) sheep ramps – three rotated on a 30° angle and one kept at 90° to the road.

In order to deliver these works, the Council called for tenders in late 2021. The tender document asked tenderers to price the replacement of three (3) ramps – excluding the 90° ramp.

Tenders for this project were considered by the Council at its meeting on 15 September 2021 where the Council resolved the following

***Resolved** Crs Reynoldson and Morris that the Council do not accept either tender and that the Council delegate the CEO to negotiate directly with providers to provide the Finley Saleyards Refurbishment*

On this basis, the Council's Project Manager obtained a quote for the supply and installation of the three ramps shown in the tender document. These ramps have now been constructed and ready for installation

In late June, Council staff met on-site with saleyard stakeholders to explain the installation process for the three ramps. The stakeholders informed Council staff that their expectation was that four ramps would be installed. Council staff informed the stakeholders that the brief they were provided was for three ramps only.

In response, the Finley Associated Stock and Station Agents and the Livestock, Bulk and Rural Carriers Association have written to Council to demand the replacement of the fourth ramp. The letters claim a lack of consultation with stakeholders on the number of ramps to be

installed, unacceptable delays in loading stock when using only three ramps and an alleged breach of the Council's funding agreement under the Heavy Vehicle Safety and Productivity Program.

These letters are attached as **"Appendix 8.26-A"**

Considering the items raised in the letter:

- The Proway plan on which the HVSP plan was based clearly shows four ramps, three on the 30° angle and one at 90°. However, the grant application itself does not specify a number of ramps to be replaced. The grant is based on an "outcome" (safe, effective working facility) rather than a "quantity" (number of ramps).
- I cannot find any written documentation between the Council and the stakeholders specifying the number of ramps to be installed other than the Proway plan (four) and the tender document (3). The stakeholders received the Proway plan and were consulted on the tender.
- Council staff, including me, have been working on the replacement of three ramps since the Council resolution in September.

As it stands now, the Council will replace only three sheep ramps. Installation is scheduled for later this month. The Associated Agents advise that an additional ramp is available to be installed, although this has not been confirmed by Council staff. At the time of writing, Council staff have also not priced a variation for supply and installation of this fourth ramp. Council staff aim to have this information available at the Council meeting.

Council staff are of the opinion that the Council is not committed to the installation of an additional fourth ramp. Before making further financial commitments to works at the Finley Saleyards, the Council may wish to wait until receipt of the independent viability and options report for the saleyards, expected in September.

The risk of delaying this decision is it may be more expensive to manufacture and install the fourth ramp later, rather than at the same time as the first three.

Alternatively, the Council may direct Council staff to install a fourth ramp at the same time as the other three ramps – i.e., in July.

8.27 Development Determinations for Month of June 2022

Report by: Executive Support Officer, Melissa Kennedy

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council receive and note this report.

Report:

APPLICATIONS DETERMINED FOR JUNE 2022

APPLICATION	DESCRIPTION	PROPERTY LOCATION	APPLICANT	OWNER	STATUS	VALUE	DAYS TAKEN	
93/20/DA/D9-M	13 LOT SUBDIVISION	BRUTON STREET, TOCUMWAL NSW 2714 (Lot6//DP1275427)	MR TONY O'NEILL	MR PJ CULLEN AND MRS JC CULLEN	Approved 17-06-2022	\$ 680000.00	Active 53	Total 53
186/21/DA/D3	MILK PROCESSING FACTORY	87-123 HAMILTON STREET, FINLEY NSW 2713 (Lot118//DP752299)	DAIRY GROUP AUSTRALIA	DAIRY GROUP AUSTRALIA PTY LTD	Approved 22-06-2022	\$ 2500000.00	Active 42	Total 308
114/22/DA/DM	WATER STORAGE DAM	NOLANS ROAD, BAROOGA NSW 3644 (Lot8//DP1102815)	DE MAIO INVESTMENT GROUP PTY LTD	DE MAIO INVESTMENT GROUP PTY LTD	Approved 15-06-2022	\$ 1000.00	Active 85	Total 85
132/22/DA/D6	ADDITIONS TO DWELLING AND STORAGE SHED	18 BRIDGE STREET, TOCUMWAL NSW 2714 (Lot3//DP584816)	JENNY BARLOW	MR SJ BARLOW AND MRS JL BARLOW	Approved 28-06-2022	\$ 130000.00	Active 0	Total 64
144/22/DA/D1	TRANSPORTABLE SECONDARY DWELLING	8 PUTTER COURT, BAROOGA NSW 3644 (Lot103//DP1133352)	NEATLINE HOMES P/L	MR SJ REDMAN AND MRS FA REDMAN	Approved 20-06-2022	\$ 202065.00	Active 49	Total 49
149/22/DA/D1	BV DWELLING & ATTACHED GARAGE	134 RACECOURSE ROAD, TOCUMWAL NSW 2714 (Lot1//DP1275427)	DENNIS FAMILY HOMES	MR LG MITCHELL AND MRS AM MITCHELL	Approved 24-06-2022	\$ 349578.00	Active 43	Total 43
150/22/DA/DM	LICENSED RESTAURANT & FIT OUT OF PREMISES	2 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot422//DP1253984)	BERRIGAN SHIRE COUNCIL	BERRIGAN SHIRE COUNCIL	Approved 03-06-2022	\$ 0.00	Active 26	Total 26
152/22/DA/D5	RESIDENTIAL STORAGE SHED	134 RACECOURSE ROAD, TOCUMWAL NSW 2714 (Lot1//DP1275427)	O'HALLORAN PROPERTY SERVICES PTY LTD	MR LG MITCHELL AND MRS AM MITCHELL	Approved 24-06-2022	\$ 34687.00	Active 39	Total 39
153/22/DA/D5	PATIO	69 HUGHES STREET, BAROOGA NSW 3644 (Lot9//DP1257753)	APOLLO PATIOS	MR AJ STEED AND MS JE HUMPHRIES	Approved 16-06-2022	\$ 53511.00	Active 0	Total 33
154/22/DA/D1	DWELLING AND RESIDENTIAL STORAGE SHED	36B BARINYA STREET, BAROOGA NSW 3644 (Lot3//DP1250698)	REKLAW CONSTRUCTIONS PTY LTD	MR CR SUTTON	Approved 22-06-2022	\$ 500000.00	Active 1	Total 36
155/22/DA/D5	RESIDENTIAL STORAGE SHED	60 MURRAY STREET, TOCUMWAL NSW 2714 (Lot2//DP548025)	RODNEY SURGEON	MR RJ SURGEON	Approved 09-06-2022	\$ 24000.00	Active 0	Total 26
157/22/DA/D5	RESIDENTIAL STORAGE SHED	53 TONGS STREET, FINLEY NSW 2713 (Lot1//DP101138)	MATTHEW MILLER	MR DJ AGNEW	Approved 22-06-2022	\$ 8500.00	Active 28	Total 28
158/22/DA/D1	BV DWELLING & ATTACHED GARAGE	37 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot35//DP270154)	ELITE BUILDING PTY LTD	MR JI GRAHAM AND MRS KL GRAHAM	Approved 23-06-2022	\$ 735632.00	Active 29	Total 29
159/22/DA/D2	CHANGE OF USE	126-128 MURRAY	SAINT RITA	MOTHER	Approved	\$ 165000.00	Active	Total

