



Murrumbidgee
COUNCIL

DELEGATIONS OF AUTHORITY

PART 1

DELEGATIONS FROM COUNCIL

**Adopted by resolution at
Council meeting on [Insert date]**



Index to Part 1

PREAMBLE	2
INTRODUCTION	4
DELEGATION TO COMMITTEES OF COUNCIL	5
DELEGATION TO THE MAYOR.....	6
DELEGATION TO THE GENERAL MANAGER.....	8

PREAMBLE

Section 223 of the Local Government Act 1993 (**Act**) defines:

(1) *The role of the governing body is as follows:*

- (a) *to direct and control the affairs of the Council in accordance with this Act,*
- (b) *to provide effective civic leadership to the local community,*
- (c) *to ensure as far as possible the financial sustainability of the Council,*
- (d) *to ensure as far as possible that the Council acts in accordance with the principles set out in Chapter 3 and the plans, programs, strategies and policies of the Council,*
- (e) *to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the Council,*
- (f) *to determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the Council's resources to implement the strategic plans (including the community strategic plan) of the Council and for the benefit of the local area,*
- (g) *to keep under review the performance of the Council, including service delivery,*
- (h) *to make decisions necessary for the proper exercise of the Council's regulatory functions,*
- (i) *to determine the process for appointment of the General Manager by the Council and to monitor the General Manager's performance,*
- (j) *to determine the senior staff positions within the organisation structure of the Council,*
- (k) *to consult regularly with community organisations and other key stakeholders and keep them informed of the Council's decisions and activities,*
- (l) *to be responsible for ensuring that the Council acts honestly, efficiently and appropriately.*

(2) *The governing body is to consult with the General Manager in directing and controlling the affairs of the Council.*

Section 377 of the Local Government Act 1993 (**Act**) provides:

1. *A Council may, by resolution, delegate to the General Manager or any other person or body (not including another employee of the Council) any of the functions of the Council, other than the following:*
 - (a) *the appointment of a General Manager,*
 - (b) *the making of a rate,*
 - (c) *a determination under section 549 [of the Act] as to the levying of a rate,*
 - (d) *the making of a charge,*
 - (e) *the fixing of a fee,*
 - (f) *the borrowing of money,*
 - (g) *the voting of money for expenditure on its works, services or operations,*
 - (h) *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
 - (i) *the acceptance of tenders which are required under this Act to be invited by the Council,*
 - (j) *the adoption of an operational plan under section 405 [of the Act],*
 - (k) *the adoption of a financial statement included in an annual financial report,*
 - (l) *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6 [of the Act],*
 - (m) *the fixing of an amount or rate for the carrying out by the Council of work on private land,*
 - (n) *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the Council for the carrying out of any such work,*
 - (o) *the review of a determination made by the Council, and not by a delegate of the Council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,*
 - (p) *the power of the Council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194 [of the Act],*

- (q) *a decision under section 356 [of the Act] to contribute money or otherwise grant financial assistance to persons,*
- (r) *a decision under section 234 [of the Act] to grant leave of absence to the holder of a civic office,*
- (s) *the making of an application, or the giving of a notice, to the Governor or Minister,*
- (t) *this power of delegation,*
- (u) *any function under this or any other Act that is expressly required to be exercised by resolution of the Council.*

2. *A Council may, by resolution, sub-delegate to the General Manager or any other person or body (not including another employee of the Council) any function delegated to the Council by the Director-General except as provided by the instrument of delegation to the Council.*

INTRODUCTION

In accordance with section 377 of the Act, the Council, by resolution at its meeting on **<date to be set on adoption>**, delegated its powers, authorities, duties and functions as set out in this Part 1: Delegations of Authority register to the General Manager, the Mayor and Council Committees.

All Council delegations contained in Part 1 are subject to the following limitations:

1. The delegated power, authority, duty or function being performed in accordance with Council policy;
2. The delegated power, authority, duty or function being performed in accordance with the Law;
3. Part E outlines the limitations of delegations to the General Manager.

The delegations of Council will remain in force until they are revoked or amended by a resolution of Council.

The Council notes that the General Manager may delegate his or her powers, authorities, duties and functions at his or her discretion. The General Manager's delegations to Staff will form Part 2: 'Delegations to Staff'.

DELEGATION TO COMMITTEES OF COUNCIL

Committees of Council have no delegations except for those provided by resolution of Council.

DELEGATION TO THE MAYOR

The Mayor, is delegated authority under *section 226* of the *Local Government Act 1993*, to exercise and/or perform on behalf of the Council the following powers, authorities, duties and functions:

1. Powers or Duties under Local Government Act

To give effect to the Law, Council's adopted Policies, resolutions and directions, provided that such delegation is not sub-delegated without the specific approval of Council or as prescribed under the Local Government Act.

2. Powers or Duties under other Legislation

If, under any other Act other than the Local Government Act, a function is conferred or imposed on the Mayor of Council, the function is taken to be conferred or imposed on the Council and the Mayor of the Council has delegated authority to exercise and/or perform on behalf of the Council the powers, authorities, duties and functions as prescribed under that other Act.

3. Preside at Meetings and Functions of Council

Carry out the civic and ceremonial functions of the Mayoral Office including presiding at all meetings of the Council, Committees, Community Committees and Public Meetings convened by the Council at which the Mayor is present unless the Council otherwise appoints another Councillor or person to perform this function, and ensure Council meetings are conducted efficiently, effectively and in accordance with the Act. Exercise, in cases of necessity, the policy-making functions of the governing body of the Council between Council meetings.

4. Negotiations on behalf of Council

In conjunction with the General Manager, to participate in negotiations on behalf of the Council with third parties and in connection with the sale, purchase and lease of land and buildings. This function is subject to the limitation that no contractual agreement is to be entered into without a resolution of Council.

5. Represent Council – Government and Other Forums

To represent the Council, in conjunction with the General Manager, in deputations to Government, inquires and other forums where it is appropriate that the Mayor should present the Council's position as to its local priorities.

6. Sign and Execute Documents

To sign correspondence and other documents. This function is subject to the limitation that execution of any documents under Council Seal must be carried out in compliance with Regulation 400 of the Local Government (General) Regulations 2005.

7. Media Releases

As the principal member and spokesperson for the governing body, represent the views of the Council including making Media Statements and issuing Press Releases in respect of Council Resolutions/Recommendations and decisions subject to prior consultation with the General Manager.

8. Strategic Planning and Policy

Advise, promote, consult with and provide strategic direction to the General Manager in relation to the effective, consistent implementation of the strategic plans and policies of Council.

9. Community Engagement

In conjunction with the General Manager, ensure adequate engagement opportunities and mechanisms between the Council and local community, and promote key stakeholder partnerships, to advance community cohesion and promote civic awareness.

10. Performance Management

In consultation, with the Councillors led performance appraisals of the General Manager.

11. Leave

To approve applications of leave by the General Manager.

12. Other functions

Exercise any other Council functions that Council determines.

DELEGATION TO THE GENERAL MANAGER

Functions of the General Manager

In pursuance of Section 335 of the Local Government Act 1993, the General Manager is generally responsible for the efficient and effective operation of the Council's organisation, and for ensuring the implementation, without undue delay, of decisions of the Council. The General Manager shall have the following particular functions:

- (a) to conduct the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council,
- (b) to implement, without undue delay, lawful decisions of the Council,
- (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the Council,
- (d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the Council and other matters related to the Council,
- (e) to prepare, in consultation with the mayor and the governing body, the Council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- (f) to ensure that the mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- (g) to exercise any of the functions of the Council that are delegated by the Council to the General Manager,
- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the Council,
- (i) to direct and dismiss staff,
- (j) to implement the Council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the General Manager by or under this or any other Act.

The General Manager, and in the absence of the General Manager, the Assistant General Manager, in the period of the General Manager's absence, is delegated authority under Section 377 and 378, of the Act, to exercise and/or perform on behalf of Council the powers, authorities, duties and functions of the Council, subject to the following:

1. The General Manager is restrained from carrying out any of those functions of Council excluded from delegation by operation of Section 377(1) of the Act;
2. The General Manager is entitled to carry out any functions delegated to the Council by the Director-General or the Minister, subject to any express limitations imposed by the Director General or Minister.

Specifically, Section 378 of the Act confirms delegations by the General Manager and includes:

- (1) The General Manager may delegate any of the functions of the General Manager, other than this power of delegation;
- (2) The General Manager may sub-delegate a function delegated to the General Manager by the Council to any person or body (including another employee of the Council);
- (3) Subsection (2) extends to a function sub-delegated to the General Manager by the Council under Section 377 (2).

If a function is conferred or imposed on an employee of Council under any other legislation, the function is deemed to be conferred or imposed on the Council and is delegated to the General Manager.

For the avoidance of doubt, the delegated authority conferred or imposed upon the General Manager includes the delegated functions of Council as provided in the following table and is subject to any limitations contained therein. The following table is not intended to be an exhaustive list of all powers, authorities, duties and functions delegated to the General Manager. Rather it is to be relied upon as a manual providing guidance to those most commonly relied upon powers, authorities, duties and functions.

PART A – FINANCIAL MATTERS

1.	Obtain Quotations and Authorise Purchase Orders To obtain quotations, authorise the purchase of, and issue official orders for goods, works and services required for the functioning of the Council and to incur expenditure for such goods, works and services (excluding that for the purchase of major items or works plant, and/or motor vehicles) provided that due provision has been made in the approved budget for the incurring of such expenditure or the incurring of such expenditure is otherwise authorised by Council Policy or Council resolution.
2.	Authorise Payment of Salaries and Wages To authorise the payment of salaries and wages.
3.	Payment of Contractors and Direct Creditors To approve or refuse payment to contractors and direct creditors.
4.	Sign Cheques on Council's Bank Account To sign or countersign cheques drawn on Council's bank accounts.
5.	Check and Certify the Annual Statutory Accounts To check and certify statutory accounts against the Council records.
6.	Authorise Expenditure for Urgent Works To authorise expenditure outside the budget approved by Council in order to undertake urgent works to reduce or eliminate a significant health or safety hazard.
7.	Lodgement of a Cash Bond or Bank Guarantee The authority to require the lodgement of a cash bond or bank guarantee.
8.	Overdraft Limit To negotiate Council's overdraft limit.
9.	Sale or Disposal of Materials or Equipment To sell old materials, spoilt or obsolete equipment.

10.	<p>Debt Write Off</p> <p>To authorise the writing off of uncollectible debts (for charges and sundry debtors) up to a maximum amount of (\$1000).</p>
11.	<p>Issue Accounts</p> <p>To authorise the issue of accounts for services provided by Council.</p>
12.	<p>Borrowings</p> <p>To authorise application for borrowings from financial institutions at the direction of Council and subject to a resolution of Council to approve this application.</p>
13.	<p>To Engage Consultants</p> <p>To engage consultants to assist with Council projects, subject to compliance with the Act and the Law.</p>
14.	<p>Investment of Money</p> <p>Arrange the investment of money that is not presently required by the Council in a form of investments notified by order of the Minister and published in the Government Gazette.</p>
15.	<p>Write off Accrued Interest</p> <p>Write off accrued interest on rates and charges if the payment of the accrued interest would cause hardship</p>
16.	<p>Accounts Receivable – Payment by Instalment</p> <p>To make arrangements with any ratepayer or debtor for payment to be made by reasonable and satisfactory instalments.</p>
17.	<p>Refund of Over-Payments</p> <p>To authorise the refund of all over-payments subject to appropriate certification.</p>
18.	<p>Refund of DA/Construction Certificate Application Fees</p> <p>To determine the refund of all or part of the fees paid for development or where the application is either not proceeded with or is withdrawn subsequent to assessment</p>

19.	<p>Rebate of Rates</p> <p>To grant rebates of rates to qualified rateable persons in accordance with the provisions of the Act.</p>
20.	<p>Delegation of Financial Assistance</p> <p>Council may now delegate:</p> <ul style="list-style-type: none"> • Payment of financial assistance as part of a program specified in the Council's operational plan that is not more than 5% of the Council's rates income and that applies uniformly to all persons within the Council's area or to a significant proportion of all the persons within the Council's area (s377(1A)).
PART B – STAFFING MATTERS	
1.	<p>Recruitment</p> <ul style="list-style-type: none"> • Approve or refuse the appointment, engagement, or promotion of staff, subject to compliance with section 337 of the Act for Senior Staff • Approve or refuse the use of a recruitment consultant. • Employ casuals to fill short term vacancies.
2.	<p>Payment of Benefits and Allowances</p> <p>Approve or refuse payment of allowances and employment entitlements and benefits in accordance with the Local Government (State) Award 2014 and applicable employment contracts.</p>
3.	<p>Salary Step Progressions for Staff</p> <p>Approve or refuse salary step progression for staff under the Local Government (State) Award 2014</p>
4.	<p>Dismissal of Employees</p> <p>To dismiss employees or consultants/contractors on such terms that the General Manager deems appropriate, provided that prior to the dismissal of Senior Staff the General Manager consults with Council in accordance with section 337 of the Act.</p>
5.	<p>Education Assistance</p> <p>Approve or refuse education assistance for Council employees</p>

6.	<p>Flexible Work Arrangements</p> <p>Approve or refuse flexible work arrangements.</p>
7.	<p>Report of Injury</p> <p>Approve or refuse the employer's report of injury to Council's workers compensation insurer.</p>
8.	<p>Approve Leave</p> <p>Approve or refuse leave for Council employees having due regard to the proper functioning of the Council and maintenance of appropriate levels of service to the public</p> <p>To grant special leave with pay and reasonable out of pocket expenses, in the following cases:</p> <ul style="list-style-type: none"> • Professional Body: where staff members are full members of a relevant professional body that is running a conference or meeting – a maximum of five days leave at any one time, with a maximum in any one year of 15 days; • Field Days: where it is considered that the machinery to be displayed is of some relevance to Council's operations, that Senior Staff directly associated with the purchase of Council's machinery be allowed to attend one day only; • Executive of a Professional Body: where an employee is elected to the Executive of a Professional body, special leave must fit within the parameters laid down under the Professional Body category; • Courses: Attendance at refresher courses (e.g. Management courses) to be decided by Council in each particular case • Emergency Services Leave and Defence Force Reserve Leave at the discretion of the General Manager and in accordance with legislation.
9.	<p>Travelling and Subsistence Expenses</p> <p>To approve or refuse the payment of travelling and related expenses</p>
10.	<p>Replacement of Personal Property</p> <p>To approve or refuse claims for the loss of personal property provided that such property was required for the normal performance of the employee's duties</p>

11.	<p>Employment Outside of Council</p> <p>To approve or refuse employees to engage in private employment or contract work outside of their Council employment.</p>
12.	<p>Request for Use of Council Equipment by Employees</p> <p>To determine any requests for use of Council equipment by employees.</p>
13.	<p>Use Intellectual Property created in the Course of Employment</p> <p>To refuse, approve or conditionally approve any request by an existing or previous employee of Council for the non-exclusive use of intellectual property of the Council created by the employee during the course of their employment with Council, providing there is no monetary or commercial benefit to the employee.</p>
<p>PART C – GOVERNANCE</p>	
1.	<p>Public and Media Statements</p> <p>To make or authorise public statements and issue media releases on matters involving the Council.</p>
2.	<p>Business Papers</p> <p>To determine matters which are included in Council business papers and Committee papers.</p>
3.	<p>Correspondence</p> <ul style="list-style-type: none"> • To reply to all routine correspondence that does not require the prior consideration of Council. • To exercise discretion in regard to referring correspondence to various Council officers for attention.
4.	<p>Invitation to Address Council</p> <p>To invite a group or individuals to address any Council or Council Committee.</p>
5.	<p>Public Officer</p> <p>To appoint Council's Public Officer and to direct the Public Officer in relation to functions contained within section 343 of the Act.</p>

6.	<p>Destruction of Corporate Documentation</p> <p>Authority to approve destruction of corporate documentation in accordance with the State Records Act 1998.</p>
7.	<p>Signing of Contracts and Agreements</p> <p>To sign contracts, deeds and agreements that do not require the Council Seal.</p>
8.	<p>Enter into Leases, Licences and other legal transactions</p> <p>Authority to negotiate and enter into any form of Lease or Licence or other transaction for use of land or assets, subject to compliance with the Act, and subject to the General Manager making reasonable enquiries into the appropriate payments to be made to Council and consulting with Council's solicitor to determine the appropriate format of the legal agreement.</p>
9.	<p>Public Immunisation</p> <p>To authorise and promote public immunisation campaigns and clinics</p>
10.	<p>Council Committees</p> <ul style="list-style-type: none"> • Appoint employee representatives to Council Committees • Consider and determine matters arising from the Council Committees
11.	<p>Receive and investigate complaints</p> <p>To receive complaints and authorise investigation and action to be taken by the appropriate officer in regard to any complaints or requests received by Council.</p>
12.	<p>Respond to Minister and Department</p> <p>To respond and liaise with the Minister and his/her representatives and the Department in relation to correspondence, inquiries or requests for information.</p>
13.	<p>State Emergency and Rescue Management Act 1989</p> <p>The role of Chairperson of the Local Emergency Management Committee is Peter Chudek.</p>

PART D – OPERATIONAL

1.	<p>Issue Proceedings</p> <ul style="list-style-type: none">• To initiate or carry on proceedings, to act on behalf of Council and to negotiate on matters in issue between parties, and to settle any proceedings in any Court or Tribunal, including but not limited to the Local, District or Supreme Courts of any State or Territory, any Industrial Relations Tribunal or Commission, and the Land and Environment Court;• To authorise the issue or withdrawal of any penalty infringement notices or complaint or the institution of any proceedings for the recovery of any penalty or the making of any order for or in respect of any offence, nuisance, or any other matter or thing whatsoever which the Council might be entitled to recover or seek under any Act or Regulation.• To instruct and engage Council's Solicitors and Counsel.
2.	<p>Notice of Intention and Orders</p> <p>To issue Notices of Intention to Issue Orders and Orders in accordance with the requirements of the Act and Environmental Planning and Assessment Act and all other applicable legislation.</p>
3.	<p>Determination of Development Applications (including Modification Applications)</p> <p>To determine development applications, including modification applications, and all forms of applications for approvals and certificates under all applicable legislation (limitations apply see Part E).</p>
4.	<p>Issue of Permits, Certificates or Approvals</p> <p>To approve or refuse the issue of permits, certificates and approvals for activities that are required to be regulated under the provisions of the Act and the Environmental Planning and Assessment Act 1979 or related legislation; including, but not limited to:</p> <ul style="list-style-type: none">• all building certificates, construction certificates, certificates of classifications and occupation certificates;• applications for subdivision of land (limitations apply see Part E).
5.	<p>Ministerial Delegation of Local Environmental Plan Making Decisions</p> <p>To undertake required plan making in accordance with Section 59 of the Environmental Planning and Assessment Act, and the Ministerial delegation.</p>

6.	<p>Storm Water Drainage Works</p> <p>Where the Council has approved a subdivision or development application subject to the construction of storm water drainage works that revert to the care, control and management of Council, to approve such works upon submission of all necessary plans and documentation.</p>
7.	<p>Implementation of Adopted Operational Plan</p> <p>To implement any work, service or action provided for in the adopted Management Plan without further reference to Council except for:</p> <ul style="list-style-type: none"> • the acceptance of tenders which are required under the Act to be invited by the Council, and • the determination of priorities where lump sum funding has been provided.
8.	<p>Funding Application</p> <p>Authority to sign funding applications once approved by Council.</p>
9.	<p>Provision of Witnesses and Information</p> <p>To determine the fee to be charged for the provision of Council's employees as witnesses and/or the supplying of information for Court cases.</p>
10.	<p>Removal of Derelict Vehicles</p> <p>Authority to engage contractors to remove derelict vehicles from roads, road reserves and public places.</p>
11.	<p>Approve Applications for Street Activities and Busking Permits</p> <p>Authority to approve or refuse:</p> <ul style="list-style-type: none"> • the issue of busking permits; • applications for street stalls or similar activity; • applications for the collection of money for charitable appeals or similar activity.
12.	<p>Filming/Photography in Parks, Reserves and Public Places</p> <p>To approve applications to film/photograph in Council's parks, reserves and public places subject to the conditions and fees determined by Council.</p>

13.	<p>Casual Use of Council Parks, Reserves or Council Property</p> <p>To approve or refuse applications for the casual use of parks, reserves or property in accordance with Council Policy (if any) and subject to approved fees (if any).</p>
14.	<p>Government Information (Public Access) Act 2009</p> <p>To act as Council's "principal officer" or appoint Council officer(s) to determine applications and provide information to access information in compliance with the Government Information (Public Access) Act 2009.</p>
15.	<p>To Enforce the Payment of Rates</p> <p>To issue notices under the Act for the recovery of rates.</p> <p>To approve alternative options for the collection of outstanding rates, including collection of rent in lieu of rates, issuing of proceedings, accepting exchange of land and such other alternatives available to Council under the Act.</p>
16.	<p>Rate Books</p> <p>Authority to:</p> <ul style="list-style-type: none"> • amend the rate and valuation books/records where such amendment is necessary by reason of change of ownership, occupancy or address; • raise or reduce the sum rates owing due to error; • include any land which ought to have been rated; • to write off accrued interest to a maximum of \$50; • act in accordance with the Act to manage the rate books/records and recover rates and charges owing to the Council.
17.	<p>Insurance Claims - Policy Excess</p> <p>To resolve claims on Council's behalf up to the level of the excess applicable to each insurance policy.</p>
18.	<p>Council Property – Notices to Quit</p> <p>To authorise and sign notices to quit to tenants whose rent arrears exceed four weeks, or to take such alternative action necessary to manage tenants and recover outstanding rent or payments.</p>
19.	<p>Use of Council Owned Properties</p> <p>To approve or refuse to grant Council's consent to a third party development application that may traverse or impact upon Council land.</p>

20.	<p>Maintenance and Repair of Council Properties</p> <p>To authorise repairs/maintenance of Council’s buildings, equipment and plant within the limits approved in the annual budget.</p>
21.	<p>Maintenance of Council’s Motor Vehicles and Plant</p> <p>To authorise the expenditure of funds for the repair, maintenance and replacement of Council’s plant, equipment and vehicles.</p>
22.	<p>Hire of Council Plant</p> <p>To authorise the letting or hire of any of the Council’s public works plant, machinery and equipment in accordance with rates determined by Council.</p>
23.	<p>Determination of Reserve Price and Disposal of Plant, Equipment and Vehicles by Public Auction, Tender or Trade-in</p> <p>Authority to approve a sale price for Council plant, equipment or vehicles if:</p> <ul style="list-style-type: none"> • the best offer is more than 10% below the reserve price; and • the reserve price has been set by consulting either a valuer, auctioneer, or professional book (i.e. Red Book); and • results from previous auctions for similar plant, equipment or vehicles has been considered
24.	<p>Saleyards</p> <p>To operate, manage and maintain Council’s saleyards.</p>
25.	<p>Dividing Fences</p> <p>To authorise a contribution on behalf of Council for not more than one half the cost of fencing a boundary common to land owned by Council or under the Council’s care, control and management subject to two quotations being obtained and subject to the Dividing Fences Act.</p>
26.	<p>Aerodrome/Airport</p> <p>To operate and maintain the Council aerodrome/ airport in accordance with all applicable legislative requirements</p>
27.	<p>Impounding Officer</p> <p>To exercise the powers of Council’s Impounding Officer.</p>

28.	<p>Pruning or Removal of Trees</p> <p>To approve or refuse applications from residents to prune, top, lop or remove trees either on the applicant's property or Council's property subject to the payment of any required fee, if any, and in accordance with Council's Tree Preservation Order, if any.</p>
29.	<p>Waste Management Centre (Landfill)</p> <p>To operate and maintain Council's Landfill in accordance with all applicable legislative requirements.</p>
30.	<p>Cemetery/Crematorium</p> <p>To operate and maintain Council's Cemetery/Crematorium in accordance with all applicable legislative requirements.</p>
31.	<p>Delegation of Tenders</p> <p>Council may now delegate:</p> <ul style="list-style-type: none"> • Acceptance of tenders, except for services currently provided by Council staff (s377(1)(i)).

