



ORDINARY MEETING OF COUNCIL

Held on Wednesday 15 June, 2022

Council Chambers
56 Chanter Street, Berrigan



Minutes



Council Meeting

Wednesday 15 June, 2022

MINUTES

Min. No.

1. OPENING OF MEETING

The Council opened its meeting at 9:36am.

Present:

Crs: Matthew Hannan (Mayor), Carly Marriott (Deputy Mayor), John Taylor, Sarah McNaught, Renee Paine, Julia Cornwell McKean, Ted Hatty and Roger Reynoldson

The following staff were also in attendance:

Karina Ewer (Chief Executive Officer), Matthew Hansen (Deputy Chief Executive Officer), Rohit Srivastava (Director Infrastructure) and Joanne Ruffin (Director Strategic Planning & Development)

148 Resolved Crs Taylor and Paine that the Council suspend stranding orders to allow extra time for the public Question Time precluding the Council Meeting.

149 Resolved Crs Cornwell McKean and Taylor that the Council resume standing orders.

The meeting reconvened at 9:57am.

Cr Matthew Hannan read the following statement:

In the spirit of open, accessible and transparent government, Berrigan Shire Council's meetings are audio recorded. By speaking at a Council Meeting, members of the public agree to being recorded. Berrigan Shire Council accepts no liability for any defamatory, discriminatory or offensive remarks or gestures that are made during the course of the Council Meeting. Opinions expressed or

statements made by individuals are the opinions or statements of those individuals and do not imply any form of endorsement by Berrigan Shire Council.

Confidential matters of Council will not be audio recorded.

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

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

Present:

Crs: Matthew Hannan (Mayor), Carly Marriott (Deputy Mayor), John Taylor, Sarah McNaught, Renee Paine, Julia Cornwell McKean, Ted Hatty and Roger Reynoldson

The following staff were also in attendance:

Karina Ewer (Chief Executive Officer), Matthew Hansen (Deputy Chief Executive Officer), Rohit Srivastava (Director Infrastructure) and Joanne Ruffin (Director Strategic Planning & Development)

2. ACKNOWLEDGEMENT OF COUNTRY

Cr Matthew Hannan made an Acknowledgement of Country with the following statement:

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

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

Nil

4. CONFIRMATION OF PREVIOUS MINUTES

150 Resolved Crs Taylor and Hatty that the Minutes of the meeting held in the Council Chambers on Wednesday 18 May, 2022 be confirmed.

5. DISCLOSURES OF INTEREST

Karina Ewer (Chief Executive Officer) declared a Pecuniary Interest in Item 8.23 Unsolicited Proposal – 27 Davis Street, Berrigan as she is the proponent of the proposal.

6. MAYORAL MINUTE(S)

6.1 Mayoral Minute - Regional Health and Hospital Services

151 **Resolved** that the Council:

1. adopt the recommendations noted in the *Health outcomes and access to health and hospital services in rural, regional and remote New South Wales*;
2. request that letters go to the Premier and Leader of the Opposition noting Council's adoption of the recommendations of the report and ask for their support to ensure those recommendations are duly implemented;
3. approve the media release regarding rural and regional health outcomes

7. REPORTS OF COMMITTEES

Nil

8. REPORTS TO COUNCIL

8.1 Council Action List Report

152 **Resolved** Cr Cornwell McKean and Cr McNaught that the Council receive and note the Council Action List Report.

8.2 Finance - Accounts

153 **Resolved** Cr Marriott and Cr Hatty that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 May 2022,
- b) Confirm the accounts paid as per Warrant No. 05/22 totaling \$3,843,802.70 and
- c) Note the report on investments attached as "**Appendix 8.2-A**"

8.3 Permanent Water Saving Policy

154 Resolved Cr Paine and Cr Reynoldson that the Council:

1. Revoke its Permanent Water Saving Policy adopted on 19 September 2018,
and
2. Adopt the Permanent Water Saving Policy as set out below:



Policy

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PERMANENT WATER SAVING



Strategic Outcome:	Supported and engaged communities		
Policy type	Strategic		
Date of Adoption:	15 June 2022	Minute Number:	
Date for Review:	17 June 2026		
Responsible Officer:	Director Infrastructure		
Document Control:	Replaces Permanent Water Saving Policy adopted 19 September 2018		
Delivery Program Link:	<i>Delivery Program Objective: 3.1.4 Coordinate and facilitate the delivery of potable water, public health and safety services</i>		

1. POLICY STATEMENT

The following permanent water saving restrictions and prohibitions have been introduced to regulate the responsible use of water resources and prevent waste and misuse.

The policy will do this by:

- setting out permanent restrictions and prohibitions on the use of water in areas of Berrigan Shire served by reticulated water; and
- specifying principles for the consideration of applications for exemption from particular restrictions or prohibitions

2. PURPOSE

The purpose of the policy is to regulate the responsible use of water resources and prevent the waste and misuse of water within the Berrigan Shire local government area.

3. SCOPE

The policy applies to water supplied by Berrigan Shire Council from all water reticulation pipes within the Shire.

This policy does not apply to water sourced from other sources such as:



Policy

- Recycled water supplied by Berrigan Shire Council; or
- Grey water;
- Water sourced from a bore or well; or
- Rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within the tank is not augmented in any way by water supplied by Berrigan Shire Council

4. OBJECTIVE

This Policy has been developed to assist the Council with Delivery Plan Objective 3.1.4

Coordinate and facilitate the delivery of potable water, public health and safety services

5. DEFINITIONS

Automatic Watering System:	A watering system capable of being set to turn on and off automatically at pre-determined times, without human intervention.
Dripper:	A device that drips water at a low rate of flow directly onto the root zone of plants.
DST:	Daylight Savings Time
EST:	Eastern Standard Time
Fountain:	Any indoor or outdoor ornamental fountain: <ul style="list-style-type: none">• with a volume of less than 500 litres and that projects water more than 20cm above the water outlet; or• with a volume greater than 500 litres and that emits water for ornamental purposes.
Greywater:	Household wastewater from bath tubs, showers, laundry troughs and clothes washing machines, but excludes water from kitchens, dishwashing machines and toilets.
Hand-held hose:	A hose that is held by hand when it is used.
High pressure cleaning device:	A machine which has a pump to increase the pressure of the water delivered from a trigger nozzle forming part of the device.
Manual Watering System:	A watering system which is not an automatic system; or an automatic watering system, operated other than automatically.



Policy

Microspray:	A device that incorporates a nozzle made to emit a fine spray.
Paved Area:	Includes any courtyard, decking, footpath, driveway or other area, with a concrete, asphalt, brick, tile, bitumen, timber or similar impervious surface.
Person:	Includes any type of entity or body of persons, whether or not it is incorporated or has a separate legal identity and any executor, administrator or successor in law of the person.
Public Authority:	Anybody constituted by or under an Act; or exercising powers under an Act, for a public purpose and includes a Council under the <i>Local Government Act 1993</i> .
Public Garden:	Any garden, lawn, nature strip, plantation, park or reserve (other than a sports ground) managed or controlled by a public authority, but does not include a residential or commercial garden.
Recycled Water:	Water supplied by Berrigan Shire Council that is recovered from sources such as stormwater or treated sewage.
Residential:	Land used or intended to be used as a garden or lawn, from which produce (including vegetables) is
Retail Garden Nursery	Any land primarily used to propagate, grow or display plants of any description, or their produce (including vegetables) for the purpose of sale or other distribution for profit, primarily to the public.
Season:	Summer, autumn, winter or spring.
Sprayer:	A device that incorporates a nozzle made to emit a broad spray.

6. POLICY IMPLEMENTATION

6.1 Permanent restrictions and prohibitions

The following permanent water restrictions will apply in Berrigan Shire



Policy

PURPOSE	RESTRICTION / PROHIBITION
Residential or Commercial Gardens (including lawns)	<ul style="list-style-type: none"> • An automatic watering system must not be used, except between 10.00pm and 10.00am on any day of the week. No restriction applies at any time to the testing of automatic watering systems to ensure that they are operating correctly. • A manual watering system must not be used, except between: <ul style="list-style-type: none"> ○ 8.00pm and 10.00am on any day of the week DST; or ○ 6.00pm and 10.00am on any day of the week EST. • No restriction applies at any time to the use of a hand-held hose fitted with a trigger nozzle, a watering-can or a bucket.
Public Gardens (including lawn) and Sports Grounds / Recreational Areas	<ul style="list-style-type: none"> • An automatic watering system must not be used, except between 10.00pm and 10.00am on any day of the week. No restriction applies at any time to the testing of automatic watering systems to ensure that they are operating correctly. • A manual watering system must not be used, except between: <ul style="list-style-type: none"> ○ 8.00pm and 10.00am on any day of the week DST; or ○ 6.00pm and 10.00am on any day of the week EST. • No restriction applies at any time to the use of a hand-held hose fitted with a trigger nozzle, a watering-can or a bucket.
Fountains	<ul style="list-style-type: none"> • A fountain which does not re-circulate water must not be operated. • No restriction applies to topping up a fountain at any time, provided that no more water than is necessary for that purpose is used.
Wholesale, Retail Garden Nurseries	<ul style="list-style-type: none"> • No restriction or prohibition applies to the watering of plants of any description (including vegetables).
Vehicle Cleaning (all vehicles)	<ul style="list-style-type: none"> • A hand held hose must not be used at any time to clean a vehicle unless it is fitted with a trigger nozzle. • No restriction applies to using a bucket. • No restriction applies to using a high-pressure water cleaning device, a commercial car wash, or a Council run vehicle cleaning facility.
Paved Areas – Cleaning	<ul style="list-style-type: none"> • A paved area must not be cleaned with water from a hose unless cleaning is required as a result of: <ul style="list-style-type: none"> ○ an accident, fire, health hazard or other emergency;



Policy

PURPOSE	RESTRICTION / PROHIBITION
	<ul style="list-style-type: none"> o an identifiable safety hazard that has developed and a hand held hose fitted with a trigger nozzle or a high pressure water cleaning device is used; o staining to the surface has developed, and a hand held hose fitted with a trigger nozzle or a high pressure water cleaning device is used, and then only once per season; o construction or renovation work to the surface and a high-pressure water cleaning device is used.
Construction Industry	<ul style="list-style-type: none"> • A hose must not be used unless it is: <ul style="list-style-type: none"> o fitted with a trigger nozzle; and o in good condition and does not leak.

6.2 Exemptions

6.2.1 General exemptions

Berrigan Shire Council may prepare, adopt and publish general exemptions that specify generally applicable exemptions from the restrictions and prohibitions set out in the above table and the conditions under which the exemption is granted.

Exemptions under this clause may be granted without a written application being made by an applicant for an exemption, and general exemptions may be amended or revoked by the Council at any time.

The following general exemptions apply to commercial operations supplied with reticulated water by Berrigan Shire Council:

PURPOSE	CONDITIONS
Finley Livestock Exchange	Paved areas may be cleaned at any time as long as: <ul style="list-style-type: none"> • the hose used is in good condition; and • water wastage is minimised.
Commercial Car Wash Facilities	An exemption to the restrictions on vehicle cleaning is available to commercial car wash facilities that have received development consent to operate. The facility must be operated in a way that minimises water wastage.
Commercial Truck Wash Facilities	Commercial truck wash facilities are exempted from the restrictions for "vehicle cleaning" as long as: <ul style="list-style-type: none"> • the hose used is in good condition; and • water wastage is minimised.



