



BERRIGAN SHIRE COUNCIL

Minutes of the Council Meeting held in the Council Chambers on Wednesday, 17th September, 2014 commencing at 9:15am.

Min. No. **Present:** Cr. Bernard Curtin (Mayor)
Crs: John Bruce, Matthew Hannan, Brian Hill, Denis Glanville, Colin Jones, Darryl Morris, Andrea O'Neill, Director of Corporate Services (Matthew Hansen), Development Manager (Laurie Stevens) and General Manager (Rowan Perkins).

Apology

nil

Declaration of Items of Pecuniary and other Interests

nil

4. CONFIRMATION OF MINUTES

205 **RESOLVED** Crs D Morris and B Hill that the Minutes of the meeting held in the Council Chambers on Wednesday 20th August, 2014 be confirmed.

5.1 FINANCE – ACCOUNTS

AUTHOR: Finance Manager

206 **RESOLVED** Crs C Jones and D Morris that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31st August, 2014 be received and that the accounts paid as per Warrant No. 08/14 totalling \$1,986,591.78 be confirmed.

5.2 BERRIGAN SHIRE LOCAL HERITAGE FUND 2013-2014

AUTHOR: Town Planner

STRATEGIC OUTCOME: Sustainable natural and built
landscapes

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

FILE NO: 26.128.2

Min. No.

207 **RESOLVED** Crs M Hannan and C Jones that Council call for applications under the Berrigan Shire Local Heritage Fund from 24th September, 2014 with applications to close by Friday 31st October, 2014.

5.3 **QUEENSLAND FRUIT FLY MITIGATION PROGRAM**

AUTHOR: **Economic Development Officer**
STRATEGIC OUTCOME: **Diverse and resilient business**
STRATEGIC OBJECTIVE: **4.2 Strengthen and diversify the local economy**

FILE NO:

208 **RESOLVED** Crs: A O'Neill and M Hannan that the Council implements a program including:
Community meetings, print campaign, provision of plastic bags, provision of subsidized amulets and a Social Media and PR Campaign to inform the community on actions to mitigate the impact of Queensland Fruit Fly.

5.4 **CAPITAL WORKS ON COMMUNITY FACILITIES POLICY**

AUTHOR: **Director Corporate Services**
STRATEGIC OUTCOME: **Supported and engaged communities**
STRATEGIC OBJECTIVE: **3.2 Support community engagement through life-long learning, culture and recreation**

FILE NO:

209 **RESOLVED** Crs A O'Neill and D Glanville that the Council adopt the policy for Capital Projects at Community Facilities as set out below:

1. POLICY STATEMENT

The Council has delegated care, control and management of many of its community facilities (such as recreation reserves, public halls, swimming pools and the like) to volunteer committees of management established under s355 of the *Local Government Act* 1993. This is designed to allow for local control of those facilities to meet local needs.

However, the nature of volunteer committees may make delivery of larger, capital-type projects somewhat difficult and expose the Council to unacceptable risks, including risks to the safety of

Min. No.

volunteers, workers and the public, financial risks and risks to reputation.

This policy seeks to mitigate these risks by making the Council directly responsible for the management of capital projects as well as larger maintenance projects.

Nothing in this policy should be seen as detracting from the primary responsibility of the various Committees of Management to undertake the routine operation and maintenance of their respective facility.

2. PURPOSE

The purpose of this policy is to ensure:

- Projects are properly managed and completed.
- Risks involved in these projects are identified and managed
- All parties understand their role in the project
- User bodies do not by-pass Committees of Management and deal directly with the Council
- Funding agreements are honoured and acquitted in line with any legal requirements
- Assets created are appropriately recorded and recognised.

This policy places the responsibility on the Council to effectively manage and deliver the project and to address any failures encountered – in line with its statutory power and budgeted resources.

3. SCOPE

This policy applies to all volunteer committees of the Council responsible for the care, control and management of community facilities vested in the Council.

4. OBJECTIVE

This policy is developed to assist the Council with Delivery Plan Objective 3.2.1.2.4

In accordance with Asset Management Plans – plan the development and renewal of recreation and open space assets and facilities

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.

Min. No.

Advisory committee – A committee established by the Council to provide advice and guidance to the Council with the delivery of the project, usually made of representatives of user bodies

User body – A group that makes use of a Council-provided community facility

Capital project – A project that delivers a new or improved facility, as opposed to restoring an existing facility to its original condition.

6. POLICY IMPLEMENTATION

6.1 Approval

Projects may be identified by user bodies, Committees of Management or the Council. Projects identified by user bodies must be referred to the Committee of Management for support and approval.

Committees of Management must submit proposed projects to the Council in writing, along with supporting documentation. Projects that are raised initially verbally at council meetings will not be considered

The Council will then negotiate with the Committee of Management in relation to the project, not individual user bodies.

6.2 Funding

Once agreement is in place regarding the project, individual Clubs can negotiate grant funds from any source other than the Council. Grants acquired from other levels of government will be auspiced by the Council.

If Council grant funds are requested, this will be via the Committee of Management Requests for grant funding will be assessed as per the Council's Requests for Donations and Financial Assistance Policy.

Any grant or loan funds advanced by the Council will be the responsibility of the Committee of Management. If a user body is to meet a debt to the Council for project loan funds, this will be the responsibility of the Committee of Management

Committees of Management are encouraged to submit proposed projects though the Council's annual Operational Plan process. The Council recognises that this is not always possible due to external grant providers having their own timetables.

Before starting work on a project, the Council will require the Committee of Management and other partner funders to provide evidence of sufficient funds to allow them to meet their funding agreement.

Min. No.

6.3 Risk Management Plan

In accordance with Council's Risk Management Policy and Framework, a Risk Management Plan will be developed by Council in consultation with the Committee of Management. The purpose of the Risk Management Plan is to ensure responsible management of the project is achieved.

The Risk Management Plan will outline how risks will be identified, assessed, treated and managed throughout the life of the project. Attempts will be made to eliminate risks, however where this is not possible, they will be minimised as far as is reasonably practicable.

Where risks cannot be eliminated they will be included in the Risk Register component of the Risk Management Plan with timeframes and responsibilities for treatments assigned.

6.4 Project Management

The Council will manage the required works as Project Manager and will make all payments to contractors and suppliers. The Council will take on this role whether or not Council funds are being used.

Depending on the size and nature of the project, the Council may appoint an advisory committee. The advisory committee will have no direct decision-making powers; its role is to provide advice and guidance to the Council and to act as the liaison between the Council and the user bodies.

The Council will work with user bodies and Committees of Management to manage any Development Applications or Construction Certificates that may be required for the project.

Where the Council is making a financial contribution to the project, the Council may charge the cost of any approvals etc. against the project budget. Otherwise, these costs will be assessed under the Council's Requests for Donations and Financial Assistance Policy

The Council will not charge any fees and costs for project management undertaken directly by its staff against any project covered by this policy.

The Council will directly manage any tender or quotation process required to comply with legislation or the Council's Procurement and Disposal Policy.

6.5 Application and exemptions

Projects undertaken at Council venues vary in their size and complexity and there is no hard and fast rule to determine what is a capital project and/or a larger maintenance project

Min. No.

As a guide, a project cost of \$10,000 may be used as a guideline but committees should contact the Council before starting any significant project.

Because of the wide range of projects completed on lands controlled by Committees of Management, the Council may consider exceptions to this policy. In this case, contact should be made with the Council so that this can be clarified and resolved without necessarily excluding a valuable project.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Work Health and Safety Act 2011*
- Office of Local Government Capital Expenditure Guidelines

7.2 Council policies

- Berrigan Shire Council Code of Conduct
- Berrigan Shire Council Risk Management Framework
- *Berrigan Shire 2023* (Community Strategic Plan)
- Delivery Program
- Risk Management Policy
- Fraud Control Policy
- Requests for Donations and Financial Assistance Policy
- Procurement and Disposal Policy

5.5 COUNCILLOR EXPENSES AND FACILITIES POLICY

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

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

FILE NO: 13.045.1

- 210 RESOLVED** Crs A O'Neill and D Morris that the Council adopt the "Payment of Expenses and Provision of Facilities For Mayors and Councillors" draft policy, as set out below, and place the draft on public exhibition for a period of 28 days with any public submissions received to be considered at the ordinary Council meeting to be held on 15th October, 2014.

Min. No.

**POLICY FOR THE PAYMENT OF EXPENSES AND THE
PROVISION OF FACILITIES FOR MAYORS AND
COUNCILLORS**

PART 1 INTRODUCTION

This policy for the payment of expenses and the provision of facilities for Mayors and Councillors is effective from 18 September 2013, being the date it was adopted by the Council. The policy comprises four parts, being:

1. Part I Introduction – defines key terms and describes the legislative and reporting requirements that prescribe the policy's purpose, objectives and scope;
2. Part II Payment of Expenses – describes the general and specific provisions, circumstances and Council procedures related to the payment of allowable expenses;
3. Part III Provision of Facilities – outlines the general and specific provisions, circumstances concerning Councillor use of Council facilities and resources; and
4. Part IV Other Matters – provides guidance on issues related to Councillor acquisition and return of facilities and superannuation

This policy is made under Sections 252-254 of the *Local Government Act* 1993 (the Act), Section 403 of the *Local Government (General) Regulation* and in accordance with the Guidelines issued by the Division of Local Government (October 2009) in accordance with Section 23A of the Act. Broadly, the Act requires that the Council must annually adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, Deputy Mayor and the other Councillors in relation to discharging the functions of civic office.