32.	<p>Administer Functions provided by other Legislation</p> <p>To administer the provisions of the following legislation as they apply to Council:</p> <ul style="list-style-type: none"> • Community Land Development Act 1989 • Companion Animals Act 1998 • Conveyancing Act 1919 • Crown Lands Act 1989 • Government Information (Public Access) Act 2009 • Graffiti Control Act 2008 • Environmental Planning and Assessment Act 1979 • Fire Brigades Act 1989 • Fluoridation of Public Water Supplies Act 1957 • Food Act 2003 • Heritage Act 1977 • Impounding Act 1993 • Library Act 1939 • Liquor Act 2007 • Local Government Act 1993 • Protection of the Environment Operations Act 1997 • Public Health Act 2010 • Roads Act 1993 • Roads Transport (General) Act 2005 • Rural Fires Act 1997 • Privacy and Personal Information Protection Act 1998 • State Emergency and Rescue Management Act 1989 • Swimming Pool Act 1997 • The Plumbing and Drainage Act 2011 • Unclaimed Money Act 1995 • Children (Education and Care Services National Law Application) Act 2010 • Biosecurity Conservation Act 2015 & Local Land Services Act 2017 (repeals the Noxious Weeds Act 1993)
33.	<p>Road Rules</p> <p>To administer the provisions of the Road Rules 2008 and Australian Road Rules as they apply to Council, subject to any applicable standards, protocols and directions from State Government Departments and/or NSW Police.</p>
34.	<p>Parking Infringement Notices</p> <p>To issue Parking Infringement Notices</p>
35.	<p>Parking Permits</p> <p>To determine applications for parking permits.</p>

36.	<p>Temporary Road Closure</p> <p>To approve temporary road closures where:</p> <ul style="list-style-type: none"> • The temporary road closure is not more than two consecutive days; and • The Road and Maritime Service approves the Traffic Management Plan and grants a road occupancy licence (as required); and • The NSW Police approve the closure; and • The application complies with Council’s Policy.
37.	<p>Sign Adjustment</p> <p>To undertake the following sign adjustments to:</p> <ul style="list-style-type: none"> • Change old “No Standing” signs to “No Parking” signs as per the Australian Road Rules • Change existing parking restriction times • Move existing signs to a more visible location (e.g. move a sign hidden behind a tree trunk) • Install “repeater”/additional signs (e.g. where there are existing parking restrictions signs, install an additional sign in the middle to emphasise the restrictions).
38.	<p>Special Use Zones</p> <p>Authority to approve and/or refuse an application for the following Special Use Zones:</p> <ul style="list-style-type: none"> • Works Zones; • Loading Zones; • Mail Zones; • Motorcycle Parking; • Bus Zone; • Taxi Zone; • Police Vehicles Zone; • Disabled Parking; • Temporary Bus Zones (e.g. for Railway Buses); <p>Subject to consent being obtained from the NSW Police and in addition;</p> <ul style="list-style-type: none"> • in the instance of Mail Zones, consent is obtained from Australia Post; and • in the instance of Bus Zones , consent is obtained from the State Transit Authority.

39.	<p>Traffic Facilities</p> <p>To approve the installation of individual traffic facilities projects, where:</p> <ul style="list-style-type: none"> • the individual traffic facility project forms part of that financial year's Traffic Facilities Program which has previously been approved; and • Subject to consultation of local residents.
40.	<p>Warning Signs</p> <p>To approve the installation of Warning Signs as defined in applicable Australian Standards, where</p> <ul style="list-style-type: none"> • the proposed sign can be found in Section 3 Warning Signs of the Australian Standard 1742.1-1991; and • The NSW Police agree with the installation.
41.	<p>Signs across Driveways</p> <p>To approve or refuse an application for signs or line marking across a driveway, where the NSW Police agree with the approval or refusal.</p>
42.	<p>Traffic Bollards</p> <p>To approve or refuse an application for the use of traffic bollards.</p>
43.	<p>Vehicular Crossings and Footpath Restorations</p> <p>To approve or refuse the construction of vehicular crossings and/or restoration works on Council land or over Council controlled road reserves.</p>
44.	<p>Street Lighting</p> <p>To approve the installation of additional street lighting facilities and associated charges.</p>
45.	<p>Storm water Drainage Works</p> <p>To approve or refuse all connections from private property to Council's storm water systems where those works are for the sole benefit of the development and do not revert to the control and management of the Council.</p>

46.	<p>Variation of Working Hours</p> <p>To authorise a one-off variation to the restricted hours of building works where:</p> <ul style="list-style-type: none"> • urgent building works are required to be carried out; • large cranes have to stand on streets; • the loading/unloading of materials and pouring of the concrete would otherwise cause interference to traffic; and • the work requires the erection or removal of hoarding tower cranes, awnings and the like.
47.	<p>Positive Covenants, Easements and Section 88B instruments under the Conveyancing Act, 1919</p> <p>To approve and sign the grant or removal of a positive covenant or restriction contained in any positive covenant, easement and/or section 88B instrument under the Conveyancing Act 1919, in accordance with section 28 of the Environmental Planning and Assessment Act and subject to any Council Policy and the Law.</p>
48.	<p>Public Notification of Applications</p> <ul style="list-style-type: none"> • To determine whether a development application should be exempt from notification, subject to any applicable Council Policy • To determine such persons who own land or who reside in properties that may be detrimentally affected by a development and to ensure such persons are notified in accordance with any Council Policy.
49.	<p>Professional Certifications</p> <p>To approve or refuse professional certification from an Accredited Certifier in respect of Complying Development or Building Certification where that Certifier is accredited to undertake that particular type of work</p>
50.	<p>Building Professionals Act</p> <p>Authority under Section 5 of the Building Professionals Act 2009 to make a recommendation on behalf of Council in support of an application to the Board for accreditation to carry out certification work (or the renewal of accreditation) on behalf of Council.</p>
51.	<p>Work on Private Land by Agreement</p> <p>To exercise Council's power to carry out work on private land.</p>

52.	<p>Entering of Premises</p> <p>To enter, and authorise Council employees (or other persons) to enter, any premises for the purposes of enabling the Council to exercise its functions under any Act.</p>
53.	<p>Water Restrictions</p> <p>Determine Water Restrictions in accordance with NSW State Government direction</p>
54.	<p>Library Act</p> <p>To exercise all powers of Council under the Library Act</p>
55.	<p>Motor Vehicle Fleet</p> <p>To manage Council's motor vehicle fleet</p>

PART E – LIMITATIONS

56.	<p>UNDER THE LOCAL GOVERNMENT ACT 1993</p> <p>The General Manager does not have delegation under Section 186 and 187 of the Act to negotiate on behalf of Council regarding the acquisition of land without a specific Council resolution in relation to the subject land.</p>
-----	---

57.

UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

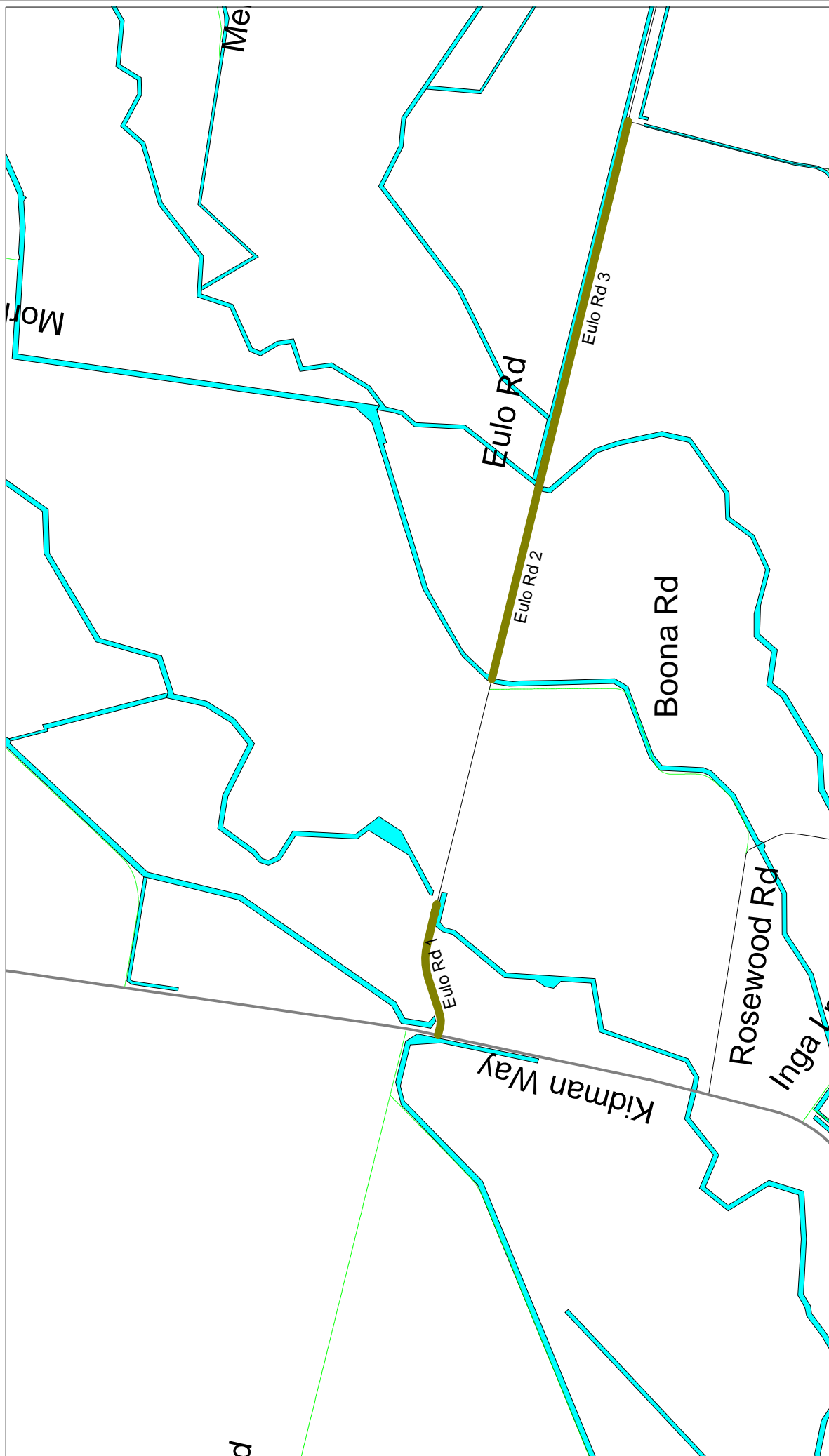
The General Manager does not have delegation to approve any applications outlined below:

1. Any Designated Development Application;
2. Any development application which is defined State Significant Development;
3. Any development application that seeks a variation to any Council policy, other than building line variations;
4. Any subdivision application to create more than 40 additional lots;
5. Any development application where the Council are the applicant, owner, or have the care and/or control of the land on which the application is proposed. (This excludes any applications which can done as Part 5 Assessments or where a Plan of Management is in place for the site and the works are included in the Plan);
6. Any development application made by staff, unless;
 - it is to be their principal place of residence; or
 - it is for additions to the applicant's principal place of residence; or
 - the application is for complying development.
7. Any development application affecting a Heritage Item listed in Jerilderie Local Environmental Plan 2012 or Murrumbidgee Local Environmental Plan 2013;
8. Any application where refusal is recommended;
9. Any application where a written objection to the proposal has been received during exhibition and/or notification.

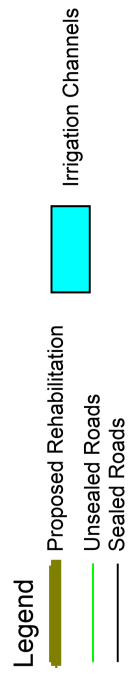
Glossary of Terms

Act	means <i>Local Government Act 1993</i>
Authority	means any Government (state or federal), Government department, statutory corporation or other body having power to legally direct the Council or its officers
Department	means the Department of Local Government, or any future department (or combined department) carrying out the functions of the present Department of Local Government for the State of New South Wales
Director-General	means the Director-General of the Department of Local Government or the Director-General of any other Government department which has the carriage of the administrative functions of the Act and the portfolio of Local Government.
Law	means the requirements of all statutes, rules, ordinances, codes, regulations, proclamations, by-laws, environmental planning instruments, directions and consents of any Authority
Minister	means the Minister for Local Government or any future title given to a ministerial position of a future New South Wales State Government portfolio that includes governance of Local Government.

Rehabilitation Eulo Road.

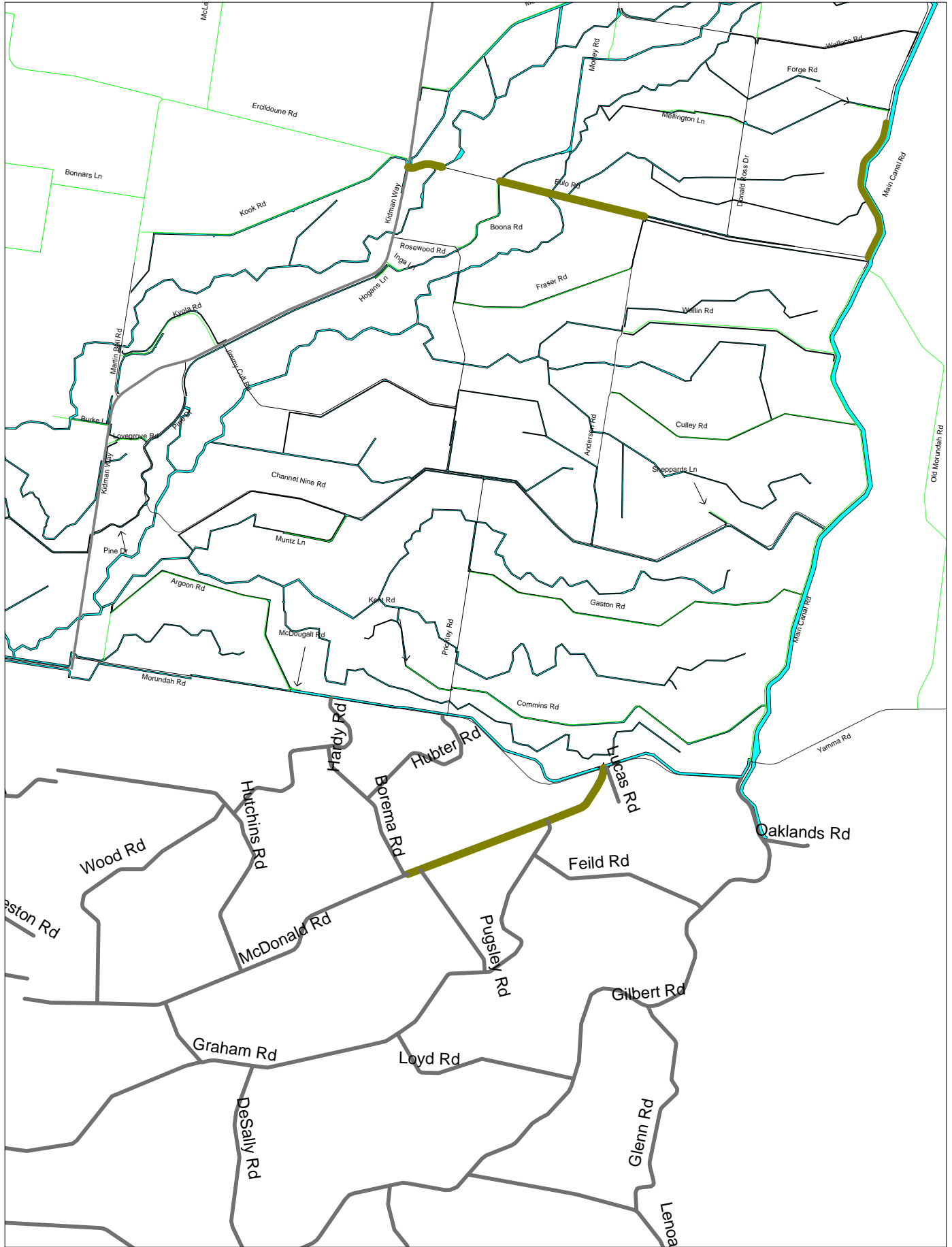


Map prepared by Stephen Goodsell August 2017
Copyright Murrumbidgee Council

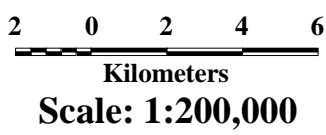


Scale: 1:50,000





Rehabilitation McDonald Road.



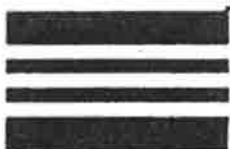
Map prepared by Stephen Goodsall August 2017
Copy right Murrumbidgee Council



Legend

-  Proposed Rehabilitation
-  Irrigation Channels
-  Unsealed Roads
-  Sealed Roads

RPI




LEASE

Real Property Act, 1900

Land Titles Office use only



Office of State Revenue use only


OFFICE OF STATE REVENUE
STAMP DUTY (N.S.W. TREASURY) P25
 1994/95
 DUTY \$ 1.00 1ST REC NO 172 8168

(A) PROPERTY LEASED

Show no more than 20 References to Title. Specify the part or premises if appropriate.

Certificate of Title Identifier 353/821532

Lot DP 46629

(B) LODGED BY

L.T.O. Box	Name, Address or DX and Telephone
REFERENCE (max. 15 characters):	

(C) LESSOR

~~MURUMBIDGEE SHIRE COUNCIL~~ **EXPERIMENTAL FARM TRUST**
(constituted pursuant to Sec. 92 Crown Lands Act, 1989)

(D) The lessor leases to the lessee the property described above subject to the following ENCUMBRANCES

1.
2.
3.
4.

(E) LESSEE

L	<p>MURUMBIDGEE SHIRE COMMUNITY EXPERIMENTAL/DEMONSTRATION FARM INCORPORATED</p> <p style="text-align: right;"><i>as joint tenants/tenants in common</i></p>
----------	--

(G) 1. TERM:

Twenty (20) years.

2. COMMENCING DATE: 1st July 1994.

3. TERMINATING DATE: 30th June 2114.

29003001

~~4. With an OPTION TO RENEW for a period of _____ set out in _____~~

~~5. With an OPTION TO PURCHASE set out in _____~~

~~6. Together with and reserving the RIGHTS set out in _____~~

7. Incorporates the provisions set out in ANNEXURE "A" hereto.

~~8. Incorporates the provisions set out in MEMORANDUM No. _____ filed in the Land Titles Office.~~

(H) We certify this dealing correct for the purposes of the Real Property Act, 1900

DATE OF EXECUTION 25/8/1994

Signed in my presence by the lessor who is personally known to me

Signature of Witness
The COMMON SEAL of MURRUMBIDGEE SHIRE COUNCIL
was hereto affixed in pursuance of a resolution
passed on the 17th day of March, 1994.
Name of Witness (BLOCK LETTERS)

M. E. Sheppard
Mayor

Address of Witness

General Manager

Murrumbidgee Shire Council appointed as Manager pursuant to Sec. 95 Crown Lands Act, 198

Signed in my presence by the lessee who is personally known to me

Signature of Witness
Name of Witness (BLOCK LETTERS)
Address of Witness

Common Seal
Signature of Lessee

(I) I solemnly and sincerely declare that the time for the exercise of the Option to Renew/Purchase in expired lease No.
has ended and the lessee under that lease has not exercised the option.
I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act, 1900.
Made and subscribed at in the State of on 19.....
in the presence of

Signature of Witness
Name of Witness (BLOCK LETTERS)
Address of Witness

Signature of Lessor

THIS IS THE ANNEXURE MARKED "A" REFERRED TO IN THE ATTACHED LEASE DATED 25/8/1994 1994 BETWEEN MURRUMBIDGEE SHIRE COUNCIL (LESSOR) AND MURRUMBIDGEE SHIRE COMMUNITY EXPERIMENTAL/DEMONSTRATION FARM INCORPORATED (LESSEE)

1. RENT

- (a) The rent for the first year of the demised term shall be One Hundred Dollars (\$100.00), for the second year Two Hundred Dollars (\$200.00), for the third year Three Hundred Dollars (\$300.00), for the fourth year Four Hundred Dollars (\$400.00) and for the fifth to the tenth years inclusive Five Hundred Dollars (\$500.00) per annum.
- (b) The annual rental for the eleventh and subsequent years of this Lease shall be such rent as is determined on the tenth anniversary of commencement of this Lease by the Department of Conservation and Land Management in conjunction with the Council of the Shire of Murrumbidgee.
- (c) The annual rental referred to in this clause shall be paid annually in advance to the Public Reserves Management Fund of the Department of Conservation and Land Management.