Policy

6.2.2 Applications

A person may apply to the Council for a temporary or permanent exemption from a restriction or prohibition imposed by this policy. The application must be made in writing and addressed to the Chief Executive Officer.

All applications for an exemption will be considered, and the Council may:

- grant the application in full or in part and subject to the conditions deemed appropriate; or
- refuse the application.

The exemption ends at the date or time specified in the exemption, and may be amended or revoked at any time by the Council.

6.2.3 Assessment

Exemptions will not be granted in relation to a particular restriction or prohibition unless the Council officer determining the application is reasonably satisfied that the proposed exemption is necessary to avoid:

- an inequitable and disproportionately adverse impact on the livelihood of the applicant, which would be caused by that restriction or prohibition, and is consistent with the water saving policy of the Council; or
- any adverse effect on public health or safety.

6.3 **Penalties**

Section 637 of the *Local Government Act 1993* specifies that a person who willfully or negligently wastes or misuses water from a public water supply or causes any such water to be wasted is guilty of an offence.

The penalty for an offence under this Section is set out in Schedule 12 of the *Local Government (General) Regulation 2021*. At the date this policy was adopted the penalty for an offence was \$220.

If an offence against this section is committed, the occupier of the premises on which the offence was committed is guilty of the offence as if the occupier were the actual offender unless the occupier proves that the waste or misuse constituting the offence:

- was not reasonably within the occupier's knowledge; and
- was caused by the act of the person other than a member of the occupier's household or other than a person employed on the premises by the occupier.

If the offending continues the offender may be prosecuted. At the date this policy was adopted the maximum penalty that could be issued was \$2,200 or 20 penalty units



Policy

6.4 Enforcement

Where possible, the Council will look to educate residents and businesses on the content of this policy and the need to conserve water, rather than a punitive role actively seeking out offending use.

The Council does reserve the right to issue penalty notices for repeated and/or egregious breaches of this policy.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*

7.2 Council policies and guidelines

- *Governance Policy*
- *Code of Conduct*
- *Integrated Water Cycle Management Plan*
- *Water Asset Management Plan*
- *User Fees and Charges Policy*

8. RECORDS MANAGEMENT

Recording of all information relating to this policy ...

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

9. REVIEW AND EVALUATION

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

10. DOCUMENT AVAILABILITY

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



Policy

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

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

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

Berrigan Shire Council
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BERRIGAN NSW 2712

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
2.0	15.06.2022	Minor Review	Director Infrastructure

APPENDICES

Nil

8.4 Private Employment Policy

155 Resolved Cr Taylor and Cr Hatty that the Council:

1. Revoke its Private Employment Policy adopted on 18 January 2017, and
2. Adopt the Private Employment Policy as set out below:



Policy

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PRIVATE EMPLOYMENT



Strategic Outcome:	Good government		
Policy type	Administrative		
Date of Adoption:	15 June 2022	Minute Number:	
Date for Review:	18 June 2025		
Responsible Officer:	Deputy Chief Executive Officer, Matthew Hansen		
Document Control:	Replaces Private Employment Policy adopted 18 January 2017		
Delivery Program Link:	2.1.3 Council operations and financial management support ethical, transparent and accountable corporate governance		

1. POLICY STATEMENT

Provide a brief overview of the matter to which the policy is addressed and a brief description of the policy “environment” - i.e. legislative or regulatory matters, strategic or administrative requirement

Employees of Berrigan Shire Council wishing to undertake private employment must comply with section 353 of the *Local Government Act 1993* which states:

Member of Staff (subsection 2)

“A member of staff must not engage, for remuneration, in private employment or contract work outside the service of the Council that relates to the business of Council or that might conflict with the member’s Council duties unless he or she has notified and has obtained approval from the General Manager in writing of the employment or work.”

Conflict of Duties (subsection 3)

“The General Manager may prohibit a member of staff from engaging, for remuneration, in private employment or contract work outside the service of the Council that relates to the business of the Council or that might conflict with the member’s Council duties.”

Prohibition of Staff to Engage in Private Work (subsection 4)

“A member of staff must not engage, for remuneration, in private employment or contract work outside the service of the Council if prohibited from doing so under subsection (3).” (Conflict of Duties).



Policy

2. PURPOSE

The purpose of this policy is to establish a process to allow the Council to determine if an employee's private employment complies with the *Local Government Act 1993* (the LGA) and the Council's Code of Conduct. (the "Code").

3. SCOPE

This policy applies to all staff in paid employment with the Council.

This includes:

- full-time,
- part-time, and
- casual employees.

4. OBJECTIVE

This policy is developed to assist the Council with the Delivery Program Objective 2.1.3:

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

5. DEFINITIONS

Private Employment includes the following:

- Paid work as an employee of another organisation. This includes temporary employment.
- Contract work for another organisation.
- Work, paid or otherwise, for a business owned by the employee or his/her immediate family – including work on a family farm.
- Direct sales businesses – e.g., *Tupperware*, *Avon*, etc.

Private employment does not include the following:

- Hobbies where income is a minor or secondary consideration
- Sport where payment for playing and/or coaching is minor in nature

6. POLICY IMPLEMENTATION

6.1 Request for approval

An employee wishing to engage in private employment must obtain the express, written consent of the Chief Executive Officer.

Approval for private employment must be made in writing, addressed to the Chief Executive Officer.



Policy

6.2 Determination

The Chief Executive Officer will assess the proposed private employment to determine if the proposal complies with the requirements of the LGA and the Code. Consent will only be given if the Chief Executive Officer is satisfied the private employment complies with the requirements of the Act and the Code. The Chief Executive Officer must not unreasonably withhold consent.

The employee will receive written notification of the outcome of the application from the Chief Executive Officer. The Council will maintain a register of approvals for private employment.

6.3 Withdrawal of consent

Approval for private employment may be withdrawn by the Chief Executive Officer where the Chief Executive Officer determines that the private employment no longer complies with the Act.

Approval for undertaking private employment may be affected when an employee is absent from work due to sick leave, carer's leave or workers compensation, if there is a conflict of interest arising from fulfilling the responsibility to the primary employment with the Council.

6.4 Use of Council facilities and information

Approval for private work does not create an entitlement for an employee to make use of Council resources or information where such use breaches the Code.

Employees undertaking private employment are expected to be scrupulous in their compliance with their Code of Conduct obligations regarding use of Council facilities and information.

6.5 Use of Council facilities and information

Breaches of this policy by employees will be dealt with in accordance with the Code of Conduct, i.e. staff will be disciplined in line with the provisions of the Local Government (State) Award 2020.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Local Government (State) Award 2020*

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Guidelines for the Payment of Expenses and Provision of Facilities for staff



Policy

8. RECORDS MANAGEMENT

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

9. REVIEW AND EVALUATION

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

10. DOCUMENT AVAILABILITY

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

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

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11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	18.01.2017	New Policy document	Director Corporate Services
1.1	15.06.2022	Minor review - formatting	Deputy Chief Executive Officer

APPENDICES

Nil

8.5 Undetected Leaks Policy

156 **Resolved** Cr Reynoldson and Cr Cornwell McKean that the Council:

1. Revoke its Undetected Leaks Policy adopted on 16 September 2020, and
2. Adopt the Undetected Leaks Policy as set out below:



Policy

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UNDETECTED LEAKS

Strategic Outcome:	Good government		
Policy type	Strategic		
Date of Adoption:	15 June 2022	Minute Number:	
Date for Review:	17 June 2026		
Responsible Officer:	Deputy Chief Executive Office		
Document Control:	Replaces and revokes the Undetected Leaks Policy adopted 16 September 2020		
Delivery Program Link:	3.1.4.2.1 Generate sufficient income from fees and charges to provide for the renewal of sewer, water supply and distribution assets		

1. POLICY STATEMENT

Water leaks can be undetected and cause higher than normal water consumption.

While Council is not legally required to notify ratepayers of suspected water leaks, where possible Council will notify of suspected leaks to assist ratepayers in managing water consumption and loss

Receipt of a water notice following an undetected leak can cause some ratepayers financial and emotional distress as they are often not aware there is an issue until notified by Council. Managing complaints and requests relating to water notices and undetected leaks adds to the workload of the revenue team. This policy provides a simple and easy-to-understand framework for managing water notices with undetected leaks.]

2. PURPOSE

To provide a framework for processing and assessing requests for a reduction in significantly higher water charges resulting from undetected water leaks.

The objectives of this policy are to:

1. provide some financial relief to property owners when water is lost due to an undetected leak, whilst demonstrating to property owners that they have a responsibility for maintaining their private water infrastructure and services; and



Policy

2. provide a consistent and fair approach in dealing with requests for financial relief when water is lost due to an undetected leak.

3. SCOPE

Council provides potable water to the boundary of a property; water that has subsequently passed through a metered service connection becomes the responsibility of that property owner.

This policy is not intended to provide compensation to customers for water consumption charges that occur due to an undetected water leak on their property.

However, as an act of good faith and in the interest of good public relations, Council provides a means by which some assistance for higher consumption and treatment charges may be obtained, subject to the provisions of this policy being met.

4. OBJECTIVE

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

3.1.4.2.1 Generate sufficient income from fees and charges to provide for the renewal of sewer, water supply and distribution assets

5. DEFINITIONS

Significant leak: The water consumption on the water notice issued immediately prior to or immediately after the repair being completed is 1.5 times greater than the previous three equivalent billing periods average consumption

Undetected leak: occurring within pipeline breaks or connections in the ground, under slabs or within walls, etc. and are clearly not visible to the owner

6. POLICY IMPLEMENTATION

6.1 Application

Claims for assistance under this policy must be made by application. Applications must include:

- A statutory declaration indicating:
 - the abnormally high water consumption was attributable to an undetected water leak;
 - repairs have been made in accordance with Australian Standard AS/NZS 3500;
 - a full check of internal plumbing has been made to ensure no other leaks exist; and
 - no internal plumbing is defective and requiring replacement.



Policy

- supporting documentation indicating the water leak was repaired immediately (within 30 days of a notice being issued, or after the customer learnt of its existence). Evidence may include a statement or invoice from a licensed plumber indicating the cause and location of the water leak; and
- acknowledge subsequent claims within five years under this policy will not be accepted

6.2 Eligibility

6.2.1 Eligible claims

A complying claim must meet the following criteria:

- The claimant must be the owner/s of the property for which the claim applies.
- Council must receive the claim within 30 days of the issue of the water notice being issued.
- The claim must involve a **significant leak** at the property.
- The application must involve an **undetected leak** in a pipeline.

6.2.2 Ineligible claims

The following claims will not be eligible for assistance

- Claims that are the result of a second occurrence at the same property and by the same owner regardless of whether it is a related event or separate undetected leak within five years of the first leak occurrence being determined by Council.
- Claims that are the result of a leak from an appliance, pump, hot water system, pressure release or float valves, solar panels or pool heaters, pool or pond lines or liners, taps, cisterns and other water fittings, etc. where the leak would have been reasonably detectable.
- Claims that involve a leak caused directly by way of accidental or wilful damage.
- Claims that are due to a change in consumption pattern by the occupier of the property.
- Claims that do not contain the documentation or meet the terms of a complying claim.

