



Murrumbidgee
COUNCIL

Revised Internal Reporting Policy

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Contents

- 1. Purpose and context of the policy..... 3
- 2. Organisational Commitment 3
- 3. Who does this Policy apply to?..... 4
- 4. Roles and Responsibilities 4
- 5. What should be reported? 7
- 6. Assessment of Reports 8
- 7. When will a report be treated as a public interest disclosure? 8
- 8. Who can receive a report within the Murrumbidgee Council? 9
- 9. Who can receive a report outside of the Murrumbidgee Council? 9
- 10. How to make a report11
- 11. Can a report be anonymous?11
- 12. Feedback to staff who report wrongdoing11
- 13. Maintaining confidentiality12
- 14. Managing the risk of reprisal and workplace conflict.....12
- 15. Protection against reprisals13
- 16. Support for those reporting wrongdoing.....14
- 17. Sanctions for making false or misleading statements14
- 18. The rights of persons the subject of a report.....15
- 19. Review15
- 20. More information15
- 21. Flow chart of internal reporting process.....16
- 22. Resources.....17

1. Purpose and context of the policy

The purpose of this policy is to establish an internal reporting system for staff and Councillors to report wrongdoing without fear of reprisal. The policy sets out who you can report wrongdoing to in Murrumbidgee Council, what can be reported and how reports of wrongdoing will be dealt with by Murrumbidgee Council.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this policy and the Public Interest Disclosures Act 1994 (*PID Act*).

This policy is just one in the suite of Murrumbidgee Council's complaint handling policies.

The internal reporting system established under this policy is not intended to be used for staff grievances. If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to Council's People & Culture Officer to be dealt.

2. Organisational Commitment

For a Council to be able to deal effectively with reports of wrongdoing, it must have the right culture. The policy must start with a strong commitment to:

- create a climate of trust, where people are comfortable and confident about reporting wrongdoing
- encourage staff to come forward if they are aware of wrongdoing within the Council
- keep the identity of the staff member disclosing wrongdoing confidential, where this is possible and appropriate
- protect staff from any adverse action resulting from them making a report
- deal with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to address it
- keep staff who make a report informed of their progress and the outcome
- encourage the reporting of wrongdoing within the Council, but respect any decision to disclose wrongdoing outside the Council that is made in accordance with the provisions of the PID Act
- ensure managers and supervisors at all levels in the Council understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing
- review the policy periodically to ensure it is relevant and effective
- provide adequate resources, to:
 - encourage reports of wrongdoing
 - protect and support those who make them
 - provide training for staff about how to make reports and the benefits of internal reports to the Council and the public interest generally
 - properly assess and investigate or otherwise deal with allegations
 - properly manage any workplace issues that the allegations identify or that result from a report
 - appropriately address any identified problems.

3. Who does this Policy apply to?

This policy will apply to:

- both Council staff and Councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- individual contractors working for Murrumbidgee Council
- employees of contractors providing services to Murrumbidgee Council
- other people who perform Council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.

The policy also applies to public officials of another Council or public authority who report wrongdoing relating to Murrumbidgee Council.

4. Roles and Responsibilities

a. The Role of Council Staff and Councillors

Staff and Councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All Council staff and Councillors are obliged to:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing
- if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality
- treat any staff member or person dealing with a report of wrongdoing with courtesy and respect
- respect the rights of any person the subject of reports.

Staff and Councillors must not:

- make false or misleading reports of wrongdoing
- victimise or harass anyone who has made a report

Additionally, the behaviour of all Council staff and Councillors involved in the internal reporting process must adhere to the Murrumbidgee Council's Code of Conduct. A breach of the Code could result in disciplinary action.

b. The Role of the Murrumbidgee Council

The Murrumbidgee Council has a responsibility to establish and maintain a working environment that encourages staff and Councillors to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.

The Murrumbidgee Council will assess all reports of wrongdoing it receives from staff and Councillors and deal with them appropriately. Once wrongdoing has been reported, the Murrumbidgee Council takes 'ownership' of the matter. This means it is up to us to decide

whether a report should be investigated, and if so, how it should be investigated and by whom. The Murrumbidgee Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.