2. USE OF LAND

The Lessee FURTHER COVENANTS with the Lessor that the Lessee will not use or permit to be used the land or any part thereof for any purpose other than a community experimental/demonstration farm.

John W. Stuckings
Spencer

Shepherd
M. B. Shepherd

3. INDEMNITIES, ETC

The Lessee FURTHER COVENANTS with the Lessor:

- (a) That notwithstanding any implications or rule of law to the contrary the Lessor shall not be liable for any damages or loss the Lessee may suffer by any act, default or neglect of the Lessor, or any other person in carrying out the powers authorities and provisions herein contained or otherwise with respect to the land.
- (b) That the Lessee will and does hereby indemnify the Lessor from and against all actions claims demands losses damages costs and expenses for which the Lessor shall or may be or become liable to in respect of or arising from:
 - (i) The negligent use misuse waste or abuse by the Lessee or any servant agent sub-tenant of or any other person claiming through or under the Lessee of the water electricity and other services and facilities of the land.
 - (ii) Loss damage or injury from any cause whatsoever to property or person caused or contributed to by the use of the land by the Lessee or any servant agent sub-tenant or other person as aforesaid.
 - (iii) Loss damage or injury from any cause whatsoever to property or person within or without the land occasioned or contributed to by any act omission neglect breach or default of the Lessee or any

John W. Strickings
J. W. Strickings

Clayton
M. E. Shepard

servant agent contractor or sub-contractor sub-tenant or other person as aforesaid.

- (iv) The Lessee shall indemnify and keep indemnified the Lessor and the Minister for Conservation and Land Management against all actions suits claims debts obligations and other liabilities during the continuation of the Lease and further, the Lessee shall take out a public risk insurance policy with a reputable insurance office approved by the Lessor in the names of the Lessee and the Lessor and the Minister for Conservation and Land Management assuring them against such of the said matters as can be assured against in such office in the sum of not less than FIVE MILLION DOLLARS (\$5,000,000.00) and shall produce at any time when required by the Lessor or the Minister for Conservation and Land Management the last renewal receipt for payment of such premium thereon.

The Lessee acknowledges that the aforesaid sum shall be reviewable at the discretion of the Lessor at the end of each five (5) year period of the term of the Lease and the Lessee agrees to maintain, vary or increase the said premium in accordance with the instructions of the Lessor.

John W. Stuckings
proposed

Sheppard
M. E. Sheppard

4. GENERAL

- (a) The Lessee shall indemnify the Minister for Conservation and Land Management and the Lessor in respect of any claim which may arise out of the Lessee's use and/or occupation of the land.
- (b) This Lease is subject to the provisions of the Crown Lands Act, 1989 including Section 109 of that Act.
- (c) That no waiver by the Lessor of one breach of any covenant obligation or provisions in this Lease contained or implied shall operate as a waiver of another breach of the same or of any other covenant obligation or provision in this Lease contained or implied.
- (d) The Lessee shall not sublet, assign or otherwise deal with the land without the consent of the Lessor and the Minister for Conservation and Land Management provided that the Lessee shall be entitled to enter into share-farming and agistment contracts without obtaining such consents.
- (e) That without prejudice to any other means of giving notice any notice required to be served hereunder shall be sufficiently served on the Lessee if served personally on the Public Officer of the Lessee or forwarded to the Lessee by prepaid post to the last known address of the Public Officer and shall be sufficiently served on the Lessor if served personally

John W. Stuckings
gococw

Edward
H. E. Sheppard

or if addressed to the Lessor and left at or sent by prepaid post to the office of the Council of the Shire of Murrumbidgee in Carrington Street, Darlington Point and a notice sent by post shall be deemed to be given at the time when it ought to be delivered in due course of post.

(f) Any existing trees mature or otherwise on the land shall not be disturbed or removed by the Lessee other than with the consent of the Lessor and the Manager of the Griffith Office of the Department of Conservation and Land Management.

(g) The Lessee shall at the Lessee's expense maintain and repair as and when necessary all fencing existing on the land.

5. FIXTURES

The Lessee may remove its fixtures provided that any damage occasioned to any part of the property in the course of such removal shall be remedied by the Lessee at its own expense.

THE COMMON SEAL of the COUNCIL)
OF THE SHIRE OF MURRUMBIDGEE)
was hereto affixed in pursuance)
of a resolution passed on the)
17th day of March, 1994)

..... *M. E. Sheppard*
MAYOR

..... *J. Power*
GENERAL MANAGER


Murrumbidgee Shire Council appointed as Manager pursuant to Sec. 95 Crown Lands Act, 1989.

John W. Strickings
J. Power

M. E. Sheppard
M. E. Sheppard

THE COMMON SEAL of the)
 MURRUMBIDGEE SHIRE COMMUNITY)
 EXPERIMENTAL/DEMONSTRATION FARM)
 INCORPORATED was hereunto)
 affixed by the authority of a)
 resolution of the Committee of)
 Management passed on the)
6th day of *September* 1993)
 in the presence of:)

John Staley

 COMMITTEE MEMBER


 COMMITTEE MEMBER OR PUBLIC OFFICER

In terms of Section 102 of the Crown Lands Act, 1989, I hereby consent to the within Deed.

A. MacLeod
 for Regional Director
 Southern Region on Behalf of the
 Minister for Land and Water Conservation

Hi Alison,

The committee would like to ask the Murrumbidgee Council to reduce or not charge rates to the Murrumbidgee Shire Experimental Community Demonstration Farm inc

The farm is crown land leased to a management committee for experimental, fundraising and conservation purposes only with no commercial benefit. The farm is a not-for-profit voluntary organisation that distributes approximately 85% of its profits back into the community, every increase in our expenditure takes from local organisation's who provide the work force (voluntarily) for the farm. So the whole community not just the Demonstration Farm would benefit from a reduction in the rates. As we were unfortunate in not getting a second round grant we would very much appreciate if council could consider waiving the rates on our block.

If you could please follow this up or pass it on to the appropriate person we would be very grateful.

Kind regards

Alison Hayes
Secretary
Murrumbidgee Shire Experimental Community Demonstration Farm inc
15 August 2017

Morning Alison,

Attached is the lease and DPI letter of appointment. Yes we use the land 100% for providing a non-profit structure to engage in agricultural pursuits for experimental, demonstration, protected zones and fund-raising purposes.

Every year I produce an Annual Report which shows our finances and activities for the year. If you are interested in having a look at these the Coleambally Council office has copies (as I give one to Sharon each year)

Anything else you need please don't hesitate to contact me. Any help you can provide us is wonderful.

Kind regards

Alison Hayes
Secretary
Murrumbidgee Shire Experimental Community Demonstration Farm inc
25 August 2017



Reference: GH92R11

**MURRUMBIDGEE SHIRE COMMUNITY EXPERIMENTAL/DEMONSTRATION FARM
INC
C/- The Secretary
PO Box 99
COLEAMBALLY NSW 2707**

**APPOINTMENT OF CORPORATION TO MANAGE A RESERVE TRUST – R159016 –
Murrumbidgee Shire Experimental/Demonstration Farm Trust**

Reference is made to previous correspondence with Crown Lands Griffith Office regarding the appointment of Murrumbidgee Shire Community Experimental/Demonstration Farm Inc. as Trust Manager of R159016. Reserve 159016 is for Community Purposes and is known as the Murrumbidgee Shire Experiment /Demonstration Farm.

The appointment of Murrumbidgee Shire Community Experimental/Demonstration Farm Inc. as Manager of this Reserve Trust has been notified in the Government Gazette and a copy of the notice is **enclosed** for your information.

For further enquiries please contact the Griffith Crown Lands Office by email griffith.crownlands@crowmland.nsw.gov.au

Yours sincerely,



Angela Lordan
Business Services Officer
Department of Primary Industries - Lands

25 August 2015

NOTIFICATION OF CLOSING OF A ROAD

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parishes Lidsdale, Cox; County Cook
Land District Lithgow; LGA Lithgow*

Road Closed: Lots 1-10 DP 1187371

File No: 09/01968

Schedule

On closing, the land within Lots 1-10 DP 1187371 remains vested in the State of New South Wales as Crown land.

NOTIFICATION OF CLOSING OF A ROAD

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish Nullum; County Rous
Land District Murwillumbah; LGA Tweed*

Road Closed: Lot 1 DP 1202436

File No: 07/5167

Schedule

On closing, the land within Lot 1 DP 1202436 remains vested in the State of New South Wales as Crown land.

NOTIFICATION OF CLOSING OF A ROAD

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish Bonville; County Raleigh
Land District Bellinger; LGA Coffs Harbour*

Road Closed: Lot 1 DP 1182722

File No: 07/3289

Schedule

On closing, the land within Lot 1 DP 1182722 remains vested in the State of New South Wales as Crown land.

GRIFFITH OFFICE

**APPOINTMENT OF CORPORATION
TO MANAGE RESERVE TRUST**

Pursuant to section 95 of the *Crown Lands Act 1989*, the corporation specified in Column 1 of the Schedule hereunder is appointed to manage the affairs of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule

Column 1	Column 2	Column 3
Murrumbidgee Shire Community Experimental/ Demonstration Farm Inc	Murrumbidgee Shire Experimental/ Demonstration Farm Trust	Reserve No 159016 Public Purpose: community purposes Notified: 13 November 1992 File Reference: GH92R11
For a term commencing the date of this notice		

MOREE OFFICE

**NOTICE OF PURPOSE OTHER THAN
THE DECLARED PURPOSE PURSUANT
TO SECTION 34A (2) OF THE
CROWN LANDS ACT 1989**

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule

Column 1	Column 2
Grazing (Relevant Interest - S34A Licence 537682)	Reserve No 93186 Public Purpose: future public requirements Notified: 18 July 1980 File Reference: 14/06407

NEWCASTLE OFFICE

NOTIFICATION OF CLOSING OF A ROAD

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water



Media Policy

	Name	Position	Signature	Date
Responsible Officer				
Authorised By	Craig Moffitt	General Manager		

Document Revision History	
Date adopted by Council:	
Minute No:	
Revision Number:	1
Previous Reviews:	N/A
Next Review Date:	<i>INSERT DATES</i>
Review Date:	
Minute Number:	
Review Date:	
Minute Number:	

July 2017

Table of Contents

1. Policy Scope	3
2. Principles	3
3. Objective	3
4. Policy Statement	3
5. Definitions	4
6. Legislative Reference	4
7. Policy Implementation	4
8. Exceptions	5
9. Policy Review	5

1. Policy Scope

This policy applies to all Councillors and to all permanent full-time and part-time staff, temporary and casual staff, service providers and contractors employed by Murrumbidgee Council.

This policy sets out the approved means of communication with the media on Murrumbidgee Council's behalf. The purpose of the protocol is to:

1. Ensure the media are provided with factually correct and timely information.
2. Uphold the principle of 'Being open and transparent in decision making' government as set out in the Murrumbidgee Council's Statement of Vision and Priorities 2017.
3. To deliver quality services creating a friendly, welcoming and engaged community

The protocol will apply to all permanent full-time and part-time staff, temporary and casual staff, service providers and contractors employed by Council.

The protocol also applies to all written or verbal statements released to the media on Murrumbidgee Council's behalf.

2. Principles

This policy has been developed in accordance with Murrumbidgee Council's principles and values which are articulated in the following documents:

1. Statement of Vision and Priorities
2. Statement of Business Ethics
3. Code of Conduct

When taking into account these principles one MUST ensure that the Council is able to function efficiently and effectively in its day-to-day operations.

3. Objective

- 3.1 To ensure Council at all times complies with the NSW Local Government Act 1993. Local Government (General) Regulation 2005 and other relevant legislation in relation to communication and information dissemination matters.
- 3.2 To clearly define who within the Council organisation has authority to speak with the media on official Council matters.
- 3.3 To ensure that Council's policies, practices and procedures are of best practice and meet the highest level of public accountability.
- 3.4 To promote and inform the community of Murrumbidgee Council's activities, policies and programs in the local area in a positive manner.
- 3.5 To ensure media enquiries are handled in a professional, cohesive manner to prevent or minimise negative publicity of the Council or Councillors.
- 3.6 To provide non-partisan media support and advice to the Mayor and Councillors.
- 3.7 To provide media support in a crisis.

4. Policy Statement

The purpose of this policy is to provide for effective communication of Murrumbidgee Council affairs to the public through the media. The policy aims to promote positive coverage of council events, activities and decisions that is fair, accurate and reliable.

Murrumbidgee Council is committed clear and relevant communication both within and external to the organisation. This policy supports (and is to be read in conjunction with) Council’s Code of Conduct.

5. Definitions

This policy’s definitions are:

Council means Murrumbidgee Council.

Staff means all person employed by Council.

Council official means Councillors, Council staff, volunteers or delegated persons as defined in the Local Government Act 1993.

Media: Relates to all forms of official communication including, but not limited to print and electronic media. Electronic media can include all forms of social media eg. Facebook, Twitter, Instagram, LinkedIn, Snapchat etc.

Media statement: A written statement issued by the Council that states its position on a matter of Council business, Council policy or public interest.

Media comment: A verbal statement issued by the Council that states its position on a matter of Council business, Council policy or public interest.

Council spokesperson: A person authorized to communicate with the media on the Council’s behalf. On operational matters, this may be the General Manager, a Director, a Manager or other Council staff member nominated by the General Manager. The Mayor is the official spokesperson for the Council on policy or other matters in the public interest.

6. Legislative Reference

Legislation/Recognized Standards	<ul style="list-style-type: none">• Freedom of Information Act• Privacy & Personal Information Protection Act• Local Government Act 1993• Copyright Act 1968• Defamation Act 2005
----------------------------------	---

7. Policy Implementation

- 7.1 All media statements are prepared by the Communications Officer and must be approved prior to release by the General Manager. Media statements issued on behalf of the Council must be in the approved format.
- 7.2 All media enquiries must be referred in the first instance to the Communications Officer. In their absence media enquiries should be referred to either the General Manager, the Mayor or a member of staff nominated by the General Manager.
- 7.3 Council employees, service providers and contractors must not communicate with the media unless prior approval has been obtained from the General Manager. Approved staff may provide factual information to the media on Council business or policy matters via the Communications Officer. Staff should not comment or offer personal opinions to the

media on Council policies or business, nor make predictions as to future actions the Council may take on any matter.

- 7.4 Council employees must not discuss staff, confidential legal advice or commercial in-confidence matters with the media at any time.
- 7.5 Council employees may communicate with the media as private individuals, with the following restrictions:
- that they do not comment on Council business or policy;
 - that they are not identified as Council employees;
 - that their comments are not perceived as representing an official Council position or policy.
- 7.6 All Council and Committee meetings are open to the media, except those dealing with staff issues, confidential legal advice or commercial in-confidence matters.
- 7.7 Contractors or service providers employed by Council must refer all media enquiries regarding the Council to the Communications Officer.
- 7.8 All requests to film or photograph Council staff, facilities or events for news and current affairs purposes should be referred to the Communications Officer.
- 7.9 All Council documents that are on the public record are open to perusal by the media, except those relating to staff, confidential legal advice and commercial in-confidence matters. All file perusals by the media are subject to the provisions of Council policies dealing with access to information, privacy and freedom of information legislation.
- 7.10 Unauthorised release of Council documents by staff will be subject to disciplinary action.
- 7.11 In the event of an emergency in the Murrumbidgee Council area involving serious injury to and/or death of residents, Councillors, Council staff or significant damage to Council assets, the following procedure will apply:
- The Communications Officer must be notified immediately of details of the incident. **The General Manager or his delegate will, in the absence of the Communications Officer, be on 24-hour call in the event of a major emergency.**
 - Details of the incident must not be discussed with any media representative unless approved in advance by the General Manager.
 - All requests to interview, film or photograph Council staff involved in the incident must be referred to the Communications Officer.
- 7.12 Council officers should refer to the Community Engagement Policy when organising public meetings, public consultation or public forums on behalf of Council.

8. Exceptions

Nil

9. Policy Review

This policy is to be reviewed in August, 2019.



DRAFT Public Interaction and Meeting Disclosure Policy

	Name	Position	Signature	Date
Responsible Officer				
Authorised By				

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Table of Contents

Purpose	3
1. Policy Scope	3
2. Principles	3
3. Policy Statement	3
3.1 Record keeping	3
3.2 Lobbying Local Government Councillors.....	4
3.3 Meeting protocols	4
3.4 Register of Public Interaction	6
3.5 Conflict of interest.....	6
3.6 Access to Information	7
4. Breaches of this Policy	7
5. Related Resources	7
5.1 Legislation	7
5.2 Associated Documents.....	7
5.3 Definitions.....	8

Purpose

The Public Interaction and Meeting Disclosure Policy provides guidance for Murrumbidgee Council (Council) officials when interacting with Stakeholders to ensure transparency, integrity and public accountability in Council's decision making process. The implementation of this Policy will ensure that appropriate records are maintained in regard to such public interactions and ensure adherence to Council's record management obligations.

This Policy forms a central part of Council's Code of Conduct framework and ensures the appropriate mechanisms are in place to protect the integrity, security and reputation of Council.

1. Policy Scope

This Policy applies to members of the public and Council officials (Mayor, Councillors and Senior officers) who meet or interact in regard to matters before Council, unsolicited proposals and requests for Council support on any matter.

All other Council staff must comply with the provisions of the *State Records Act 1998*, and their obligations under Council's Record Management Policy.

2. Principles

Interaction between Council officials and the community is an essential feature of the democratic process, and it is crucial that the community has public confidence in Council and its decision making functions. This Policy complements the legislative requirements that Council officials must abide by, and assists with establishing protocols for Council to interact with the public in a transparent and ethical manner ensuring that decisions are made fairly, free from bias and in the public interest.

In support of Council's commitment to ethical and transparent interactions, it may be necessary for Stakeholders, the Mayor, Councillors and Senior officers to complete an Attendee Meeting Disclosure Form and/or Record of Interaction form as outlined in this Policy.

3. Policy Statement

3.1 Record keeping

The *State Records Act 1998* requires all 'New South Wales public officers to make and keep full and accurate records of its activities'. To ensure accurate record keeping, transparency, and compliance with the provisions of the *State Records Act 1998*, Council officials must keep a written record summarising the matters discussed during any public interactions including;

- the date and time of the interaction
- the type of interaction, eg meeting, telephone or teleconference
- a list of attendees or persons involved
- the nature of the issue (including the address it pertains to if it is related to a property matter)
- a summary of the matters raised with the Council official
- a summary of the Council official's response or meeting outcome.

In accordance with this Policy, the Mayor, Councillors and Senior officers must complete a Record of Interaction form which includes a signed declaration.

A record of all Stakeholder and Councillor interactions where planning matters are discussed must be made and included with the relevant Council file.

- **Mayor and Councillors**

The Mayor and Councillors must provide all records made in accordance with this Policy to Executive Services staff for registration in Council's Electronic Records Document Management System (ERDMS) within seven (7) days of the interaction. A copy of the completed record will be included with the relevant Council file.

Where deemed appropriate for the provision of this Policy or the Code of Conduct Framework, Councillors are required to make records available to the General Manager upon request.

- **Senior officers**

The General Manager must provide all records made in accordance with this Policy to Executive Services staff for registration in Council's Document Management System within seven (7) days of the interaction. A copy of the completed record will be included with the relevant Council file.

Assistant General Managers must ensure that all records made in accordance with this Policy are registered in Council's record management system within seven (7) days of the meeting or interaction occurring, with a copy placed on the relevant Council file. Assistant General Managers are required to make records available to the General Manager upon request.

3.2 Lobbying Local Government Councillors

The Independent Commission Against Corruption (ICAC) 'Lobbying Local Government Councillors' brochure identifies that maintaining accurate records supports transparency in public interactions, particularly in terms of lobbying on planning matters. ICAC advises, in relation to record keeping, that Councillors should;

- document all communications with proponents, eg meetings, phone calls, emails etc
- provide copies of information presented at meetings to Council officers for assessment
- register all documents or meeting notes in Council's records management system
- request that persons lobbying Councillors put their argument in writing.

3.3 Meeting protocols

Meeting location

All reasonable endeavours must be undertaken to ensure meetings with Stakeholders occur on Council premises or on site. If the meeting does not occur in person, such as by phone (ie teleconference), the discussion and outcome must be recorded in the same manner as if a meeting was held in person.

Attendee Meeting Disclosure Form for Stakeholder meetings with the Mayor

Council requires all Stakeholders attending a meeting with the Administrator/Mayor to complete an Attendee Meeting Disclosure Form prior to the commencement of any meeting. The form will capture the names of attendees, intent of the meeting, and identify Registered Lobbyists who meet with Council.

Council is required under the *Privacy and Personal Information Protection Act 1998* (PPIPA) to collect, maintain and use Stakeholders personal information in accordance with the Privacy Principles and other relevant requirements of the PPIPA. Personal information requested on the form will only be used to fulfil the purpose for which it is being collected.