6.3 Assessment

6.3.1 Authority to assess and approve claims

The Revenue Coordinator will initially assess eligibility claims received under this Policy. The Revenue Coordinator will then make a recommendation to the Chief Executive Officer, who will approve the claim or otherwise.

Council will advise applicant/s in writing of the decision within 30 days of receipt of the application.

6.3.2 Eligible periods



Policy

Council will only consider adjustment to water notices issued for the billing periods immediately before and/or immediately after the leak has been detected and repaired.

It is at the discretion of the Revenue Coordinator to determine if an account warrants adjustment to more than one billing period where the applicant is unable to demonstrate definitively that a leak has occurred over more than one billing period.

6.4 Assistance

The limit of Council assistance under this policy is a 50% reduction of the volume of the estimated leak.

Assistance is calculated as the difference between the mean water consumption for the previous three equivalent billing periods and the consumption recorded on the water notice issued immediately after the repairs being completed for complying claims.

The maximum reduction offered for water consumption charges is \$2,000 in aggregate.

Council will not waive interest charges accrued on unpaid water accounts that are subject to a claim under this policy.

6.5 Reporting

Approved claims are processed as credit supplementary levies rather than write-offs in the Council's rating and charging system. That is - they are deemed to be incorrectly charged rather than waived.

Notwithstanding this, the Revenue Coordinator will report to the Council all revenue foregone as a result of this policy no less than annually.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- [Local Government Act 1993](#)
- [Australian Standard AS/NZS 3500: 2003 Plumbing and Drainage](#)

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Operational Plan and associated Schedule of Fees and Charges
- Statement of Revenue Policy
- Debt Management and Hardship Policy
- Permanent Water Saving Policy
- User Fees and Charges Policy
- Water and Sewer Supply Policy



Policy

8. RECORDS MANAGEMENT

Recording of all information relating to this policy.

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9. REVIEW AND EVALUATION

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Email: mail@berriganshire.nsw.gov.au*

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.1	15.06.2022	Minor review (detail)	Director Corporate Services

APPENDICES

Nil

8.6 Recognition of Service Policy

157 Resolved Cr Hatty and Cr Taylor that the Council:

1. Revoke its Recognition of Service Policy adopted on 16 November 2016, and
2. Revoke its Volunteer Recognition Policy adopted on 16 November 2012, and
3. Adopt the Recognition of Service Policy as set out below:



Policy

3

RECOGNITION OF SERVICE

Strategic Outcome:	Good government		
Policy type	Administrative		
Date of Adoption:	15 June 2022	Minute Number:	
Date for Review:	20 May 2026		
Responsible Officer:	Deputy Chief Executive Officer		
Document Control:	Replaces: <ul style="list-style-type: none">• Recognition of Service Policy adopted on 16 November 2016, and• Volunteer Recognition Policy adopted 16 November 2016		
Delivery Program Link:	<p>2.1.3.5 <i>Manage human resource and workforce development activities through the implementation of the Berrigan Shire's Workforce Development Plan 2017 – 2021</i></p> <p>2.1.2.1 <i>Provide facilities and support including financial to elected Council.</i></p> <p>2.1.5.1.3 <i>Continue the development of Volunteer Management system addressing workplace and health and safety issues tasks will include: Review Volunteer Policy and Procedures, Developing consultation mechanisms, Training for Volunteers</i></p>		

1. POLICY STATEMENT

This policy provides a consistent framework to allow for suitable and appropriate recognition of Councillors and long-term staff.

2. PURPOSE

The work undertaken by Berrigan Shire Council would not be possible without the loyal and dedicated service of individuals in a range of capacities, including:

- Elected members (Councillors)
- Employees
- Volunteers



Policy

As a public-facing organisation, it is important service is honoured and acknowledged in a formal and public manner.

3. SCOPE

This policy applies to Councillors, Council employees and Council volunteers

4. OBJECTIVE

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

2.1.3.5 Manage human resource and workforce development activities through the implementation of the Berrigan Shire’s Workforce Development Plan 2017 – 2021

2.1.2.1 Provide facilities and support including financial to elected Council.

2.1.5.1.3 Continue the development of Volunteer Management system addressing workplace and health and safety issues tasks will include: Review Volunteer Policy and Procedures, Developing consultation mechanisms, Training for Volunteers

5. DEFINITIONS

Service Continuous employment or service with Berrigan Shire Council. Part-time employment is counted equally as full-time service
Unpaid parental leave and leave without pay is not counted when calculating periods of service

Volunteer committee A committee of the Council established under s355 of the *Local Government Act 1993* and delegated specific Council functions, typically but not always, the care, control, and management of a Council facility

6. POLICY IMPLEMENTATION

6.1 Councillors

6.1.1 Long service

The Council will acknowledge the contribution made by long serving Councillors in the following manner.

Service	Acknowledgement
5 years	Certificate of Service



Policy

10, 15, 20 years	Certificate of Service, gift to the value of \$100
25, 30 years etc.	Certificate of Service, gift to the value of \$250

Presentation of service acknowledgements will be made at an annual function held by the Council

6.1.2 Farewell presentation

Where a person ceases to hold the office of Councillor, either through retirement or the result of an election, an appropriate ceremony will be held in their honour, including presentation of a suitable gift

6.2 **Employees**

6.2.1 Long service

The Council will acknowledge the contribution made by long serving employees in the following manner.

Service	Acknowledgement
5 years	Certificate of Service
10, 15, 20 years	Certificate of Service, gift to the value of \$100
25, 30 years etc.	Certificate of Service, gift to the value of \$250

Presentation of service acknowledgements will be made at an annual function held by the Council

6.2.2 Farewell presentation

Employees with over 20 years of service to the Council will be presented with a suitable gift to the value of \$500

20-25 years – The Council will present the gift at a Council meeting

25 years or more – The Council will present the gift at a retirement function arranged by the Council. Councillors, relevant members of staff, their spouses and partners will be invited to attend.

6.3 **Volunteers**

The Council wishes to recognise individual volunteers who have provided long service to the Council and through it, the community – as per the framework below.

6.3.1 Eligibility



Policy

Volunteers who have served for over 20 years on a volunteer committee of Council are eligible for recognition under this framework.

The Chief Executive Officer and Mayor will determine the eligibility of a volunteer for recognition. Their decision on eligibility will be based on the evidence provided by the nominator and/or the Council's records.

6.3.2 Nominations

Volunteers potentially eligible for recognition must be nominated. The Council will not routinely monitor periods of service to determine eligibility.

Nominations can be made by:

1. Councillors
2. Council staff
3. Volunteer Committees of Council

Nominations should include:

1. Term of service
2. Positions held
3. Other information that may support the recognition of the service of the volunteer

6.3.3 Recognition

The eligible volunteer will be awarded with a certificate recognising their service on behalf of the Council. The certificate will be presented by the Mayor or their delegate at a meeting of the Council.

7. **RELATED LEGISLATION, POLICIES AND STRATEGIES**

7.1 **Legislation**

- *Local Government 1993*
- *Fringe Benefits Tax Assessment Act 1986 (Cwth)*
- *Local Government (State) Award 2020*
- *Template Guidelines (2002)*

7.2 **Council policies and guidelines**

- *Volunteer Strategy*
- *Workforce Development Plan*
- *Code of Conduct*



Policy

- Governance Policy
- Councillors' Expenses and Facilities Policy
- Guidelines of the payment of expenses and provision of facilities to employees

8. RECORDS MANAGEMENT

Recording of all information relating to this policy.

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

9. REVIEW AND EVALUATION

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

10. DOCUMENT AVAILABILITY

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

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

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

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

Berrigan Shire Council
56 Chanter Street
[BERRIGAN NSW 2712](mailto:mail@berriganshire.nsw.gov.au)

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



Policy

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	15.06.2022	New Policy document – amalgamation of Councillors and Staff, and Volunteer Policies	Deputy Chief Executive Officer

APPENDICES

Nil

DRAFT

8.7 Council Operated Enterprises Policy

158 Resolved Cr Paine and Cr Taylor that the Council:

1. Revoke its Council Operated Enterprises Policy adopted on 14 December 2016, and
2. Adopt the Council Operated Enterprises Policy as set out below with an amendment to the name to be Council Operated Enterprises Policy:



Policy

50

COUNCIL-OPERATED ENTITIES

Strategic Outcome:	Good government		
Policy type	Strategic		
Date of Adoption:	15 June 2022	Minute Number:	
Date for Review:	17 June 2026		
Responsible Officer:	Deputy Chief Executive Officer		
Document Control:	Replaces the Council-Operated Entities Policy adopted on 14 December 2016		
Delivery Program Link:	2.1.1. <i>Council operations, partnerships and coordination of resources contribute toward Implementation of Berrigan Shire 2027.</i>		

1. POLICY STATEMENT

The Council is sometimes confronted with the opportunity to be involved in commercial enterprise outside its existing operations.

This may require the Council to commit its resources - labour, equipment or cash. It is important that the Council does not spread its resources too thin at the expense of its core activities. At the same time, however the Council should not close its doors to opportunities which may benefit its community.

This policy attempts to ensure that all appropriate issues are addressed when the Council is weighing up whether or not to be involved in a new or existing enterprise, either financially or in some other way.

The policy may also be useful when weighing up continuing with an existing commercial service

2. PURPOSE

The “why” question - i.e. why has this policy been developed.

The purpose of this Policy is to:

1. Improve the Council’s decision making in relation to involvement in new or existing enterprises.
2. Ensure the Council’s resources are put to the best possible use for the community.



Policy

3. Ensure Councillors are aware of the risks and likely benefits, both community and financial of any involvement or investment decision.
4. Enable the Council to distinguish between core business enterprises and non-core business enterprises.
5. Ensure that the Council receives an adequate financial return for its investment.

3. SCOPE

This policy applies to Councillors, Council staff and organizations operated by or in conjunction with the Council.

4. OBJECTIVE

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

Council operations, partnerships and coordination of resources contribute toward Implementation of Berrigan Shire 2023

5. DEFINITIONS

Commercial enterprise: An enterprise or activity operated on a systematic basis that primarily involves the provision of goods and services to the public for a fee or charge. The activity may be either a profit-making or a not-for-profit activity. The fee or charge may be paid directly by the user or by a third party

Examples of commercial enterprises currently provided by the Council include:

- Town water supply
- Waste management facilities
- Tocumwal Aerodrome

Core activity: an activity that has been traditionally undertaken by the Council and in the main funded by a Council rate or charge, or an untied grant.

Examples of core activities currently undertaken by the Council include:

- Roads and footpaths
- Stormwater drainage
- Libraries



Policy

6. POLICY IMPLEMENTATION

Where the Council is invited to be part of a new enterprise or sees an opportunity to be involved it should consider the following questions:

1. Does involvement in the enterprise align with the Council's strategic direction
2. Do the benefits of involvement outweigh the costs?
3. Is involvement in the enterprise likely to impact on core activities?
4. Will there be an impact on private operators?
5. What are the risks to the Council of involvement in the enterprise?