This Policy must comply with the provisions of the Act, the Regulation and the Guidelines.

1.1 PURPOSE OF THE POLICY

The purpose of the Policy is to ensure that Councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties. It ensures that these are provided in an accountable and transparent manner.

1.2 OBJECTIVES AND SCOPE OF THE POLICY

Berrigan Shire Council is committed to the following *Berrigan Shire* 2023 strategic outcomes and objectives:

Berrigan Shire 2023 Strategic Outcomes and Objectives

Strategic Outcome

Strategic Objectives

Min. No.

Good Government 2.2 Ensure effective governance
by Council of Council operations and reporting;

The objectives of this policy are:

- To outline the details and range of benefits provided to Councillors by the Council in a transparent manner.
- To ensure that Councillors are reimbursed for expenses reasonably incurred in their performance of their role as a Councillor in a manner that is acceptable to the community.
- To encourage members of the community to seek election to the Council by ensuring that they would not be financially or otherwise disadvantaged in undertaking the civic duties of a Councillor.
- To ensure that Councillor use of Council facilities and resources is effective, efficient, appropriate, lawful and ethical,

The policy applies to all Councillors and if appropriate any Councillor administrators as well.

The policy does not apply to the receipt or expenditure of Councillors or Mayoral annual allowances.

The policy does not apply to Council staff. Council staff are regulated in similar matters by separate policy.

1.3 MAKING AND ADOPTION OF THE POLICY

Berrigan Shire Council is required on an annual basis to review and submit its policy to the Director-General of the Division of Local Government within 28 days of adoption by the Council, even if it is proposed to adopt an unchanged policy. Current policies must be submitted by 30 November each year.

Before adopting or amending this policy, the Council must give public notice of its intention, and allow at least 28 days for public submissions. Any public submissions received will be considered and appropriate changes made prior to the adoption of the policy.

Even if changes that are considered not substantial are proposed, the required annual adoption of this policy must still be subject to the public notification process outlined above.

At any time, other than the required annual adoption of this policy and if the proposed amendment is not substantial the Council is not required to provide public notice. The term "not substantial" should be taken to mean minor changes to the wording of the policy, or changes to monetary provisions or rates that are less than 5%. It also means minor changes to the standard of the provision of equipment and facilities. Any new category of expenses, facilities and equipment included in the policy will require public notice.

Min. No.

1.4 LEGISLATIVE PROVISIONS

- Sections 252-254 of the *Local Government Act* 1993 – Payment of expenses and provisions of facilities.
- Section 428 of the *Local Government Act* 1993 – Annual reports
- Clause 217 of the *Local Government (General) Regulation* 2005 – Additional information for inclusion in annual reports.
- Clause 403 of the *Local Government (General) Regulation* 2005 – Payment of expenses and provision of facilities.
- Local Government (State) Award 2014.

1.5 OTHER GOVERNMENT POLICY PROVISIONS

- Division of Local Government Guidelines (May 2009) issued under section 23A of the *Local Government Act* 1993.
- Division of Local Government Circulars to Councils
- Circular 05/08 Legal assistance for Councillors and council employees
- Circular 08/24 Misuse of council resources
- Circular 08/37 Council decision making prior to elections
- Circular 11/27 Findings from review of Councillor expenses and facilities policies
- Model Code of Conduct for Local Councils in NSW, particularly Use of council resources.
- ICAC Publication – No Excuse for Misuse, preventing the misuse of council resources.

1.6 OTHER RELEVANT COUNCIL DOCUMENTS AND POLICIES

- Policy 90 – Private Use of Council Vehicles
- Policy 98 – Communication Devices Policy
- Annual Schedule of Fees and Charges
- Berrigan Shire Council Code of Conduct
- *Berrigan Shire 2023* (Community Strategic Plan)
- Berrigan Shire Council Delivery Plan 2013-2017
- Berrigan Shire Council Operational Plan 2014-15

1.7 REPORTING

Section 428 of the Act requires councils to include in their Annual Report:

- The Council's policy on the provision of facilities for, and the payment of expenses to, Mayors and Councillors.

Min. No.

- The total amount of money expended during the year on providing those facilities and paying those expenses.
- Additional information as required by the *Local Government (General) Regulation 2005*.

1.8 DEFINITIONS

Expenses: Payments made by the council to reimburse councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Expenses must be outlined in a council's policy and may be either reimbursed to a councillor or paid directly by a council for something that is deemed to be a necessary expense to enable them to perform their civic functions. Expenses are separate and additional to annual fees.

Facilities: Equipment and services that are provided by councils to councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as councillors.

Functions of civic office/civic functions: Functions that councillors are required to undertake to fulfil their legislated role and responsibilities for the council that should result in a direct benefit for the council and/or for the local government area.

Reasonable costs / expenses that in its amount and nature is consistent with what a reasonable person would incur, in the conduct of the same activity in the same or similar circumstance

PART 2 PAYMENT OF EXPENSES

2.1 GENERAL PROVISIONS

2.1.1 PAYMENT OF EXPENSES GENERALLY

Berrigan Shire Council is committed to ensuring that Councillors are reimbursed for expenses reasonably incurred in their role of Councillor so that they are not financially or otherwise disadvantaged in undertaking their civic duties.

To ensure consistency and transparency all expenses and costs claimed must be done so in accordance with the requirements of this policy.

Reimbursement of costs and expenses to Councillors will be processed following the submission of appropriate receipts and tax invoices, and the completion of the required claim forms. A claim form must include an itemized account of expenditure and should not be general in nature. Incidental expenses may not require specific receipts provided it can be demonstrated that expenditure was incurred, it was not general in nature, and that the Councillor certifies that the expense was for the purpose intended. Generally,

Min. No.

this will only be acceptable when it was not possible to obtain a tax invoice or receipt, or proof of purchase was lost during the payment process (i.e. ticket taken and not returned by an automatic machine).

Where possible, expenses should be claimed as part of the Councillor monthly return. If waiting until the time of the monthly return would cause undue hardship, arrangements can be made to submit an earlier claim. All expenses must be claimed within 12 weeks of being incurred.

Berrigan Shire Council operates an internal requisition process that will enable most expenses associated with attendance at conferences, seminars and training courses to be directly invoiced to the council. This system can be used to cover expenses relating to registration fees, travel and accommodation. Where possible, provision will also be made for the cost of meals and incidentals not covered by registration fees to be charged back to the Council. This system will help minimize out-of-pocket expenditures to Councillors.

In certain circumstances Councillors attending conferences, seminars and training away from home may request payment in advance, in anticipation of any additional expenses that may be incurred (i.e. meals not covered by registration fees, taxi fares etc.). In most cases the advance will be in the form of petty cash and will need to be pre-arranged with the Council's Finance Section. On their return, Councillors must fully reconcile all expenses against the cost of the advance within 14 days.

A general expense allowance will not be available under any circumstance.

All expense provisions have a monetary cap. This cap is to ensure that Councillors and the community can have a reasonable expectation as to what the scope of expected expenses may be and also to serve as a guide to Councillors.

Councillors should not obtain private benefit from the provision of equipment and facilities, nor from travel bonuses such as "frequent Flyer" schemes or any other such loyalty programs while on Council business. However, it is acknowledged that incidental use of Council equipment or facilities may occur from time to time. Such incidental use is not subject to compensatory payment back to the Council.

Where more substantial private use does occur the Act provides that a payment may be made to cover the level of private use. Where this is expected or is likely to occur, specific expense and facility provisions reflect appropriate mechanisms to compensate the Council for such use.

Min. No.

Participation in Council elections is a private matter and Councillors must not use Council resources in the course of this participation.

In circumstances where it is appropriate for a Councillor to give a gift or benefit (for example, on a Council business trip or when receiving visitors, these gifts should be of token value and in accordance with any policy developed by the Council. Clarification of what token gifts and benefits are can be obtained from the Council's Code of Conduct, clause 5.3.

While this policy attempts to clearly articulate circumstances concerning the payment of expenses and provision of facilities it is possible that a dispute may arise regarding these. In circumstances where such a dispute does arise the dispute will initially be referred to the Council by the General Manager for the determination. In making its determination the Council may use the services of one of its appointed Conduct Reviewers, its Solicitor or other appropriate external resource to assist with that determination.

2.1.2 SPOUSE AND PARTNER EXPENSES

On occasions, it will be appropriate, and in some cases a requirement, that Councillors will be accompanied by their spouse, partner or accompanying person¹ to official functions and activities. In these instances, certain costs incurred by the Councillor on behalf of their partner (meaning spouse, partner or accompanying person), are properly those of the Councillor in the performance of his or her functions and are thus reimbursable.

Berrigan Shire Council will meet the reasonable costs of a partner attending official council functions within the local government area where it could be reasonably expected that the partner would attend.

The Council will also meet the expenses for the partner of the Mayor (or a Councillor when they are representing the Mayor), when they are called on to attend an official function of council or carry out an official ceremonial duty outside of the council area.

Where partners accompany Councillors to seminars and conferences and the like, the Councillor will be personally responsible for all additional costs associated with their partner's attendance, including travel, accommodation, meals, partner's programs etc.

The payment of partner expenses for attending appropriate functions as permitted above will be confined specifically to the ticket, meal and/or the direct cost of attending the function.

¹ An accompanying person is a person who has a close personal relationship with the Councillor and/or provides carer support to the Councillor.