The Murrumbidgee Council must report on our obligations under the PID Act and statistical information about public interest disclosures in our annual report and to the NSW Ombudsman every six months.

To ensure the Murrumbidgee Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and Councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

c. Roles of Key Positions

General Manager

The General Manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring the Murrumbidgee Council complies with the PID Act. The General Manager can receive reports from staff and Councillors and has a responsibility to:

- assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with
- deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures
- ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- make decisions following any investigation or appoint an appropriate decision-maker
- take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC)
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

Disclosures Coordinator

The Disclosures Coordinator has a central role in the Murrumbidgee Council's internal reporting system. The Disclosures Coordinator can receive and assess reports, and is the primary point of contact in the Murrumbidgee Council for the reporter. The Disclosures Coordinator has a responsibility to:

- assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager)
- deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures
- coordinate the Murrumbidgee Council's response to a report
- acknowledge reports and provide updates and feedback to the reporter
- assess whether it is possible and appropriate to keep the reporter's identity confidential
- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified
- where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report

- ensure the Murrumbidgee Council complies with the PID Act
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

Disclosures Officers

Disclosures Officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing and assist staff and Councillors to make reports.

Disclosures Officers have a responsibility to:

- document in writing any reports received verbally, and have the document signed and dated by the reporter
- make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace
- discuss with the reporter any concerns they may have about reprisal or workplace conflict
- carry out preliminary assessment and forward reports to the Disclosures Coordinator or General Manager for full assessment.

Mayor

The Mayor can receive reports from staff and Councillors about the General Manager. Where the Mayor receives such reports, the Mayor has a responsibility to:

- assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with
- deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures
- refer reports to an investigating authority, where appropriate
- liaise with the disclosures coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- refer actual or suspected corrupt conduct to the ICAC
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

Supervisors and Line Managers

Supervisors and line managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and line managers should be aware of the internal reporting policy and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing. They have a responsibility to:

- encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do
- identify reports made to them in the course of their work which could be public interest disclosures, and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy
- implement local management strategies, in consultation with the disclosures coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report
- notify the Disclosures Coordinator or General Manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the General Manager, notify the Mayor.

5. What should be reported?

You should report any suspected wrongdoing within the Murrumbidgee Council, or any activities or incidents you see within the Murrumbidgee Council that you believe are wrong.

Reports about five categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, and Local Government pecuniary interest contravention – which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act and according to this policy. See below for details about these types of conduct. More information about what can be reported under the PID Act can be found in the NSW Ombudsman’s Guideline B2: What should be reported?

All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the relevant policies. This might include:

- harassment or unlawful discrimination
- practices that endanger the health or safety of staff or the public.

Even if these reports are not dealt with as public interest disclosures, the Murrumbidgee Council recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the staff member making the report from reprisal.

a. Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a Council official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust.

b. Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant an approval for reasons that are not related to the merits of their application.

c. Serious and substantial waste of public money

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.

For example, this could include:

- not following a competitive tendering process for a large scale contract
- having bad or no processes in place for a system involving large amounts of public funds.

d. Breach of the GIPA Act

A breach of the *Government Information (Public Access) Act 2009* (GIPA Act) is a failure to properly fulfil functions under that Act.

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

e. Local Government Pecuniary Interest Contravention

A Local Government pecuniary interest contravention is a failure to comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, disclose pecuniary interests at Council and Council committee meetings and leave the meeting while the matter is being discussed. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

- a senior Council staff member recommending a family member for a Council contract and not declaring the relationship
- a Councillor participating in consideration of a DA for a property they or their family have an interest in.

6. Assessment of Reports

All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.

The disclosures coordinator is responsible for assessing reports, in consultation with the General Manager where appropriate. All reports will be assessed on the information available to the disclosures coordinator at the time. It is up to the disclosures coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report the disclosures coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.

7. When will a report be treated as a public interest disclosure?

The *Murrumbidgee Council* will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:

- the report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention
- the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing
- the report has to be made to either the General Manager or, for reports about the General Manager the Mayor, a position nominated in this policy (see section 8), an investigating authority or in limited circumstances to an MP or journalist (see section 9).