	TO PHARMACY	STREET, FINLEY NSW 2713 (Lot12//DP555816)	PTY LTD	TERESA PTY LTD	09-06-2022		15	15
160/22/DA/D1	BV DWELLING & ATTACHED GARAGE	26 ANTHONY AVENUE, TOCUMWAL NSW 2714 (Lot57//DP1131677)	STONEWAY CONSTRUCTIONS	MR GR MATTERS AND MRS EV MATTERS AND MS KM PENMAN	Approved 28-06-2022	\$ 318051.00	Active 28	Total 28
45/22/CD/M5	INGROUND FIBREGLASS SWIMMING POOL	18 HUGHES STREET, BAROOGA NSW 3644 (Lot2//DP1271152)	POOLSIDE COBRAM	MR WM GORMAN AND MRS EJ GORMAN	Approved 02-06-2022	\$ 70940.00	Active 8	Total 8
162/22/DA/D1	BV DWELLING & ATTACHED GARAGE	18 HUGHES STREET, BAROOGA NSW 3644 (Lot2//DP1271152)	MS CONSTRUCTION PTY LTD	MR WM GORMAN AND MRS EJ GORMAN	Approved 08-06-2022	\$ 546690.00	Active 12	Total 12
46/22/CD/M4	VERGOLA	163 RACECOURSE ROAD, TOCUMWAL NSW 2714 (Lot1//DP1242015)	PAUL GRAY BUILDERS	MR RJ AND MRS MA DIXON	Approved 09-06-2022	\$ 44913.00	Active 11	Total 11
47/22/CD/M4	VERGOLA	11 INGO RENNER DRIVE, TOCUMWAL NSW 2714 (Lot23//DP790167)	PAUL GRAY BUILDERS	MR RA HEHIR AND MRS JA HEHIR	Approved 09-06-2022	\$ 22485.00	Active 11	Total 11
48/22/CD/M5	INGROUND FIBREGLASS SWIMMING POOL	44 HUTSONS ROAD, TOCUMWAL NSW 2714 (Lot118//DP1070311)	POOLSIDE COBRAM	MR CJ GALVIN AND MRS ME GALVIN	Approved 07-06-2022	\$ 92480.00	Active 7	Total 7
49/22/CD/M4	CARPORT	21-23 MOMALONG STREET, BERRIGAN NSW 2712 (Lot1//DP1167448)	WAYNE KELLY	MR WR KELLY AND MRS L KELLY	Approved 07-06-2022	\$ 9980.00	Active 4	Total 4
50/22/CD/M4	PATIO	10 AMAROO AVENUE, BAROOGA NSW 3644 (Lot17//DP537902)	TIM LEBNER	MR GA NYE AND MRS KL NYE	Approved 08-06-2022	\$ 17600.00	Active 4	Total 4
171/22/DA/DM	DEMOLITION OF DWELLING	4 BARKER STREET, TOCUMWAL NSW 2714 (Lot1/30//DP758981)	MARK RYAN	MR MS RYAN AND MRS NJ RYAN	Approved 17-06-2022	\$ 20000.00	Active 11	Total 11
173/22/DA/D1	RELOCATED DWELLING	10 BUDD STREET, BERRIGAN NSW 2712 (Lot3/L//DP2512)	STEPHEN LIDSTER	MR SJ LIDSTER AND MS DD HANSON	Approved 22-06-2022	\$ 195000.00	Active 14	Total 14
52/22/CD/M4	ENCLOSE GARAGE AND CARPORT	13-15 TONGS STREET, FINLEY NSW 2713 (Lot120//DP752283)	KIM HORNBY	MR GJ MURPHY AND MS KL HORNBY	Approved 30-06-2022	\$ 10000.00	Active 1	Total 1

APPLICATIONS PENDING DETERMINATION AS AT 30/06/2022

Application No.	Date Lodged	Description	Property Location
208/21/DA/D3	26-05-2021	INSTALLATION OF 68KL UNDERGROUND LP GAS TANK	94-104 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot117//DP752296)
24/22/DA/D9	03-09-2021	10 LOT SUBDIVISION	LAWSON DRIVE, BAROOGA NSW 3644 (Lot9//DP1150036)
62/22/DA/D2	05-11-2021	REPLACEMENT SIGNAGE AT EXISTING SERVICE STATION	54-56 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot11//DP1161562)
101/22/DA/DM	18-01-2022	CHEESE PROCESSING FACILITY	26 CROSBIES ROAD, FINLEY NSW 2713 (Lot11//DP801250)
119/22/DA/D5	24-02-2022	RESIDENTIAL STORAGE SHED	136 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot62//DP1028910)
108/22/DA/D2	21-03-2022	HIGHWAY SERVICE CENTRE	NEWELL HIGHWAY, TOCUMWAL NSW 2714 (Lot297//DP720267)
130/22/DA/D9	28-03-2022	2 LOT SUBDIVISION	24-30 BAROOGA ROAD, TOCUMWAL NSW 2714 (Lot182//DP752296)
135/22/DA/D5	01-04-2022	RESIDENTIAL STORAGE SHED	74 TOCUMWAL STREET, FINLEY NSW 2713 (LotA//DP387671)
145/22/DA/D9	26-04-2022	13 LOT SUBDIVISION	BRUTON STREET, TOCUMWAL NSW 2714