Min. No.

Peripheral expenses incurred by partners are not considered reimbursable expenses.

2.2 SPECIFIC EXPENSES FOR COUNCILLORS

2.2.1 TRAVEL

All travel by Councillors should use the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

The mode and method of transportation to be used shall be agreed with the Council or the Mayor and the General Manager prior to the travel taking place, and where possible Councillors should attempt to travel with other representatives from the Council in order to minimize costs.

Where possible, a Council fleet vehicle will be made available to Councillors traveling outside of the local government area. These vehicles will need to be booked with the General Manager. On occasions, it may be appropriate for Councillors using council vehicles to leave from home or another pre-arranged location due to the departure time. In these circumstances it may be reasonable for the Councillor borrowing the council vehicle to obtain the vehicle the night before. Likewise Councillors returning to Berrigan after 5pm may arrange to return the vehicle the following morning.

2.2.2 LOCAL TRAVEL ARRANGEMENTS AND EXPENSES

As a rural council it should be recognized that Councillors will need to travel in order to carry out their civic duties.

In addition to travel within the local government area, it may be necessary for Councillors to travel outside of the local government area in order to represent the Council at meetings or events, or to take part in conferences and training activities. In most cases transportation options are limited, and with little or no public transportation the majority of travel will be by private or council provided motor vehicle.

While the Council is committed to meeting the special needs of Councillors in order to maximize participation in civic duties, the inherent nature of local government in a rural setting makes it necessary for Councillors to provide their own transport for activities within the LGA.

Where Councillors use their private vehicle for attendance at local events as part of their official duties they will be reimbursed at a rate determined by the relevant State Industrial Agreement for vehicle expenses, and should claim reimbursement as part of their usual monthly return.

Min. No.

2.2.3 TRAVEL OUTSIDE THE LGA INCLUDING INTERSTATE TRAVEL

It is acknowledged that Berrigan Shire Council is a border community and that interstate travel to Victoria and the ACT will be essential in the carrying out of the council's official duties. As such, travel to official events and activities in Victoria will be regarded in the same way as travel to locations in NSW.

As a rural LGA it is often necessary for Councillors to travel outside of the Shire in the conduct of their official duties. Councillors traveling to meetings and events within 200km of Berrigan Shire do not require the specific approval of the Council or General Manager. Where possible, a council vehicle will be made available to Councillors traveling to events within 200km of the Shire. Where this is not possible Councillors will be reimbursed for the private use of their vehicle at the rate determined by the relevant Industrial Agreement for vehicle expenses and claimed as part of their monthly return.

Travel to meetings and events that are more than 200km from Berrigan Shire should be undertaken with the Council's or with the Mayor and the General Manager's consent. In these circumstances travel arrangements should be organized in consultation with the General Manager. If travel by motor vehicle is the most suitable method of transportation, the Council will endeavour to provide a council vehicle. If it is not possible to use a council vehicle, the Council may agree to the Councillor using their own vehicle.

Where the Council agrees for a Councillor to supply their own vehicle, the Councillor may claim a reimbursement for the use of their vehicle for the distance traveled at the rate specified in the relevant Industrial Agreement. Alternatively, where a Councillor chooses to use their own vehicle, and the Council related travel only forms part of the overall travel, the Councillor may claim for reimbursement of travel costs only calculated on the basis of the average fuel consumption of the vehicle and the distance travelled that relates to the Council purpose. If the Councillor chooses to use their own vehicle despite a council vehicle being made available, or without the prior agreement of the Council, they will be ineligible to claim a reimbursement for travel more than 200km from the Shire.

Approval to travel to destinations in states other than NSW, the ACT or Victoria for the conduct of council business requires the prior approval of the Council. The application for approval should include full details of the trip, including itinerary, costs and reasons for travel. Travel arrangements for interstate travel will be coordinated by the Council on behalf of the Councillor.

2.2.4 OVERSEAS TRAVEL

Min. No.

Berrigan Shire Council will not undertake any overseas travel unless a direct and tangible benefit for the council and the local community can be established.

All overseas travel will be approved by a meeting of the full council prior to a Councillor undertaking a trip. Travel will be approved on an individual trip basis and retrospective re-imbursment of overseas travel expenses that have not previously been authorized will not be permitted.

Before a proposal for overseas travel is approved, a detailed proposal, including nomination of the Councillors undertaking the trip, purpose of the trip, expected benefits, duration, itinerary and approximate costs, will be furnished to the Council as part of a council business paper.

After returning from overseas, Councillors will provide a detailed report to a meeting of the Council on the aspects of the trip relevant to council business and/or the local community.

2.2.5 REIMBURSEMENT OF MOTOR VEHICLE EXPENSES

Fuel costs associated with travel in a private motor vehicle will be reimbursed based on distance traveled at the rate specified in the relevant State Industrial Agreement, and not the cost of fuel.

Where travel is undertaken in a council fleet vehicle the vehicle should be refueled with the fuel card supplied. If this option is not feasible, Councillors may use an alternative fuel distributor and claim reimbursement for the actual cost of fuel.

Fuel cards may be used for fuel and oil only and Councillors will need the password to use the fuel card. Receipts for all transactions are required.

See also Section 2.2.3

2.2.6 INFRINGEMENT NOTICES

Councillors are personally responsible for all traffic or parking fines incurred while traveling in private or council vehicles on council business.

2.2.7 VEHICLE SECURITY

Where travel overnight is required, and it is necessary to leave either a council or private vehicle being used with council approval in a public place such as an airport, the staff member should, where possible, use a secure parking area and claim a reimbursement for the relevant parking fee on their return.

2.2.8 TRAVEL USING OTHER FORMS OF TRANSPORT

Where a Councillor is traveling by transport other than a private motor vehicle, the Council will meet the full actual cost of travel to

Min. No.

and from events, including any associated costs such as parking and road tolls. These arrangements cover travel by air, public transport, taxis, hire cars etc. and should be arranged in consultation with the General Manager.

2.2.9 EXTENDING TRAVEL ARRANGEMENTS

Councillors wishing to extend their stay in a destination they have visited for council purposes, or to travel to an alternative location, will require the prior approval of the Council or the Mayor and the General Manager. In such instances Councillors should recognize that the Council's responsibility for their travel ends when the business activity ends and not when they return home. Any additional costs incurred following the completion of the business activity, including meal costs and accommodation, are not considered to be reimbursable expenses.

2.2.10 ACCOMMODATION COSTS

In carrying out their civic duties, Councillors will sometimes need to stay away from home. In these circumstances the Council will meet all reasonable accommodation expenses including breakfast and incidentals associated with attendance at events, save that partners shall be responsible for any additional accommodation, meals and incidental expenses incurred on their behalf.

The wide range of events and conferences that Councillors attend often means that there is a diverse range of prices and standards for accommodation. For example the costs of staying in accommodation of a similar standard can be considerably different from regional to urban areas. Similarly, it may sometimes be necessary for a Councillor to stay in cabin accommodation at a conference in a regional area, or at a 4½ or 5 star venue in the city if this is the venue for a conference or event.

The Council will not reimburse more than \$400 per night for accommodation, although Councillors are expected to select accommodation in conjunction with the General Manager and at a standard that is appropriate to the location and event.

Reasonableness will be determined by the Mayor and the General Manager and will depend on the location of the event and the standards of accommodation available. In considering which events it may be appropriate for Councillors to attend, the potential cost of accommodation will be taken into consideration before a decision to participate is made.

Where a Councillor attends events that require travel outside of Berrigan Shire that would necessitate leaving home before 6am, returning home after 10pm, or an overall working day exceeding 10 hours, then the Councillor may include accommodation after the

Min. No.

event in travel arrangements. This should be done in consultation with the General Manager.

Where the Council conducts Corporate Planning events at a location more than 200km from Berrigan Shire, it shall provide accommodation on the evening before and each day of attendance, or as appropriate within these guidelines.

2.2.11 INCIDENTAL EXPENSES

Reasonable out of pocket or incidental expenses associated with attending official functions, conferences, seminars or training courses that Councillors incur may be reimbursed upon the presentation of official receipts and the completion of the necessary claim forms. The Council will reimburse the actual cost of transport related expenses such as taxi fares, parking fees and road tolls. Other incidental expenses such as telephone or facsimile calls will be limited to \$20 per day, or such amount as may be negotiated with the Mayor and the General Manager in exceptional circumstances.

Where Councillors are required to carry out official duties outside of the LGA or sleep away from home, each Councillor may claim reimbursement for the actual cost of sustenance (food and beverages) to a maximum of \$200 per day.

The cost of meals not included in registration fees for conferences or similar functions may be reimbursed after reconciliation. Councillors who choose not to eat a meal provided as part of a conference registration or accommodation package or the like will not be reimbursed for any additional food costs incurred.

Councillors may also claim reimbursement for meal or refreshments expenses incurred while attending business functions or meetings. In some circumstances it may be appropriate to offer an appropriate level of hospitality to non-council employees attending the meeting/function at the Council's request. Meals or refreshments of this nature should be modest and the costs of meals limited to those outlined above, unless prior approval has been received from the Mayor and the General Manager. In order for these expenses to be reimbursed, it is important that the Councillor involved organizes pre-approval of these expenses with the Council or the Mayor and the General Manager.

2.2.12 ATTENDANCE AT SEMINARS AND CONFERENCES

The Council is to be represented at Annual Conferences as under:

Local Government New South Wales

- MAYOR
- Deputy MAYOR
- General Manager

Min. No.