Record of Interaction form

In accordance with this Policy, the Mayor, Councillor and Senior officers must complete a Record of Interaction form summarising their public interactions (telephone and face-to-face meetings). Any interaction, regardless of whether it is foreseen, planned, solicited or reciprocated, is subject to the requirements of this Policy.

The Record of Interaction form, which includes a signed declaration, must be completed and returned to Council within seven (7) days of the interaction. A copy of the completed record will be included with the relevant Council file.

Meetings related to a matter before Council (including planning matters), unsolicited proposals and requests for Council support on any matter

In order to protect public confidence in Council's decision making functions, Council officials should avoid private meetings with Stakeholders.

In cases where meetings with Stakeholders are held, Council stipulates the following requirements:

The Mayor:

- The Mayor is encouraged to arrange meetings on Council premises with Stakeholders wherever possible. In accordance with Council's Councillor and Staff Interaction Policy, an authorised staff member is required to attend meetings with the Mayor and Stakeholders when meetings are held on Council premises.
- Stakeholders must complete an Attendee Meeting Disclosure Form prior to the commencement of a meeting.
- A Record of Interaction form must be completed irrespective of where a meeting with a Stakeholder is held.

Councillors:

- Councillors are encouraged to arrange meetings on Council premises with Stakeholders wherever possible.
- In accordance with Council's Councillor and Staff Interaction Policy, an authorised staff member is required to attend meetings between Councillors and Stakeholders when meetings

are held on Council premises. A Record of Interaction form must be completed irrespective of where a meeting with a Stakeholder is held.

General Manager:

- A Council official at Assistant General Manager or Manager level must be present.
- In the circumstance where an Assistant General Manager is unable to attend, an appropriate member of staff as determined by the General Manager or Assistant General Manager will attend.
- A Record of Interaction form must be completed irrespective of where a meeting with a Stakeholder is held.

Assistant General Manager:

- A Council staff member must be present.
- A Record of Interaction form must be completed irrespective of where a meeting with a Stakeholder is held.

All Council officials, including the Mayor and Councillors, must be mindful of their obligations under Council's Code of Conduct, and avoid situations that may be perceived as or constitute improper and undue influence.

Correspondence

All correspondence received or created by the Mayor, Councillors or Senior officers should be registered in Council's ERDMS in accordance with *State Records Act 1998*, and their obligations under Council's Record Management Policy.

3.4 Register of Public Interaction

The Register of Public Interaction contains a summary of all interactions carried out in accordance with this Policy. The information included on this register is taken from completed Records of Interaction forms. The Manager Governance will maintain the Register of Public Interaction.

3.5 Conflict of interest

Any conflict of interest must be managed in accordance with Council's Code of Conduct to uphold the probity of Council's decision-making. In considering to undertake a public interaction, Council officials should assess whether or not they have a conflict of interest, and how this would be perceived by others viewing the situation.

If a Council official makes a disclosure at a Council meeting regarding a declaration of pecuniary interest or non-pecuniary conflict of interest, the disclosure and nature of the interest will be recorded in the Council minutes in accordance with Council's Code of Meeting Practice.

3.6 Access to Information

In accordance with the provisions of the *Government Information (Public Access) Act 2009* and Council's Access to Information Policy, the Attendee Meeting Disclosure Form, Record of Interaction form and the Register of Public Interaction will be publically accessible for inspection, unless there is an overriding public interest not to do so.

4. Breaches of this Policy

Any breaches of this Policy by a Council official could constitute a possible act of misconduct, and may lead to disciplinary action under the Code of Conduct and will be dealt with in accordance with the provisions of the Code.

Serious breaches by Council officials such as soliciting, or attempting to solicit a bribe, or knowingly accepting a bribe will be reported to the relevant Agency for investigation.

Serious breaches by members of the public (including other stakeholders) such as bribing, or attempting to bribe, a Council official will be reported to the relevant Agency for investigation.

5. Related Resources

5.1 Legislation

Local Government Act 1993

Local Government Amendment (Governance and Planning) Act 2016

Government Information (Public Access) Act 2009

Privacy and Personal Information Protection Act 1998

State Records Act 1998

Environmental Planning and Assessment Act 1979

5.2 Associated Documents

Code of Conduct

Code of Meeting Practice

Attendee Meeting Disclosure Form

Record of Interaction

Access to Information Policy

Councillor and Staff Interaction Policy

Privacy Management Plan

Public Interest Disclosures Policy

Records Management Policy

Statement of Business Ethics

ICAC 'Lobbying Local Government Councillors (2006)' brochure

5.3 Definitions

<i>Authorised staff</i>	Staff nominated by the General Manager who can interact with or provide advice as outlined in the Councillor and Staff Interaction
<i>Conflict of interest</i>	A conflict of interest exists where a reasonable and informed person would perceive that a Council official could be influenced by a private interest when carrying out their public duty.
<i>Council officials</i>	An individual who carries out public official functions on behalf of Council or acts in the capacity of a public official, and includes Mayor, Councillors and Senior officers.
<i>Developer</i>	A Developer refers to an individual, body corporate or company who lodges an application for a development approval. If an applicant is a body corporate, the term includes office holders and employees of the applicant. If an applicant is a partnership, the term includes partners and employees of the applicant.
<i>Objector</i>	A person who disagrees or expresses their disapproval to a matter before Council, for example in relation to a development.
<i>On site</i>	The location of the subject premises.
<i>Pecuniary interest</i>	An interest a person has in a matter due to the reasonable likelihood or expectation of an appreciable financial gain or loss to the
<i>Planning matter</i>	Matters that relate to a development application, complying development application, environmental planning instrument, development control plan, development contribution plan or planning
<i>Public interaction</i>	Any verbal contact where a member of the public and a Council official exchange ideas, or discuss actions related to the decisions of Council. Such interaction may occur by; <ul style="list-style-type: none">• telephone• teleconference• face-to-face meetings.
<i>Registered Lobbyist</i>	Any person registered with the Register of Lobbyists and complies with the Lobbying Code of Conduct, who acts on behalf of third party clients for the purpose of lobbying Council or Government officials. This includes employees or contractors who carry out lobbying activities for a third party.
<i>Senior officer</i>	Senior officers include Council's General Manager and Assistant General Managers.
<i>Stakeholders</i>	Any member of the public and who is not an employee of Council.

Variation

Council reserves the right to review, vary or revoke this policy.



Corporate Uniform Policy

	Name	Position	Signature	Date
Responsible AGM	A. Coe	Assistant General Manager – Corporate & Community Services		
Authorised By	C Moffitt	General Manager		

Document Revision History	
Revision Number:	1
Previous Reviews:	
Next Review Date:	March 2019

April 2017

Purpose / Objectives

A corporate uniform projects and enhances a professional and corporate image of Council and encourages and promotes unity within the organisation. Additionally, Council's dress code provides employees with guidelines on acceptable and appropriate standards of dress.

Policy

1. The General Manager, will in consultation with employees, determine the clothing range of the corporate wardrobe.
2. The Finance Officer will coordinate uniform orders.
3. Council's Corporate Uniform is compulsory for permanent indoor employees (full & part time) and must be worn when undertaking Council activities.
4. Any temporary or casual indoor employees who maintain significant face to face public contact during normal working hours will be issued with and expected to wear the approved compulsory corporate wardrobe.
5. The *Workwear Group* is Council's preferred supplier of the *NNT Local Government Corporate Collection* (lgcollection.com.au). Uniforms can be from any style / range from *NNT*; in white, silver, cobalt blue, emerald green, poppy red (tops) and black, navy (bottoms and outerwear)
6. Council will provide a uniform allowance valued up to \$800 upon employee commencement or completion of appointment probationary period (pro rata for part time employees)
7. An annual uniform allowance of up to \$250 will be available to permanent full time (pro rata for part time employees) employees wishing to update or replace their uniform.
8. One corporate branded polo shirt (navy blue, light blue or white) will be provided to every employee upon commencement for community or council events, casual dress days and training/workshops. The polo shirt is not part of the corporate uniform.
9. All employees issued with uniforms are to wear shoes appropriate to the uniform and WH&S considerations.
10. Additional items may be ordered at the employee's expense.
11. Payroll deductions will be made available to employees to reimburse the cost of additional corporate uniforms over a period of not more than six (6) months. Employees leaving Council's employ will be required to finalise any amounts outstanding to Council in respect of clothing prior to ceasing employment.
12. Employees will be responsible for:
 - a. Any alterations to the uniform and cost of these alterations
 - b. Laundry and/or dry cleaning costs
 - c. Providing accurate information regarding sizes, styles and individual measurements
 - d. Returning or exchanging clothing
 - e. Ascertaining their individual taxation position in respect of uniform costs
13. Personal Protective Equipment is in addition to and not part of the corporate uniform and dress code contribution.
14. It is essential that all employees comply with all WH&S safety standards in relation to wearing of Personal Protective Equipment and in particular when visiting a construction site, including the depots.

Dress Code

- All Council issued clothing shall be readily identifiable as a Council uniform by the attachment of the Murrumbidgee Council Logo or by the initials M.C in a location on the item of clothing which is easily viewed under normal circumstances.
- Where an employee fails to comply with the dress standard as determined by the appropriate supervisor, the employee may be asked to return home in his/her own time and return to work appropriately dressed. Continued breaches of the dress standard may result in disciplinary action in accordance with the Local Government State Award disciplinary procedures.

Identification

- Council will provide employees with a name badge and, for delegated staff, identity cards to be worn during normal working hours and when representing Council.
- Any person employed by Council who enters private property as part of their duties must carry an identification card issued by Council.

Exemptions

- Where genuine personal religious beliefs or medical reasons dictate a different standard or dress, a specific exemption can be sought through the General Manager.
- Casual wear, including the Murrumbidgee Council Polo Shirt, may be worn on approved days by the General Manager on the basis that they are neat, tidy and appropriate.

Ordering Corporate Wardrobe

- All corporate wardrobe orders submitted by employees should be on the appropriate order form and lodged with the Finance Officer who will provide a Council order.
- The supplier may provide employees with a sample of clothing. The responsibility for determining and marking the correct garment style, colour, size and any special requirements on the order form shall rest with the employee.
- After the Council closing date for the order has passed, the order will be binding on the employee. Employees shall not be eligible to cancel and/or obtain a refund for orders or part orders after the closing date has passed.
- Employees are advised to retain a copy of the order form for their records.

Amendments to this policy can be made by the General Manager if and when required and is subject to any Australian Taxation Office guidelines relating to Fringe Benefits Tax (FBT) and PAYE taxable deductions.

Legislation

Anti-Discrimination Act (NSW) 1977

Local Government Act 1993

Privacy and Personal Information Protection Act 1998 (NSW) (PPIP Act)

SUMMARY OFFENCES ACT 1966 Sect 17 (Obscene actions)

CRIMES ACT 1900 - SECT 392. (Offensive behaviour)

Related Documents

Code of Conduct

PPE Policy

Workwear Group Order Form

Review

Murrumbidgee Council reserves the right to vary, replace or terminate this policy at any time. This policy will be reviewed every 2 years or earlier if there are relevant statutory or State Government policy changes.



Staff Education and Training Policy

	Name	Position	Signature	Date
Responsible Officer	Alison Coe	Assistant General Manager – Corporate and Community		
Authorised By	Craig Moffitt	General Manager		

Document Revision History	
Date adopted by Council:	
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Table of Contents

Purpose	3
Scope.....	3
Definitions	3
Policy Statement	3
Development of the Annual Training Plan	4
Roles and responsibilities	5
Review	6

Purpose

Murrumbidgee Council recognises that staff development is an important part of the working life of each staff member. It is associated with the development needs of the individual and of teams and the achievement of Council's overall strategy.

Council recognises that the calibre and competence of its employees are vital factors in ensuring that it remains a successful organisation. To this end, Council strives to promote employee development through high quality training and learning opportunities both on and off the job.

This Policy sets out what may be offered in terms of support from the Council and what is expected from employees.

Scope

This Policy does not apply to senior staff employees of Council as defined in the Local Government Act 1993. This Policy does not form part of any employee's contract of employment.

Definitions

Compulsory Training - compulsory training is training that Council designates to be necessary requirement of employment. Employees who participate in compulsory training shall not lose ordinary pay. Compulsory training may have to satisfy statutory or Council determined requirements.

Policy Statement

Council recognises that increasing the organisation's efficiency and productivity requires an ongoing commitment to education, training and skill maintenance, development and enhancement. Therefore, Council is committed to:

- Developing a more highly skilled and flexible workforce.
- Providing employees with opportunities through appropriate education and training to acquire additional skills.
- Removing barriers to the utilisation of skills in accordance with Council's training plans.

NOTE: this policy must be read in conjunction with Council's Annual Training Plan.

Development of the Annual Training Plan

Council shall design an annual training plan in accordance with the Local Government (State) Award requirements. The training plan is to be based on:

- The current and future skill requirements of the Council.
- The size, structure and nature of the operations of the Council.
- The need to develop vocational skills relevant to Council and the local government industry in general through the utilisation of available internal and external resources.

The training plan shall, where appropriate, provide for training that is consistent with industry specific competency standards. The training plan shall be consistent in identifying the needs of the organisation, and having regard to Council's Workforce Plan.

Selection of staff to undertake training

Selection of participants to receive Council training in accordance with Council's training plan is to be based on the needs of Council and the employee as identified in the employee's annual performance review or as an outcome of workplace assessment of competency.

Employees may make application for consideration to attend training courses on the Training Application Form.

The selection process will also take into consideration the capacity of the workplace to schedule and arrange the release of selected employees.

Priority of training

Acknowledging that not all identified training needs will be able to be met within the duration of one financial year or annual training plan, wherever possible, available financial and related training resources will be allocated in the following priority:

- Training necessary for Council to comply with current and future legislative requirements.
- Training necessary to assist the employee in doing their current job to the standards required.
- Training necessary to assist the employees career path development.

Notwithstanding the above, resources may be re-allocated to meet WHS and other statutory training which may result from legislative or technological change.

Training undertaken as a requirement of council (Compulsory Training)

If an employee is required by Council to participate in a structured training program and such program is consistent with Council's training plan:

- The Council shall grant the employee paid leave to attend course requirements where the training is undertaken during ordinary working hours.
- Council shall pay course fees at the commencement of each stage.
- Council shall, at the discretion of the General Manager, either provide transport or pay reasonable travelling expenses to enable employees to attend course requirements.

Non-Compulsory training but consistent with council needs & staff career development

At the discretion of the General Manager, an employee undertaking a course consistent with Council's needs and requirement may be granted financial assistance towards the course fees in question and appropriate leave to attend course requirements.

The relevant staff member must make an application for assistance in writing to the General Manager and state the benefits for Council in the qualifications being gained.

Further, the General Manager's decision is final.

Roles and responsibilities

The development of employees is a responsibility shared between individual employees, managers and the organisation. A shared commitment to learning and development is critical to ensure we meet our strategic objectives and foster a culture of career development for our employees.

WHS/HR Officer is responsible for:

- Providing employees with appropriate learning and development solutions that are relevant to their positions.
- Promptly considering all learning and development requests.
- Ensuring equitable access for all employees.
- Measuring the effectiveness of programs to promote continuous improvement in our employees, providers and processes.
- Providing advice on learning and development opportunities.

Assistant General Managers/Managers are responsible for:

- Developing individual learning and development plans for employees on an annual basis.
- Demonstrating an ongoing commitment to supporting employees' learning and development.
- Providing resource solutions to allow employees to attend programs.
- Frequently reviewing and discussing employees' learning and development progress.
- Ensuring employees meet statutory and certification requirements.
- Reviewing competencies on a continual basis.
- Timely completion of application forms.

Employees are responsible for:

- Assisting managers in identifying their learning and development needs
- Contributing to the development of their individual learning and development plan on an annual basis
- Attending and participating in allocated learning and development programs
- Providing a minimum 5 working days' notice to relevant managers and the WH&S / HR Officer for changes to attendance for scheduled programs
- Completing evaluating and/or feedback forms as required.

Review

This policy should be reviewed every 2 years. The policy may be reviewed and amended at any time at Council's discretion (or if legislative or State Government Policy changes occur).



Business Continuity Policy

	Name	Position	Signature	Date
Responsible Officer	Alison Coe	Assistant General Manager –		
Authorised By	Craig Moffitt	General Manager		

Document Revision History	
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TABLE OF CONTENTS

INTRODUCTION.....	3
1. PURPOSE AND SCOPE	3
1.1 Policy Objectives	3
1.2 Scope of Policy	3
2. LEGAL COMPLIANCE & REFERENCES.....	4
3. DEFINITIONS.....	4
4. POLICY STATEMENT	5
5. POLICY IMPLEMENTATION.....	6
6. POLICY REVIEW	6

INTRODUCTION

Murrumbidgee Council adopts Business Continuity Management as a core obligation of good governance and utilises the methodology specified in the AS/NZS 5050:2010 Business Continuity – Managing Disruption Related Risk. It is to be read in conjunction with Murrumbidgee Council’s Business Continuity Plan, which is a separate operational document.

Council recognises that Business Continuity is an integral part of good management practice and fully supports Business Continuity Management as an important element in its governance framework.

The purpose of this policy is to establish the systems and processes required to ensure the uninterrupted availability of all key resources necessary to support Council’s identified Critical Business Functions during an Outage.

1. PURPOSE AND SCOPE

1.1 Policy Objectives

The Murrumbidgee Council aims to:

- Maintain the highest possible integrity and continuity for services provided by the Council,
- Safeguard the Council’s assets, including people, property and financial resources,
- Ensure the uninterrupted availability of resources so that Council can continue to perform the Critical Business Functions that support its critical objectives,
- Ensure that Council can appropriately deal with disruption,
- Demonstrate responsible Business Continuity Management processes that align with applicable Australian Standards, accepted best practice standards and methods, and
- Ensure the accurate and timely provision of information to staff, the community, business partners, stakeholders and other relevant levels of Government during an outage event.

1.2 Scope of Policy

This policy applies to all areas of Council’s operations.

2. LEGAL COMPLIANCE & REFERENCES

Legislation / Recognized Standards	<ul style="list-style-type: none"> AS/NZS 5050:2010 Business Continuity – Managing Disruption Related Risk. NSW Local Government Act 1993, Chapter 3
Risk Assessment	<ul style="list-style-type: none"> Enterprise Risk Management Policy & Enterprise Risk Management Plan

3. DEFINITIONS

3.0 Business Continuity Management

The development, implementation and maintenance of policies, frameworks and programs to assist an entity manage a business outage. It is the capability that assists in the preventing, preparing for and responding to, managing and recovering from the impacts of an outage event.

3.1 Business Continuity Plan

A collection of procedures and information that is developed compiled and maintained in readiness for use during a business outage event.

3.2 Critical Business Functions

A business function or part thereof identified as essential for the survival of the organisation and achievement of its critical objectives.

3.3 Disaster Recovery Plans

Specific plans, procedures and documents for critical business processes that will enable those functions to continue during a business outage event. These plans support the Business Continuity Plan.

3.4 Outage

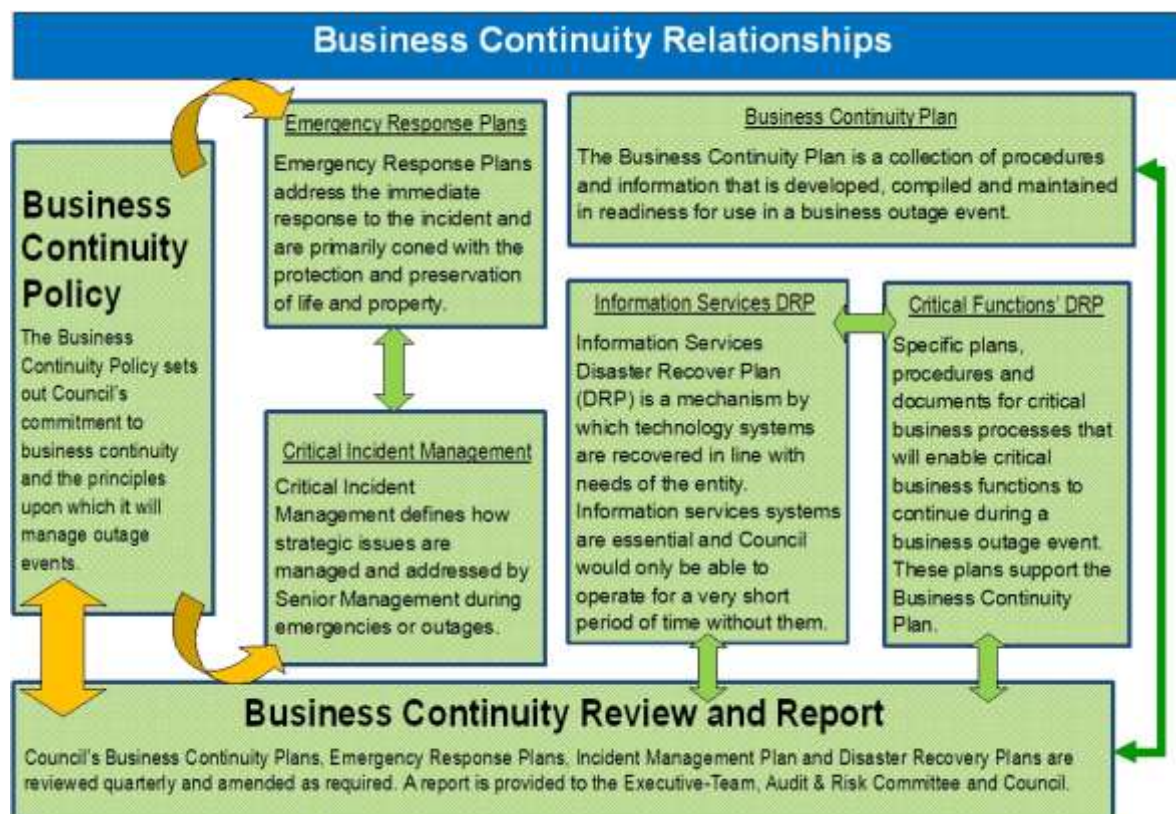
An event that has an effect on the critical business functions of the entity, and inhibits the achievement of its objectives. It may be an acute, creeping or sustained event.