It should also consider the above when considering its continued involvement in existing enterprises.

6.1 Strategic direction

In consultation with the community, Berrigan Shire Council has set out its preferred strategic direction in *Berrigan Shire 2032*, its Community Strategic Plan.

Berrigan Shire 2023 was developed to provide a common lens or framework to be used by other agencies, the local community and the Council when committing to actions now and during the next ten years.

Any decisions made in respect to Council involvement in an enterprise should be considered against the strategic outcomes identified in *Berrigan Shire 2023*. The Council should only support participation in an enterprise where it can be demonstrated that it will aid in meeting its strategic outcomes.

6.2 Costs and benefits

As a rule, the Council should only be involved in activities where the benefit to the community outweighs the costs of undertaking the activity. Thus, before entering a commercial enterprise the Council will consider the related benefits and costs to the Council.

Any enterprise in which Council may be considering involvement will have a business plan which clearly shows the strategic direction of the enterprise, its market, from where income will be derived, expenditure that will be incurred and the likely impact on the community.

A cost benefit analysis should be performed, and included in the business plan, to establish that the benefits accrued will be worth the monetary outlays. Benefits to the community, both objective and subjective should be clearly stated in the report. Initial costs and recurrent costs must be considered.

6.3 Core activities

Any decision on participation in a commercial enterprise should consider the impact on the Council's core activities.



Policy

Involvement in a commercial enterprise may contribute to a core activity of the Council or be an alternate method of delivering a core Council service.

Alternatively, the commercial enterprise may be an activity outside the Council's ordinary responsibilities. In this case, the Council needs to consider the impact of any diversion of resources from its core activity to this new activity.

The Berrigan Shire Council Financial Strategy 2021 identified the following core actions relevant to Council participation in commercial enterprises:

1.3: Resist the pressure to fund services that are the responsibility of other levels of government.

1.6: Seek methods of achieving a return (or at least minimise ratepayer subsidy) on business activities such as the Finley Saleyards, Tocumwal Caravan Park and Tocumwal Aerodrome. Subsidies to programs not directly related to core Council activities should also be regularly reviewed.

2.2: Prioritise the renewal of existing assets over the development and delivery of new services.

As a rule, the Council will not become involved in new enterprises that are not part of its core business.

6.4 Impact on the private sector

The Council will not become involved in new enterprises if the community is being, and will continue to be, well served by private operators. As a general principle the Council is not in the business of competing with the private sector.

Where the Council is running a business, it will consider the provisions of the National Competition Policy and specifically in this case the principles of competitive neutrality.

The object of Competitive Neutrality is to remove any net competitive advantages or disadvantages that may be available to business activities conducted by government agencies. It is one of the principles of the National Competition Policy that applies to all levels of Government in Australia.

6.5 Risk

The Council should consider the risks inherent in participation in commercial enterprises. These risks include:

- Financial
- Public Liability
- Work Health and Safety
- Environment
- Professional Indemnity
- Community (Social/Government/Reputation)
- Legal



Policy

The Council will prepare a comprehensive risk assessment before agreeing to participate in any commercial enterprise.

When considering financial risk, as a rule the greater the expected financial return the higher the risk to be borne and Council must be mindful that it is dealing with public funds

6.6 Other considerations

Where the Council is considering investing money purely on financial grounds investments must comply with requirements of the Ministerial Investment Order and the Council's Investment Policy.

The Council should also be cognizant of s358 of the *Local Government Act* which restricts the Council's ability to participate in the formation of, or take a controlling interest, in a corporation.

The Council also needs to be aware of relevant accounting standards that may require any commercial enterprise to be consolidated and/or disclosed in the Council's financial statements.

6.7 Summary

With increasingly competing demands on its resources the Council will carefully weight up all the above factors before deciding about becoming involved in any new enterprises.

All future involvements in enterprises should be considered against all the criteria listed above. If involvement in the enterprise does not meet the requirements of any of the criteria the involvement either should not go ahead, or the issue is referred to the Council for consideration.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- Application of National Competition Policy to Local Government 1996
- Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality 1997
- Ministerial Investment Order 2011

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Berrigan Shire 2032 (Community Strategic Plan)
- Financial Strategy 2021
- Risk Management Policy and Framework
- Investment Policy
- Related Parties Policy



Policy

8. RECORDS MANAGEMENT

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

9. REVIEW AND EVALUATION

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

10. DOCUMENT AVAILABILITY

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

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

*Berrigan Shire Council
56 Charter Street
BERRIGAN NSW 2712*

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
2.0	15.06.2022	Formatting changes	Deputy Chief Executive Officer

APPENDICES

Nil

8.8 Councillor Expenses and Facilities Policy

159 Resolved Cr Marriott and Cr McNaught that the Council:

1. Revoke the Councillor Expenses and Facilities Policy adopted 18 January 2017, and
2. Noting that no submissions were received during the statutory period of public exhibition, adopt the Councillor Expenses and Facilities Policy as set out below with an amendment to section 6.9.1 Council contribution, to amend the reference to Section 245B of the Act to 254B of the Act:



Policy

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COUNCILLOR EXPENSES AND FACILITIES

Strategic Outcome:	Good government		
Policy type	Statutory		
Date of Adoption:	15 June 2022	Minute Number:	
Date for Review:	17 June 2026		
Responsible Officer:	Deputy Chief Executive Officer		
Document Control:	Replaces the Councillor Expenses and Facilities Policy adopted on 18 January 2017		
Delivery Program Link:	2.1.2.1 Provide facilities and support including financial to elected Council		

1. POLICY STATEMENT

The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Berrigan Shire Council.

The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.

The purpose of this policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.

Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties.

It ensures accountability and transparency and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.



Policy

Expenses and facilities provided by this policy are in addition to fees paid to Councillors. The minimum and maximum fees a council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

2. PURPOSE

The purpose of this policy is to clearly state the facilities and support that are available to councillors to assist them in fulfilling their civic duties.

The aims of this policy are to:

- enable the reasonable and appropriate reimbursement of expenses incurred by councillors while undertaking their civic duties
- enable facilities of a reasonable and appropriate standard to be provided to councillors to support them in undertaking their civic duties
- ensure accountability and transparency in reimbursement of expenses and provision of facilities to councillors
- ensure facilities and expenses provided to councillors meet community expectations
- support a diversity of representation
- fulfil the council's statutory responsibilities.

3. SCOPE

The policy applies to all Councillors and if appropriate any Council Administrators appointed by the Minister for Local Government

The policy does not apply to the receipt or expenditure of Councillors or Mayoral annual fees. The minimum and maximum fees a council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council annually adopts its annual fees within this set range.

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

4. OBJECTIVE

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

2.1.2.1 Provide facilities and support including financial to elected Council



Policy

5. DEFINITIONS

Accompanying person:	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor
Appropriate refreshments:	Means food and beverages, excluding alcohol, provided by council to support councillors undertaking official business
Act:	Means the <i>Local Government Act 1993</i> (NSW)
Code of Conduct:	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor:	Means a person elected or appointed to civic office as a member of the governing body of council who is not suspended, including the mayor
Chief Executive Officer:	Means the Chief Executive Officer of Council and includes their delegate or authorised representative
Incidental personal use:	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
Long distance intrastate travel:	Means travel to other parts of NSW of more than three hours duration by private vehicle
Maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1
Official business	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for council or result in a direct benefit for council and/or for the local government area, and includes: <ul style="list-style-type: none">• meetings of Council and committees of the whole• meetings of Committees facilitated by Council• civic receptions hosted or sponsored by Council



Policy

	meetings, functions, workshops and other events to which attendance by a councillor has been requested or approved by council
Professional development	means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor
RAMJO region	the local government areas included in the Riverina and Murray Joint Organisation
Regulation	Means the Local Government (General) Regulation 2005 (NSW)
Year	Means the financial year, that is the 12-month period commencing on 1 July each year

6. POLICY IMPLEMENTATION

6.1 Principles

Council commits to the following principles:

- **Proper conduct:** councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
- **Reasonable expenses:** providing for councillors to be reimbursed for expenses reasonably incurred as part of their role as councillor
- **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor
- **Equity:** there must be equitable access to expenses and facilities for all councillors
- **Appropriate use of resources:** providing clear direction on the appropriate use of council resources in accordance with legal requirements and community expectations
- **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to councillors.

6.2 Private or political benefit



Policy

Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

Private use of council equipment and facilities by councillors may occur from time to time. For example, telephoning home to advise that a council meeting will run later than expected.

Such incidental private use does not require a compensatory payment back to council.

Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of council facilities does occur, councillors must reimburse the council.

Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:

- production of election material
- use of council resources and equipment for campaigning
- use of official council letterhead, publications, websites or services for political benefit
- fundraising activities of political parties or individuals, including political fundraising events.

6.3 General Expenses

All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.

Expenses not explicitly addressed in this policy will not be paid or reimbursed.

6.4 Specific Expenses

6.4.1 General travel arrangements and expenses

All travel by councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.

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

Each councillor may be reimbursed up to a total of \$2,000 per year, and the Mayor may be reimbursed up to a total of \$4,000 per year, for travel expenses incurred while undertaking official business or



Policy

professional development or attending approved conferences and seminars within the RAMJO region. This includes reimbursement:

- for public transport fares
- for the use of a private vehicle or hire car
- for parking costs for Council and other meetings
- for tolls
- by Cabcharge card or equivalent
- for documented ride-share programs, such as Uber, where tax invoices can be issued

6.4.2 Motor vehicle

Where possible, a Council vehicle will be made available to Councillors traveling to events within 200km of the Shire.

Where this is not possible, allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.

If a 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.

Councillors seeking to be reimbursed for use of a private vehicle must provide a claim form recording the date, distance and purpose of travel being claimed.

6.4.3 Interstate and long-distance intrastate travel expenses

Given Berrigan Shire's location, travel to Victoria and the Australian Capital Territory will not be considered interstate travel for the purposes of this policy

Total interstate, and long-distance intrastate travel expenses for all councillors will be capped at a maximum of \$5,000 per year. This amount will be set aside in Council's annual budget.

Councillors seeking approval for any interstate and long-distance intrastate travel must obtain the approval of the Council via resolution prior to travel. If this is not possible then the approval should be given jointly by the Mayor and the Chief Executive Officer. If the Mayor requires approval to travel outside of Council meetings it should be given jointly by the Deputy Mayor and the Chief Executive Officer.

For interstate and long-distance intrastate journeys by air, the class of air travel is to be economy class.



Policy

Bookings for approved air travel are to be made through the Chief Executive Officer's office.

For air travel that is reimbursed as council business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

6.4.4 Overseas travel

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-imbusement of overseas travel expenses that have not previously been authorised will not be permitted.

Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel.

The case should include:

- objectives to be achieved in travel, including an explanation of how the travel aligns with current council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the councillor's civic duties
- who is to take part in the travel
- duration and itinerary of travel
- a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.

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.

For international travel, the class of air travel is to be economy.

6.4.5 Travel expenses not paid by the Council

Council will not pay any traffic or parking fines for any Councillor, whether on Council business or otherwise.