Reports by staff are not public interest disclosures if they:

- mostly question the merits of government policy (see section 17)
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action (see section 18).

8. Who can receive a report within the Murrumbidgee Council?

Staff are encouraged to report general wrongdoing to their supervisor. However the PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this policy or any supporting procedures.

The following positions are the only people within the *Murrumbidgee Council* who are authorised to receive a public interest disclosure. Any supervisor who receives a report that they believe may be a public interest disclosure is obliged to assist the staff member to make the report to one of the positions listed below. The broader responsibilities of these positions are outlined under Roles and Responsibilities (section 4).

If your report involves a Councillor, you should make it to the General Manager. If your report relates to the General Manager, you should make it to the Mayor.

General Manager

35 Jerilderie Street, Jerilderie
telephone: 03 5886 1200

Mayor

35 Jerilderie Street, Jerilderie
telephone: 03 5886 1200

Disclosures Coordinator

Director Planning, Community & Development
Telephone: 03 5886 1200

Disclosures Officers

- i. Manager Corporate & Community Services
 - ii. Finance Manager
 - iii. Information Services Officer
- Telephone: 03 5886 1200

9. Who can receive a report outside of the Murrumbidgee Council?

Staff and Councillors are encouraged to report wrongdoing within the Murrumbidgee Council, but internal reporting is not your only option. You can also make a public interest disclosure to:

- An investigating authority.
- A Member of Parliament or a journalist, but only in the limited circumstances outlined below.

a. Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff and Councillors can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example a report about either the General Manager or the Mayor.

The relevant investigating authorities for the Murrumbidgee Council are:

- the Independent Commission Against Corruption (ICAC) — for disclosures about corrupt conduct
- the Ombudsman — for disclosures about maladministration
- the Auditor-General — for disclosures about serious and substantial waste
- the Information Commissioner — for disclosures about a breach of the GIPA Act
- the Office of Local Government – for disclosures about local Councils

You should contact the relevant investigating authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that the investigating authority may well discuss any such reports with the Murrumbidgee Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff or Councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

b. Members of Parliament or Journalists

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager
- a person nominated in this policy, including the Mayor for reports about the General Manager
- an investigating authority.

Also, the Murrumbidgee Council or the investigating authority that received your initial report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true (see section 19).

c. Other external reporting

If you report wrongdoing to a person or authority that is not listed above, or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or our Code of Conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside the Murrumbidgee Council, contact the disclosures coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

10. How to make a report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The reporter should keep a copy of this record.

11. Can a report be anonymous?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by the Murrumbidgee Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.

It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the report or your colleagues. If we do not know who made the report, it is very difficult for us to prevent any reprisal should others identify you.

12. Feedback to staff who report wrongdoing

Staff and Councillors who report wrongdoing will be told what is happening in response to their report.

a. Acknowledgement

When you make a report, the Murrumbidgee Council will contact you to confirm that your report has been received and to advise:

- the timeframe within which you will receive further updates
- the name and contact details of the people who can tell you what is happening or handle any concerns you may have.

After a decision is made about how your report will be dealt with, the Murrumbidgee Council will send you an acknowledgment letter, providing:

- information about the action that will be taken in response to your report
- the likely timeframes for any investigation or other action
- information about the internal and external resources or services available that you can access for support.
- We will provide this information to you within ten working days from the date you make your report. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the PID Act.

Please note, if you make a report which meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of your day to day functions, you will not receive an acknowledgement letter or a copy of this policy.

b. Progress updates

While your report is being dealt with, such as by investigation or making other enquiries, you will be given:

- information about the progress of the investigation or other enquiries and reasons for any delay
- advice of any decision by the Murrumbidgee Council not to proceed with the matter
- advice if your identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.

c. Feedback

Once the matter has been finalised you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you are likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.

13. Maintaining confidentiality

The Murrumbidgee Council realises reporters may want their identity and the fact they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.

Where possible and appropriate we will take steps to keep your identity, and the fact you have reported wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you.