4. POLICY STATEMENT

- a) Council will:
- i. Manage Business Continuity based upon AS/NZS 5050:2010 Business Continuity and other relevant guidelines and standards;
 - ii. Update its Business Continuity *Plan*, Emergency Response Plans and Disaster Recovery Plans **quarterly**;
 - iii. Ensure that relevant and appropriate exercising of plans is undertaken at least annually;
 - iv. Ensure the accurate and timely provision of information, as it concerns the outage event, to staff, the community, business partners, stakeholders and other relevant levels of Government;
 - v. Make informed judgements concerning the level of management and costs involved in achieving effective outcomes.
- b) Council recognises the following benefits of Business Continuity Management:
- i. demonstrates to internal and external stakeholders, their dependability and good governance;
 - ii. ensures the continued delivery of critical services to the community;
 - iii. effective response to a business outage minimises damage to the organisation;
 - iv. enhances Council's ability to proactively identify the consequences of a business outage;
 - v. effective management of uninsurable risks, and compliance with insurance policies;
 - vi. an opportunity to better understand the organisation – sometimes thereby revealing opportunities to improve efficiency, governance and treatment of other risks;
 - vii. remain compliant with relevant legislative and other obligations;
 - viii. increases the awareness of the potential for disruption;
 - ix. development of general skills as well as specific capacities which facilitate operating in a non-standard mode;
 - x. allows Council to maintain a strong focus on critical functions thereby achieving critical objectives during an outage;
 - xi. building resilience that facilitates managing and recovering from a business outage event.

5. POLICY IMPLEMENTATION

This policy will be implemented through Murrumbidgee Council’s *Business Continuity Plan*, *Emergency Response Plans* and *Disaster Recovery Plan* as shown below:



6. POLICY REVIEW

This policy is to be reviewed June 2019 by the General Manager, Assistant General Managers and Managers.



Privacy Management Policy

	Name	Position	Signature	Date
Responsible Officer	Alison Coe	Assistant General Manager –		
Authorised By	Craig Moffitt	General Manager		

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TABLE OF CONTENTS

1. PURPOSE AND SCOPE	3
2. REFERENCE	3
3. INFORMATION PROTECTION PRINCIPLES.....	3
4. MANAGEMENT AND TRAINING	4
5. DEFINITIONS	4
6. POLICY STATEMENT	4
6.1 Privacy Principles	4
6.2 Health Privacy Principles.....	5
6.3 Other Legislation.....	5
6.4 Public Registers Principles.....	5
6.5 Internal Review Principles.....	6
7. PERSONAL INFORMATION HELD BY COUNCIL.....	6
8. PUBLIC REGISTERS.....	6
9. SECONDARY PURPOSE OF ALL PUBLIC REGISTERS.....	7
10. APPLICATIONS FOR ACCESS TO OWN RECORDS ON A PUBLIC REGISTER.....	8
11. PROCEDURE FOR INTERNAL REVIEW	8
12. SERVICE GUARANTEE.....	8
13. THE ROLE OF THE PRIVACY CONTACT OFFICER.....	9
14. IMPLEMENTATION	9
15. POLICY REVIEW.....	9

1. PURPOSE AND SCOPE

Council collects and records a great deal of personal information on residents and customers. Consequently it needs to ensure it is applying best practice in how it handles this personal information to ensure that privacy is maintained.

This Privacy Management Policy details how the organisation deals with personal information and health information it collects to ensure that it complies with the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002*.

1.0 Applies to.

This policy is to apply to all councillors, council staff, contractors and consultants of the Council and Council Committees including those established under Section 355 of the Local Government Act 1993 and Privacy and Personal Information Protection Act 1998 (PPIPA). The PPIPA will be the overriding reference for any matters where they are not specifically referenced by this document.

2. REFERENCE

Legislation / Recognized Standards	<ul style="list-style-type: none"> • <i>Privacy and Personal Information Protection Act 1998</i> • <i>Health Records and Information Privacy Act 2002</i>. • <i>Local Government Act 1993</i> • <i>Murrumbidgee Council Code of Conduct</i> • <i>Government Information (Public Access) Act 2009</i>
Risk Assessment	

3. INFORMATION PROTECTION PRINCIPLES

Council's procedures shall comply with the following protection principles identified under Section 33 of the PPIPA:

- (a) Collection of personal information for lawful purposes
- (b) Collection of personal information directly from the individual
- (c) Requirements when collecting personal information
- (d) Other requirements relating to collection of personal information
- (e) Retention and security of personal information
- (f) Information about personal information held by agencies
- (g) Access to personal information held by agencies
- (h) Alteration of personal information
- (i) Agency must check accuracy of personal information before use
- (j) Limits on use of personal information
- (k) Limits on disclosure of personal information

4. MANAGEMENT AND TRAINING

Council shall maintain a 'Privacy Management Plan' to guide the organisation in privacy management.

Council will ensure that Councillors and staff undergo relevant training in the provision of privacy management.

5. DEFINITIONS

Personal Information

Personal information is information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. This information can be on a database and does not necessarily have to be recorded in a material form.

Council considers the following to be publicly available publications:

- Information about an individual that is contained in a publicly available publication is not considered personal information.
- An advertisement containing personal information in a local, city or national newspaper.
- Personal information on the Internet.
- Books or magazines that are printed and distributed broadly to the general public.
- Council Business papers, or that part that is available to the general public.
- A public display on view to the general public.

Health information is defined as "personal information that is information or an opinion about;

- (i) The physical or mental health or a disability (at any time) of an individual, or
- (ii) An individual's express wishes about the future provision of health services to him or her, or
- (iii) A health service provided, or to be provided, to an individual."

6. POLICY STATEMENT

The following key principles form the basis of this policy:

6.1 Privacy Principles

- Council will not collect personal information unless it is for a lawful purpose directly related to a function or activity of council
- Council will only collect information from the individual to whom the information relates.
- Council will notify an individual that it has collected information on him/her.
- Council will take reasonable steps to ensure the information collected is not

excessive and is accurate.

- That the information is kept no longer than necessary and is disposed of securely.
- Council will take reasonable steps to ensure the accuracy of personal information prior to use.
- Council will not use personal information for a purpose other than for which that information was collected.
- Council will take reasonable care not to disclose personal information.

6.2 Health Privacy Principles

- Council will not collect personal health information unless it is for a lawful purpose directly related to a function or activity of the council.
- The information must be relevant, not excessive, accurate and not intrusive.
- Collection of health information will be in accordance with guidelines issued by the Privacy Commissioner.
- Council will make the individual aware of the information it has collected and the purpose it will be used for.
- Council will ensure that health information is kept no longer than necessary it is securely protected, and is disposed of securely.
- If Council holds health information that an individual can ascertain the nature of that information and can assess the accuracy of that information.
- That limits are applied on the use of health information so that it can only be used for its primary purpose unless consent has been obtained for secondary purpose uses.
- That limits are applied on the disclosure of health information unless consent has been obtained for a secondary purpose.
- Wherever lawful and practicable individuals will be given the opportunity of anonymity when entering into transactions or receiving health services from an organisation.
- Council will not transfer health information about an individual to any person or body who is in a jurisdiction outside of NSW or to a Commonwealth Agency unless there is a legal requirement to do so or consent has been given.
- Council will not provide health information to a health records linkage system unless consent has been provided.

6.3 Other Legislation

- Council will fulfil its obligations under the *Government Information (Public Access) Act 2009* which can override the *Privacy and Personal Information Protection Act, 1998*.

6.4 Public Registers Principles

- Council will not disclose personal information held in a public register unless the information is to be used for a purpose relating to the purpose of that register, or an Act under which the Register is kept.

6.5 Internal Review Principles

- Where a person who has requested information is aggrieved by the conduct of Council such a person is entitled to apply for an Internal Review which will be dealt with by Council's Public Officer.
- Council will notify the applicant in writing within 14 days of the completion of the review.

7. PERSONAL INFORMATION HELD BY COUNCIL

The Council holds personal information concerning Councillors such as:

- Personal contact information
- Complaints and associated matters
- Pecuniary interest returns
- Entitlements to fees, expenses, facilities and reimbursements
- Personal contact information

The Council holds personal information concerning its customers, ratepayers and residents such as:

- Rates records
- Names and addresses of suppliers, including bank details, names & addresses of customers which may include financial details.
- Development Applications and objections
- Details of office bearers on various Council committees.

The Council holds personal information concerning its employees such as:

- Recruitment material
- Leave and payroll data
- Disciplinary matters
- Pecuniary interest returns
- Wage and salary entitlements
- Health history
- Workers Compensation History

8. PUBLIC REGISTERS

A public register is defined in section 3 of the PPIPA:

Public register means a register of personal information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee).

Section 57 of the PPIPA provides:

1. The public sector agency responsible for keeping a public register must not disclose any personal information kept in the register unless the agency is satisfied that it is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept.

2. In order to enable the responsible agency to comply with subsection (1), the agency may require any person who applies to inspect personal information contained in the public register to give particulars, in the form of a statutory declaration, as to the intended use of any information obtained from the inspection.

Council holds the following public registers under the LGA: (Note – this is purely indicative. Council may, by virtue of its own practice, hold other Public Registers, to which PPIPA applies)

Section 53 – Land Register – The primary purpose is to identify all land vested in Council, or under its control. The secondary purpose includes a consideration of public accountability as to the land held by Council. Third party access is therefore a secondary purpose.

Section 113 – Records of Approvals – The primary purpose is to identify all approvals granted under the LGA.

Section 450A – Register of Pecuniary Interests – The primary purpose of this register is to determine whether or not a Councillor or a member of a council committee has a pecuniary interest in any matter with which the council is likely to be concerned. There is a corresponding public accountability purpose and third party access is a secondary purpose.

Section 602 – Rates Record – The primary purpose is to record the value of a parcel of land and record rate liability in respect of that land. The secondary purpose includes recording the owner or lessee of each parcel of land.

Council holds the following public registers under the Environmental Planning and Assessment Act:

Section 100 – Register of consents and approvals – The primary purpose is to identify applications for development consent and other approvals, confirm determinations on appeal and identify applications for complying development certificates.

Section 149G – Record of building certificates – the primary purpose is to identify all building certificates.

Council hold the following public register under the Protection of the Environment (Operations) Act:

Section 308 – Public Register of licenses held – The primary purpose is to identify all licenses granted under the Act.

Council holds the following public register under the impounding Act 1993:

Section 30 & 31 – Record of Impounding – The primary purpose is to identify any impounding action by Council.

Members of the public may enquire only in accordance with the primary purpose of any of these registers.

9. SECONDARY PURPOSE OF ALL PUBLIC REGISTERS

Due to the general emphasis (to be found in the LGA and elsewhere) on local government processes and information being open and accountable, it is considered that a secondary

purpose for which all public registers are held by Council includes the provision of access to members of the public. Therefore disclosure of specific records from public registers would normally be considered to be allowable under section 57 of the PPIPA.

However, requests for access, copying or the sale of the whole or a substantial part of the Public Register held by Council will not necessarily fit within this purpose. Where Council officers have doubt as to the intended use of the information, an applicant may be requested to provide a statutory declaration so that Council may satisfy itself as to the intended use of the information.

Council will make its assessment as to the minimum amount of personal information that is required to be disclosed with regard to any request.

10. APPLICATIONS FOR ACCESS TO OWN RECORDS ON A PUBLIC REGISTER

A person wishing to have access to a public register to confirm their own details needs only to prove their identity to Council before having access to their own personal information.

11. PROCEDURE FOR INTERNAL REVIEW

Complaints or requests for an internal review must be made within 6 months of the complainant being first aware of the issue.

Complaints must be made in writing and addressed to:

The Privacy Officer
Murrumbidgee Council
PO Box 5
Darlington Point NSW 2706

When a complaint or request for a review is received by the Privacy Officer, the process for the review is as follows:

1. The Privacy Officer notifies the Privacy Commissioner that a complaint/request for internal review has been received
2. The Privacy Officer appoints a Reviewing Officer to handle the complaint/request for internal review
3. The Reviewing Officer investigates the complaint/review and reports the determination back to the Privacy Officer
4. The Privacy Officer notifies the Complainant and the Privacy Commissioner of the determination.

12. SERVICE GUARANTEE

1. The review must be completed within 60 days of the lodgement of the complaint/request for internal review
2. The Complainant will be notified in writing within 14 days of the determination. Should a Complainant not be satisfied, he or she may lodge an appeal to the Administrative Decisions Tribunal, which will hear the matter and impose its own decision. It may also impose substantial damages for a breach of an information protection principle.

13. THE ROLE OF THE PRIVACY CONTACT OFFICER

The role of Privacy Contact Officer/s (Privacy Officer/s) has been delegated by Council to the General Manager who has sub-delegated it to the ##### as Public Officer.

The role carries primary responsibility for the following:

1. Assigning, monitoring and reporting internal review matters
2. Liaising with all staff to ensure their needs are met in relation to the PPIPA
3. Assisting with training and induction
4. Assisting staff in developing processes and procedures to enable staff, councillors, contractors and consultants to meet their obligations under the Act

14. IMPLEMENTATION

This policy will be implemented with reference to Council policies including, but not limited to:

- Code of Conduct
- Enterprise Risk Management Policy and Tool Kit
- Business Continuity Policy

As additional policies which may impact this document are update/created, this section of the Privacy Management Policy will be amended.

15. POLICY REVIEW

It is intended that this Policy will be reviewed periodically, at a minimum once every term of an elected Council, taking into account any further information or developments that may be to hand at that time.



Workplace Surveillance Policy

	Name	Position	Signature	Date
Responsible Officer		General Manager		
Authorised By	Craig Moffitt	General Manager		

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June 2017

Introduction

The *Workplace Surveillance Act 2005* (the Act) requires Murrumbidgee Council to notify employees of all surveillance in the workplace which may be carried out by Council while the employee is at a workplace of Council or performing work for Council.

This policy was endorsed by the Staff Consultative Committee on (??????).

1. Purpose

This policy and its subsequent distribution to all current and new employees, is intended to meet Council's obligations for notification of workplace surveillance of employees under the Act.

All surveillance implemented by Council will only occur in accordance with the provisions of the Act, this policy and on the authority of the General Manager.

Surveillance is used for the general security of Council property and assets, operational needs and for the protection and safety of Council employees and the general public.

2. Scope

This policy applies to all Council where surveillance activities may directly or indirectly monitor an employee, contractor, Councillor, volunteer or any other person authorised to be within the workplace.

3. Definitions

The following definitions apply to this policy:

"*surveillance*" (pursuant to section 3 of the Act) is the surveillance of any employee by any of the following means:

- (a) "*camera surveillance*", which is surveillance by means of a camera that monitors or records visual images of activities on premises or in any other place,
- (b) "*computer surveillance*", which is surveillance by means of software or other equipment that monitors or records the information input or output, or other use, of a computer (including, but not limited to, the sending and receipt of emails and the accessing of Internet websites),
- (c) "*tracking surveillance*", which is surveillance by means of an electronic device the primary purpose of which is to monitor or record geographical location or movement.

"*employee*" for the purposes of this policy includes a council employee or staff member, trainee, Council contractors, Councillors, persons performing voluntary work and any other person authorised to undertake a Council function or activity while in the workplace.

"*workplace*" means premises, or any other place, where employees work, or any part of such premises or place (section 3 of the Act).

4. **Types of surveillance to be carried out**

4.1 Camera surveillance

Council uses camera surveillance at a number of Council facilities to monitor security and provide employee and public safety. The current facilities and areas are as follows:

- XXXXXXXXXXXX
- XXXXXXXXXXXX
- XXXXXXXXXXXX
- XXXXXXXXXXXX
-

Facilities and areas that are the subject of camera surveillance will display clearly visible signage at the entrances of the relevant area to inform employees and the public that they are under surveillance pursuant to section 11 (b) of the Act.

Cameras used for surveillance must be clearly visible in accordance with section 11 (a) of the Act.

4.2 Computer surveillance

Computer surveillance is used for the general security of Council property or assets, for the protection of Council related information and to ensure that Council's computer and mobile phone resources are not misused.

The software applications used record user activity including logon details and times, audit trails of data changes and deletions, telephone usage activity (including calls received, placed and length of call), photocopier and printer usage. Council retains logs, backups and archives of computing activities, which may be audited.

Email of employees and Councillors is not routinely read, but, is continually monitored by software to ensure the security and stability of Council's network. Software is also used to ensure Council's compliance with the State Records Act. Emails are Council records which should be managed accordingly and will be accessible in that context. Further, any email may also be the subject of an application under GIPA legislation.

Internet usage is monitored by a web filtering tool to restrict access to inappropriate sites. Monitoring may occur where unusual or high volume activities may warrant more detailed examination. Council also keeps a readily accessible list of recently accessed web sites.

Council receives accounts from its mobile service provider that identifies each cost incurred by mobile phone users. This information relates to the dates and times calls are received and made and the use of any services such as, but not limited to, voicemail, SMS, Video Message Bank and Internet access. These accounts may be examined if misuse of the mobile phone is suspected.

4.3 Tracking surveillance

GPS devices may be fitted to Council vehicles and plant to assist in Council operations; security of the plant item and to assist with monitoring the safety of staff.

Vehicles and plant that is the subject of GPS tracking surveillance will display clearly visible signage to inform employees of the relevant surveillance, pursuant to section 13 of the Act.

Increasingly vehicle fleet has equipment that provides back to base, real time capability with regard to location, engine revolutions per minute (RPM) and other performance data. This data is invaluable in informing Council process improvement activities and for identifying obstacles to Council teams.

The intention of this policy is not to utilise this information primarily for performance management purposes, however, available information may be accessed in the course of a workplace investigation.

5. **Surveillance commencement**

Pursuant to section 10(2) of the Act, written notice must be given to employees at least 14 days before surveillance commences. An email constitutes notice in writing (section 10 (5) of the Act).

New employees commencing work with Council shall be given notification of the types of workplace surveillance undertaken before they commence work (section 10 (3) of the Act).

Pursuant to section 10(4) of the Act, the notice must indicate:

- (a) The kind of surveillance to be carried out.
- (b) How the surveillance will be carried out.
- (c) Whether the surveillance will be continuous or intermittent.
- (d) Whether it will be for a specified time or ongoing.

6. **Responsibilities**

General Manager

The General Manager is the officer responsible for the Workplace Surveillance Policy. These responsibilities include:

- providing a point of contact for anyone wanting information or advice about the meaning and application of the policy;
- receiving complaints/grievances or reports of possible breaches of this policy,
- investigating possible breaches and enforcing policy compliance;
- developing and implementing a training strategy for the application of the policy;
- ensuring appropriate notification is given for all workplace surveillance conducted.

Other Staff

All staff must ensure that:

- they comply with the requirements of the Workplace Surveillance Policy;

- they notify the General Manager of any suspected breaches of this policy.

7. **Record keeping, use of records and disclosure**

Retention and destruction of surveillance records will occur as required by the Local Government Records and Archives Disposal Schedule.

Pursuant to section 18 of the Act, any surveillance record must not be used or disclosed unless:

- (a) Use or disclosure is for a legitimate purpose related to the employment of employees or the legitimate business activities or functions of Council, or
- (b) disclosure is to a member or officer of a law enforcement agency for use in connection with the detection, investigation or prosecution of an offence, or
- (c) the use relates directly to the taking of civil or criminal proceedings, or
- (d) the use or disclosure is reasonably believed to avert an imminent threat of serious violence to persons or substantial damage to property.

8. **Covert surveillance**

Pursuant to section 19 of the Act, covert surveillance is prohibited without covert surveillance authority being granted. Part 4 of the Act prescribes how such authority may be obtained.

9. **Breaches**

Inappropriate use of surveillance processes should be reported to the General Manager. Any person or persons breaching this policy may be subject to disciplinary action and may also be liable to sanctions prescribed within the Act.

10. **Review**

This policy should be reviewed every 2 years. The policy may be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).



Enterprise Risk Management

	Name	Position	Signature	Date
Responsible Officer	Alison Coe	Assistant General Manager – Corporate and Community Services		
Authorised By	Craig Moffitt	General Manager		

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June 2017

1. PURPOSE AND SCOPE

To provide an Enterprise Risk Management framework that proactively identifies, analyses, evaluates and mitigates risks to Murrumbidgee Council. This policy applies to all areas of Murrumbidgee Council, Staff, Councillors, Council Delegates and Volunteers.

2. POLICY STATEMENT

Murrumbidgee Council is committed to a well formed and thorough approach to the management of risk across the organisation.

The Enterprise Risk Management framework and the process for managing Council's risks is consistent with the Australian International Risk Management Standard AS/NZS ISO 31000:2009.

Council has developed an Enterprise Risk Management Program Plan to facilitate the implementation and ongoing integration of Enterprise Risk Management into both Council's strategic planning processes and everyday operational activities.

3. RISK MANAGEMENT FRAMEWORK & PROCEDURES FOR MANAGING RISK

Council's Risk Management Plan (the Plan) establishes the Enterprise Risk Management Framework and associated processes.

The Plan is the principle guiding mechanism for managing risk across Murrumbidgee Council. The Plan sets forth how risk must be managed within Council.

The processes contained within the Plan for managing Council's risks is consistent with the Australian International Risk Management Standard AS/NZS ISO 31000:2009.