- One other Councillor

National Roads Congress

- Director of Technical Services
- One Councillor

The Council may nominate and authorise elected members whilst the General Manager may authorize employees to attend the above conferences, as may be required.

Attendance of Councillors at seminars and conferences must be authorized by the Council.

Requests to attend seminars and conferences not specified above should generally be made to the Council or, if urgent, the Mayor and the General Manager, outlining the benefits to the Council of attending the event. Approval for discretionary trips and attendance at conferences and the like should, where possible be approved by a full meeting of the Council. If this is not possible then the approval should be given jointly by the Mayor and the General Manager. If the Mayor requires approval to attend seminars or conferences outside of council meetings it should be given jointly by the Deputy Mayor and the General Manager.

Where attendance at a conference or seminar has been approved, the Council will cover the actual cost of registration fees including costs of related official lunches and dinners, and associated tours where they are relevant to the business and interests of the Council. The reasonable cost of transportation and accommodation associated with attendance at the seminar or conference, and meals when they are not included in the registration fee, will also be met and as discussed elsewhere in this Policy.

2.2.13 TRAINING AND EDUCATIONAL EXPENSES

Berrigan Shire Council encourages its Councillors to undertake relevant training and skills development to ensure they carry out their functions as effectively as possible. Where possible, the General Manager will make Councillors aware of training and educational opportunities. Attendance at training activities will be by request to the Council or the General Manager who will determine the appropriateness of the request relative to the overall training requirements of all Councillors and budgetary levels established by the Council to provide Councillor training and development.

Where the Council is paying these expenses it is essential that the training or educational course is directly related to the Councillor's civic functions and responsibilities.

Min. No.

2.2.14 ATTENDANCE AT DINNERS AND OTHER NON-COUNCIL FUNCTIONS

Councillors attending dinners and other non-council functions are entitled to the reimbursement of their ticket or meal costs in accordance with this policy under the following circumstances:

- The function is relevant to the council's interests; or
- The Councillor receives an official invitation to attend a function organized by a community or business group operating within Berrigan Shire; or
- The event will provide Councillors with a briefing on issues facing the local community.

The direct cost of attending such functions can be reimbursed as part of the Councillors normal monthly return. No payment will be reimbursed for any component of a ticket that is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, or some other private benefit.

2.3 COMMUNICATION COSTS

2.3.1 COMMUNICATION DEVICES INSTALLED IN COUNCILLOR'S HOMES

The Council will make available to each Councillor a mobile telephone and a tablet computer ("tablet") for use on official council business. The type of mobile telephone and table provided will be chosen by the General Manager. Councillors may choose to use the machines provided or, alternatively, use their own privately owned phone and tablet.

Use of these devises is to be in line with Council Policy No. 98 – Communication Devices. Councillors are responsible for any use or misuse of these devices at any time.

The Council will meet all costs associated with the use of these machines to a maximum value of \$100 per Councillor per month. This amount includes telephone rental, other service charges, use of data services and the making of telephone calls related to official council business.

Where Councillors choose not to have a mobile telephone and/or a tablet provided, the Council will meet direct expenses associated with the use of mobile telephone services for official duties to a maximum of \$100 per Councillor per month.

2.3.2 COMMUNICATION EXPENSES WHILE TRAVELLING

The Council will reimburse Councillors for all reasonable council business related communication costs incurred while traveling on council business. Councillors are encouraged to use their Council-

Min. No.

provided mobile telephone to make any calls relating to Council business.

In certain circumstances it may be appropriate for Councillors to use communication devices provided by accommodation providers. Councillors are however reminded that communication charges charged by accommodation providers are often inflated and should therefore be used only when absolutely necessary.

Other than the use of a Council-provided mobile telephone, the total of communication related expenses whilst traveling will be included in the Councillors \$20 daily limit for incidentals. Should the Councillor anticipate that this limit will be exceeded, they should contact the General Manager to make alternative arrangements.

The Council acknowledges that family responsibilities may sometimes impact on the Councillor's ability to undertake their civic duties and therefore accepts that Councillors traveling away from home may need to maintain contact with family members while they are away. Where a Councillor incurs private call costs (including calls made on council provided mobile telephones) these should be limited to a maximum of 5 minutes and will be included in the maximum total for daily allowable incidental expenses.

2.3.3 BILLING ANOMALIES

Where anomalies in billing amounts become apparent, call costs may be audited and the Councillor asked to reconcile calls made with the account statement.

2.3.4 CARE AND OTHER RELATED EXPENSES

To allow Councillors to undertake their council business obligations, Councillors are able to claim for the reasonable cost of carer arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members. These provisions only apply to council endorsed meetings (including working parties and committee meetings) and cover the period commencing 45 minutes prior to the meeting start and ending one hour after the completion of the meeting to an upper limit of \$20 an hour. All reimbursements are subject to the provision of an invoice and are on a per Councillor, not per care recipient, basis.

Councillors with a disability or special access needs will be provided with additional support to allow them to perform their normal civic duties and responsibilities. The level of support will be to a level comparable to that offered to staff members and reasonableness will be based on practicality and cost.

2.3.5 INSURANCE EXPENSES AND OBLIGATIONS

Councillors will receive the benefit of insurance cover to the limit specified in the Council's insurance policies for the following

Min. No.

matters arising out of the performance of their civic duties and/or exercise of their council functions:

2.3.6 PUBLIC LIABILITY – PROFESSIONAL INDEMNITY

Public Liability and professional indemnity insurances apply in relation to claims arising out of the Councillor's (alleged) negligent performance of civic duties or exercise of their functions as Councillors.

2.3.7 COUNCILLORS' AND OFFICERS' LIABILITY

This policy covers Councillors against claims made against them for any alleged wrongful acts in the course of their duties. Wrongful Act is taken to mean any act, error, mis-statement, misleading statement, misleading conduct, omission, neglect or breach of duty made, committed, attempted or allegedly made, committed or attempted by the insured person.

2.3.8 PERSONAL ACCIDENT

Councillors are covered, within specified limits, for any personal injury obtained while engaged in or on any activity related to their official council duties including travel to and from these activities. Full details of the insurance cover are available from the Council's Insurance Officer.

2.3.9 MOTOR VEHICLE INSURANCE

Berrigan Shire Council has an insurance policy to cover loss or damage to council fleet vehicles. Councillors using these vehicles are covered by the policy.

All insurances are to be subject to any limitations or conditions set out in the Council's policy of insurance.

2.3.10. LEGAL EXPENSES AND OBLIGATIONS

The Council will reimburse the reasonable legal expenses of:

- A Councillor defending an action arising from the performance in good faith of a function under Section 731 of the *Local Government Act 1993*; or
- A Councillor defending an action in defamation provided that the outcome of the legal proceedings is favourable to the Councillor

Reasonable legal costs will also be available for an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including:

- i) Local Government Pecuniary Interest and Disciplinary Tribunal
- ii) Independent Commission Against Corruption
- iii) Office of the NSW Ombudsman

Min. No.

- iv) Division of Local Government, Department of Premier and Cabinet
- v) NSW Police Force
- vi) Director of Public Prosecutions
- vii) Council's conduct Review Committee/Reviewer

This is provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Councillor's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review.

In the case of a conduct complaint made against a Councillor, legal costs will only be made available where a matter has been referred by a general manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the Model code of conduct. In the case of a pecuniary interest or misbehavior matter legal costs will only be made available where a formal investigation has been commenced by the Division of Local Government.

In addition, legal costs will only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a Councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

The Council will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstance.

The Council will not meet the legal costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Legal costs will not be met for legal proceedings that do not involve a Councillor performing their role as a Councillor.

No legal expense may be incurred by a Councillor without the express resolution of the Council prior to the expense being incurred.

2.4 ADDITIONAL EXPENSES FOR MAYORS

2.4.1 COMMUNICATION COSTS – MOBILE TELEPHONE

The Council will provide the Mayor with an additional \$150 business cost allowance for a mobile telephone - a maximum value of \$250 per month.

Min. No.

PART 3 PROVISION OF FACILITIES

3.1.1 PROVISION OF FACILITIES GENERALLY

Berrigan Shire Council will provide Councillors with facilities equipment and services so that they can undertake their role as elected members of the Council.

Council facilities, equipment and services are not to be used to produce election material or for any other political purposes. Councillors should not generally obtain private benefit from the provision of equipment or facilities, nor from any travel bonus or other such loyalty scheme.

3.1.2 PRIVATE USE OF EQUIPMENT AND FACILITIES

It is acknowledged that incidental use of council equipment and facilities may occur from time to time. Such incidental private use is not subject to compensatory payment.

Where more substantial private use occurs, Councillors will be expected to make a payment to cover the level of private use. This payment will be made on a full cost recovery basis and where appropriate charged in accordance with the Council's adopted Annual Schedule of Fees and Charges (i.e. for photocopying, facsimile transmission etc.).

3.2. SPECIFIC FACILITIES FOR MAYORS AND COUNCILLORS

3.2.1. OFFICE EQUIPMENT & SUPPLIES

The Council will make available for each Councillor a mobile telephone and tablet computer for use on official Council business. The Council will also provide associated hardware and software to facilitate electronic communication and storage of relevant Council documents.

Councillors will be provided with access to the photocopiers, facsimile machines, telephones and other relevant office equipment located at the council office in Berrigan for the purposes of official council business.