			(Lot1//DP802330)
151/22/DA/D5	29-04-2022	EXTENSION TO ALFRESCO	22 RILEY COURT, TOCUMWAL NSW 2714 (Lot56//DP1054776)
161/22/DA/D1	23-05-2022	BV DWELLING & ATTACHED GARAGE	60 TESSIER DRIVE, TOCUMWAL NSW 2714 (Lot30//DP1250358)
163/22/DA/DM	24-05-2022	RELOCATABLE CONTAINER OFFICE	QUICKS ROAD, TOCUMWAL NSW 2714 (Lot1//DP1088371)
165/22/DA/D5	24-05-2022	ALFRESCO	27-29 WIRUNA STREET, BAROOGA NSW 3644 (Lot2//DP607443)
166/22/DA/D5	24-05-2022	RESIDENTIAL STORAGE SHED	4 MURRAY GROVE, BAROOGA NSW 3644 (Lot18//DP1092267)
167/22/DA/D1	27-05-2022	DWELLING, SHED AND POOL	17 HAMILTON STREET, FINLEY NSW 2713 (Lot4//DP1262202)
168/22/DA/D2	27-05-2022	STORAGE SHEDS	5 WISE COURT, TOCUMWAL NSW 2714 (Lot5//DP1036181)
172/22/DA/D1	02-06-2022	BV DWELLING & ATTACHED GARAGE	13 HAMILTON STREET, FINLEY NSW 2713 (Lot3//DP1262202)
174/22/DA/D1	07-06-2022	BV DWELLING & ATTACHED GARAGE	40 TESSIER DRIVE, TOCUMWAL NSW 2714 (Lot40//DP1250358)
175/22/DA/D6	07-06-2022	ADDITIONS TO DWELLING	1057 MULWALA-BAROOGA ROAD, BOOMANOOMANA NSW 3644 (Lot17//DP653769)
176/22/DA/D5	07-06-2022	RESIDENTIAL STORAGE SHED	20-22 BERRIGAN ROAD, FINLEY NSW 2713 (Lot7/B//DP3407)
177/22/DA/D2	16-06-2022	ADDITION AND ALTERATIONS TO EXISTING FACADE AND LAYOUT	63-67 TOCUMWAL STREET, FINLEY NSW 2713 (Lot2101//DP701844)
179/22/DA/D5	20-06-2022	RESIDENTIAL STORAGE SHED	53 HUGHES STREET, BAROOGA NSW 3644 (Lot2//DP1257753)
180/22/DA/D1	20-06-2022	BV DWELLING & ATTACHED GARAGE	12 MAJUDA COURT, TOCUMWAL NSW 2714 (Lot73//DP1131677)
181/22/DA/D2	21-06-2022	VERANDAH ON SHOP FRONT	14-16 MURRAY STREET, TOCUMWAL NSW 2714 (Lot5/32//DP758981)
182/22/DA/D2	21-06-2022	ADDITIONS TO EXISTING VINEGAR PROCESSING ROOM / SHED	139 HUGHES STREET, BAROOGA NSW 3644 (Lot12//DP1143435)
183/22/DA/DM	21-06-2022	TREE REMOVAL	26 JERILDERIE STREET, TOCUMWAL NSW 2714 (Lot1/49//DP758981)
184/22/DA/D5	28-06-2022	RESIDENTIAL STORAGE SHED	47-48 KEOGH DRIVE, TOCUMWAL NSW 2714 (Lot46//DP1118257)
185/22/DA/D5	29-06-2022	RESIDENTIAL STORAGE SHED	28 HADLEY STREET, TOCUMWAL NSW 2714 (Lot22//DP1250358)
186/22/DA/DM	29-06-2022	EARTHWORKS AND RETAINING WALLS	160-162 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot332//DP1073141)
187/22/DA/D6	29-06-2022	ADDITIONS TO DWELLING	9-11 HENNESSY STREET, TOCUMWAL NSW 2714 (Lot33//DP625305)
53/22/CD/M5	29-06-2022	INGROUND FIBREGLASS SWIMMING POOL	11 RILEY COURT, TOCUMWAL NSW 2714 (Lot46//DP1054776)

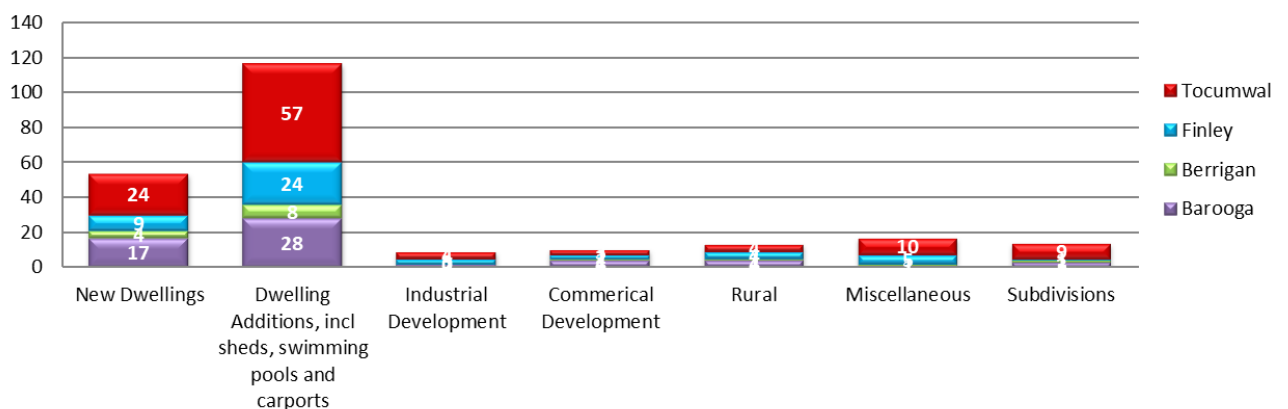
TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