4. RELATED LEGISLATION/POLICIES/DOCUMENTS

- Murrumbidgee Council Enterprise Risk Management Plan (In development/to be tabled)
- AS/NZS ISO 31000:2009
- Local Government Act 1993
- Internal Audit Guidelines 2010 – Office of Local Government

5. DEFINITIONS

Risk

The possibility of something happening that will impact upon objectives or service delivery. *AS/NZS ISO 31000: 2009* defines risk as 'the effect of uncertainty on objectives'.

Risk Management

Coordinated activities that directs and controls Council with regard to risk. AS/NZS ISO 31000: 2009 outlines the broad stages of risk management as – (a) establish the context; (b) risk assessment; (c) risk treatment; (d) monitoring and review; and (e) communication and consultation.

Enterprise Risk Management

A system that encourages a coordinated approach for identifying, assessing, mitigating and monitoring the various risks and opportunities that have the potential to impact on the organisation.

Risk Management Framework

Set of components that provide the foundations and organisational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management throughout the organisation.

Risk Management Policy

Statement of the overall intentions and direction of an organisation related to risk management.

Risk Management Plan

Scheme developed in keeping with the risk management framework specifying the approach, the management components and resources to be applied to the management of risk.

6. REVIEW

This policy should be reviewed every 2 years. The policy may be reviewed and amended at any time at Council's discretion (or if legislative or State Government Policy changes occur).



Personal Protective Equipment (PPE) Policy

	Name	Position	Signature	Date
Responsible Officer		Assistant General Manager –		
Authorised By	Craig Moffitt	General Manager		

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TABLE OF CONTENTS

Table of Contents.....	2
1. Purpose	3
2. Scope.....	3
3. Definitions.....	3
5 Procedural Requirements	4
5.1 Planning.....	4
5.2 Execution.....	5
Procedures & Guidelines.....	5
4.5 Procurement and Issue of PPE.....	6
4.6 Designated Areas	6
4.7 Using Personal Protective Equipment	6
4.8 Safety Signs	6
4.9 Mandatory Signs	7
4.10 Storage and Maintenance of Personal Protective Equipment.....	7
4.11 Head Protection	7
4.12 Hearing Protection	8
4.13 Eye Protection.....	9
4.14 Corrective Lenses	10
4.15 Protective Clothing.....	10
4.16 Respiratory Protection	11
4.17 Protection of Hands/Fingers and Feet	12
6 Resources Required	13
7 Training	13
8 Accountabilities.....	13
9. Review History	14

1. PURPOSE

The purpose of this policy is:

- To establish the standards and guidelines for the wearing and use of personal protective equipment at Murrumbidgee Council.
- Clearly identify the role that personal protective equipment plays in the overall risk management process.
- To provide a framework to minimise the risk of injury or harm to employees and other persons by the correct and appropriate management and use of personal protective equipment.

2. SCOPE

This policy and procedure is applicable to all employees, contractors and visitors to Murrumbidgee Council construction sites or as per signage at Depots and buildings.

Legal Compliance & References

Legislation / Recognized Standards	Work Health and Safety Act 2011 No 10 Work Health and Safety Regulation 2011
Australian / International Standards	AS/NZS 4602:1999 High Visibility Safety Garments AS/NZS 4399 Sun Protective Clothing AS/NZS 4804 Occupational Health and Management System
Risk Assessment	??
Other References	Hi Visibility Clothing – Operational Specification Working in Heat Guidelines Sun Protection Policy

3. DEFINITIONS

Term	Definition
Personal Protective Equipment (PPE):	Includes any item of clothing, equipment or a device designed to protect a person from risks of injury or illness eg. Gloves, hearing protection, respirators, protective eyewear, safety helmets, sunscreen and sun hats. It includes seat belts, fall arresting devices and buoyancy devices.
Hazard:	Is a situation that has the potential for harm to life, health, property or the environment This includes any

	existing or potential condition in the workplace that can result in injury, damage or other losses.
Worker	An employee, contractor or employee of a contractor, volunteer.
PCBU	Person Conducting Business or Undertaking

5 PROCEDURAL REQUIREMENTS

5.1 PLANNING

Murrumbidgee Council recognises that a process of risk management involving the hierarchy of control is the most appropriate method of determining what hazard control measures should be introduced in response to workplace risk.

The hierarchy of control is listed below:

- Elimination of the hazard - removal of the hazard at the source.
- Substitution of a hazardous process, chemical or activity with a less hazardous one.
- Engineering - changing the process or method of how the job is performed, enclosure of hazardous chemicals or activities so that employees are separated from the hazardous activity.
- Administrative controls – Signage, training, written policies and work procedures.
- Personal Protective Equipment use

The use of personal protective equipment should only be contemplated as a viable control measure when consideration of all of the other methods of hazard control has occurred. However it is recognised that there are many occasions where there is either no alternative other than to use personal protective equipment or where personal protective equipment may be used in conjunction with one or more of those listed above.

Murrumbidgee Council will adopt the following principles:

- Hazard analysis and risk assessment measures will be employed to determine the best means of hazard control.
- The requirements of relevant Work Health and Safety Legislation, Australian Standards and Codes of Practice will be used as a minimum to set the standards for the use and issue of personal protective equipment.

- Specific procedures, guidelines and instructions will be developed for the requirements and methods of use of personal protective equipment.
- An adequate and comprehensive range of personal protective equipment will be available on site at all times.
- Ongoing review and assessment of personal protective equipment will occur to ensure that the equipment on hand is in keeping with contemporary developments.

5.2 EXECUTION

PROCEDURES & GUIDELINES

Procedures and guidelines will be developed which give support to this Policy. These will include but will not necessarily be limited to the following issues:

- Overall management and control of personal protective equipment.
- Head protection.
- Eye and face protection, including reference to special requirements of those who wear prescription glasses.
- Fall protection.
- Respiratory protection.
- Foot and lower leg protection.
- Hearing protection.
- Personal protective clothing.
- Other specific items of personal protective equipment.
- It is the responsibility of **all** employees and visitors to Murrumbidgee Council to use in designated areas, or tasks, as defined in this Policy.
- All persons are to ensure that they have appropriate protective equipment and wear it in accordance with this Policy.
- Care of the protective safety equipment issued to employees, contractors or visitors is the responsibility of those persons to whom it is issued.
- Any person who wishes to avail themselves of protective equipment not under normal store issue should enquire through their immediate Supervisor and/or Manager if this will be approved. Any contractor or visitor to Murrumbidgee Council must also comply with these protective equipment rules, and address any concerns with their supervisor.
- Contractors will be responsible for the provision of personal protective equipment for their employees and will meet or exceed Murrumbidgee Council rules and standards as they apply to personal protective equipment.

- Correct disposal of PPE as per site requirements is the responsibility of the individual.

Continual failure to wear appropriate safety and protective equipment may lead to an Employee's ongoing employment being jeopardised.

4.5 PROCUREMENT AND ISSUE OF PPE

Only protective safety equipment that complies with Australian Standards shall be issued and/or used at Murrumbidgee Council (refer Appendix 1).

Purchasing of protective safety equipment shall only be authorised by the, General Manager/Assistant General Manager – Infrastructure and Environment/Operations Engineers/or the WHS/HR Officer.

PPE shall be freely accessible to all workers at Murrumbidgee Council and shall be issued from the store office and supervisors offices.

Persons requiring PPE to suit individual needs can discuss those needs with the Supervisor or WHS Officer.

All reasonable effort shall be made to meet individual requirements.

4.6 DESIGNATED AREAS

Safety glasses and safety helmets are not required to be worn in administrative areas, including designated car park areas accessing administration buildings however enclosed footwear and suitable clothing must be worn.

The office environment;

Appropriate footwear in the office environment that will still provide foot support must be worn .Closed in shoes MUST be worn in areas such as the depot area and in the field (excluding those areas where safety shoes/boots are required).

Refer to Table 1 for specific guidance on designated areas.

4.7 USING PERSONAL PROTECTIVE EQUIPMENT

Personal Protective Equipment shall be worn or used in accordance with the manufacturer's instructions.

4.8 SAFETY SIGNS

The purpose of safety signs is to draw attention to objects and situations affecting health and safety. AS1319 - Safety signs for the occupational environment, sets out the requirements for the design and use of safety signs intended for use in the workplace for the purpose of:

- (a) Prevention of accidents;
- (b) Identification of hazards;
- (c) Indicating location of things provided in the interest of safety; and

- (d) Giving direction and instruction from the person responsible for health and safety in the workplace.

Use of this sign convention will be adopted at Murrumbidgee Council. The Operations Manager and Store person is to ensure that all new and replacement signage complies with this requirement.

Safety signs are classified as **Regulatory, Cautionary or Emergency Related.**

- (a) Regulatory signs are of two types, a **prohibition** sign to denote an order forbidding an action, and a **mandatory** sign to denote an order of obligatory action.
- (b) Mandatory signs are circular in shape with a blue background and a white symbol. The blue must cover at least 50 % of the area of the sign.

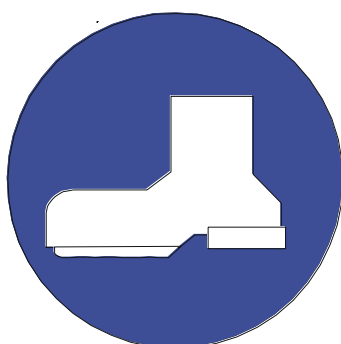
These signs are normally used to indicate that certain protective equipment is required to be worn.

4.9 MANDATORY SIGNS

Signs shall be posted in conspicuous locations on-site where it is mandatory to wear PPE. These are round blue signs with icons of the PPE in white. Examples follow:



EYE PROTECTION



SAFETY BOOTS



SAFETY HELMETS

4.10 STORAGE AND MAINTENANCE OF PERSONAL PROTECTIVE EQUIPMENT

PPE shall be stored in a clean and fully operational condition. Equipment shall be stored in a readily accessible location.

PPE shall be inspected before use to ensure the equipment is in a serviceable condition.

Damaged or defective PPE shall be tagged out-of-service and repaired or discarded. This must always be documented by the store person.

4.11 HEAD PROTECTION

All persons shall wear approved safety helmets protection on Quarry sites within Murrumbidgee Council and generally where overhead lifting is

occurring. In all other areas persons must wear approved wide brim hats. This is a legislative requirement. Areas or instances of exemption are:

- The administration offices and crib room areas;
- The car parks, entrances to the depot office areas and fuel bowsers;
- Inside the workshop and depot offices.

Appropriate head protection must be worn where any work is performed in these nominally exempted areas that present a risk of head injury.

- Safety helmets must be worn when anyone is working below another employee and/or where there a risk of any objects being dislodged or dropped such that it could injure the person below.
- Bump hats may be worn in workshop areas as authorised by the General Manager.
- Beanies or skull caps may be worn without wide brim protection, up until 9:30am. Skull caps and or beanies maybe worn under Safety Helmets and Wide brim hats at any time.

4.12 HEARING PROTECTION

High levels of noise accelerates hearing loss and produces other side effects - increased blood pressure, pulse and breathing rate - all leading to unacceptable levels of stress.

Hearing protection must be worn when exposed to excessive noise levels. An indication of the necessity to wear hearing protection is if there is a need to raise your voice above normal speaking volumes to be heard by another person who is approximately one metre away.

Where noise exceeds the limits prescribed by this rule, the affected areas are designated as HEARING PROTECTION AREAS and the wearing of hearing protection devices becomes mandatory.

Wherever such a sign is displayed, all persons are required to wear either:

- (a) Earplugs (disposable or reusable); or
- (b) Ear muffs.

Hearing protection must be worn in the following areas:

- Near all compressors and whilst using compressed air equipment.
- While operating, being transported in or standing near diesel equipment as determined by the level of discomfort or as determined by the regular monitoring results.
- As directed by Supervisors.
- Where signage indicates that hearing protection is mandatory.

- When noise levels are uncomfortable.

4.13 EYE PROTECTION

Eye protection must be worn **in operational areas**.

Exempt areas are as follows:

- Inside offices and crib rooms
- Designated crib/rest areas – outside the actual crib room

Suitable protection will be used for any work performed in exempt areas where the task at hand could endanger the person.

Specific eye protective equipment is designed to provide protection against hazards such as:

- Flying particles
- Dust
- Splashing materials
- UV Reflection
- Harmful gases
- Vapours and aerosols
- High intensity radiation generated during welding operations
- Will be worn where specified either by appropriate signs, or by the Safe Operating Procedure
- Where an M.S.D.S indicates the need.

The hazards associated with a particular task or area should be evaluated and the most appropriate type of eye protection selected.

In selecting eye protection, the following should be considered:

- (a) The nature of the risk to the eyes
- (b) The condition under which the operator is working
- (c) The visual requirements of the task
- (d) The personal preference of the wearer. Comfort, lightness, ventilation and unrestricted vision are important considerations
- (e) The condition of the operator's eyesight.

A full range of eye protection and cleaning materials are available from the store. Protection for visitors on a temporary basis is available at the store; these items are expected to be returned by the user before departure.

4.14 CORRECTIVE LENSES

Where it is determined by optometrists or other specialists that an employee needs to wear prescription glasses, Murrumbidgee Council will:

- Provide clip on protective glasses to protect prescription lenses.
- Shall pay the first \$300 of the safety prescription lenses and frames in a 12 month period when glasses are purchased from a contracted optometrist with Murrumbidgee Council.

Where damage is sustained to an employee's prescription safety glasses as a consequence of work activities an incident report should be completed and registered with the supervisor.

The Operations Manager will authorise the cost of replacement of the prescription glasses. Replacement will be on a one for one basis.

Employees who currently have prescription eye wear, that does not meet Australian Standards shall make an appointment with their optometrist for supply of appropriate eyewear.

4.15 PROTECTIVE CLOTHING

All employees will be issued with a supply of work clothing. The nature of the clothing issue is to be consistent with the employee's employment category and the hazards which may be reasonably expected to be encountered during the course of that employee's duties.

All employees are expected to wear the personal protective clothing supplied.

Protective clothing – shirts - will be made from cotton/natural fibre, high visibility, and two tones as defined in MC STD – Hi Visibility Clothing.

The company logo shall be placed on the front left hand chest panel. This type of protective clothing shall be worn at all times whilst working in operational areas.

Knee-length shorts/pants/trousers shall be made of cotton/natural fibre predominant material.

Safety - high visibility, fire resistant vest shall be worn by all visitors who do not have a shirt that meets the requirement

Personnel are not permitted to wear jackets or other substantive items of clothing made of fusible material in operational areas. Where this is unavoidable appropriate protective overalls shall be worn.

The wearing of long sleeved UV protective shirts buttoned at the wrist and trousers for outdoor staff is mandatory.

The wearing of long sleeved UV protective shirts buttoned at the wrist whilst attending to any outdoor jobsites or inspection areas, in which you are outside for a period of more than 30 minutes for indoor staff is mandatory.

.Personnel working outdoors is exposed to UV radiation and should take additional precautions. This includes;

- The application of sunscreen cream which has a minimum 30+ protection rating. Sunscreen should be kept in a cool place. Do not keep in the glove box of vehicles. If sunscreen is to be kept in a vehicle, place in a suitable place i.e. esky or lunchbox (Plastic zip lock bags will be supplied to prevent leakage). Sunscreen will be available in all Murrumbidgee Offices and must be used for **ALL** staff. Notation of sunscreen application can be made on start-up sheet, diary or separate toolbox sheet for each gang. This applies to indoor staff also.
- The wearing of a broad brim and neck flap attachment on safety helmets.
- A broad brimmed hat will be worn at all times measuring no less than 7.5cm in width, as recommended by the NSW Cancer Council. A hat with a wide brim reduces the amount of UV radiation reaching the face by 50%. Hats worn by employees whilst working in an environment exposed to UV radiation shall be light enough to wear in hot condition and made of a fabric that is of a close weave and does not allow the penetration of sunlight. Hats that have a gauze section are not suitable as UV rays will penetrate these.
- Biennial skins checks will be undertaken for all employees of Murrumbidgee Council.

Suitable clothing for Hot Work

Personnel engaged in welding, cutting, heating and gouging will adhere to the requirements of AS1558 – Protective Clothing for Welders.

4.16 RESPIRATORY PROTECTION

Respirators of the approved type, selected in compliance with the relevant Australian Standards must be worn whenever dusts, fumes, gases, or other harmful atmospheres are present.

These areas must be thoroughly ventilated. When in doubt, do not enter that place, if the air quality deteriorates, evacuate to known fresh air immediately.

The rules for respiratory protection are as follows:

- Check with a supervisor to obtain the approved type of respirator before entering poorly ventilated areas.
- Respiratory Protection must be correctly fitted and inspected for damage before use. The respirator should be inspected for air leaks around the face seal, damage, unclean or inadequate filters and damage to airlines.
- Dust respirators for spray painting and light concentration of toxic fumes.
- Canister respirators for smoke or toxic fumes/gases.
- Approved respirators are mandatory in the following areas.
- Any spray painting operations in accordance with SOP E 3 .83 Spray Painting or Spraying Harmful Substances.

- Grinding of metal surfaces.
- Airborne dust must be reduced to an absolute minimum by the use of effective water spray systems and watering down dusty areas as required.
- For spraying chemicals used for killing weeds and insects. As directed by chemical data sheets or as directed by a Supervisor.

4.17 PROTECTION OF HANDS/FINGERS AND FEET

Where risk of damage to the hands, gloves in accordance with the relevant Australian Standard are to be provided and worn. Some rules for the wearing of gloves are as follows:

- (a) Work gloves should be used while handling rough materials.
- (b) Rubber nitrile gloves must be worn when working with caustics, acids, solvents, lime, concrete, or cement. Only gloves with close fitting wristbands shall be used when handling hot materials.
- (d) Oxy, electric welding and cutting/heating operations use leather gloves
- (e) ..



DO NOT wear gloves near rotating equipment, for example, rotating drill steels and pedestal grinders.

- (f) All persons on site in operational areas shall wear safety boots/footwear – boots/footwear shall be in accordance with the relevant Australian Standard and shall be provided at annual issue and as required by fair wear and tear.
- (g) All boots shall be soles with non-slip rubber tread configuration shall be used (as per Australian Standards).

Table 1 Designated PPE requirements

TYPE	COMPULSORY/ RECOMMENDED	FOR WHOM	WHERE
Safety Footwear	Compulsory	All workers and visitors	All construction and quarry sites All depot area not marked as walking paths
Reflective	Compulsory	All workers and visitors	Any night work

Clothing			
Enclosed Footwear	Compulsory	All workers and visitors	marked walking areas within depot Offices? Other locations?
Hard Hats	Compulsory	All workers and visitors	In all designated areas/sign posted areas and as required when doing overhead work.
Safety Glasses	Compulsory	All workers and visitors	In all designated areas/sign posted areas and as required.
Protective Gloves	Compulsory to carry them & have them available for use	All workers	Handling materials or using tools that could cause injury to the hand.
High visibility Protective Clothing	Compulsory	All workers & visitors	All areas of operation excluding office buildings and car park.
Hearing Protection	Compulsory	All workers & visitors	In all designated areas/sign posted areas and as required.
Full face shield	Recommended	All workers	Job specific when cutting/grinding, welding, Oxy-Acetylene /LPG cutting etc. (hard hat may not be appropriate when wearing this PPE)

6 RESOURCES REQUIRED

As defined by document

7 TRAINING

All workers shall complete training in the content of this procedure.

8 ACCOUNTABILITIES

General Manager	<p>General Manager shall ensure that all of the provisions of this Policy is implemented and that compliance is achieved by:</p> <ul style="list-style-type: none"> Ensuring the process is designed and maintained by persons qualified to meet the desired outcome of well managed control of exposure to excess noise.
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	<ul style="list-style-type: none"> • Providing adequate resources – personnel, equipment and access to training to achieve the outcomes desired. • Reviewing actual incident outcomes for improvement opportunities.
Assistant General Managers/ Managers / Supervisors	Will ensure all employees, contractors and visitors in their departments are thoroughly acquainted with all Personal Protective Equipment Policies and Procedures and use appropriate protection as required.
WHS/HR Officer	<ul style="list-style-type: none"> • Advise management of suitable Personal Protective Equipment Standards. • Continually monitor all incidents and injuries to assess the effectiveness of the use of personnel protective equipment across all sites. • Inspect work areas and activities regularly to review the appropriateness of Personal Protective Equipment being used.
All Workers	<ul style="list-style-type: none"> • All employees will support this procedure by attending medicals, participating in surveys and reporting excessive noise in their workplace to their Supervisor. • Will wear hearing protection where indicated by mandatory signage.
Document Owner	Review this procedure in line with the requirements of the Document Control & Records Management Standard.

9. REVIEW HISTORY

Date of review	Revision Number	Trigger for review	New revision Number
16/03/2017	1	15/03/2019	

Appendix 1– List of Australian Standards for Personal Protective Equipment

Whole Body Protection	
AS1499	Personal Flotation Devices – Type 2
AS2375	Guide to the Selection, Care and Use of Clothing for Protection against Heat and Fire
AS 2626	Industrial safety belts and harnesses – Selection, use and maintenance
AS 2919	Industrial clothing
AS 3765	Clothing for protection against hazardous chemicals
NFPA 70E PPE	Clothing for protection against arc flash hazards
AS 4626	Industrial fall-arrest devices – Selection use and maintenance
AS/NZS1906	Retro reflective materials and devices for road traffic control purposes - Part 4: High visibility materials for safety garments and devices
AS/NZS 1891	Industrial fall arrest systems and devices - 1 - Fall-arrest devices
AS/NZS 4395	Sun protective clothing – Evaluation and classification
AN/NZS 4453	Protective clothing for users of hand-held chainsaws
AS/NZS 4488	Industrial rope access systems
AS/NZS 4501	Occupational protective clothing
AS/NZS 4503	Protective Clothing – Protection against Liquid Chemicals

Head Protection	
AS1800	The Selection, care and use of Industrial Safety Helmets
AS1801	Occupational protective helmets
AS4067	Fire fighter’s Helmets – Specification
BS4033	Specification for Industrial Scalp Protectors (light Duty)

Eye Protection	
AS1336	Recommended Practices for Eye Protection in the Industrial Environment
AS3957	Light-transmitting Screens and Curtains for Welding Operations (NZS 5852)
AS/NZS 1337	Eye Protectors for Industrial Applications
AS/NZS1338.1	Filters for Protection against Radiation in Welding and Allied Processes
Hearing Protection	
AS1269	Acoustics – Hearing Conservation



Circular Details	Circular No 16-30 / 2 September 2016 / A512827
Previous Circular	16-01 New Local Government Act Development Consultation
Who should read this	Councillors / General Managers / All council staff
Contact	Council Governance Team - 02 4428 4100
Action required	Information

Local Government Amendment (Governance and Planning) Act

What's new or changing

- The NSW Parliament has passed amendments to the *Local Government Act 1993* (the LGA) known as the Phase 1 reforms, focussing mainly on improving council governance and strategic business planning.
- Some of the amendments are now in force. Other amendments will be put in place over time.