Each Councillor will be provided with a diary of a type and standard prescribed by the General Manager. The standard will be equivalent to diaries supplied to council staff members.

3.2.2. OFFICE SPACE

Councillors wishing to conduct formal meetings have access to meeting rooms at the Council office in Berrigan. These rooms must be booked through reception.

Min. No.

3.2.3. SECRETARIAL SUPPORT

All Councillors will be provided with adequate secretarial support so that the Council's official duties may be pursued in a professional manner.

3.2.4. COUNCILLOR NAME BADGES

All Councillors will be issued with a council name badge. Retiring Councillors will be permitted to retain their badges as a token of service to the Council.

3.2.5. BUSINESS CARDS

All Councillors will be issued with business cards to use during the performance of their official duties.

3.2.6. MEALS AND REFRESHMENTS

Where Councillors attend meetings convened by the Council, minor refreshments may be provided in addition to any appropriate meals as determined by the General Manager.

3.2.7. COUNCIL VEHICLES

Access to a suitable vehicle (if available) will be provided for use on official duties. Vehicles will be sourced from the council's general fleet and bookings must be made in advance.

3.3. ADDITIONAL MAYORAL FACILITIES

3.3.1. MAYORAL VEHICLE

This section is to be read in conjunction with Council's general policy and in particular Policy 90 – Private Use of Council Vehicles.

The Mayor will be provided with a fully serviced and maintained executive standard council vehicle, including fuel card, for official duties and commuter use associated with such duties.

The Mayor shall be provided with full private use of the vehicle upon payment of a weekly amount as determined from time to time by the council as part of its Annual Schedule of Fees and Charges.

PART 4 OTHER MATTERS

4.1 ACQUISITION AND RETURNING OF FACILITIES AND EQUIPMENT BY COUNCILLORS

On the completion of their term of office, extended leave of absence or at the cessation of their civic duties and where requested, Councillors are required to return all equipment and facilities issued by the Council within 28 days. This includes mobile telephones and tablet computers provided to Councillors and associated peripherals, and the mayoral vehicle.

Min. No.

Dedicated mobile phone accounts provided by the Council for official purposes will be disconnected within 28 days of the cessation of duties.

Under certain circumstances the Councillor may be given the option to purchase the equipment previously allocated to them at an agreed fair market price.

4.2 SUPERANNUATION

4.2.1 COUNCILLOR CONTRIBUTIONS TO SUPERANNUATION

In accordance with the Australian Tax Office Interpretative Decision 2007/205, the Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf.

To establish this facility, a Councillor must submit a written request to the General Manager, using similar wording to that of a normal employee deduction request. The request cannot be retrospective.

Min. No.

5.6 FEES AND CHARGES 2014-15

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2022 objective and strategies inform Council planning and community led projects

FILE NO:

211 RESOLVED Crs A O'Neill and D Morris that the Council, having provided 28 days public notice of the proposed changes and noting that no submissions were received regarding these changes, amend it's 2014/15 Fees and Charges register as set out below:

ENVIRONMENTAL SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL GST)	EXCL. GST	2014/15 GST	TOTAL
12.7	Connection – tapping						
12.7.1	100mm	B	Supply	\$7,020	\$6,572.72	\$657.28	\$7,230
12.7.2	80mm	B	Supply	\$4,620	\$4,327.27	\$432.73	\$4,760
12.7.3	50mm	B	Supply	\$2,250	\$2,118.18	\$211.82	\$2,410
12.7.4	40mm	B	Supply	\$1,540	\$1,445.45	\$144.55	\$1,590
12.7.5	32mm	B	Supply	\$1,050	\$981.82	\$98.18	\$1,080
12.8	Connection – meter						
12.8.1	1 x 20mm	B	Meter	\$290	\$272.73	\$27.27	\$300
12.8.2	2 x 20mm	B	Meter	\$450	\$422.73	\$42.27	\$465
12.8.3	1 x 25mm	B	Meter	\$330	\$309.09	\$30.91	\$340
12.8.4	2 x 25mm	B	Meter	\$510	\$481.82	\$48.18	\$530
12.9	Connection – service						
12.9.1	1 x 20mm	B	Meter	\$920	\$863.64	\$86.36	\$950
12.9.2	2 x 20mm	B	Meter	\$1,250	\$1,172.73	\$117.27	\$1,290
12.9.3	1 x 25mm	B	Meter	\$1,080	\$1,013.64	\$101.36	\$1,115
12.9.4	2 x 25mm	B	Meter	\$1,480	\$1,386.36	\$138.64	\$1,525

Min. No.

**5.7 SUSPENSION OF ALCOHOL FREE ZONE –
CHANTER STREET BERRIGAN**

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and
accessible communities

FILE NO: 24.128.1

212 RESOLVED Crs B Hill and A O'Neill that the Council, subject to Police approval and an activity approval under the *Roads Act* 1993 being given, suspend the Alcohol Free Zone for the area closed to traffic on Chanter Street, Berrigan from 5:00pm to 11:00pm on Friday 5 December, 2014 in accordance with Section 645 of the Local Government Act.

**5.8 FINANCIAL ASSISTANCE GRANT – PAUSE OF
INDEXATION**

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 15.128.4

213 RESOLVED Crs D Morris and B Hill that the Council continue to lobby the Government, Opposition, Greens, PUP etc. in regard to the pausing of indexation of the Financial Assistance Grant.

5.9 INVESTMENT POLICY

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

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

FILE NO: 12.024.2

214 RESOLVED Crs A O'Neill and B Hill that the Council:

- Revoke Policy 14 "Investment Policy" adopted on 18 September, 2013 and
- adopt the Investment Policy set out below:

1. POLICY STATEMENT

In order to meet future financial commitments, Berrigan Shire Council retains cash that it has no plans to spend in the immediate future. To make better use of this cash and to retain its future

Min. No.

value, the Council will invest these spare funds – in line with legislation and other legal requirements.

This policy is made under section 625 of the *Local Government Act* 1993 (the Act) and in accordance with the Ministerial Investment Order published in the Government Gazette of 12 February 2011.

2. PURPOSE

The purpose of this policy is to provide a framework for the investing of Council's funds at the most favourable rate of interest available to it at the time whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, and the return of investment.

The Council's Financial Strategy 2012 commits the Council to the following action:

Maintain the existing Investment Policy settings prioritising preservation of capital over investment return.

Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.

Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment.

Investments are expected to achieve a market average rate of return in line with the Council's risk tolerance.

3. SCOPE

This policy applies to all Council officers with responsibility for the investment of Council's funds.

4. OBJECTIVE

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

Coordinate Council investments, financial management, financial operations and processing

5. DEFINITIONS

Credit risk – the risk that an institution or a product the Council has invested in fails to pay the interest and/or repay the principal of an investment;

Min. No.

Market risk – the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices;

Liquidity risk – the risk the Council is unable to redeem the investment at a fair price within a timely period; and

Maturity risk – the risk relating to the length of term to maturity of the investment. The longer the term, the greater the length of exposure and risk to market volatilities.

Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value (considering the time value of money);

Diversification – setting limits to the amounts invested with a particular financial institution or government authority to reduce credit risk;

Liquidity – ensuring that funds are available in a timely manner to meet the Council's cash flow requirements without the unanticipated, and potentially disadvantageous, sale of investment products.

6. POLICY IMPLEMENTATION

6.1 Delegation of authority

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993*.

The General Manager may in turn delegate the day-to-day management of Council's investments to the Responsible Accounting Officer, or to other Officers. This is subject to regular review.

Officers' delegated authority to manage Council's investments shall be recorded in line with the Council's standard procedures regarding delegations.

Officers with delegated authority under this policy will be required to acknowledge they have received a copy of this policy and understand their obligations in this role.

6.2 Prudent person standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

Min. No.

6.3 Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio.

Councillors and Officers are obliged to act in accordance with the Council's Code of Conduct and comply with the Council's procedures for declaring gifts and actual or perceived conflicts of interest.

Independent advisors are also required to declare that they have no actual or perceived conflicts of interest. Dealings between the Council and an independent advisor will be in line with the Council's Statement of Business Ethics.

6.4 Approved investments

Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.

6.5 Prohibited investments

In accordance with the Ministerial Investment Order, this investment policy prohibits but is not limited to any investment carried out for speculative purposes including:

- Derivative based instruments;
- Collateralised Debt Obligations (CDOs);
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest).

6.6 Local economic benefit

The Council will give consideration to investment products from institutions that provide a direct economic benefit to the Berrigan Shire community. This may include:

- Institutions that operate a retail branch in the Shire
- Institutions specifically established for the purpose of investing in the local area including the Berrigan Shire, such as local credit unions.

This is conditional upon the Council complying with its other obligations under this policy and the achievement of comparable investment security and rates of return. Any such consideration will be in line with the Council's obligations under legislation and its purchasing policies and procedures.

Min. No.

6.7 Risk management

In accordance with the Council's Risk Management Policy and Framework, the Council should minimise risks and encourage and promote transparency and good governance.

Risks will be assessed with resultant investment decisions authorised by the General Manager, or in accordance with Delegated Authority.