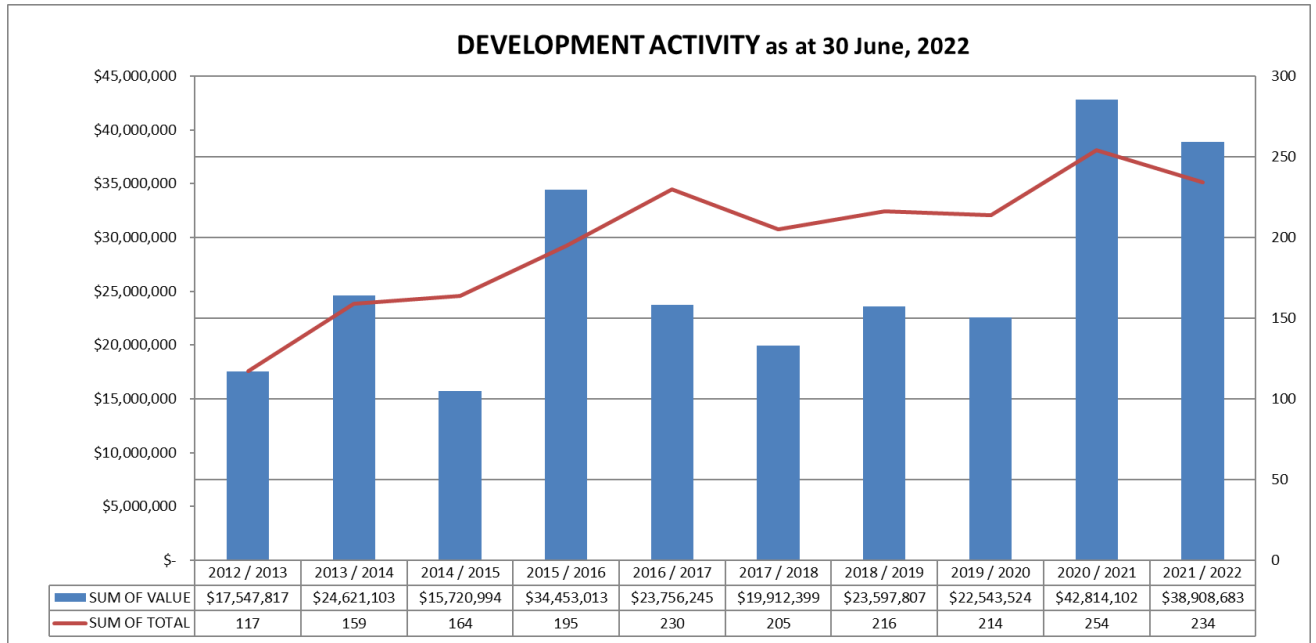
	This Month (June)	Year to Date	This Month's Value (June)	Year to Date Value
Development Applications (DA)	18	182	\$6,463,714	\$33,513,697
Construction Certificates (CC)	5	137	\$1,231,362	\$24,442,748
Complying Development Certificates (CDC)	7	52	\$268,398	\$5,394,986
Local Activity (s.68)	14	94	0	0

OTHER CERTIFICATES ISSUED FOR JUNE 2022

	s10.7(2) Planning Certificate		s10.7(5) Certificate		735A Certificate Outstanding Notices or Orders under LG Act 1993		s9.34 Certificate Outstanding Notices or Orders under EP&A Act 1979		s6.24 Building Certificate		Swimming Pool Certificate	
	JUNE	Year Total	JUNE	Year Total	JUNE	Year Total	JUNE	Year Total	JUNE	Year Total	JUNE	Year Total
BAROOGA	5	81	0	3	1	7	1	4	0	1	1	14
BERRIGAN	6	63	1	4	1	10	1	4	0	1	0	1
FINLEY	9	108	0	1	1	5	0	3	0	1	0	1
TOCUMWAL	12	140	6	9	0	4	0	0	0	1	0	6
TOTAL	32	392	7	17	3	26	2	11	0	4	1	22

DEVELOPMENT ACTIVITY 2021/2022 as at 30 June, 2022





8.28 Trade Waste Discharge - Barooga WTP

Report by: Director Infrastructure, Rohit Srivastava

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.2 Retain the diversity and preserve the health of our natural landscapes and wildlife

Recommendation: That the Council:

1. Include project: Trade Waste Discharge, Barooga WTP as part of the Operations Plan 22/23; &
2. Allocate \$50,000 as the project budget from the Water Fund to the above project.

Report:

Background:

As part of water treatment process, sludge is generated and is expected to be handled and disposed of in an environmental-friendly manner. The discharge of sludge to Council's sewer network from Barooga Water Treatment Plant (WTP) was given by the Department of Land & Water Conservation in the year 2000. A snapshot is presented in Figure 1

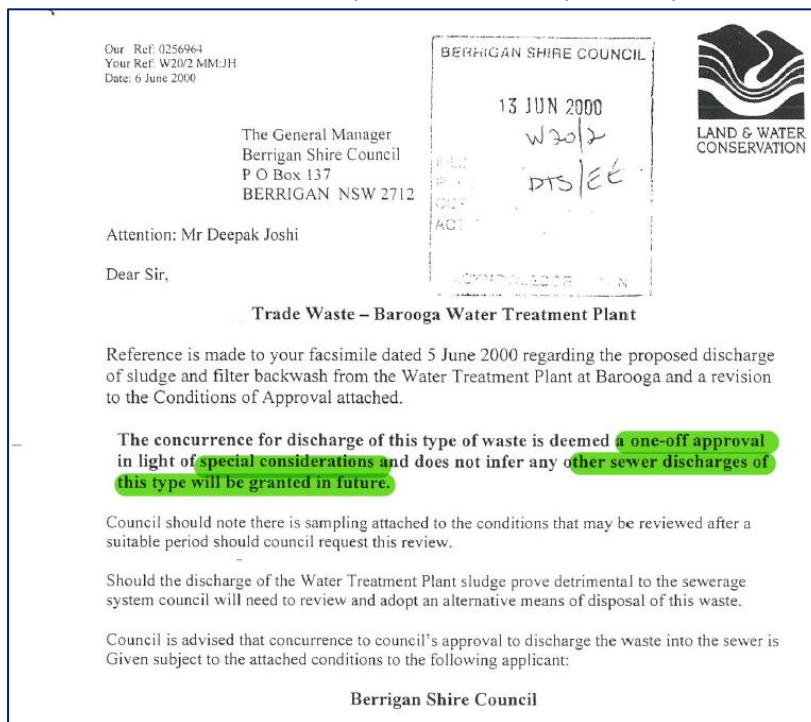


Figure 5: Approval to discharge in sewer network

As part of renewal of Barooga's WTP (currently underway), Council had submitted a Statement of Environmental Effects in January 2022 which stated the sludge from the renewed WTP would continue to be discharged to its existing sewer connection. A snapshot is presented in Figure 2.