If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the disclosures coordinator and the General Manager, or in the case of a report about the General Manager, the disclosures coordinator and the Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.

Any staff or Councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

14. Managing the risk of reprisal and workplace conflict

When a staff member or Councillor reports wrongdoing, the Murrumbidgee Council will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, the Murrumbidgee Council may:

- relocate the reporter or the staff member who is the subject of the allegation within the current workplace

- transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified
- grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

These courses of action are not punishment and will only be taken in consultation with the reporter.

15. Protection against reprisals

The Murrumbidgee Council will not tolerate any reprisal against staff or Councillors who report wrongdoing or are believed to have reported wrongdoing.

The PID Act provides protection for staff and Councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of the Council's Code of Conduct which may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

It is important for staff and Councillors to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect reporters from disciplinary or other management action where the *Murrumbidgee Council* has reasonable grounds to take such action.

a. Responding to allegations of reprisal

If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your supervisor, the disclosures coordinator or the General Manager immediately. In the case of an allegation of reprisal by the General Manager, you can alternatively report this to the Mayor.

- All supervisors must notify the disclosures coordinator or the General Manager if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the General Manager, the Mayor can alternatively be notified.

If the Murrumbidgee Council becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, the Murrumbidgee Council will:

- assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
- if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff
- if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure
- refer any breach of Part 8 of the Council's Code of Conduct (reprisal action) by a Councillor or the General Manager to the Office of Local Government.
- refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.

If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to your allegation.

If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, contact the Office of Local Government, the Ombudsman or the ICAC (depending on the type of wrongdoing you reported). Contact details for these investigating authorities are included at the end of this policy.

b. Protection against legal action

If you make a public interest disclosure in accordance with the PID Act, you will not be subject to any liability, and no action, claim or demand can be taken against you for having made the public interest disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

16. Support for those reporting wrongdoing

The Murrumbidgee Council will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or counselling services.

Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the Disclosures Coordinator.

Details of Murrumbidgee Council's Employee Assistance Program is available from the People & Culture Officer.

17. Sanctions for making false or misleading statements

It is important all staff and Councillors are aware that it is a criminal offence under the PID Act to willfully make a false or misleading statement when reporting wrongdoing. The Murrumbidgee Council will not support staff or Councillors who willfully make false or misleading reports. Such conduct may also be a breach of the Code of Conduct resulting in disciplinary action. In the case of Councillors, disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

18. The rights of persons the subject of a report

The Murrumbidgee Council is committed to ensuring staff or Councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

If you are the subject of the report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time you will be:

- advised of the details of the allegation
- advised of your rights and obligations under the relevant related policies and procedures
- kept informed about the progress of any investigation
- given a reasonable opportunity to respond to any allegation made against you
- told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.

Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by Murrumbidgee Council. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