What this will mean for your council

The following relevant amendments are now in force:

- The term of office for a mayor elected by councillors will be **increased to two years** (section 230(1) LGA).
- All councillors, including mayors, are required to take an oath or affirmation of office (section 233A LGA).
- The organisational structure of a council is to be determined by:
 - The governing body of the council, in consultation with the general manager, for senior staff positions; and
 - The general manager, for the remainder of the positions in the organisation structure.
- Expenses and facilities policies are to be adopted by a council within 12 months of the term of a new council, instead of annually (section 252 LGA). Amendments to this policy are no longer required to be specifically notified to the Office of Local Government (section 253 LGA).
- The commencement of countback provisions has been deferred until a date prescribed for that purpose (section 291A). Any casual vacancies occurring in the office of a councillor following the 2016 ordinary elections will be required to be filled at a by-election held in accordance with section 291 of the LGA where otherwise required to be filled.

Key points

- Mayors elected by councillors on or after 30 August 2016 will hold office for two years.
- All mayors and councillors are required to take an oath or affirmation of office before they can perform their functions and duties.
- Determination of the organisation structure of a council is by the governing body of the council, in consultation with the general manager for senior staff positions and by the general manager for the remainder of the structure.
- Expenses and facilities policies are to be adopted by a council within 12 months of the term of a new council and policy amendments are no longer required to be specifically notified to the Office of Local Government.
- Countback provisions will not be available to fill casual vacancies occurring in the office of a councillor following the 2016 ordinary elections.
- Further Phase 1 amendments will be put in place over time and will be the subject of separate guidance.

Where to go for further information

- Contact the Council Governance Team at the Office of Local Government on 02 4428 4100 if you would like any further information.



Tim Hurst
Acting Chief Executive
Office of Local Government



Circular Details	Circular No 16-35 / 26 September 2016 / A514402
Previous Circular	16-01 New Local Government Act Development Consultation 16-30 Local Government Amendment (Governance and Planning) Act
Who should read this	Councillors / General Managers / All council staff
Contact	Council Governance Team / Performance Team - 02 4428 4100
Action required	Information

More Phase 1 amendments to the Local Government Act commenced by proclamation

What's new or changing

- As notified in Circular 16-30, the NSW Parliament passed amendments to the *Local Government Act 1993* (the LGA) in the *Local Government Amendment (Governance and Planning) Act 2016*. These reforms are known as the Phase 1 amendments.
- Some Phase 1 amendments commenced on 30 August 2016 and were notified to councils in Circular 16-30.
- Further Phase 1 amendments have now been commenced by proclamation, which was published on 23 September 2016 under the Notification-Gazette tab of the [NSW Legislation website](#).
- The remaining Phase 1 amendments will be put in place over time.

What this will mean for your council

The following Phase 1 amendments have been commenced by proclamation and are now in force:

- new purposes and principles for local government;
- new roles and responsibilities for mayors, councillors and governing bodies;
- new functions of general managers;
- a clarification of the role of administrators and temporary administrators;
- an extension to the delegation power of a council to include the acceptance of tenders by the general manager for services, where those services are not currently provided by council staff; and
- a clarification that a mayor elected by councillors does not continue to hold mayoral office if they cease to hold office as a councillor.

The Phase 1 reforms that appoint the Auditor-General as the auditor of all councils come into force on 1 October 2016. Transition arrangements, including for new councils, for the 2015-16 and 2016-17 financial periods are set out in Schedule 8 of the LGA and in the *Local Government (General) Regulation*.

Key points

- Mayors, councillors and council staff will need to become familiar with the new roles and responsibilities that are set out in the LGA.
- The NSW Audit Office will be in direct contact with all councils in connection with the Auditor-General's new role and the proposed transitional arrangements.
- Councils will need to notify the Auditor-General in writing of all council entities (including partnerships, trusts, corporations, joint ventures, syndicates or other bodies the council has formed or has a controlling interest in) in existence on 1 July 2016, by **31 December 2016**.
- Councils may now delegate to the general manager the function of accepting tenders for services, where those services are not currently provided by council staff.

Where to go for further information

In relation to auditing changes, please contact the Performance Team, and regarding other changes, please contact the Council Governance Team, at the Office of Local Government on 02 4428 4100.



Tim Hurst
Acting Chief Executive
Office of Local Government



Circular Details	Circular No 16-51 / 21 December 2016 / A519535
Previous Circular	16-01 New Local Government Act Development Consultation 16-30 Local Government Amendment (Governance and Planning) Act 16-35 More Phase 1 amendments to the Local Government Act commenced by proclamation
Who should read this	Councillors / General Managers / All council staff
Contact	OLG Relationship Manager – 02 4428 4100
Action required	Information

Further Phase 1 amendments to the Local Government Act commence and amending regulation made

What's new or changing

- As notified in Circular 16-30, the NSW Parliament passed amendments to the *Local Government Act 1993* (the LGA) in the *Local Government Amendment (Governance and Planning) Act 2016*. These reforms are known as the Phase 1 amendments.
- Some Phase 1 amendments commenced on 30 August 2016, 23 September 2016 and 1 October 2016 and were notified to councils in Circulars 16-30 and 16-35.
- Further Phase 1 amendments relating to the appointment of financial controllers and temporary advisers have now been commenced by proclamation. An amending regulation (the *Local Government (General) Amendment (Performance Management) Regulation*) has also been made.
- Both the proclamation and regulation were published on 25 November 2016 under the Notification-Gazette tab of the [NSW Legislation website](#).
- The remaining Phase 1 amendments will be put in place over time.

What this will mean for your council

- The following Phase 1 amendments have been commenced by proclamation and are now in force:
 - The power of the Minister to appoint a financial controller in association with a performance improvement order and the functions and powers of a financial adviser;
 - Clarification of the process of appointing a temporary adviser; and
 - Regulation-making powers to prescribe criteria for the Minister to consider when determining whether to appoint a financial controller and/or a temporary adviser.
- The *Local Government (General) Regulation* now:
 - prescribes that the Minister must consider whether the appointment of a financial controller will (in his opinion) contribute to improving the financial operations of a council or contribute to mitigating a financial risk facing the council.

- prescribes that the Minister must consider whether an appointment of a temporary adviser will (in his opinion) assist the council to comply with (or implement actions under) a performance improvement order as a separate criterion.

Key points

- The Minister now has the power to appoint a financial controller in association with a performance improvement order and after considering prescribed criteria.

Where to go for further information

For more information, contact your Office of Local Government Relationship Manager.



Tim Hurst
Acting Chief Executive
Office of Local Government



Circular Details	Circular No 17-06 / 4 May 2017 / A538210
Previous Circulars	16-30 Local Government Amendment (Governance and Planning) Act 16-35 More Phase 1 amendments to the Local Government Act commenced by proclamation 16-51 Further Phase 1 amendments to the Local Government Act commence and amending regulation made
Who should read this	General Managers / Council Governance Staff
Contact	Council Governance Team – 02 4428 4100
Action required	Information

Commencement of Phase 1 Amendments – An Overview

What's new or changing

The Office of Local Government has received questions about the commencement dates of amendments to the *Local Government Act 1993* made by the *Local Government Amendment (Governance and Planning) Act 2016* (the Phase 1 Amendments).

What this will mean for your council

A table outlining the commencement date for each of the Phase 1 amendments is attached to this circular. The table also identifies those provisions that are yet to commence.

Key points

- The previous circulars referred to above provide further details of amendments that have already commenced.
- Some provisions have not yet commenced, in order to allow for consultation and the development of supporting regulatory frameworks. The consultation process for many of these has commenced and the supporting regulatory frameworks are currently under development.
- Councils will be advised by circular when these provisions are being commenced and will be given sufficient notice to allow them to implement and comply with new requirements.

Where to go for further information

- For further information, contact the Office's Council Governance Team on 4428 4100 or by email at olg@olg.nsw.gov.au.

Tim Hurst
Acting Chief Executive

ATTACHMENT TO CIRCULAR

Commencement of Phase 1 Amendments – An Overview

Commenced on 30 August 2016
GOVERNING BODY
Mayoral term <ul style="list-style-type: none">• The mayoral term for councillor-elected mayors has increased to two years (from one year) (s230)
Councillor oath or affirmation of office <ul style="list-style-type: none">• Councillors, including mayors, must take an oath or affirmation of office before commencing their duties (s233A)
Councillor expenses and facilities policy <ul style="list-style-type: none">• Policies must be adopted within 12 months of the commencement of the new council term, instead of annually (s252)• Copies of the policy are no longer required to be provided to the Office of Local Government
Councillor fee increases <ul style="list-style-type: none">• Clarification that the State wages policy (currently limiting councillors' fee increases to 2.5%) does not apply to determinations by the Local Government Remuneration Tribunal that change a council's fee category (s242A)
Organisation structure <ul style="list-style-type: none">• The council is to determine the organisation structure for the senior staff level in consultation with the general manager, with the general manager to determine the balance of the organisation structure (s332)
ELECTIONS
Casual vacancies <ul style="list-style-type: none">• Casual vacancies may only be filled by a countback election once a date to do so has been prescribed by regulation (s291A)• A date has not yet been prescribed

ATTACHMENT TO CIRCULAR

Commencement of Phase 1 Amendments – An Overview

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GOVERNING BODY
Mayoral term <ul style="list-style-type: none">• The mayoral term for councillor-elected mayors has increased to two years (from one year) (s230)
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Commenced on 23 September 2016

LOCAL GOVERNMENT PRINCIPLES AND COUNCIL ROLES AND FUNCTIONS

New purposes and principles (ss7-8C)

- General principles
- Decision making principles
- Integrated planning and reporting principles
- Community participation principle
- Sound financial management principles

New roles

- Governing bodies (s223)
- Mayors (s226)
- Councillors (s232)
- Administrators (s258)

New functions

- General manager (s335)

DELEGATION OF TENDERS AND FINANCIAL ASSISTANCE

Councils may now delegate:

- Acceptance of tenders, except for services currently provided by council staff (s377(1)(i))
- Payment of financial assistance as part of a program specified in the council's operational plan that is not more than 5% of the council's rates income and that applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area (s377(1A))

GOVERNING BODY

Mayoral term

- A mayor elected by councillors ceases to be mayor once that person ceases to hold office as a councillor (s234)

Commenced on 1 October 2016

AUDIT

External auditor

- The Auditor-General is appointed as the external auditor for all councils from the 2016-17 financial year (s422)

Performance audits

- The Auditor-General may conduct performance audits of all or any activities of one or more councils to determine whether the councils are carrying out those activities effectively, economically and efficiently and in compliance with relevant laws (s421B)

Commenced on 25 November 2016

FINANCIAL CONTROLLER

- The Minister may appoint a financial controller to a council in association with a performance improvement order and after considering prescribed criteria (s438HB)

Yet to commence (consultation either commenced or soon to commence)

INTEGRATED PLANNING AND REPORTING (IP&R)

- Streamlined IP&R requirements

GOVERNANCE

Induction and professional development for mayors and councillors

- New requirements for the provision of, and reporting on, induction and ongoing professional development programs for mayors and councillors

Model Code of Conduct and Procedures

- Consolidation of the pecuniary interest provisions into the Model Code of Conduct for Local Councils in NSW

Model Code of Meeting Practice

- Prescription of a new Model Code of Meeting Practice
- Councils will not be required to adopt a new Meeting Code based on the Model Meeting Code until after the next ordinary election following commencement

Meetings – reduced number

- One-off opportunity for prescribed councils to seek the approval of the Minister for Local Government to reduce the minimum number of council meetings to less than 10 a year

Councillors – reduced number

- One-off opportunity for prescribed councils to seek the approval of the Minister for Local Government to reduce their councillor numbers (without a constitutional referendum)

PERFORMANCE MEASUREMENT FRAMEWORK

- Prescription of a performance measurement framework for councils

AUDIT COMMITTEES, INTERNAL AUDIT AND RISK

Audit, risk and improvement committees

- Requirement for councils to appoint audit, risk and improvement committees
- Councils will not be required to appoint an audit, risk and improvement committee until 6 months after the next ordinary election following commencement

Understanding changes to the Local Government Act

LGNSW Annual Conference
Sunday 16 October 2016



Jill Gallagher – LGNSW Senior Manager Governance and Culture
Sarah Artist – LGNSW Senior Manager Innovation and Capacity

About our workshop

- Facilitators
- Schedule
- Objectives



Today's Agenda:



Presentation:

- Background, context and process
- Understanding the amendments
- Phase 2 and beyond

Workshop:

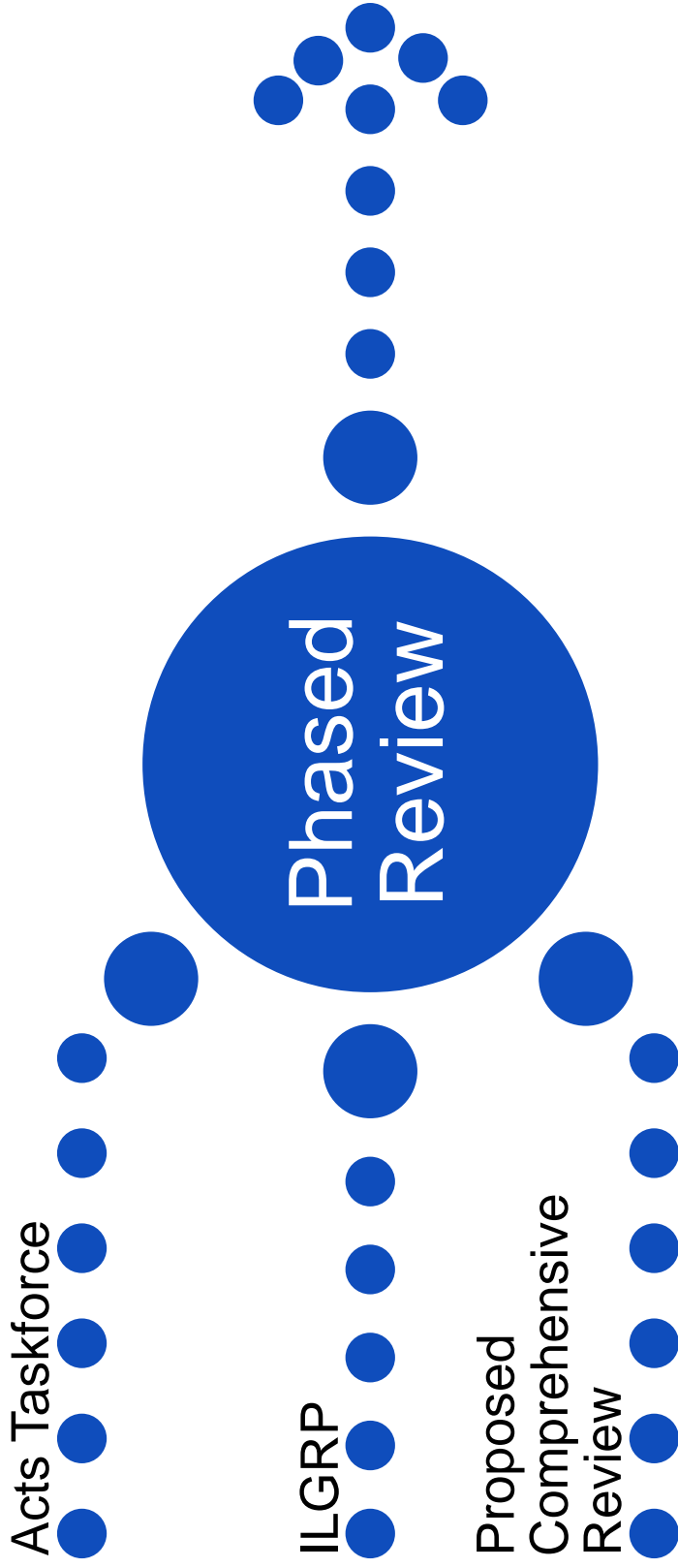
Phase 1 amendments

- What does this mean in practice for your Council?
- What will be important in implementing the changes?

Phase 2 amendments

- Do you agree with our suggested changes?
 - What other changes are needed?
-

Background to the Review

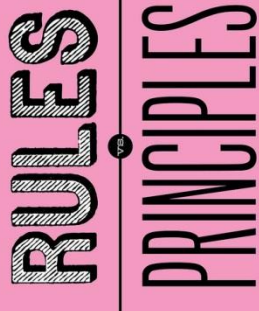


Some of the wins so far...

- IP&R Guidelines now mandated by Regulation rather than being at the discretion of the OLG
- Minister is required to consider criteria before appointing a financial controller or temporary adviser
- Auditor-General's role has been clarified

Phase 1 amendments - overview

- Principles-based legislation, roles and functions
- Elected officials and governance
- Administrative processes and delegations
- Council staff
- Administrators and financial controllers
- IP&R
- Internal and council audits
- Transitional provisions



RULES
vs
PRINCIPLES

Staged Implementation of Phase 1

- 30 August, 23 September, 1 October

Not yet commenced:

- Process for reducing the number of councillors or council meetings
- Pecuniary interest/code of conduct changes
- Code of meeting practice
- Audit, Risk and Improvement Committee
- Streamlining of IP&R
- Financial controller provisions

Topics to focus on?

- Those that directly affect you?
- Elected officials?
- Governance (code of conduct)?
- Guiding principles?
- Audit arrangements?
- Anything else?



Purposes of Act (s7)

WHY
ARE
WE
HERE?



Before

- Legal framework
- Regulation of relationships
- Community participation
- Council functions
- ESD

Now

- Higher level with less detail
- Legal framework
- Responsibilities and powers
- Democratically elected
- Community engagement
- Accountable, sustainable and flexible

Guiding principles for councils (s8)

Before: Council charter

Now:

- Guiding principles for councils (s8A)
 - Exercise of functions generally
 - Decision-making
- Principles of sound financial management (s8B)
- IP&R principles (s8C)

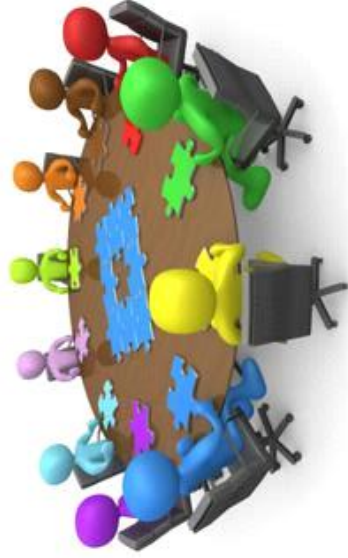
Roles and Functions: Overview

- Governing body
- Mayor
- Councillors
- General manager
- Administrator
- Financial controller

Role of the Governing Body (s223)

Before

- Direct and control the affairs of the council



Now

- As before plus:
- 11 points re civic leadership, community engagement, financial sustainability, performance etc
- + Consult with the GM

Role of Mayor (s226)

Before

- Policy-making between meetings
- Preside at meetings
- Civic and ceremonial functions

Now

- As before plus:
- 11 points re leadership, strategy, spokesperson, consultation, IP&R, partnerships and representation, etc

Role of Councillors (s232)



Before

- Dual role re member of the governing body and as an elected person

Now

- Refocused on individual responsibilities rather than responsibilities as members of governing body
- Accountable for the performance of the council

Functions of General Manager (s335)

Before

- Day to day operations of council organisation and implementation of council decisions
- Appoint, direct and dismiss staff

Now

- The same functions re staff, but clarifies the relationship with the mayor and councillors, and ties the GM's functions more closely to IP&R

Elected Officials: Overview

- Reduce the number of councillors
- Mayor's term of office
- Oath or affirmation of office
- LG Remuneration Tribunal
- Filling casual vacancies – use of count-back
- Conduct of meetings (not commenced as at 9/10/16)
- Professional development

Reduce number of councillors (s224A) without a constitutional referendum

Before

- Was available for all councils for a 5 month window in 2011

Now

- Available for councils prescribed by Regulation, for a window between commencement and 12 months prior to election

*not commenced as at 9 October 2016

Term of the Mayor (ss230 and 234)

Before

- 1 year
- Differing views about when a councillor-elected mayor ceased to hold office

*2 year terms do not apply to councils pending amalgamation (cl116 Transitional provisions)

Now

- 2 years*
- Councillor-elected mayors cease to hold office on election day or if they otherwise cease to hold office as a councillor



Oath or affirmation of office (s233A)

New provision

- Must take at/before the first meeting after election
- Take before the GM, a lawyer or a JP
- Can't attend meetings until taken
- Recorded as AWOL if not taken
- After missing 3 meetings, office becomes vacant
- GM to keep records



LG Remuneration Tribunal (s242A)

Before

- In making determinations, the Tribunal has to apply the same policies as the IRC has to consider when making or varying awards for public sector employees

Now

- Does not apply to a determination about a change of council category

Filling Casual Vacancies (s291A)

Before

- Vacancies within the first 18mths after election could be filled by count-back rather than by-election (in some circumstances)