2 Scope and Context of Proposed Works

2.1 Summary and Proposed Location

A development application has been lodged with this SEE for 27-29 Buchanans Road, Barooga NSW. The site is developed, and currently contains a public utility water treatment plant.

The site is located on the outskirts of the town of Barooga in an area zoned as SP2 - Infrastructure. Existing services at the site include a 1ML/day water treatment facility. The site has a connection to sewer and utilities. It is therefore believed that the proposed development upgrade will integrate into the existing onsite operations.

The proposal to discharge sludge to sewer network was not considered favourably by the Department of Planning and Environment (Department) and was denied.

On 17 March 2022, Council officers requested the discharge be continued from the renewed WTP as there is little to no change in the process.

On 12 April 2022, Council received a response from the Department emphasising Council is expected to look for another option instead of discharging to its sewer network.

On 14 April 2022, Council officers again sent a request to the Department. A request was to grant reasonable time for us to identify and implement a long-term solution. A snapshot of the letter is presented below.

Summary

Considering the communications, we have had on the project and the information presented in this letter, we would like you to consider our request to discharge WTP sludge into the sewerage system as an interim measure until we can meet with the Department and negotiate a long-term solution which would be financially sustainable to the community and meet the regulatory requirements.

Considering the existing WTP is at its end of life and could potentially fail, the WTP renewal project is very critical for our community and commissioning cannot be postponed.

Please contact Rohit Srivastava, Director Infrastructure on 03 5888 5100 for any clarifications/information/data required to process our request.

Yours faithfully



KARINA EWER MBA, MCDR, MAHRI, MAICD
CHIEF EXECUTIVE OFFICER

Figure 6: Snapshot of Council's request

Council received a letter from the Department on 24 June 2022 accepting our request and granting us 12-months to get a long-term solution approved.

A snapshot of the letter is below.

It is recommended that Council, as a first step, develop an alternate long-term solution for the management of WTP sludge that does not include discharge to the sewerage system. This alternate arrangement will be subject to section 60 approval by the department. Subject to your agreement, the department is recommending a timeframe of 12 months to have the alternate arrangement to be approved.

Figure 7: Granting 12-months to implement a solution

Objectives:

Council’s objective is always to support sustainable natural and built landscapes. Council officers understand the approval granted previously was unique and now we need to find a long-term environmentally sustainable solution.

Next Steps:

Director Infrastructure has formed a project working group to ensure the right outcome is achieved within the allocated timeline. The project group members are mentioned below:

Member name	Designation	Key role (Project)
Karina Ewer	Chief Executive Officer	Sponsor
Rohit Srivastava	Director Infrastructure	Chair
Matthew Hansen	Director Corporate Services	Advise on land acquisition process, timelines, and costs
Matthew Miller	Building and Planning Manager	Planning advise
Monique Aarts	Trade Waste Expert	Trade Waste expertise
Jeff Manks	Water & Sewer Overseer	Ops and Treatment input (Water & Wastewater)
Mohit Jain	Project Engineer	Project Manager

The project working group would meet on a fortnightly basis to first develop a matrix to score various options. A snapshot of a draft scoring matrix is presented below.

Project Sludge handling options Barooga WTP										
Options Matrix										
Option	Description	Capital Cost	Annual Opex	Life of Solution	Annual Depreciation	Total Annual Cost	Time to prepare Sec 60 (with this Option)	Time to Implement the Option	Ops difficulty	Land Availability (WTP/WWTP)
Option 1	Truck Sludge to Barooga STP									
Option 2	Disposal to sewer									
Option 3	Dedicated Main: WTP - WWTP									
Option 4	Acquire Land and Construct									
Option 5	Any other????									

The project funding would largely be used towards consulting fee to prepare Section 60 application, sludge & soil testing.

It is anticipated that the project timeline would be:

Timeline	Output
Jul'22 – Sep'22	Project Working Group to finalise various Options and rank them
Sep – Nov'22	Consultant to prepare, finalise & lodge Section 60 application (including feedback from the Council staff)
Dec'22- Feb'23	Department of Planning & Environment to review and provide feedback on the Section 60 application

DI will ensure a quarterly progress report on the status of the project is sent to the Department to keep them updated.

8.29 Census Data - 2021

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council receive and note this report.

Report:

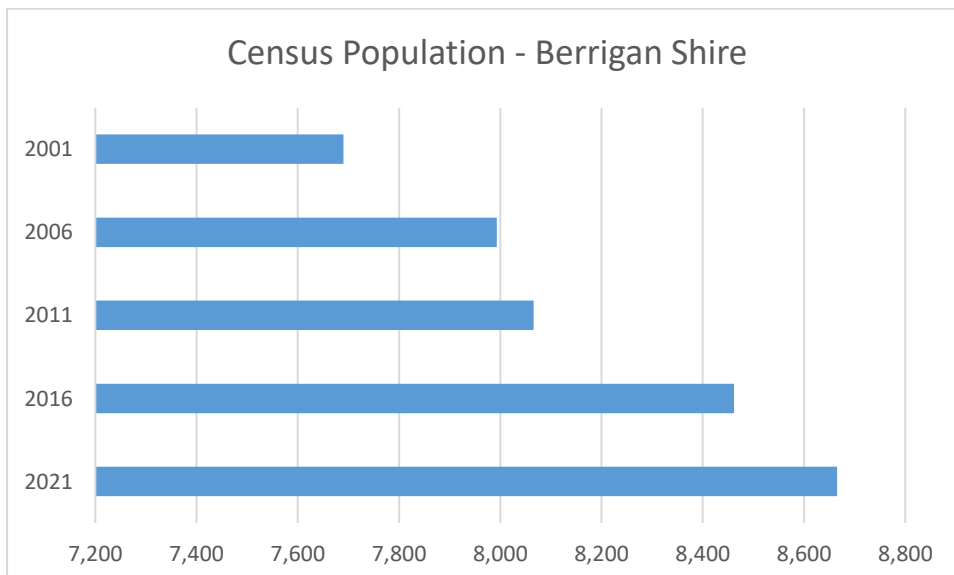
The Australian Bureau of Statistics have released the initial batch of data from the 2021 census.