19. Review

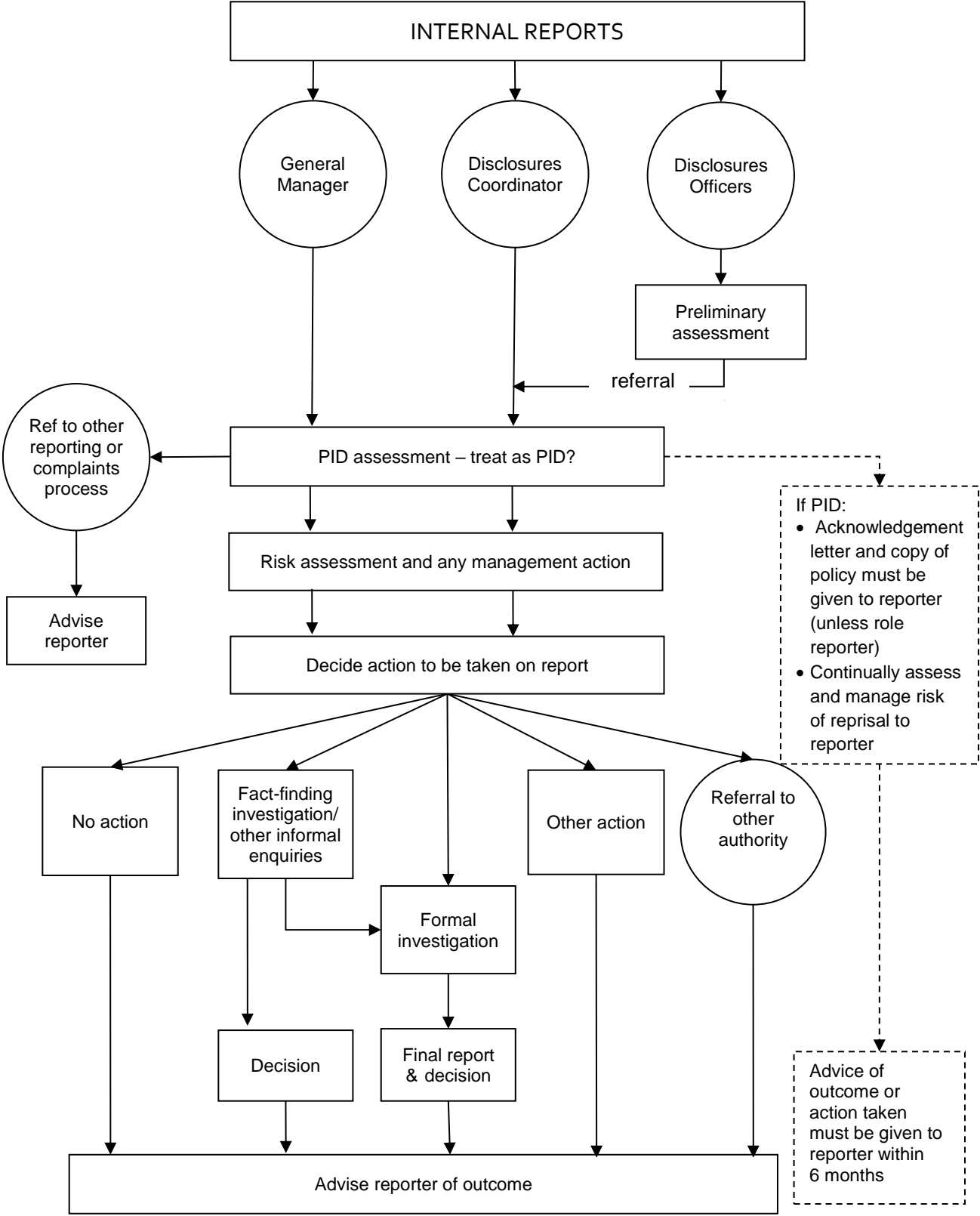
This policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).

20. More information

Staff can seek advice and guidance from the Disclosures Coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

21. Flow chart of internal reporting process



22. Resources

The contact details for external investigating authorities that staff can make a public interest disclosure to or seek advice from are listed below.

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)
Phone: 02 8281 5999
Toll free: 1800 463 909
Tel. typewriter (TTY): 02 8281 5773
Facsimile: 02 9264 5364
Email: icac@icac.nsw.gov.au
Web: www.icac.nsw.gov.au
Address: Level 7, 255 Elizabeth Street,
Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman
Phone: 02 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Tel. typewriter (TTY): 02 9264 8050
Facsimile: 02 9283 2911
Email: nswombo@ombo.nsw.gov.au
Web: www.ombo.nsw.gov.au
Address: Level 24, 580 George Street,
Sydney NSW 2000

For disclosures about serious and substantial waste:

Auditor-General of the NSW Audit Office
Phone: 02 9275 7100
Facsimile: 02 9275 7200
Email: mail@audit.nsw.gov.au
Web: www.audit.nsw.gov.au
Address: Level 19, Darling Park Tower,
201 Sussex Street, Sydney NSW 2000

For disclosures about local Councils:

Office of Local Government
Phone: 02 4428 4100
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Public Interaction and Meeting Disclosure Policy

	Name	Position	Signature	Date
Responsible Officer	Garry Stoll	Director Planning, Community & Development		
Authorised By	John Scarce	General Manager		

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Table of Contents

1. Purpose	3
2. Policy Scope	3
3. Principles	3
4. Policy Statement.....	3
4.1 Record Keeping	3
4.2 Lobbying Local Government Councillors	4
4.3 Meeting Protocols	4
4.4 Register of Public Interaction.....	6
4.5 Conflict of Interest	6
4.6 Access to Information.....	6
5. Breaches of this Policy.....	6
6. Related Resources	6
6.1 Legislation.....	6
6.2 Associated Documents.....	7
6.3 Definitions	7
7. Review.....	8

1. 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.