Council will not pay or reimburse any administrative charges for road toll accounts.

6.4.6 Extending travel arrangements



Policy

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 Chief Executive Officer.

In such instances Councillors should recognise 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

6.4.7 Accommodation and meals

Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the RAMJO region.

In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the Chief Executive Officer. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the councillor lives more than 50 kilometres from the meeting location

The daily limits for accommodation and meal expenses are detailed in Appendix A of this policy.

Councillors will not be reimbursed for alcoholic beverages.

6.4.8 Refreshments for Council-related meetings

Appropriate refreshments will be available for Council meetings, Council committee meetings, Councillor briefings, approved meetings and engagements, and official council functions as approved by the Chief Executive Officer.

As an indicative guide for the standard of refreshments to be provided at Council related meetings, the Chief Executive Officer must be mindful of Appendix A of this policy.

6.4.9 Professional development

Council will set aside \$5,000 per councillor annually in its budget to facilitate professional development of councillors through programs, training, education courses and membership of professional bodies. This will be informed by the Councillor Induction and Professional Development Policy. With the express permission of the Councillors involved, the Chief Executive Officer may reallocate unspent professional development allowance between Councillors.



Policy

In the first year of a new council term, Council will provide a comprehensive induction program for all councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.

Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the councillor's civic duties, the councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.

Approval for professional development activities is subject to a prior written request to the Chief Executive Officer outlining the:

- details of the proposed professional development
- relevance to council priorities and business
- relevance to the exercise of the councillor's civic duties.

In assessing a councillor request for a professional development activity, the Chief Executive Officer must consider the factors set out above, as well as the cost of the professional development in relation to the councillor's remaining budget.

6.4.10 Conferences and seminars

Council is committed to ensuring its councillors are up to date with contemporary issues facing council and the community, and local government in NSW.

Council will set aside a total amount of \$5,000 annually in its budget to facilitate councillor attendance at conferences and seminars. This allocation is for all councillors. The Chief Executive Officer will ensure that access to expenses relating to conferences and seminars is distributed equitably.

Approval to attend a conference or seminar is subject to a written request to the Chief Executive Officer. In assessing a Councillor request, the Chief Executive Officer must consider factors including the:

- relevance of the topics and presenters to current council priorities and business and the exercise of the councillor's civic duties
- cost of the conference or seminar in relation to the total remaining budget.

Travel to a conference or seminar outside the local area must be approved by the Council as per section 6.4.3 above. Where approved, Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the Chief Executive Officer.



Policy

Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to section 6.4.7 above.

This policy provides approval for attendance and travel for the following conferences:

Local Government New South Wales Annual Conference

- Mayor
- Deputy Mayor
- Chief Executive Officer
- One other Councillor nominated by the Council

Australian Local Government Association National General Assembly

- Mayor
- Chief Executive Officer
- One other Councillor nominated by the Council

National Roads Congress

- Director Infrastructure
- One Councillor nominated by the Council

6.4.11 Corporate workshop

The Council will hold annually a Corporate Workshop. The purpose of the Corporate Workshop is to provide an opportunity for Councillors and management to collaborate on the Council's strategic direction and propose and discuss specific projects and activities.

Where the Council conducts this Corporate Workshop at a location more than 100km from Berrigan Shire, it shall provide accommodation on the evening before and each day of attendance, or as appropriate within these guidelines

6.4.12 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



Policy

- The Councillor receives an official invitation to attend a function organised 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, a raffle ticket, or some other private benefit.

When Councillors' spouses/partners are invited guests within the local government area or a neighbouring local government area and the Mayor or Council is invited to host a table at a dinner or similar event, for fundraising, community or charitable purposes, attendance costs for Councillors and their spouses/partners will be paid by Council. Individual Councillor requests for specific events must be approved by the Mayor and Chief Executive Officer (or the Deputy Mayor in the Mayor's absence)

6.4.13 Spouse or accompanying person expenses

As a general rule, spouse and accompanying person expenses at conferences will not be reimbursed.

However, there may be limited instances where certain costs incurred by the Councillor on behalf of their spouse, partner or accompanying person are properly those of the Councillor in the performance of his or her functions (hence they are properly incurred by, and reimbursable to the Councillor). An example of this is an accompanying person providing carer support to the Councillor.

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. Peripheral expenses incurred by partners are not considered reimbursable expense

6.4.14 Information and Communications Technology (ICT) expenses

Council will provide each Councillor with facilities to allow them to undertake their civic duties.

Should a Councillor not wish to make use of these facilities, the Council will reimburse the actual out-of-pocket ITC expense for the Councillor up to a cap of \$1,000 per annum per Councillor.



Policy

The Council will not reimburse Councillors for the use of their home or business internet connection on Council business.

6.4.15 Special requirement and carer expenses

Council encourages wide participation and interest in civic office. It will seek to ensure council premises and associated facilities are accessible, including provision for sight or hearing-impaired Councillors and those with other disabilities.

Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.

In addition to the provisions above, the Chief Executive Officer may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.

Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$4,000 per annum for attendance at official business, plus reasonable travel from the principal place of residence.

Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.

In the event of caring for an adult person, Councillors will need to provide suitable evidence to the Chief Executive Officer that reimbursement is applicable. This may take the form of advice from a medical practitioner.

6.4.16 Home office expenses

Council will provide all required stationery and print any documents required for the performance of a Councillor's civic duties. As such the Council will not reimburse the costs of a Councillor operating a home office.

6.5 **Insurances**

Councillors will receive the benefit of insurance cover to the limit specified in the Council's insurance policies for the following matters arising out of the performance of their civic duties and/or exercise of their council functions.



Policy

All insurances are to be subject to any limitations or conditions set out in the Council's policy of ins. Council shall pay the insurance policy excess in respect of any claim accepted by council's insurers, whether defended or not.

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.

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, misstatement, misleading statement, misleading conduct, omission, neglect or breach of duty made, committed, attempted or allegedly made, committed or attempted by the insured person.

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. This cover also extends to journey insurance, covering councillors travelling for council business including interstate or overseas travel.

Motor Vehicle - 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. Council's motor vehicle insurance does not cover loss or damage of non-Council vehicles used on Council business.

6.6 Legal assistance

Council may, if requested, indemnify or reimburse the reasonable legal expenses of:

- a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the councillor
- a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the councillor
- a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.

In the case of a Code of Conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the Chief Executive Officer to a conduct reviewer and



Policy

the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.

Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.

Council will not meet the legal costs:

- of legal proceedings initiated by a Councillor under any circumstances
- of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
- for legal proceedings that do not involve a Councillor performing their role as a councillor.

Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a council meeting prior to costs being incurred.

6.7 Facilities

6.7.1 General facilities

Council will provide the following facilities to councillors to assist them to effectively discharge their civic duties:

- personal protective equipment for use during site visits
- a name badge which may be worn at official functions, indicating that the wearer holds the office of a councillor and/or mayor or deputy mayor.

Councillors may book meeting rooms for official business at the Council administration office or the Berrigan Shire Library Service libraries at no charge. Rooms may be booked through the Chief Executive Officer's Personal Assistant.

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.

6.7.2 Information and Communication Technology

The Council will make available for each Councillor for use on official Council business.



Policy

- a mobile telephone of a standard equivalent to those provided to Council staff members, and
- one of the following:
 - a laptop computer
 - a "tablet" device (an iPad or equivalent)

The mobile telephone will be provided with a sim card and data plan sufficient to allow each Councillor to undertake their civic duties. Other ancillary devices such as cases, keyboards, mouses etc. will be provided as required.

Council will provide technical support for Councillors using these devices during normal working hours. Such support will be limited to use of the devices for official Council business only. Support can be requested via the Information and Communication Technology Coordinator.

Usage of ICT equipment supplied by Council is in accordance with Council's ICT policies, including:

- Communication Devices and the Internet Policy
- Social Media Policy
- Access Control Policy

6.7.3 Stationery

Council will provide the following stationery to councillors each year:

- a diary of a type and standard prescribed by the Chief Executive Officer. The standard will be equivalent to diaries supplied to Council staff members
- Business cards

6.7.4 Administrative support

Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support will be provided by the Chief Executive Officer's Personal Assistant or by a other members of council's administrative staff as arranged by the Chief Executive Officer or their delegate.

As per Section 6.2 above, Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

6.7.5 Vehicles



Policy

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 through the Chief Executive Officer's Personal Assistant.

6.7.6 Employee Assistance Program (EAP)

Councillors are provided with access to Council's EAP. The EAP is a program designed to provide independent and confidential counselling support with an external provider, for those experiencing difficulties in their lives. The EAP is free of charge for access to three sessions in a calendar year.

6.8 **Mayoral facilities**

6.8.1 Vehicle

This section is to be read in conjunction with Council's general policy and in particular the Council's policy – 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.

The Mayor must keep a logbook setting out the date, distance and purpose of all travel. This must include any travel for private benefit. The logbook must be submitted to council on a monthly basis

6.9 **Superannuation**

6.9.1 Council contribution

The Council will make superannuation contributions for Councillors as per Section 245B of the Act.

6.9.2 "Salary" Sacrifice

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.



Policy

6.10 Recognition of service

Councillors with qualifying service will be recognised with an appropriate function and/or gift as per the Council's Recognition of Service Policy

6.11 Processes

6.11.1 Approval, payment and reimbursement

Expenses should only be incurred by councillors in accordance with the provisions of this policy.

Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.

Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:

- local travel relating to the conduct of official business
- carer costs

Final approval for payments made under this policy will be granted by the Chief Executive Officer or their delegate.

6.11.2 Direct payment

Council may approve and directly pay expenses. Requests for direct payment must be submitted to the Finance Manager for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

6.11.3 Reimbursement

All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the Finance Manager

6.11.4 Prepaid debit cards

Council may provide a prepaid debit card for Councillors attending approved conferences, seminars or professional development.

The maximum value of a prepaid debit card is \$100 per day of the conference, seminar or professional development to a maximum of \$500.



Policy

Requests for a prepaid debit card can be made through the Chief Executive Officer's Personal Assistant.

Councillors must return the prepaid debit card and fully reconcile all expenses against the prepaid debit card within 14 days of returning home.

6.11.5 Notification

If a claim is approved, council will make payment directly or reimburse the Councillor through accounts payable.

If a claim is refused, council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

6.11.6 Reimbursement to Council

If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:

- Council will invoice the councillor for the expense
- the Councillor will reimburse Council for that expense within 14 days of the invoice date.

If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the Chief Executive Officer. The Chief Executive Officer may elect to deduct the amount from the councillor's allowance.

Unless otherwise specified in this policy, councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

6.11.7 Disputes

If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the Chief Executive Officer.

If the Councillor and the Chief Executive Officer cannot resolve the dispute, the councillor may submit a notice of motion to a council meeting seeking to have the dispute resolved.

6.11.8 Return or retention of facilities

All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.



Policy

Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make application to the Chief Executive Officer to purchase any such equipment. The Chief Executive Officer will determine an agreed fair market price or written down value for the item of equipment.

The prices for all equipment purchased by Councillors under Clause 13.2 will be recorded in Council's annual report

6.11.9 Reporting

Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.

Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a council meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

6.11.10 Breaches

Suspected breaches of this policy are to be reported to the Chief Executive Officer.

Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

6.11.11 Audit

The Council will request the Audit Risk and Improvement Committee include a review of expenses and facilities provided to Councillors in their audit work plan at least once each term of Council.

7. **RELATED LEGISLATION, POLICIES AND STRATEGIES**

7.1 **Legislation**

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- *Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009*
- *Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities*
- *Local Government Circular 05-08 legal assistance for Councillors and Council Employees.*



Policy

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Councillor Induction and Professional Development Policy
- Councillor and staff Interaction Policy
- Private use of Motor Vehicles Policy
- Drug and Alcohol-free Workplace Policy
- Employee Assistance Policy
- Communication Devices and the Internet Policy
- Social Media Policy
- Access Control Policy

8. RECORDS MANAGEMENT

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

9. REVIEW AND EVALUATION

Within the first 12 months of each term, Council must adopt this policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to Councillors in relation to discharging the functions of civic office. Council may amend the policy at any time under section 252 of the *Local Government Act 1993* (the Act).

Council must give public notice of its intention to adopt or amend the policy allowing at least 28 days for the making of public submissions. Before adopting or amending the policy, Council must consider any submissions made during the notice period and make any appropriate changes to the draft policy or amendment.

Council need not give public notice of a proposed amendment to the policy if it considers the proposed amendment is not substantial.

Council must comply with the above requirements when proposing to adopt a policy in accordance with Section 252 (1) of the Act even if Council proposes to adopt a policy that is the same as the existing policy.

10. DOCUMENT AVAILABILITY



Policy

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

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

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

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

Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
2.0		New Policy document	Director Corporate Services
2.1	15.06.022	Draft following SPW	Deputy Chief Executive Officer



Policy

APPENDICES

APPENDIX A - MONETARY LIMITS FOR REIMBURSEMENT

Section Name	Expense Type	At Cost	Limit Amount	Comment
Conferences *Including Travel and accommodation	Registration Costs	Actual	Costs of conferences will be detailed in 6 monthly Conference reports presented to Council	All conference attendance approved by Mayor and Deputy Mayor. Conference report to be provided to Council for noting.
Travel	Air travel Rail travel Taxi Bus Parking	Actual	Within reason	Travel arrangements must be approved by the Chief Executive Officer. See Details for travel arrangements also General travel arrangements
Accommodation and meals	Actual up to daily limit	Actual up to daily limit	1. \$500 per night 2. \$400 per night 3. \$300 per night	1. State Capital Cities and Canberra 2. Regional Cities (e.g. Orange, Bathurst, Wallangong, Coffs Harbour). 3. Country.
Accompanying person expenses	Carer or spouse acting as carer	Actual	Reimbursement request to be approved by the Chief Executive Officer.	See Care and Other Related Expenses
Attendance at non-Council functions	Cost of service provided	Actual	None	No payment shall be reimbursed for any component of a ticket which 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.
Care and Other Related Expenses	Personal care or childcare expenses up to four hours	Actual	\$150 daily \$4,000 annually	See Special Requirement and Carer Expenses
Spouse and Partner Expenses	spouse/partner expenses		None/some limited instances	See Spouse and Partner Expenses



Policy

Section Name	Expense Type	At Cost	Limit Amount	Comment
Professional development	Offered by Council for the development of skills and provision of information appropriate to the role of Councillor		\$5,000 per year per Councillor	With the express permission of the Councillors involved The Chief Executive Officer may re-allocate unspent professional development allowance between Councillors.
Out of Pocket Expenses	Minor expenses incurred when on Council business.	Actual up to daily limit.	\$100 per day	Expenses in this category may include: <ul style="list-style-type: none"> • Reasonable telephone, facsimile or internet usage • Newspapers • Tolls • Reasonable refreshments Meals not included in registration fees for conference.
Use of Private Motor Vehicle	Payment	Per km allowance as defined in Clause 16(x) of the Local Government (State) Award 2020.	Under 2.5 litre 0. 68p.km. Over 2.5 litre 0. 78p.km.	See Payment of Kilometres Clause
Legal assistance for Mayor and Councillors	Cost of Service provided	As determined by Council Resolution	Determined by Council	See Legal Expenses and Obligations
Employee Assistance Program	Cost of Service Provided	Actual	Three sessions per calendar year	As per Council's Employee Assistance Policy
Laptop or Tablet Computer	Cost of Service Provided	Monthly data allowance	One per term	To support Councillor needs to cover normal Council business use. Ancillary devices such as cases, keyboards, mouses etc. will be provided as required.
Mobile telephone	Cost of Service Provided	Monthly data allowance Monthly call allowance	One per term	To support Councillor needs to cover normal Council business use.
Use of Private Mobile Phone	Cost of service provided	At cost	\$1,000 per year	Covers use of call costs on private mobile phone for normal Council business.

8.9 Contributory Footpath and Kerb and Gutter Schemes Policy

160 Resolved Cr Hatty and Cr Paine that the Council:

1. Revoke its Contributory Footpath and Kerb and Gutter Schemes Policy adopted on 17 May 2017, and
2. Adopt the Contributory Footpath and Kerb and Gutter Schemes Policy as set out below:



Policy

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CONTRIBUTORY FOOTPATH AND KERB AND GUTTER SCHEMES

Strategic Outcome:	Sustainable natural and built landscapes		
Policy type	Statutory		
Date of Adoption:	15 June 2022	Minute Number:	
Date for Review:	17 June 2026		
Responsible Officer:	Director Infrastructure		
Document Control:	Replaces the Contributory Footpath and Kerb and Gutter Schemes Policy adopted on 17 May 2017		
Delivery Program Link:	1.3.1 Coordinate flood levee, Council road network and storm water asset management and planning		

1. POLICY STATEMENT

The infrastructure in our towns (roads, footpaths and kerb and gutters etc.) are essential for the wellbeing of our community but are often unnoticed essential infrastructure. Providing these facilities comes at a cost to the community.

Generally, these items are provided by the initial developer of the land. The cost of providing this infrastructure is then built into the price of the developed blocks. Hence, each property owner has contributed to the cost of the infrastructure outside his or her land.

Community expectations regarding infrastructure change over time. For example, most new urban sub-divisions now include kerb and gutter as standard – an item that older sub-divisions often do not have.

As our towns grow, it becomes important to link up this community infrastructure to allow the footpath and kerb and gutter network to work as it should. Installation of kerb and gutter and footpaths to fill in the "gaps" created by older sub-divisions thereby becomes necessary.

The cost of providing this infrastructure in newer sub-divisions has been borne by the property owners as outlined above, it is fair property owners in older areas contribute to the cost of new kerb and gutter and footpaths installed adjacent to their land.



Policy

The NSW government recognises this, and the *Roads Act 1993* allows for Councils to recover up to half the cost of providing infrastructure like kerb and gutter and footpaths from the adjacent landowners via a contributory charge.

All property owners are required to contribute to the cost of infrastructure passing their property, either through the initial cost of purchase or via a later contribution. The Council considers that its Half-Cost Scheme provides a simple and fair method of allocating and recovering the contribution to new infrastructure

2. PURPOSE

This Policy is intended as a procedural guide for the creation and implementation of all contributory projects for the construction of footpaths and kerb and gutter under the *Roads Act 1993* and as a guide for the equitable distribution of costs between Council and owners of abutting properties.

3. SCOPE

This policy applies to all property within Berrigan Shire.

4. OBJECTIVE

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

1.3.1 *Coordinate flood levee, Council road network and storm water asset management and planning*

5. DEFINITIONS

Affected property: A property with a boundary adjacent to the proposed works;

Front boundary: The boundary providing the main access to the affected property. In the case of dispute where a property has access across multiple boundaries, the shortest boundary will be deemed as the front boundary

Responsible Officer: The staff member appointed by the Chief Executive Officer with the responsibility for the administration of contributory footpath and kerb and gutter schemes as per this policy

6. POLICY IMPLEMENTATION

6.1 General principles



Policy

The Council recognises that often the main beneficiaries of a particular contributory scheme are not necessarily the adjacent property owners. However, there is often a strong community interest in ensuring footpath and kerb and gutter networks are linked and effective.

In implementing this policy, the Council will balance the needs of the Berrigan Shire community as a whole with the interests of affected landholders

6.2 How projects are identified

The Council will identify potential projects for contributory schemes as part of its Integrated Planning and Reporting suite of Asset Management Plans, in particular in its:

- Pedestrian Access Management Plan (PAMP), and
- Stormwater Drainage Asset Management Plan

These plans, developed in consultation with the public, will identify specific projects that are suitable to be funded via a contributory scheme.

Identified projects will then be included in the Council's Capital Works Program and Operational Plan and budget. Projects will be prioritised on the basis of risk, need and available funding

Alternatively, potential projects may be identified by the Council following requests from landholders and/or other members of the community.

6.3 How the Council will consult

6.3.1 Preliminary consultation

Following inclusion of a prospective scheme in the Council's Capital Works Program, the Council will advise landholders about the scheme in writing.

The information provided to landholders will include:

- preliminary estimates for the total cost of the works,
- method of apportionment of the cost,
- the estimated cost to owner,
- details of payment options in line with this policy, and
- a method to respond to the Council, regarding their support or otherwise for the plan

Landholders will have fourteen (14) days to provide a response to the Council.



Policy

6.3.2 Site meeting

Landholders may also request a site meeting to clarify issues raised in their response. Based on the responses, the Responsible Officer will determine if a site meeting is required

If a site meeting is held all affected landholders will be invited to attend. The Council's representatives will include at a minimum, one staff member and one Councillor. A record of the meeting will be taken.

6.3.3 Initial report

The Responsible Officer shall prepare a preliminary report to a subsequent Council meeting addressing the following where appropriate:

- background information detailing the reason for canvassing potential contributors;
- a statistical analysis of results of responses and an assessment of their substance;
- the need for the scheme considering the Council's Integrated Plans
- the likely beneficiaries of the scheme;
- options for the scope, staging and funding of the scheme;
- the preliminary estimate and the basis for apportionment;
- recommendation to the Committee for Council to either proceed with the scheme or not to proceed; and
- ongoing arrangements or liabilities for maintenance and/or reconstruction in the future.

Based on this report, the Council will decide whether to proceed with formal development of the scheme.

6.3.4 Final report and notice

Following Council's resolution to proceed with the Scheme, the final design, estimates and apportionment of costs shall be prepared by the Responsible Officer. Where the cost and/or scope of the project significantly changes from the initial estimate, the Responsible Officer will ensure landholders are advised.

The finalised scheme will be presented to a subsequent Council meeting for adoption.

After adoption by Council, all affected landholders will be given formal notice of their requirement to contribute, in accordance with all legislative requirements.

The notice shall:

- contain an outline of the proposed scheme; and
- set out the method of calculation of the estimated contribution.

In addition to the above legislative requirements the notice sent shall include:



Policy

- the name of a Council officer for contact regarding individual enquiries;
- proposed timing for works to be carried out; and
- further advice of Council's policy regarding payment options

6.4 How the Council will charge landholders

6.4.1 Allocation of costs

Contributions by landholders to the cost of eligible works under a contributory scheme will be determined on the following basis.