Data from the census can be found at <https://www.abs.gov.au/census/find-census-data/search-by-area>

The initial releases for Berrigan Shire are:

- [QuickStats](#)
- [Community Profile](#)

Overall, the census figures state Berrigan Shire grew by 203 residents between 2016 and 2021 – the fifth census running with an increase in population for Berrigan Shire.



A snapshot of some key census data for Berrigan Shire is below.

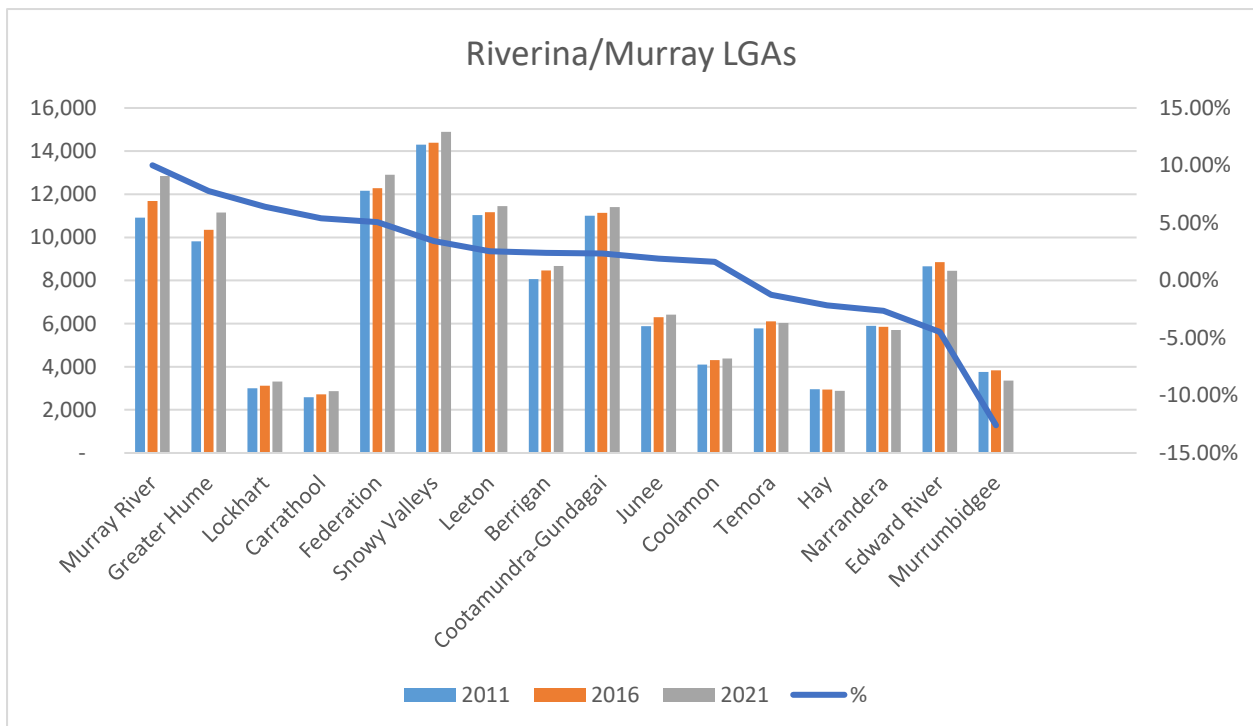
Year	2021	2016	2011
Population	8,665	8,462	8,066
Median Age	52	49	48
Under 15s	1,335	1,446	1,395
Overseas-born	18.90%	18.7%	12.8%
ATSI	3.0%	2.3%	2.1%
Median income	\$ 618	\$ 524	\$ 428

While the total population is increasing, Berrigan’s Community Strategic Plan identifies that it wants to be home for more families and young people. However, the average age of Berrigan Shire continues to increase and the number of children under 15 continues to fall.

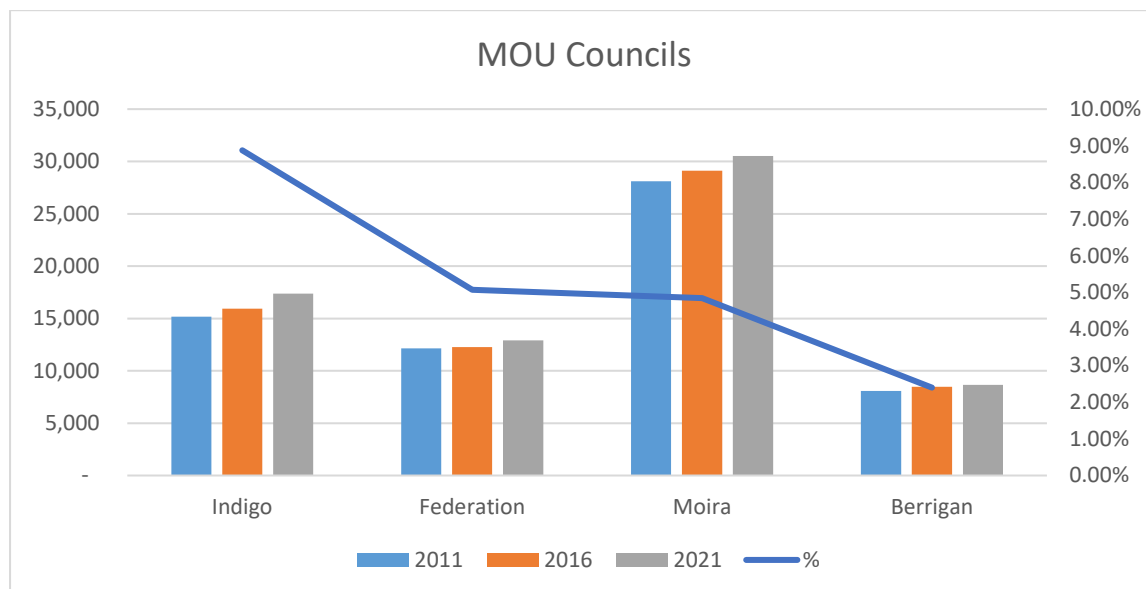
The overseas-born proportion of the population has remained steady – which likely means an increase in overall terms given the impact of COVID-19 on sourcing overseas workers.