2. 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.

3. 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.

4. Policy Statement

4.1 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 the Executive Assistant 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 the Executive Assistant 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.

Senior staff 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. Senior staff are required to make records available to the General Manager upon request.

4.2 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.

4.3 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 relate 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 senior Council official/Manager must be present.
- In the circumstance, where a senior Council official/Manager is unable to attend, an appropriate member of staff, as determined by the 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.

4.4 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.

4.5 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.

4.6 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.

5. Breaches of this Policy

Any breaches of this Policy by a Council official could constitute a possible act of misconduct. This 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.

6. Related Resources

6.1 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

6.2 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

6.3 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 Policy
<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 person.
<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 agreement.
<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.

7. Review

This policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).



Revised Backflow Prevention Policy

	Name	Position	Signature	Date
Responsible Officer	Tom Dimec	Director of Infrastructure		
Authorised By	John Scarce	General Manager		

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Contents

- 1 Purpose..... 3
- 2 Statement..... 3
 - 2.1 Definitions..... 3
- 3 Provisions 4
 - 3.1 Cross Connection Control 4
 - 3.2 Hazard Ratings..... 4
 - 3.3 Backflow Prevention Assessment 4
 - 3.4 Initial Installation of Testable Devices..... 5
 - 3.5 Annual Testing and Maintenance of Backflow Devices 6
 - 3.6 Failure to Install, Register, Test or Maintain Devices..... 6
 - 3.7 Removal or Change of Device..... 6
 - 3.8 Fire Service Requirements 7
 - 3.9 Standpipes 7
 - 3.10 Reclaimed Water Supplies 7
 - 3.11 Rainwater Tanks with Council Supply Back Up Connection..... 7
 - 3.12 Relevant Registers 8
 - 3.13 Responsibilities 8
 - 3.14 Fees and Charges..... 8
- 4 Implementation 9
- 5 Application of Ecologically Sustainable Development (ESD) Principles..... 9
- 6 Review 10

1. Purpose

The objectives of this policy are:

- To minimise public health risk.
- To separate and protect the quality of the potable water supply in Council's water reticulation system from real or potential hazards.
- To ensure cross-connection control is properly managed within properties.
- To define responsibilities for plumbers and property owners.

2. Statement

As drinking water quality standards have increased across Australia due to community expectations, a greater focus has been given to the prevention of contamination of water reticulation systems.

State Government and Australian Standards have regulated cross-connection control and backflow prevention for a long period of time. The commencement of the Plumbing and Drainage Act 2011 established NSW Fair Trading as the single plumbing and drainage regulator in NSW.

Murrumbidgee Council, under delegation from NSW Fair Trading, is required to take measures to ensure compliance and assist in the protection of public health. Murrumbidgee Council is the statutory authority responsible under the Local Government Act 1993 for water supply in the townships of the Murrumbidgee Council. "Council" in this document refers to "Murrumbidgee Council".

This policy forms part of the conditions for approval to draw water from the Council potable water supply under Section 68 Part B (2) of the Local Government Act 1993.

2.1 Definitions

Backflow is defined as:

- a) Flow in a direction contrary to the normal or intended direction of flow; and/or
- b) The unintended flow of water from a potentially polluted source into a potable water supply.

Backflow generally occurs from a property to the water supply system in instances where there is a pressure differential between the water main and the property, and can occur in the following ways:

- Back Siphonage – occurs when the water supply pressure falls below atmospheric pressure, usually due to a break in the water main, or if there is a significant draw on the water supply e.g. through firefighting activities.
- Backpressure – occurs where the pressure downstream (within a property) becomes greater than the pressure upstream i.e. a property's water pressure is greater than the main water supply.