Now

- Count-back option will only be available once a Regulation has been made and a date prescribed

Conduct of Meetings (s360)

Before

- Council may adopt a code of meeting practice

Now

- Council must adopt a code within 12 mths of election
- Model code may have mandatory provisions which can't be changed

*not commenced as at 9 October 2016



Reduction in No. of Meetings (s365A)

New Provision

- Council may make an application to the Minister to reduce the number of meetings per year
- Only applies to councils prescribed by regulation
- Only applies between commencement of the section and up to 12 months before the next election

*not commenced as at 9 October 2016



Professional Development (s232)

New provision

- Role of a councillor (s232(1)(g)) includes “to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor”
- New regulation-making power for induction courses and other professional development for mayors and councillors (Schedule 6, Item 13A)
- Note – no reg has been made yet

Governance - Overview

- All pecuniary interest provisions will be consolidated into a new Code of Conduct
- Part 2 of Chapter 14 will be deleted, and most of the requirements brought across as mandatory requirements in the Code of Conduct (cl124 of the transitional provisions)
- Part 3 of Chapter 14 has been narrowed to deal with persons other than councillors and administrators

*not commenced as at 9 October 2016

Governance – Pecuniary Interests

- The Act now includes specific reference to pecuniary interests as a type of conduct that can be addressed in the code (other types of conduct brought forward from old Schedule 6A to new s440AAA)
- The regulations may provide that the Code of Conduct is to apply to committees of council and advisers to council (s440(2))

*not commenced as at 9 October 2016

Governance – Pecuniary Interests

Before

- All pecuniary interest breaches are referred to NCAT

Now

- Pecuniary interest breaches by councillors and administrators will be referred to OLG and addressed under the misconduct provisions of the Act – may include referral to NCAT

*not commenced as at 9 October 2016

Governance – Pecuniary Interests

Before

- All pecuniary interest breaches are referred to NCAT

Now

- Allegations of breaches by non-councillors will still go to NCAT
- But complainants will no longer have to sign a statutory declaration to verify a complaint (s460)

Powers of Minister (s370A)

- Old s458
- Added clarification that councillors who are approved by the Minister to attend a meeting and vote on a matter in which they have a pecuniary interest have not engaged in misconduct

*not commenced as at 9 October 2016

Governance – Delegates (s482(4A))

New provision

- Options for NCAT have been provided re a complaint that is proven against a delegate of a council (other than the GM)

*not commenced as at 9 October 2016

Administrative Processes and Delegations - Overview

- Expenses and provision of facilities policies
- Delegation of functions



Expenses and Provision of Facilities Policies (ss 252 and 253)



Before

- Policy to be adopted annually, within 5 months
- Copy of policy and statement of submissions to be sent to CE OLG

Now

- Policy to be adopted each council term, within 12 months
- Not required to send to CE OLG

Delegation of functions (s377)

Before

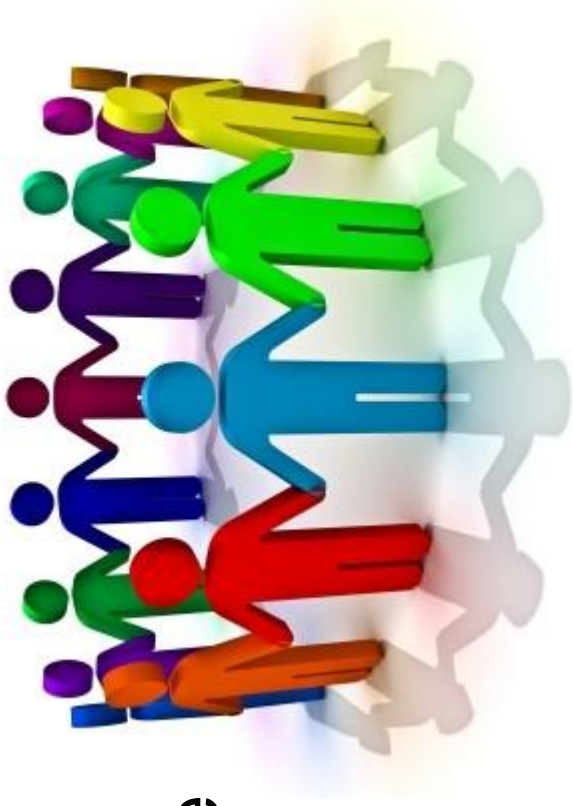
- Could not delegate acceptance of tenders required under the Act
- Could not delegate granting of financial assistance

Now

- Restriction limited to acceptance of tenders for services currently provided by staff
- Can delegate financial assistance under certain circumstances

Council Structure & Staff - Overview

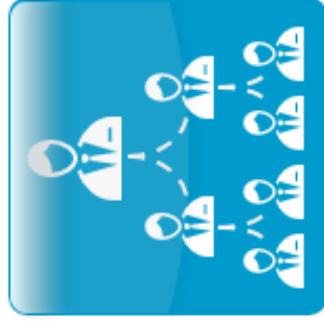
- Determination of structure
 - By whom, and how
 - Which bits of the structure
 - How often
- Senior staff contracts



Determ'n of Council Structure (s332)

Before

- Council decides org structure, senior staff positions and resources for employment of staff



Now

- Council must consult with GM and then decide senior staff positions, roles and reporting lines of senior staff positions, and resources for employment of staff



Det'n of Council Structure (ss 332, 333)

New/clarified provisions

- GM must consult council and determine the positions other than senior staff positions
- All positions are to give effect to the strategic plan priorities and delivery program of the council
- Also: Council ***must review*** and ***may redetermine*** the org structure within 12 months of an election

Senior Staff Contracts (s339)

Before

- GM must report annually to council on the contractual conditions of senior staff

Now

- Not required



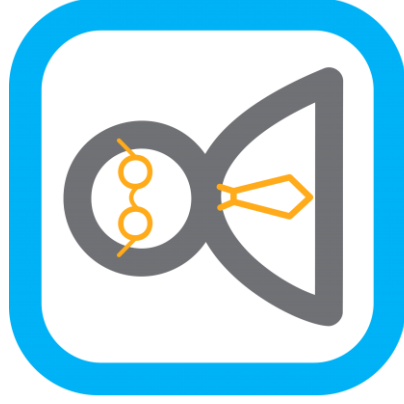
Administrators and Financial Controllers - Overview

- Clarified the functions of the administrator
- Created a new financial controller role

Administrators (s258)

Before

- Administrator had the functions of the council



Administrator

Now

- Has the functions of a councillor and the mayor
- If more than one administrator is appointed, one will be specified as having the functions of the mayor



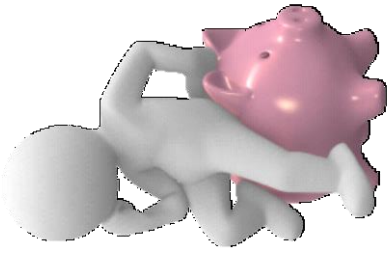
Financial Controllers (s438HB)



New Provisions

- Intended to provide an option for financial improvement that does not involve dismissing the council
- May be appointed by Minister as part of a performance improvement order
- Council can recommend appointment if they wish
- Paid by the council

*not commenced as at 9 October 2016



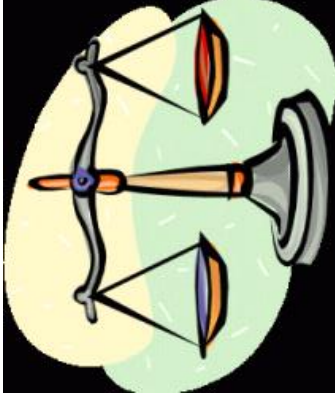
Financial Controllers (s438HC)

- Must authorise every payment made by the council
- Council, councillors and staff must cooperate with the financial controller
- Financial controller must be given 14 days to review and comment on any proposed compliance report

*not commenced as at 9 October 2016



Criteria for appointment (s438G)



- Minister required to consider criteria prescribed by the Regulations before appointing a financial controller or temporary adviser
- New Regulation-making power for the criteria to be specified

*not commenced as at 9 October 2016

IP&R (ss402 – 406)

Before

- Details are prescribed about how the IP&R documents are to be prepared
- CE to establish IP&R guidelines which must be complied with

Now

- Details have been moved to the Regulation
- Regulation can prescribe guidelines to be complied with

*not commenced as at 9 October 2016

State of the Environment Rpts (s428A)

Before

- SoE report must be included in council's annual report
- Must be prepared in accordance with IP&R guidelines

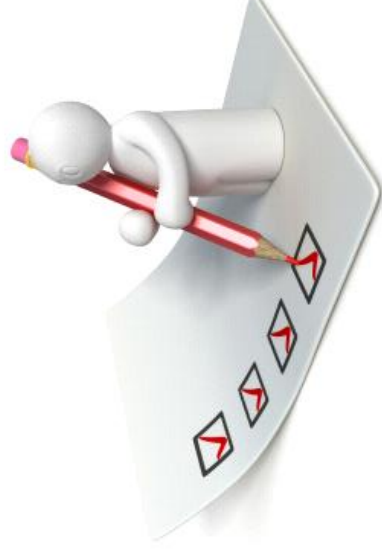
Now

- Removed
- IP&R guidelines likely to require reporting on environmental issues relevant to community strategic plan

*not commenced as at 9 October 2016



Audits - Overview



FINANCIAL AUDIT

- Auditor-General is auditor for councils (s422)
- AG can outsource (s422)
- Council pays costs (s422)
- Council can request audits as well (s421E)

PERFORMANCE AUDITS

- All or any activities of one or more councils (s421B)
- Results reported to Parliament (ss421B, 421C, 421D)

AUDIT, RISK AND IMPROVEMENT COMMITTEE

- Mandatory oversight body of prescribed activities
- Performance Improvement (s428A)
- Provision for Committee to be shared (s428B)

Council Audits



- AG can't question the merits of council's policy objectives (s422)
- Auditor has full and free access to documents, including bank statements (ss423, 424)
- AG (or authorised person) may direct a councillor or staff member to appear personally and provides books, records, etc (s423)
- Auditor must keep information confidential (unless required to report) (s425)

Council Audits



- AG is to advise Minister of matters of significance (s426)
- AG may report on local government on a sector-wide basis (s421C)
- Most audit reports except for annual council audits to be tabled before Parliament (s421D)



Council Audits (s415)



New provision

- Council's auditor must also audit council entities
- Council entities = partnership, trust, joint venture etc that a council has formed/helped form or has a controlling interest in
- Entities may be prescribed in or out by the regs

Presentation of audit reports (s419)

Before

- Council's auditor must attend the meeting at which the financial reports are presented, if required in writing by the council

Now

- Only required where the auditor was appointed by the Auditor-General (ie the actual Auditor-General cannot be compelled to attend)



Transitional arrangements

- New auditing arrangements commence from 2016/17 financial year for old councils (cl120)
- Old audit contracts for old councils cease to have effect from 1 October 2016 (cl120)
- All councils have to notify the AG by 31/12/16 of any council entities that it had at 1/7/16 (cl120)
- New councils may have one of the old auditors appointed by the AG as the auditor for 2016/17 (cl121)



Internal Audit Committee (new Part 4A)

- Council must appoint an Audit, Risk and Improvement Committee (s428A)
- Committee can be shared with another council (s428B)
- Councils have 6 months after the next election following the commencement to establish the committee (cl123 of transitional arrangements)

* not commenced as at 9 October 2016



Internal Audit Committee

- Committee can exclude GM from a meeting if it considers it appropriate to do so (s376)
- New reg-making power for financial management and auditing, and for Audit, Risk and Improvement Committees

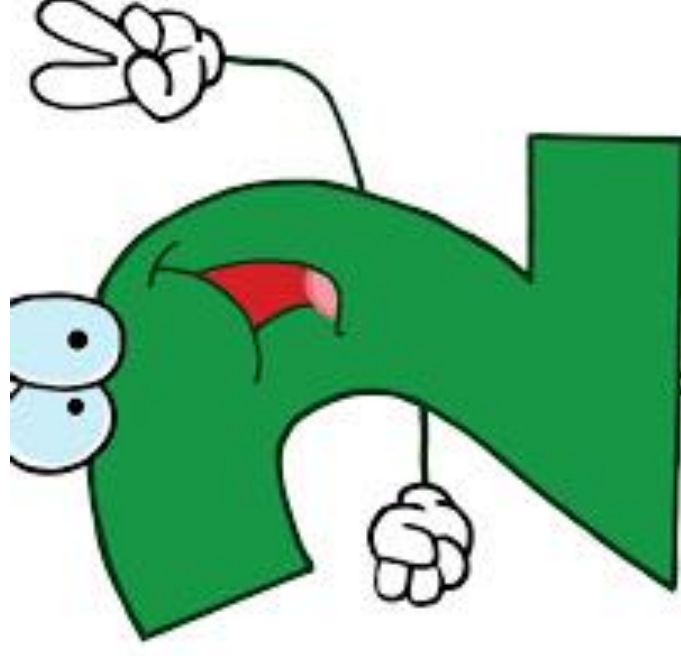
* not commenced as at 9 October 2016

Questions?!



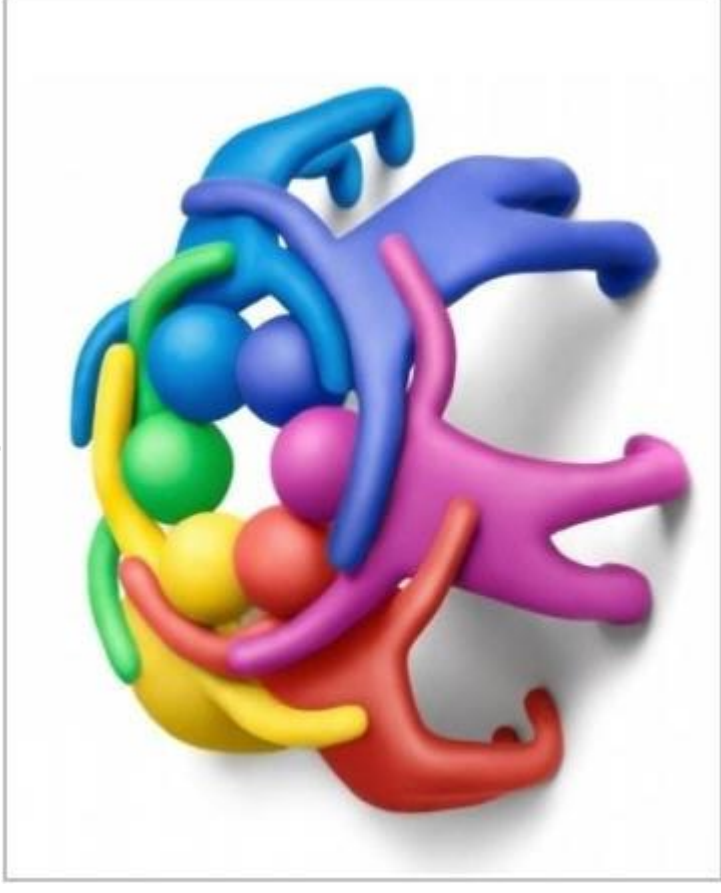
Phase 2 Amendments

- Elections of Mayors
- Assignment of Wards
- Hire Fees for Council Services
- Tendering Limits
- Sale of Council Property
- Body politic vs body corporate
- Use of mandatory guidelines
- Employment provisions
- Local Water Utilities
- Count-back system
- Other bright ideas for change?



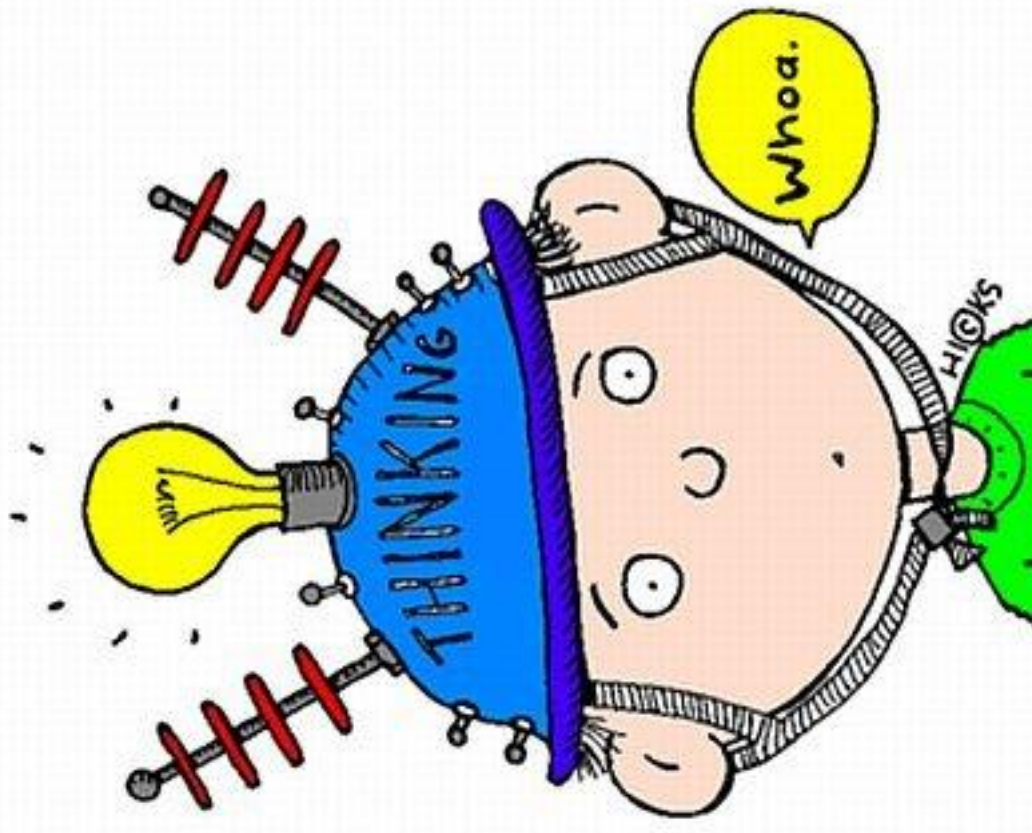
Next Steps in the Review

- Development of regulations, codes and guidelines
- Bits of phase 1 still to start
- Joint Organisations Bill
- Phase 2 and onwards
- Councillor and general manager reference groups



WORKSHOP

Let's
start
back at
3.30



Phase 1 Amendments: Workshop

Four topics:

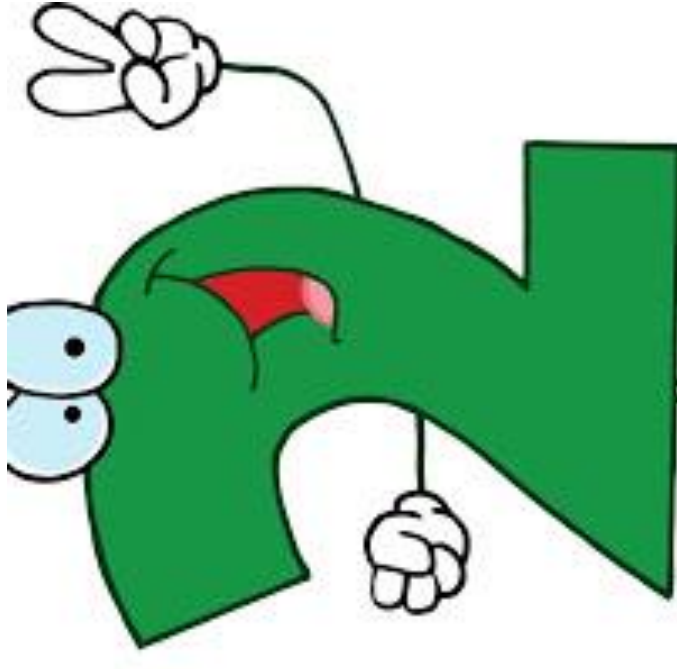
1. Guiding principles for Councils
2. Role of the governing body, Mayor and Councillors
3. Election and induction processes
4. New audit arrangements

Two discussion questions:

1. What does this mean in practice for your Council?
 - Who? How? What? When?
2. What will be important in implementing the changes?
 - Timing
 - Approach
 - Support

Phase 2 Amendments

- Elections of Mayors
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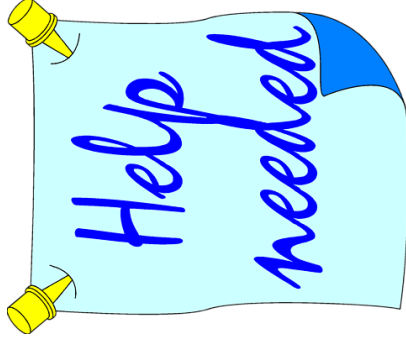
For discussion:

Do you agree with our proposed changes?

What other changes are needed?

Want More Information?

- OLG and LGNSW Councillor Induction Roadshows
 - Oct/Nov
- LGNSW “Elected Life” workshops in your Council
- Further presentations from LGNSW
- Professional Development in a Box
- Councillor and Mayor Training
- Good Governance Forum 2017
- LGNSW staff – see contacts page



Councillor Reference Group



- Volunteers?
- Important to have sector feedback
- Periodic teleconferences and email consultation
- Workshops as required

LGNWSW Contacts

Act Review Input - Jill Gallagher (02) 9242 4061

Legal Advice - Bruce McCann (02) 9242 4125

Councillor training - Sarah Artist (02) 9242 4182

Councillor mentoring – Lillian Tiddy (02) 9242 4142

Useful Links



Act location:

<http://www.legislation.nsw.gov.au/#/view/act/2016/38>

OLG Roadshow details:

<https://www.olg.nsw.gov.au/news/16-33-2016-local-government-elections-hit-ground-running-councillor-workshops>

Disclaimer

The information in this handout is general. It does not constitute, and should be not relied on as, legal advice. LGNSW recommends seeking advice from a qualified lawyer on the legal issues affecting your Council before acting on any legal matter.

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