Controls will be integrated into investment management strategies which recognise these risks:

- Credit risk
- Market risk
- Liquidity risk
- Maturity risk

When addressing these risks the Council and its officers will consider the following key principles:

- Preservation of Capital
- Diversification
- Liquidity

In addition to employing controls to reduce counterparty risk, management and operational controls for corruption prevention will be employed, which include:

- Fraud Control measures as identified in the Council's Fraud Control Policy and associated plans.
- Compliance with the Council's Code of Conduct
- The use of the Council's Gift and Conflict of Interest Disclosure procedures
- Reference to the Internal Reporting Policy.
- Monthly reporting to the Council
- External Auditing

6.8 Investment advisor

The Council may, from time to time, appoint a consultant to provide independent advice on the Council's investment strategy or on individual investment products. Independent advisors must be licenced by the Australian Securities and Investment Commission and must be appointed by resolution of the Council.

The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy. This specifically excludes the appointment of advisors that receive commissions from providers of investment products likely to be reviewed or recommended.

Min. No.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

6.9 Measurement

The Council will measure and report on its investments to the Council on a market value basis. The market value is to be assessed at least once a month to coincide with the monthly Investment Report.

For the purpose of the annual financial statements, investments will be valued in line with Australian Accounting Standards and the Local Government Code of Accounting Practice and Financial Reporting

6.10 Benchmarking

Performance benchmarks can be established and should be based on sound and consistent methodology. When determining benchmarks, consideration should be given to the Council's risk profile and liquidity requirements.

Benchmarks will be determined by the Council on an as-needs basis but reviewed no less than annually as part of the Council's budget process.

Performance against benchmarks will be included in a monthly report to the Council.

6.11 Reporting and reviewing of investments

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.

The documentary evidence must provide Council legal title to the investment.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

A monthly report will be provided to Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

Min. No.

6.12 Policy review

This Investment Policy will be reviewed by the Council no less than annually. It will also be reviewed as required in the event of legislative changes.

The Investment Policy may also be amended as a result of other events that provide the Council with opportunities that are to the advantage of the Council and in the spirit of this policy.

Any amendment to the Investment Policy must be by way of Council resolution.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Compliance

All investments are to comply with the following

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Ministerial Investment Order*
- *Local Government Code of Accounting Practice and Financial Reporting*
- Australian Accounting Standards
- Division of Local Government Circulars

7.2 Relevant Council documents

- Long Term Financial Plan
- Financial Strategy 2012
- Fraud Control Policy
- Fraud Control Plan
- Risk Management Policy and Framework
- Code of Conduct
- Internal Reporting Policy
- Statement of Business Ethics

**5.10 NAMING OF COMMUNITY FACILITIES AND
OPEN SPACE POLICY**

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

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

FILE NO:

Min. No.

215 **RESOLVED** Crs C Jones and D Glanville that the Council adopt the policy for Naming of Community Facilities and Open Space as set out below:

1. POLICY STATEMENT

It is often appropriate to name Council-controlled community facilities and open space to recognise and honour the history and culture of Berrigan Shire and its community.

When naming these facilities, it is important that the names chosen are appropriate and that the views of relevant stakeholders are given consideration and weight. It is also important that 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:

- A consistent process is followed when naming Council controlled community facilities and open space
- Names chosen for Council-controlled community facilities and open space are appropriate and enjoy community support
- All parties involved in naming relevant facilities understand the Council's process.
- Recognition of places and people with historic, scenic and/or cultural significance.
- The names of relevant facilities and the rationales behind the naming are recorded and stored for future reference.

3. SCOPE

This policy applies to the naming of Council-controlled facilities and open space, including and not limited to buildings and structures, fixed equipment, parks and sporting fields.

The policy applies to facilities and open space owned directly by the Council as well as Crown Land where the Council is trustee. The policy also applies 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 Council roads and streets, which are covered by the Council's Streets and Public Places Naming Policy. The policy does not apply to the naming of geographical or topographical features which are covered by the Geographic Names Board.

Min. No.

4. OBJECTIVE

This policy is developed to assist the Council with Operational Plan Objective 2.2.2.10.1

Develop and implement Naming Infrastructure and Assets at Council Controlled Facilities Policy.

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.

Facility – A park, piece of open space, building, oval, garden, court etc. 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.

User body – A group that makes use of a Council-provided community facility

6. POLICY IMPLEMENTATION

6.1 General principles

It is intended that facilities would be named after individuals only in exceptional circumstances and that such naming would:

- Commemorate and recognise individuals, institutions or events that contributed significantly to the betterment of the Berrigan Shire community.
- Demonstrated achievement at a high level
- Portray the appropriate physical, historical or cultural character of the area/place concerned
- Be consistent with the overall interest, values and expectation of the Berrigan Shire community
- Be consistent with the relevant legislation and Geographical Names Board Guidelines where applicable.

6.2 Process

Names for Council-controlled community facilities and open space 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 general public

Min. No.

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 a decision.

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

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 should it feel it to be appropriate.

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

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.

6.3 Appropriate names

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.

As a general 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 member of staff service outside their formal Council role.

6.4 Miscellaneous

The Council will ensure the origin of the name will be clearly stated and recorded.

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 with the Council cover the cost of purchasing and installing signage.

If a facility that has been named is removed or replaced for any reason, or the nature of the facility changes, Council is not obliged to retain the name.

Min. No.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- Geographical Naming Board of New South Wales Guidelines for the Determination of Place Names

7.2 Council policies

- Berrigan Shire Council Code of Conduct
- *Berrigan Shire 2023* (Community Strategic Plan)
- Streets and Public Places Naming Policy

5.11 REVOCATION OF LONG SERVICE PAYMENTS POLICY

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

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

FILE NO:

216 **RESOLVED** Crs D Morris and B Hill that the Council revoke Policy 64 "Long Service Payments Policy" which was adopted on 20 August, 1997.

5.12 USE OF COUNCIL LANDFILL SITES BY NSW NATIONAL PARKS AND WILDLIFE SERVICE

AUTHOR: General Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO: 31.160.3

217 **RESOLVED** Crs D Morris and M Hannan that the Council advise the NSW National Parks and Wildlife Service that it will not provide free disposal of refuse collected within National parks at its landfill sites.

5.13 DOCUMENTS FOR SIGNING AND SEALING

AUTHOR: General Manager

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.2 Strengthen and diversify the local economy

Min. No.

FILE NO: 21.160.1

- 218 RESOLVED** Crs M Hannan and D Morris that the Council sign and seal the lease with Alkeen Pty Ltd for the lease of Tocumwal Caravan Park for a three year period commencing 12th February, 2013.

5.14 TOCUMWAL VISITOR INFORMATION CENTRE - FUNDING

AUTHOR: Director Corporate Services
STRATEGIC OUTCOME: Diverse and resilient business
STRATEGIC OBJECTIVE: 4.3 Diversify and promote local tourism

FILE NO: 08.160.3

- 219 RESOLVED** Crs D Glanville and B Hill that the Council
1. endorse the payment to the Tocumwal Chamber of Commerce and Tourism of the 2014/15 first quarterly payment of \$12,750 made in August 2014 to assist in the operations of the Tocumwal Visitor Information Centre.
 2. pay the 2014/15 second quarterly payment of \$12,750 to assist in the operations of the Tocumwal Visitor Information Centre before 30 September, 2014.

5.15 TENDER NO. T03/14/15 - INSITU PAVEMENT STABILISATION FOR 2014/2015 YEAR

AUTHOR: OPERATIONS MANAGER
STRATEGIC OUTCOME: Sustainable natural and built landscapes
STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: T03/14/15

- 220 RESOLVED** Crs A O'Neill and J Bruce that the Council accepts the tender submission of STABILCO PTY LTD for T03/14/15 for the estimated contract sum of \$530,518 including GST and that contract documents be signed and sealed accordingly.

5.16 TENDER NO. V01-14-15 – SUPPLY, DELIVERY AND SPRAYING OF BULK CUT-BACK BITUMEN FOR 2014/2015 YEAR

AUTHOR: OPERATIONS MANAGER
STRATEGIC OUTCOME: Sustainable natural and built landscapes
STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

Min. No.

FILE NO: V01-14-15

221 RESOLVED Crs D Morris and J Bruce that the Council notes the tender submission of SRS Roads for V01-14-15.

5.17 REQUEST FOR ASSISTANCE – GAP MEDICS TANZANIA

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 3.2 Support community engagement through life-long learning, culture and recreation

FILE NO: 02.163.1

222 RESOLVED Crs C Jones and A O'Neill that the Council advise that it will not provide financial assistance for a volunteer medical program in Tanzania as requested.

Late Item requiring Council Resolution
Admitted with the permission of the Mayor

5.18 INTERNATIONAL CHILDRENS GAMES

AUTHOR: Strategic & Social Planning Coordinator

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 3.2 Support community engagement through life-long learning, culture and recreation

FILE NO: 03.160.4

223 RESOLVED Crs B Hill and D Morris that, Councillor M Hannan, alternately Councillor D Glanville, attend the International Children's Games at Lake Macquarie.

ITEMS FOR NOTING

6.1 BAROOGA RECREATION RESERVE PROJECT - FINANCIAL SUMMARY

6.2 BERRIGAN RED CROSS

6.3 PURCHASE OF PLANT ITEMS

6.4 MURRAY DARLING ASSOCIATION 70TH ANNUAL GENERAL MEETING AND NATIONAL CONFERENCE.

Min. No.

224 **RESOLVED** Crs D Glanville and D Morris that Cr B Curtin to attend the Murray Darling Association 70th Annual General Meeting and National Conference in Tumut on 14th-16th October, 2014.