The proportion of the population identifying as Aboriginal and Torres Strait Islander continues to increase, most likely as a result of increasing numbers of people choosing to identify as ATSI rather than migration to the Shire.

Looking at the Riverina/Murray, most LGAs have seen population growth with Berrigan Shire’s growth at around the average. Berrigan Shire’s population has now exceeded the population of Edward River Council



The situation is a little different when looking at the Cross-Border MOU LGAs where Berrigan Shire is growing at a much slower rate than our partners.



The ABS has also released census data by locality. Note: The totals do not add to the total population of Berrigan Shire as some small parts of the Shire are in the Savernake and Mulwala localities and the Finley locality extends into Murrumbidgee Council.

Locality	2021		2016	
	Population	Median Age	Population	Median Age
Barooga	1,888	46	1,817	44
Berrigan	1,264	55	1,260	52
Boomanoomana	116	33	99	41
Finley	2,455	51	2,519	47
Lalaly	88	30	96	34
Tocumwal	2,862	59	2,682	55

In the interests of completeness, census data for the 3644 postcode (in effect Cobram/Barooga) is available at <https://www.abs.gov.au/census/find-census-data/quickstats/2021/POA3644>.

The total population of the 3644 postcode is 9,390, up from 9,227. The median age is now 47, up from 45.

Census data for the urban centres of Barooga, Berrigan, Finley and Tocumwal has not yet been released. This data is expected to be released in late 2022.

8.30 2021/2022 Rates and Charges and Interest Written Off

Report by: Revenue Coordinator, Michael Millar

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: that the Council under section 607 of the *Local Government Act 1993*, and clause 131 (1-6) of the Local Government (General) Regulation 2021, write off the following amounts as recorded in the 2021/2022 Write Offs – Rates and Charges document for the period 1 July 2021 to 30 June 2022:

Ordinary/General Rates/Interest	\$220.05
Annual Water Charges/Interest	\$39.33
Water Consumption/Charges/Interest	\$6,203.01
Annual Sewer/Pedestal Charges/Interest	\$55.13
Garbage/Domestic Waste Charges/Interest	\$146.88
Storm Water/Drainage Charges/Interest	\$417.47
Bank Charge	\$0.00
Legals	\$0.00
TOTAL	\$7,081.87

Report:

Section 607 of the *Local Government Act 1993*, and Clause 131 (1-6) of the Local Government (General) Regulation 2021, list various circumstances under which either the Chief Executive Officer or Council can endorse the writing off of rates and charges, either by written order (Chief Executive Officer) and/or resolution of Council.

These write offs include rates, service charges, water consumption reviewed under Undetected/Significant Leak Policy and interest raised in error, and small balances that are deemed to be uneconomical to recover.

This year there were 3 large amounts written off under the Undetected/Significant Leak Policy due to substantial leaks being located on properties.

There has been no major Rates or Legal Charges written off in the 2021-2022 Financial Year.

8.31 Outstanding Rates and Debtors Report 2021-2022

Report by: Revenue Coordinator, Michael Millar

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council receive and note this report.

Report:

This report is a summary of the outstanding Rates and Charges and Debtors as at 30 June 2022.

Rates and Charges

The final collection ratio for outstanding rates, charges and water consumption raised has broken our Rates Collection record for the fourth successive year.

The overall final collection percentage of **98.81%** (including advance payments) is an outstanding result given the volatile economic times we are currently experiencing. The collection rate minus the advance payments is **96.44%**. Berrigan Shire Council have attained a Rate Collection result that will be looked upon with envy by many NSW Councils.

I would like to acknowledge the ongoing efforts of the Revenue Officer in achieving this result.

Council has a moral obligation to its community to ensure that all ratepayers pay their rates. Council has continued to make the Hardship Policy available to ratepayers. This allows for some consideration of the special circumstances of qualifying ratepayers.

The Revenue Department received no applications for hardship relief during 2021/2022.

The Revenue Department have continued the exceptional working relationship with our Debt Collection Specialist and have enjoyed very beneficial results.

In line with Council's Debt Management Policy a range of sound Debt Management strategies have been used throughout the 2020/21 year such as:

1. Personal meetings and phone calls with large outstanding ratepayers,
2. Garnishing wages,
3. Rental Garnish Orders on Properties
4. Statement of Claims, have been issued when above-mentioned strategies have proven unsuccessful.

Council have enforced warrants on ratepayers to appear at court hearings to consider payment of their outstanding rates. This process is a last resort after all other options have been exhausted in line with the Debt Management and Hardship Guidelines 2018 issued by the Office of Local Government.

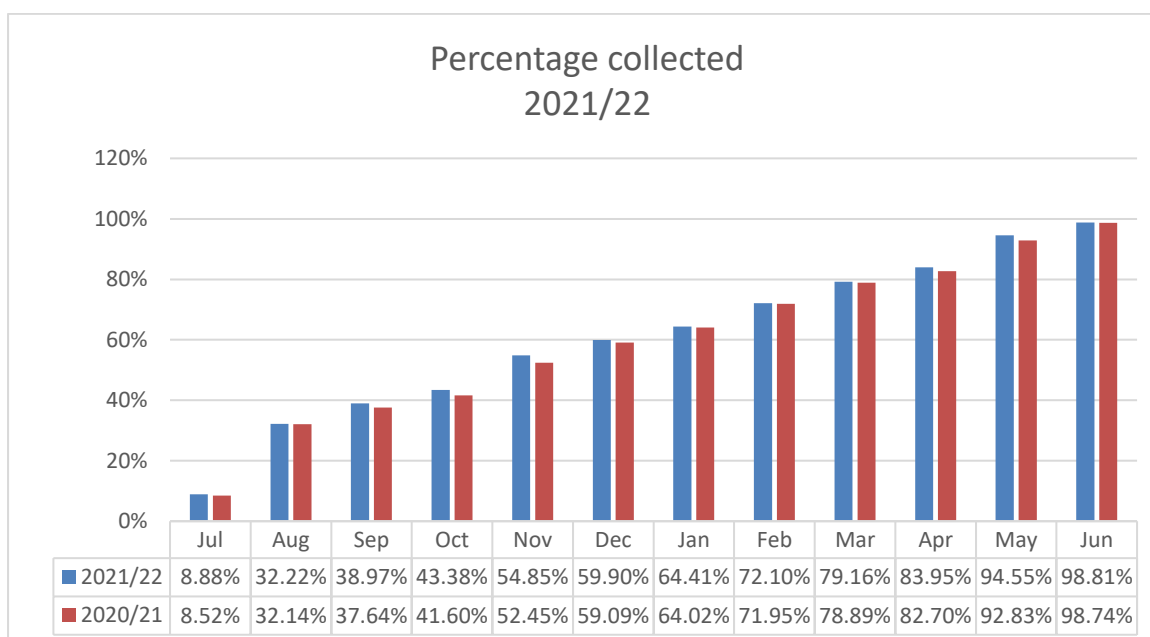
There are two factors that have contributed to the excellent debt ratio result, which include:

1. A more hands on approach to debt recovery by Revenue staff.
2. Increased engagement of ratepayers with large outstanding balances and the entering into suitable sustainable payment arrangements.

The first table below is a summary of the amounts outstanding compared to the initial 2021/22 levy. The second table below shows the amounts outstanding from each instalment

		Balances		Percentage outstanding
		Original levy	30 June 2022	
Arrears from prior levies		\$384,790.03	\$64,771.04	16.83%
Instalment	31 August 2020	\$2,595,475.26	\$16,745.86	0.65%
	30 November 2020	\$2,693,336.58	\$25,369.79	0.94%
	28 February 2021	\$2,719,336.82	\$60,249.85	2.22%
	31 May 2021	\$2,730,909.40	\$229,931.80	8.42%
Water Consumption		\$89,646.52	\$87,515.14	
Unallocated Receipts R & W		-\$83,922.44	-\$352,504.21	
Totals		\$11,129,572.17	\$132,079.27	1.19%

The chart below shows the progress in revenue collection of the 2021/2022 rates, water consumption and service charges levied throughout the financial year,



Debtors

Total outstanding debtors have decreased by \$38,037 this year, the largest decrease being in the General/Sundry/Other Debtors. The below table shows a comparison of debtor types since 30 June 2016.

There are no significant concerns at this stage about any of the outstanding amounts and most should be paid throughout the financial year. One outstanding Government Grant was paid on 1 July 2022 and the other is pending

Please note also that these figures reflect balances prior to the completion of the Annual accounts, and that other debtors may be included in the preparation of Councils annual statements.

Debtor Class	30/06/16	30/06/17	30/06/18	30/06/19	30/06/20	30/06/21	30/06/22
General	\$121,406	\$429,670	\$970,628	\$148,663	\$149,207	\$87,769	\$49,732
Food Inspection	\$73	\$403	\$2797	\$218	\$73	-\$16	-\$16
Half Cost Works	\$53,795	\$114,507	\$116,691	\$130,750	\$38,631	\$82,436	\$31,996
S355 Comm Loans	\$78,970	\$59,239	\$12,230	\$0.00	\$7,643	\$17,978	\$19,748
Swimming Pools	\$23,399	\$0	\$4,739	\$17,080	\$644	-\$142	\$1,744
Cemetery	\$1,372	\$348	\$7,106	\$6,515	\$1,882	\$640	\$6,034
Grants	\$21,822	\$337,462	\$125,065	\$361,871	\$353,352	\$145,070	\$353,477
Staff Debtors	\$351	\$423	\$856	\$368	\$3,005	\$236	\$2,585
Superannuation	-\$480	-\$858	-\$1,075	-\$5,317	-\$4,095	-\$1,059	-\$16,824
Land Sales	\$0	-\$858	\$172,000	-\$2,000	-\$1,000	\$0	\$0
Aerodrome	\$3,709	\$2,933	\$230	\$285	\$1,971	\$1,668	\$346
Total	\$305,035	\$1,031,126	\$1,411,266	\$658,432	\$551,312	\$334,781	\$448,791

8.32 Sign and Seal – Rates and Charges

Report by: Revenue Coordinator, Michael Millar

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council sign and seal the following documents:

- Certificate of 2022/23 Rates and Charges levied and brought to account, as at 30 June 2022 (“**Appendix 8.32-A**”)
- Certificate of 2022/23 Rates and Charges levied, as at 8 July 2022 (“**Appendix 8.32-B**”)

Report:

This Certificate is prepared by the Revenue Coordinator, for Rates and Charges levied and brought to account for auditing requirements.

Copies of the Certificates are circulated with this Agenda as “**Appendix 8.32-A**” and “**Appendix 8.32-B**”



9. NOTICES OF MOTION / QUESTIONS WITH NOTICE

Nil

10. CONFIDENTIAL MATTERS

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.
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

10.1 Local Roads and Community Infrastructure Projects

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

It is not in the public interest to reveal the information provided in this report.

10.2 RU1 Zone Review Impacts – Hoofs2010

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

- (a) personnel matters concerning particular individuals (other than councillors)

It is not in the public interest to reveal the information provided in this report.

10.3 Section 68 Approval – Murray Riverside Village

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

- (a) personnel matters concerning particular individuals (other than councillors)

It is not in the public interest to reveal the information provided in this report.

10.4 Leasing of CEO Vehicle

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

- (a) personnel matters concerning particular individuals (other than councillors)

It is not in the public interest to reveal the information provided in this report.

10.5 Mayoral Minute – Chief Executive Officer Performance Review

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

- (a) personnel matters concerning particular individuals (other than councillors)

It is not in the public interest to reveal the information provided in this report.

Recommendation: 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*.

Council closed its meeting at The public and media left the Chamber.

Open Council resumed at..... and the following resolutions of the Council while the meeting was closed to the public were read to the meeting by the Mayor:

11. MOTIONS WITHOUT NOTICE / QUESTIONS WITHOUT NOTICE

12. COUNCILLOR REPORTS

12.1 Mayors Report

Recommendation: That the Mayor's Report be received.

12.2 Verbal Reports from Delegates

Recommendation: That the Council note the reports from delegates.

13. CONCLUSION OF MEETING