- The total cost of the works will be proportionately allocated across each affected property on the basis of the length of the property boundary adjacent to the works.
- Each property where the front boundary is adjacent to the works will be charged 50% of the cost allocated to the property
- Where a boundary other than the front boundary is adjacent to the works, the property will be charged 25% of the cost allocated to the property.

The Council may choose to allocate an amount less than the total cost to one or more of the affected properties. This may occur where technical issues associated with the site raise the cost of the works significantly above the normal costs incurred.

If a property has already contributed to the existing footpath and/or kerb and gutter works associated with a particular proposal, it will not be required to make a further contribution.

6.4.2 Invoicing

Once the project is complete, the Responsible Officer is authorised by the Council to arrange for invoices to be drawn up and sent to landholders based on this policy

Where the final cost is greater than 10% above the estimated cost, the Responsible Officer must seek Council approval via resolution before issuing invoices. The Council will have the discretion to charge an amount less than the actual cost, should it choose to do so.

6.5 How the Council will charge landholders

6.5.1 Charge against the land

As per legislation, the contribution will be recorded as a charge on each affected property as per unpaid rates under the *Local Government Act 1993*.

The amount of the contribution owing for the property will be included on notices provided under s603 of the *Local Government Act*.

6.5.2 Payment and collection



Policy

Affected landholders will have two options to pay the contribution owing.

- Payment in full within 30 days of the invoice being issued; or
- A repayment program over a three-year period

The repayment program will require landholders to enter into a formal agreement with the Council setting out the terms of the repayment. This agreement will require payment in full by the landholder by the due date as set on in the agreement.

Where a contribution debt is not repaid in line with the terms outlined in this policy and in the agreement, the Council will charge penalty interest at the maximum rate permitted for outstanding rates and charges by the Office of Local Government. The penalty interest charged will be backdated to the to date the invoice was initially issued.

The Council will collect outstanding contribution debt in line with established debt collection procedures. Landholders may make application for consideration under the Council's Financial Hardship Policy.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Roads Act 1993*
- *Privacy and Personal Information Act 1998*

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Pedestrian Access Management Plan
- Stormwater Drainage Asset Management Plan
- User Fees and Charges Policy
- Collection Policy
- Financial Hardship Policy

8. RECORDS MANAGEMENT

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

9. REVIEW AND EVALUATION



Policy

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

10. DOCUMENT AVAILABILITY

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

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

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

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

Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	17.05.2017	New Policy document	Director Technical Services
2.0		Minor review (detail)	Director Corporate Services

APPENDICES

Nil

8.10 Mayoral and Councillor Allowances

161 Resolved Cr Cornwell McKean and Cr Taylor that the Council adopt the following Mayoral and Councillor allowances effective from 1 July 2022:

Mayoral allowance:	\$27,600
Councillor allowance:	\$12,650

Division:

In Favour Crs Hannan, McNaught, Cornwell McKean, Reynoldson, Taylor, Paine and Marriott

Against Cr Hatty

8.11 Superannuation for Councillors

162 Resolved Cr Cornwell McKean and Cr Paine that the Council make superannuation contributions for Councillors as per s254B of the *Local Government Act 1993*, effective from 1 July 2022.

8.12 Mary Lawson Wayside Rest – Final Draft Design Concept

163 Resolved Cr Paine and Cr McNaught that the Council adopt the final draft concept design as attached as “**Appendix 8.12-A**” to this report.

The meeting adjourned for morning tea at 10:24am.

The meeting reconvened at 10:39am.

8.13 Request for Financial Assistance – Tocumwal Lions Community Hostel

Moved Cr Hatty and Cr Paine that the Council inform Tocumwal Lions Community Hostel:

1. The Council supports the installation of a concrete pad on the nature strip adjacent to the entrance of Tocumwal Lions Community Hostel, subject to the pad being constructed in line with the Council’s Road Opening Policy.
2. The Council will not provide financial assistance for the installation of this concrete pad.

The motion was lost.

164 **Resolved** Cr Hatty and Cr Cornwell McKean that the Council inform Tocumwal Lions Community Hostel:

1. The Council supports the installation of a concrete pad on the nature strip adjacent to the entrance of Tocumwal Lions Community Hostel, subject to the pad being constructed in line with the Council's Road Opening Policy.
2. The Council provide financial assistance to the value of \$1,500 for the installation of this concrete pad.

8.14 Finley Railway Park Committee of Management

165 **Resolved** Cr Marriott and Cr Paine that the Council consult with the Finley Railway Park Committee of Management regarding a change in structure of the Committee and why

8.15 Tocumwal Chamber of Commerce – Request for Ongoing Rental and Other Assistance

166 **Resolved** Cr Marriott and Cr Paine that the Council note this report.

8.16 Procurement and Disposal Framework

167 **Resolved** Cr Hatty and Cr Marriott that the following Policies be deferred to the Strategic and Policy Workshop in July for review:

- a. Procurement and Disposal Policy adopted 15 March, 2017;
- b. Tender Policy adopted 17 July, 2019;
- c. Disposal Policy adopted 15 March, 2017;
- d. Local Preference Policy adopted 15 March, 2017; and

8.17 Development Determinations for Month of May 2022

168 **Resolved** Cr Marriott and Cr Paine that the Council note this report for Development Determinations for the Month of May 2022.

8.18 Active Ageing and Disability Inclusion Action Plan 2022 - 2026

- 169 **Resolved** Cr Hatty and Cr Reynoldson that the Council adopt as its Disability Inclusion and Action Plan (DIAP) the Council's Active Ageing and Disability Inclusion Action Plan 2022 – 2026 attached as "**Appendix 8.18-A**"

8.19 Customer Service Charter

- 170 **Resolved** Cr Hatty and Cr Cornwell McKean that the Council adopt the Customer Service Charter attached as "**Appendix 8.19-A**".

8.20 Child-Safe Policy and Framework

- 171 **Resolved** Cr Hatty and Cr Marriott that the Council:
1. Revoke the Child Protection Policy dated 18 November, 2020; and
 2. Adopt the Child Safe Policy and Framework included as below:



Policy

37

CHILD-SAFE POLICY AND FRAMEWORK

Strategic Outcome:	Supported and engaged communities	
Date of Adoption:	15 June 2022	Minute Number:
Date for Review:	18 June 2025	
Responsible Officer:	Enterprise and Risk Manager	
Document Control:	Replaces and revokes the Child Protection Policy 18 November 2020	
Delivery Program Link:	3.1.1.1 Support and promote the healthy development and wellbeing of children and young people	

1. POLICY STATEMENT

Berrigan Shire Council is committed to establishing and promoting a child safe organisation in accordance with the *Children's Guardian Act 2019*, and the Child Safe Standards. This Child Safe Framework (the Framework) is designed to provide guidance for all staff and volunteers around what is required to ensure:

- Conditions are created which reduce the likelihood of children being harmed;
- Conditions are created that increase the likelihood of identifying and reporting harm;
- Appropriate responses are made towards disclosures, allegations and suspicions of harm

2. PURPOSE

The Framework is designed to provide guidance for all Council workers, working with children, around what is required to ensure Berrigan Shire Council is providing a safe environment for children and young people and is meeting the requirements under the *Children's Guardian Act 2019*



Policy

3. SCOPE

This Framework relates to all contractors, volunteers and employees of the Berrigan Shire Council. Specifically, those workers who work within close proximity to children.

4. DEFINITIONS

- Children** are people aged under 18 years or a person apparently less than 18 years of age if the person's age cannot be proved.
- Child Safe Standards** are ten standards recommended by the Royal Commission following their inquiry into institutional responses to child sexual abuse and other related matters. Each standard is principle-based and focused on the outcome that the organization is seeking to achieve by implementing child safe strategies.
- Emotional abuse** is not a one off incident but rather a pattern of behaviour over a period. It affects a child's emotional, social, cognitive and intellectual development. It can include persistent behaviour by adults such as rejection, isolation, ignoring, hostility, yelling, criticism or exposure to family violence. It is the most common type of abuse experienced by children and is likely to be present alongside physical and sexual abuse.
- Family violence exposure** is when a child hears or sees a parent, sibling or other family member experience physical, sexual or emotional abuse. It could also be when a child sees the outcomes from the violence such as physical injuries to a person or damage to property.
- Neglect** is the failure to provide the basic necessities for emotional and physical development and wellbeing of a child. This includes food, safe and hygienic housing, appropriate clothing, access to medical treatment, personal hygiene and adequate supervision.
- Physical abuse** is when a child experiences deliberate physical injury or trauma. Most commonly it includes hitting but can also be biting, shaking, burning or poisoning. Under the Children's Guardian Act 2019, an assault can occur when a person intentionally or recklessly (i.e. knows the assault is possible but ignores the risk):



Policy

- Applies physical force against a child without lawful justification or excuse – such as hitting, striking, kicking, punching or dragging a child (actual physical force); or
- Causes a child to apprehend the immediate and unlawful use of physical force against them – such as threatening to physically harm a child through words and/or gestures and regardless of whether the person actually intends to apply any force (apprehension of physical force).

Reportable Conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded –

(a) a sexual offence – a sexual offence is an offence of a sexual nature under a law of NSW, another state/territory, or the Commonwealth committed against, with or in the presence of a child, such as:

- sexual touching of a child;
- a child grooming offence;
- prediction, dissemination or possession of child abuse material.

An alleged sexual offence does not have to be the subject of criminal investigation or charges for it to be categorised as a reportable allegation of a sexual offence.

(b) sexual misconduct – the Children’s Guardian Act 2019 defines sexual misconduct to mean any conduct with, towards or in the presence of a child that is sexual in nature (but is not a sexual offence) and provides the following example:

- descriptions of sexual acts without a legitimate reason to provide the descriptions;
- sexual comments, conversations or communications;
- comments to a child that express a desire to act in a sexual manner towards the child, or another child.

(c) ill-treatment of a child – is conduct towards a child that is:

- unreasonable; and
- seriously inappropriate, improper, inhuman~~e~~ or cruel



Policy

Ill-treatment can include a range of conduct such as making excessive or degrading demands of a child; a pattern of hostile or degrading comments or behaviour towards a child; and using inappropriate forms of behaviour management towards a child.

(d) neglect of a child – means a significant failure – by a person with paternal responsibility for the child, or an authorised carer or an employee if the child is in the employee’s care – to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child that causes or is likely to cause harm to the child.

(e) Neglect can be an ongoing situation of repeated failure by a caregiver to meet a child’s physical or psychological needs, or a single significant incident where a caregiver fails to fulfil a duty or obligation, resulting in actual harm to a child or where the failure is likely to cause harm. Examples of neglect include failing to protect a child from abuse and exposing a child to a harmful environment.

(f) an offence under section 43B or 316A of the Crimes Act 1900:

“Failure to reduce or remove risk of child becoming victim of child abuse”

“Concealing a child abuse offence”

Sexual abuse

is when an adult, child or adolescent uses their power and authority to involve a child in sexual activity. Sexual activity includes sexual intercourse and also a range of sexual behaviours that can be physical, verbal or emotional.