6.5 DEVELOPMENT DETERMINATIONS FOR MONTH OF
AUGUST 2014

225 **RESOLVED** Crs B Hill and C Jones that Items for Noting numbered 6.1 to 6.3 and 6.5 inclusive be received and noted.

226 **RESOLVED** Crs D Morris and C Jones that Council suspend Standing Orders and move to item 8.1.

Min. No.

COMMITTEE REPORTS

8.1 MINUTES OF THE CORPORATE SERVICES COMMITTEE MEETING HELD ON 3RD SEPTEMBER, 2014

227 RESOLVED Crs B Hill and A O'Neill that recommendations numbered 1 to 2 inclusive of the Corporate Services meeting held on 3rd September, 2014 be adopted.

**5.1 SALE OF LAND
FILE NO: 12.024.2**

RECOMMENDATION No. 1 - that the Council:

- place the following lots up for sale;
 - Lot 2, DP 777958 – the old station masters residence in Berrigan, and
 - Lot 1251, DP 1087630 – Part of “Nariel Farm” in Finley
- delegate to the General Manager the power to agree on a sale;
- advertise its intention to sell these lots on its website and in the Southern Riverina News and Cobram Courier.

6.1 SUPERVISION AND HIRING ARRANGEMENTS FOR COMMUNITY SWIMMING POOLS POLICY

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 3.2 Support community engagement through life-long learning, culture and recreation

FILE NO: 26.160.1, 26.160.2, 26.160.3, 26.160.4

RECOMMENDATION 2 - that the Council:

- adopt as a draft the policy for Supervision and Hiring Arrangements for Community Swimming Pools as amended and set out below:

1. POLICY STATEMENT

Berrigan Shire Council is responsible for three community-run public swimming pools; one each at Berrigan, Finley and Tocumwal. These pools are operated by a volunteer committee of Council established under s355 of the *Local Government Act 1993* on behalf of the local community, with the Council acting as trustee

Min. No.

of the land and providing a legal structure to the committee to operate.

These public swimming pools provide an important venue for many forms of water sports, fitness and other recreational activities, and are enjoyed by significant numbers within the community.

However, there are inherent dangers with aquatic locations. Berrigan Shire Council has a responsibility to ensure that adequate safeguards are in place to minimise the risks that can be associated with aquatic locations under its care and control.

2. PURPOSE

The purpose of this policy is to set acceptable standards for the use of the community swimming pools, including minimum terms for hire agreements and minimum supervision requirements.

This is in line with the Council's Risk Management Framework and guidelines set by the Office of Local Government and Royal Life Australia (RLSSA).

3. SCOPE

This policy applies to the use of Council-controlled community-run swimming pools at Berrigan, Finley and Tocumwal.

4. OBJECTIVE

This policy is developed to assist the Council with:

Delivery Plan Objective 3.1.2.3:

Provide recreation facilities which support active lifestyle and ageing in place

and Delivery Plan Objective 2.2.2:

Council operations support ethical, transparent and accountable corporate governance

5. DEFINITIONS

Active Supervision – is defined by the RLSSA as

Active supervision at public pools consists of four key elements:

Be Prepared: *Ensure you have everything you need before getting into the water, such as towels and dry clothes.*

Be Close: *Always be within arms' reach of your child.*

All of Your Attention: *Focus all of your attention on your child and get into the pool and talk and play with them.*

All of the Time: *You should never leave your child alone in the water, nor should they be left in the care of an older child or with the assumption that your responsibility diminishes due to the presence of lifeguards.*

Committee of Management – A committee established under s355 of the Local Government Act 1993 to exercise a function of

Min. No.

the Council. In this case, the volunteer committees of the Council delegated care, control and management of Council's community swimming pools.

6. POLICY IMPLEMENTATION

6.1 Delegation

The Council has delegated care, control and management of the swimming pools in its control to a volunteer Committee of Management. These committees are responsible for the day-to-day operations of these facilities.

6.2 Specific requirements

The configuration of all of the Council's public swimming pools would see them classified as "Category 5" pools under Practice Note 15 released by the Office of Local Government. Given the use patterns and patronage of its public pools, the Council has taken a position that meeting the recommendations of Practice Note 15 would be cost-prohibitive and excessive.

Berrigan Shire Council has taken a risk-management approach to supervision at its public pools. As such, the Council has made a decision to vary from the recommendations of Practice Note 15 in some cases. In each case, a specific risk assessment has been undertaken to justify the variation in question.

6.3 Hire arrangements

Practice Note 15 states:

It is also a recommended practice that councils/delegated aquatic facility managers enter into formal agreements with user groups such as schools, swimming instructors, clubs and community organisations using the facilities.

The agreement should identify key responsibilities of both the council/delegated aquatic facility manager and the hirer, for example, in relation to supervision, emergencies and first aid. This ensures that all parties are aware of their roles and reinforces appropriate stakeholder responsibilities and general behaviours.

Third-party users of the public swimming pools will be required to enter into a formal hire agreement with the Council.

For schools and swimming clubs, this will be entered into annually prior to the start of each swimming season. Casual hirers will enter into a single-use agreement.

The hire agreement will include specifics about:

Min. No.

- Dates and times of use
- Supervision requirements, etc.
- Insurances and indemnities
- User obligations

Schools and swimming clubs will also be required to advise the lifeguard and the Council about the activities to be undertaken at each session, the supervision arrangements in place and any details about users with special needs or requirements.

Schools hiring a Council public swimming pool must have in place coloured tag system in place to identify non-swimmers and weak swimmers in line with the Water Safety Guidelines for Unstructured Aquatic Activity issued by the NSW Department of Education and Training .

Hirers will be expected to have Public Liability Insurance to the value of \$20 million and to produce a Certificate of Currency upon request.

6.4 Supervision

While open to the public, the minimum supervision requirements are:

- A lifeguard meeting the minimum qualification requirements of this policy
- While the pool is open to the public, the lifeguard's sole responsibility is active supervision of the water.
- Another person in the pool area with RLSSA First Aid, including CPR.
- There must be a minimum of one (1) qualified lifeguard per 100 patrons.
- Use of a diving board or other devices such as inflatable structures will require an additional qualified lifeguard whose sole role will be to supervise the use of the device

A third-party hirer of the pool must meet the following supervision requirements:

- A minimum of two (2) people on supervision duty at any one time
- At least one of the supervisors must be a qualified lifeguard under this policy, inducted into the specific pool in question and be capable of supervising the water
- The sole role of the qualified lifeguard must be to provide active supervision of swimmers in the water and no other task. **The**

Min. No.

lifeguard must not be coaching swimmers in the pool or supervising patrons out of the pool.

- There must be a minimum of one (1) qualified lifeguard per 100 patrons.
- Use of a diving board or other devices such as inflatable structures will require an additional qualified lifeguard whose sole role will be to supervise the use of the device.

6.5 Supervision of children

Berrigan Shire Council is committed to the safety of children at its public pools and as such its supervision requirements are in line with the RLSSA [Keep Safe @ Public Pools program](#).

- Children under the age of 10 will not be permitted to use the pool unless they are accompanied by a person responsible for their supervision. This person must be aged over 18 and be actively supervising the child at all times.
- Parents and guardians should actively supervise their children at all times and be dressed ready to enter a pool. For 0–5 year olds and non-swimmers, a parent or guardian needs to be in the water at all times and within arms' reach of the child.
- Constant active supervision is required for children aged 6–10 years old. Parents and carers must be prepared to enter the water with this age group.

The lifeguard on duty has an obligation to ensure that children are being adequately supervised and is authorised to take action where supervision is inadequate, including asking the patron to exit the water and/or leave the pool grounds.

The Council acknowledges that these requirements may contravene the strict requirements of the *Anti-Discrimination Act* 1977 but it has taken the position that any contravention is justified in order to protect the life and safety of its pool patrons, following an assessment of the risks involved.

6.6 Equipment

While open, each public pool will have the following equipment available for use:

Lifesaving equipment

- Spinal board
- Neck collar
- Board straps
- Reach pole

Min. No.

- Kick board

Resuscitation equipment

- Oxygen unit
- Pocket mask and latex gloves

Other equipment

- Mobile telephone (at the pool deck)
- First aid kits x 3
 - First aid room (Type A)
 - Pool deck (Type B)
 - Bum bag carried by the pool lifeguard (Type C)

6.7 Qualifications

A person acting as a lifeguard at a public pool must at a minimum have a RLSSA NSW Pool Lifeguard Licence (updated annually) including:

- RLSSA Bronze Medallion,
- NSW Workcover approved Senior First Aid (updated every 3 years) and
- RLSSA Oxygen Equipment;

The lifeguard must also be specifically inducted into each pool that he or she will supervise.

Lifeguards must also have a current “Working with children” check meeting the requirements of the *Commission for Children and Young People Act 1998*

The Council will not employ lifeguards aged under 16. Lifeguards aged between 16 and 18 will not be rostered to work alone; they must be under the supervision of another lifeguard on duty aged over 18.

6.8 Volunteer lifeguards

The use of lifeguards not employed by the Council on a volunteer basis is permitted.

Volunteer lifeguards, including lifeguards on duty when the pool is being used by a third-party hirer, must have the same qualifications and undertake the same inductions as a Council-employed lifeguard.

In addition to these requirements, the Pool Supervisor must assess each volunteer lifeguard and explicitly approve the use of that lifeguard at each event. The Pool Supervisor will keep adequate records of the qualifications of each volunteer lifeguard.

Min. No.