Worker

The Council will use the same definition under the Work Health and Safety Act 2011, and includes a person who carries out work in any capacity for the Council including work as an employee, volunteer, contractor, sub-contractor, work experience student or trainee, but for the purposes of this Framework also extends to Councillors.

5. POLICY IMPLEMENTATION

The Council has four objectives for ensuring the Child Safe Standards are adopted and used to guide decision making. These are:



Policy

1. All Council workplaces and events where children are present and encouraged to participate will be managed in accordance with the Child Safe Standards;
2. All workers involved in delivering services to children will understand their roles and expected standards of behaviour in relation to keeping children safe from all types of abuse and neglect;
3. All Council endorsed activities or events (including camps and excursions funded and/or supported by Council) will demonstrate compliance with the Child Safe Standards as a requirement to receive funding or support;
4. Existing and proposed Council facilities where children congregate, or frequent will be assessed for suitability and safety in accordance with Child Safe Standards and recommendations.

5.1 Child Safe Standards

The Child Safe Standards that make up the Framework together with examples of how we will apply these standards are listed below:

Standard	Statement	How do we do this?
Standard 1	<i>Child safety is embedded in organisational leadership, governance and culture.</i>	<i>The Council demonstrates a commitment to child safety through documentation, continuous review and improvement, behaviours and attitudes, that prioritise the safety of children</i>
Standard 2	<i>Children participate in decisions affecting them and are taken seriously.</i>	<i>Children will be consulted and encouraged to put their views forward on Council projects and services that affect them and their families</i>
Standard 3	<i>Families and communities are informed and involved.</i>	<i>Information around the Council's child safe practices are promoted and made available through a variety of mediums, and feedback reviewed and enacted where appropriate</i>



Policy

Standard	Statement	How do we do this?
Standard 4	<i>Equity is upheld and diverse needs are taken into account.</i>	<i>Diversity and inclusion will be considerations with Council projects and services; Staff will be trained to recognise and understand and respect the diverse needs of children, and adapt services accordingly</i>
Standard 5	<i>People working with children are suitable and supported.</i>	<i>Recruitment of workers working with children will emphasise child safety; Appointment will require probity checks and induction around child safety procedures</i>
Standard 6	<i>Processes to respond to complaints of child abuse (or other concerns) are child-focused.</i>	<i>Specific procedures in accordance with the Office of the Children’s Guardian Reportable Conduct Scheme, and Mandatory Reporting under the Crimes Act 1900 are compliant and child-focused.</i>
Standard 7	<i>Staff are equipped with the knowledge, skills and awareness to keep children safe, through continual education and training.</i>	<i>All staff working with children will be required to undergo training to equip them with the knowledge required to enact the Child Safe Standards, and will be required to continually refresh their knowledge</i>
Standard 8	<i>Physical and online environments minimise the opportunity for abuse or other kinds of harm to occur.</i>	<i>Risks associated with physical and online environments are identified and mitigated where possible without compromising a child’s right to privacy and healthy development</i>
Standard 9	<i>Implementation of the Child Safe Standards is continuously reviewed and improved.</i>	<i>The Council’s focus is on continual improvement. Various mechanisms are used to continuously review the processes around child safety including document review, regular meetings and customer complaint systems.</i>



Policy

Standard	Statement	How do we do this?
Standard 10	<i>Policies and procedures document how the organisation is child safe.</i>	<i>Policies and procedures supporting child safety are developed in accordance with legislation and the Child Safe Standards, under Council's Integrated Management System, and are designed to be accessible and easily understood.</i>

5.2 Risk Management

Risks associated with each standard are identified and assessed, and mitigation strategies established in accordance with the Council's Risk Management Policy and Framework. The risks will consider gaps in current practices against the requirements under each standard, and identify strategies in accordance with legislation and best practice.

Risk assessments will also form part of ongoing reviews and continuous improvement procedures.

Identified risks and control measures will be included in the Council's corporate Risk Register.

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 Legislation

- *Children's Guardian Act 2019*
- *Child Protection (Working with Children) Act 2012*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Work Health and Safety Act 2011*
- *Crimes Act 1900*
- *Local Government Act 1993*

6.2 Council documents

- [Berrigan Shire Council Code of Conduct](#)
- [Risk Management Policy and Framework](#)
- [Berrigan Shire Council Children, Young People and Families Strategy 2020 – 2024](#)
- [Berrigan Shire Council Library Services Strategy 2016](#)

6.3 Other resources

- [A guide to the Child Safe Standards - NSW Office of the Children's Guardian](#)

8.21 Trade Waste – Finley Dairy Group

172 **Resolved** Cr Marriott and Cr Paine that the Council:

1. note this report;
2. include in the Agenda for the Extraordinary Council Meeting to be held on 22 June 2022, the business item - Development Application 186-21-DA-D3 - Milk Processing Factory for consideration.

8.22 Request for Assistance – Finley Football Netball Club

173 **Resolved** Cr Hatty and Cr Taylor that the Council support Finley Football Netball Club in hosting the 2022 Murray Football Netball League Grand Final through the following:

1. Routine maintenance of the surrounds of Finley Recreation Reserve prior to the event
2. Provision of waste management services in line with the Council's Community Assistance Policy
3. Provision of portable public toilets to a value of no greater than \$3,500.

Karina Ewer left the Council Chamber at 11:21am.

8.23 Unsolicited Proposal – 27 Davis Street, Berrigan

174 **Resolved** Cr Taylor and Cr Paine that the Council:

1. note the unsolicited proposal received for the purchase of 27 Davis Street, Berrigan from the Council
 2. assess this proposal in line with the requirements of the NSW Government's *Unsolicited Proposals Guide for Submission and Assessment* (the Guide) issued in 2017
 3. delegate the Deputy Chief Executive Officer to form a steering committee from Council staff and including one independent representative to work with the proponent on a detailed proposal as per the Guide
 4. appoint the Council as a whole as the assessment panel for the detailed proposal
 5. obtain two market appraisals for the property
-

Karina Ewer entered the meeting at 11:28am.

8.24 Berrigan Shire Council Rebrand

175 Resolved Cr Marriott and Cr Paine that the Council:

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

8.25 s335 Committees of Management – “one third” Loan and Grant Scheme

This report was provided for information only.

8.26 Tender T02-22-23 Supply of Quarry Products for the 2022/23 Financial Year

176 Resolved Cr Reynoldson and Cr Cornwell McKean that the Council:

1. Accepts all compliant tenders for the 2022-23 financial year for T02-22-23 supply of Quarry Products.
2. Sign and seal the contract documents.

8.27 Tender T03-22-23 Supply of Electrical Services for the 2022-23 Financial Year

177 Resolved Cr Cornwell McKean and Cr Hatty that the Council:

1. Accepts all compliant tenders for the 2022-23 financial year for T03-22-23 supply of Electrical Services, to be on panel of approved contractors.
2. Sign and seal the contract documents

9. NOTICES OF MOTION / QUESTIONS WITH NOTICE

9.1 Question with Notice – Fire Hazard Concerns, Barooga

- 178 **Resolved** Cr Marriott and Cr Taylor that the response to the question regarding Fire Hazard Concerns raised by Councillor Cornwell McKean be received and noted.
- 179 **Resolved** Cr Taylor and Cr Marriott that the Mayor write a letter to the relevant authority in support of Jennifer Gaylard's concerns with fire hazard.

10. CONFIDENTIAL MATTERS

Nil

11. MOTIONS WITHOUT NOTICE / QUESTIONS WITHOUT NOTICE

Cr Carly Marriott

- Update on the Finley Saleyards, communications around the ramp and the current lease
*Talking with solicitors regarding the current lease – lease expires soon
Was expecting ramp design last week – will respond to lessee regarding ramp*
- Is there room to redefine Chamber Presidents meeting?
Engaged someone to facilitate the next Chamber Presidents meeting
- Recycling in Berrigan Shire – recycling for farming properties
The Infrastructure team will bring a report to SPW
- LEP Steering Committee – able to add a youth element or representative to this?
The focus process on LEP is a statutory process. Not the appropriate forum for youth.

Cr John Taylor

- Nil

Cr Renee Paine

- Nil

Cr Roger Reynoldson

- Sportsground CCTV policy where is it at?
A draft policy to the July Strategic and Policy Workshop for Councillors to look at and then presented to the following Council meeting
- Difference of salaries
Staff to bring a report to Strategic and Policy Workshop

Cr Julia Cornwell McKean

- Update on Reconciliation Action Plan
CEO and Director Strategic Planning to block out time to work on
- Progress on Uluru Statement speaker
Haven't been able to get anyone. Have link and will take to July Strategic and Policy Workshop
- Women's mentoring program – terms of reference

Cr Sarah McNaught

- Nil

Cr Ted Hatty

- Attended the Yarrawonga to Torrumbarry River Reach Stakeholder Group meeting – looking at restoration works along the choke – stop erosion down the river
- Tocumwal future meeting – thank you, well received
- Options for playground gate – meet with contractor with experience in this space
Will organise a staff member to attend meeting with contractor and yourself
- LEP Steering Committee – can be on the Committee?
Will ensure Cr Hatty is on the list for correspondence.

Karina Ewer (Chief Executive Officer)

- Meeting with Foreshore Committee re: Town Beach
 - survey results have been published
- Sporties MOU was signed last week
- MLHD meeting
 - staff developing MOU regarding provision of key worker housing
- Freight working group meeting
- Meeting with Albury City re: governance framework
- Phone call from Planning Department
 - wanting to come out and meet with working group to assess project for RAMJO region
- Speaking at Soroptimists meeting tonight

Matthew Hansen (Deputy Chief Executive Officer)

- Expand range of agents for property sales for Lewis Crescent, Finley

Joanne Ruffin (Director Strategic Planning & Development)

- Squatters in Barooga
 - vacated property

Rohit Srivastava (Director Infrastructure)

- Environmental Engineer resigned
-

- Tender in next few weeks

12. COUNCILLOR REPORTS

12.1 Mayors Report

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

- 26/5 Sydney for Country Mayor's Association meeting, Joint Organisation's Regional Health Forum and LG Awards
- 6/6 Chamber Presidents meeting
- 6/6 Signing of lease with American Social
- Onsite meeting with Gary George with Atkinsons – Hatfield Road issues
- Online Zoom meeting with Prime 7 – Planning Portal issues
- 8/6 Tour of Barooga Aquatic and Recreation Centre – dinner with Moira Shire Council
- 9/6 Meeting in Sydney with Planning Minister and Minister for Local Government
- Murrumbidgee Local Health District (MLHD) update zoom meeting

180 **Resolved** Cr Taylor and Cr Hatty that the Mayor's Report be received.

12.2 Verbal Reports from Delegates

Cr Carly Marriott

- Foodbank was a big hit

Cr John Taylor

- Nil

Cr Renee Paine

- Nil

Cr Roger Reynoldson

- Nil

Cr Julia Cornwell McKean

- Barooga Recreation Reserve meeting
- Barooga Advancement Group Facebook page going great

Cr Sarah McNaught

- Meeting with Finley Railway Committee of Management
 - mural
 - need to communicate with committee

Cr Ted Hatty

- Nil

13. CONCLUSION OF MEETING

There being no further business, the meeting closed at 12:29pm.