Volunteer lifeguards are to act within the requirements of this policy and other Council requirements and under the direction of the Pool Supervisor.

Volunteer lifeguards must be aged over 16. Volunteer lifeguards aged between 16 and 18 may be used, but only under the supervision of another qualified lifeguard on duty aged over 18.

6.9 Inspections

Formal inspections of the pool will be conducted on a regular basis in line with the Pool Operating Manuals. These include pre-season, weekly and daily checks.

Third-party hirers will also inspect the pool area on each occasion before taking control of the pool facility.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Work Health and Safety Act 2011*
- *Anti-Discrimination Act 1977*
- *Commission for Children and Young People Act 1998*

7.2 Other documents

- Office of Local Government Practice Note 15 – Water Safety
- RLSSA Guidelines for Safe Pool Operation
- [RLSSA Keep Safe @ Public School program](#)
- Office of the State Coroner NSW – Inquest into the death of Armani Dirani
- New South Wales Department of Education and Training - [Water Safety Guidelines for Unstructured Aquatic Activity](#)

7.3 Council policies

- Berrigan Shire Council Risk Management Framework
- Risk Management Policy
- Pool Operation Manuals
- seek comment and feedback from the relevant volunteer committees of management, schools and swimming clubs on this policy before adoption at a future meeting. Specifically comments on the requirement for another person in the pool area with RLSSA First Aid including CPR.

Min. No.

**8.2 MINUTES OF THE RISK MANAGEMENT COMMITTEE
MEETING HELD ON 3RD SEPTEMBER, 2014**

228 RESOLVED Crs D Morris and D Glanville that recommendations numbered 1 to 2 inclusive of the Risk Management Committee Meeting held on 3rd September, 2014 be adopted.

**4. RISK MANAGEMENT STRATEGIC PLAN
REVIEW**

AUTHOR: Enterprise Risk Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 27.121.2

RECOMMENDATION 1 - that the review of the 2013-2016 Risk Management Strategic Plan, circulated as Appendix D be noted.

5. CIP SYSTEM REVIEW

AUTHOR: Enterprise Risk Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 27.121.1

RECOMMENDATION 2 - that the Council write to Statewide Mutual expressing concern over the current Continuous Improvement Pathway system, and to request a review.

Min. No.

8.3 MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD BY CORRESPONDENCE DATED AUGUST 2014

229 RESOLVED Crs D Morris and C Jones that recommendation numbered 1 of the Local Traffic Committee Meeting held by correspondence August, 2014 be adopted.

1. FINLEY ANGLICAN CHURCH ANNUAL FETE ROAD CLOSURE - COREE STREET, FINLEY

AUTHOR: Development Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 30.106.1

RECOMMENDATION NO. 1. – that Council approve the application received from the Finley Anglican Church for the closure of Coree Street, between Warmatta Street and Headford Street, Finley, on Saturday 11th of October, 2014 for their annual church fete.

MAYORS REPORT

Cr. Curtin reported that he had attended the following during the period:

- Attended the new kitchen extension to the Finley Golf Club
- Red Cross luncheon
- Welcome to new residents at Berrigan Sporties

230 RESOLVED Crs D Morris and C Jones that the Mayors report be received.

DELEGATES REPORTS

Cr Hill

- Red Cross Wine & Tapas evening
- South West Arts launch "Faces of the South West"
- Berrigan & District Development Association annual general meeting
- Coal Seam Gas forum at Corowa
- Finley Chamber of Commerce & Agriculture meeting

Min. No.

- Finley Recreation Reserve Committee meeting
- Central Murray County Council
- Finley Farmers Market

Cr Jones left meeting at 10:15am

Cr O'Neill

- Red Cross lunch
- Berrigan and District Development Association annual general meeting
- Bush Fire Management Committee meeting
- Rural Fire Service zone meeting
- Berrigan Memorial Pool Committee meeting
- Seniors Week planning meeting
- Barooga Advancement Group annual general meeting & meeting

Cr Morris

- Finley Chamber of Commerce & Agriculture meeting

Cr Hannan

- Finley Chamber of Commerce & Agriculture meeting
- Finley Farmers Market
- Finley Recreation Reserve Committee of Management annual general meeting

Cr Glanville

- Red Cross Wine & Tapas evening

Cr Jones in 10:17am

- Finley Golf Club kitchen opening
- Red Cross lunch
- Murray Darling Basin Association meeting

Cr Jones

- Murray Darling Basin Association meeting
- Central Murray County Council

Cr Bruce

- RSL Finley dinner
- Barooga Advancement Group meeting

The meeting adjourned at 10:45am

Mayor conducted a Citizenship Ceremony for Ms Mpilwehnlé Nyathi

Min. No.

The meeting reconvened at 11:10am

GENERAL BUSINESS

Cr Hill

- Meeting Moira Shire
- Local Government NSW Conference
- Opening of the Finley Recreation Reserve Community building

Cr O'Neill

- Berrigan Committee Forum 28/10
- Bush Fire Management Committee – new commissioner?
- Senior Week planning
- Walking Tracks
- Berrigan Memorial Pool – accepted Memorandum Of Understanding

Cr Morris

- nil

Cr Hannan

- Town Entry meeting at Finley
- Dennison Street, Finley Kerb & Gutter

Cr Glanville

- nil

Cr Jones

- Town Entry meeting at Tocumwal
- Water table & trees – Deniliquin Street, Tocumwal
- Visitor Information Centre funding

Cr Bruce

- Tuppal Food & Fibre Festival
- Tourism letter – working with Economic Development Officer
- Barooga Accommodation Group winding up
- Community Building Partnership – Playground at Barooga Netball Courts

Cr Curtin

- Gil Silby letter re street naming
- Local Government NSW Conference – no other Councillor

Development Manager

- Strawberry Fields application
- YOUCAMP proposal

Min. No.

- Dept Planning & Environment – Murray/Murrumbidgee Growth Plan
- Railway line grass mown

Director Corporate Services

- Club Grants Expression of Interests
- Audit delayed
- Rural Doctors
- Street lighting only with Origin Energy
- One year HACCC funding extension

Cr O'Neill having previously delivered a pecuniary interest in this issue, left meeting at 12:07pm

- HACCC Services Expression of Interests assessed at next Council meeting
- Murray Regional Tourism Board annual general meeting invitation – Cr D Glanville to attend
- Finley Recreation Reserve – Cricket nets constructed; score board up. Project completed 3 months early

Cr O'Neill returned at 12:10pm

General Manager

- Mr Fluffy
- Regional Boating Plan

Cr Curtin

- Berrigan welcome for residents

The meeting adjourned at 12:25pm

The meeting reconvened at 1:10pm

231 **RESOLVED** Crs D Glanville and C Jones that Cr O'Neill also attend the Local Government conference at Coffs Harbour on the 19th-21st October, 2014.

7. CLOSED COUNCIL

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

Min. No.

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

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

7.1 REQUEST FOR PENSIONER CONCESSION

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

- (b) the personal hardship of any resident or ratepayer

It is not in the public interest to reveal the personal details of a particular individual.

7.2 TENDER NO. T03/14/15 - INSITU PAVEMENT STABILISATION FOR 2014/2015 YEAR

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

- (d) commercial information of a confidential nature that would, if disclosed:

Min. No.

(i) prejudice the commercial position of the person who supplied it,
or

It is not in the public interest to reveal the commercial position of
the tenderers.

**7.3 Tender No. V01-14-15 – Supply, Delivery and
Spraying of Bulk Cut-Back Bitumen for 2014/15 Year**

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

(d) commercial information of a confidential nature that would, if
disclosed:

(i) prejudice the commercial position of the person who supplied it,
or

It is not in the public interest to reveal the commercial position of
the tenderers.

**7.4 PROPOSED LEASE OF BERRIGAN CARAVAN
PARK**

This item is classified CONFIDENTIAL under section 10A(2)(c)(d)(i)
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

(d) commercial information of a confidential nature that would, if
disclosed:

(i) prejudice the commercial position of the person who supplied it,
or

It is not in the public interest to reveal the commercial position of
the tenderers.

232 RESOLVED Crs A O'Neill and D Morris 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*.

Min. No.

- 7.1 REQUEST FOR PENSIONER CONCESSION**

- 7.2 TENDER NO. T03/14/15 - INSITU PAVEMENT
STABILISATION FOR 2014/2015 YEAR**

- 7.3 TENDER NO. V01-14-15 – SUPPLY, DELIVERY AND
SPRAYING OF BULK CUT-BACK BITUMEN FOR 2014/2015
YEAR**

- 7.4 PROPOSED LEASE OF BERRIGAN CARAVAN PARK**

Council closed its meeting at 1:11pm. The public and media left the Chamber.

Min. No.

Open Council resumed at 2:30pm

**RESOLUTIONS FROM THE CLOSED COUNCIL
MEETING**

The following resolutions of the Council while the meeting was closed to the public were read to the meeting by the Mayor:

7.1 REQUEST FOR PENSIONER CONCESSION

“That Council writes a response to the letter received denying the request, thus maintaining a consistent approach to the granting of Pensioner Concession Applications as per s582 of the *Local Government Act 1993*.”

**7.4 PROPOSED LEASE OF BERRIGAN
CARAVAN PARK**

“That the Council, subject to the consent of the Minister, agree to enter into a 20 year lease with Gary and Helen Lehre for Lot 13 DP 118220, being Berrigan Caravan Park.”

There being no further business the meeting closed at 2:31pm.