A **Backflow Prevention Device** is a device that prevents the reverse flow of water from a potentially polluted source into a potable water supply system. Backflow Prevention Devices are either testable or non-testable. Only testable devices are required to be registered with Council.

For typical household meters, backflow is prevented through a non-testable backflow device integral with the water meter.

Cross-connection is any connection or arrangement, physical or otherwise, between any potable water supply system, either directly or indirectly connected to a water main, and any fixture, storage tank, receptacle, equipment, or device through which it may be possible for any non-potable, used, unclean, polluted or contaminated water, or any other substance, to enter any part of such potable water system under any conditions.

Cross-connection control is the control of contamination into a reticulation system (whether Council mains or private services) from potential sources within premises connected to the water reticulation system.

3 Provisions

3.1 Cross Connection Control

Only potable water shall be supplied to plumbing fixtures or outlets used for drinking, bathing, culinary use, or the processing of food, medical or pharmaceutical products. All water supply systems shall be designed, installed, and maintained to prevent contaminants from being introduced into potable water supply systems.

No device or system that may permit the introduction of any foreign substance into the water service shall be connected, directly or indirectly, to any other part of the water supply system (including fire protection, garden watering, and irrigating systems) or to any temporary attachment to the water service without a method of cross-connection control and backflow prevention.

3.2 Hazard Ratings

- **High Hazard** - Any condition, device or practice within the water supply system and its operation, which has the potential to cause death.
- **Medium Hazard** - Any condition, device or practice within the water supply system and its operation, which could endanger health.
- **Low Hazard** - Any condition, device or practice within the water supply system and its operation, which would constitute a nuisance but not endanger health.

3.3 Backflow Prevention Assessment

Cross connections and backflow prevention requirements are to be assessed in accordance with the AS/NZS 3500.1 Australian/New Zealand Plumbing and Drainage Standard Part 1 – Water Services.

Backflow protection requirements are determined by first identifying the individual hazards within the premises. In working upstream from each hazard, the water shall be regarded as non-potable until a backflow prevention device is provided, suitable to the degree of hazard.

In assessing a potential backflow condition consideration must be given to the complexity of piping, the probability of piping change, and negligent or incorrect use of equipment that may result in a backflow condition.

Backflow prevention devices shall be provided in accordance with the hazard rating, the suitability of the device and for:

Individual Backflow Protection - protection shall be provided at the water connection to a fixture or appliance;

Zone Backflow Protection - protection shall be provided in the connection to specified sections of a plumbing system within a building or facility; and

Containment Backflow Protection - protection shall be provided in the property service connection immediately downstream of the water meter(s) serving the property.

Upon application for development approval of a proposed/altered use within a property, a condition may apply for the installation and registration of an appropriate backflow prevention device for the designated hazard rating. Where directed by Council, the property owner(s) and/or occupier(s) must make the necessary arrangements for a backflow survey to be undertaken by an appropriately qualified person. The results of the survey are to be ratified by Council.

Premises where the hazard is unknown or where inspection is restricted, such as self-storage facilities, are considered to have, and will default to, a high hazard rating.

Where the potential for cross-connection may occur between subdivided or strata properties, appropriate backflow devices must be fitted for site containment at each strata property. Such devices must be consistent with the highest hazard rating within the strata properties.

The Council may at any time, where it deems necessary, require that a backflow survey be undertaken or require that backflow prevention device/s be installed.

3.4 Initial Installation of Testable Devices

The property owner must undertake the necessary arrangements to install, to have tested, and register backflow devices by:

- engaging a licensed plumber for the installation of such devices. Backflow prevention devices shall comply with Australian Standard AS2845 Water Supply – Backflow Prevention Devices.
- engaging a licensed plumber, qualified in backflow prevention and authorised by Council for testing of such devices; or a person who has undertaken accredited backflow training from a registered training organisation
- ensuring the submission of appropriate documentation (initial test report and an Agreement & Record of Installation form);
- payment of the fee for inspection of the installation and initial registration of the device(s) installed. Where, due to non-compliance, additional inspections are required, then an additional inspection fee may apply.

The month of the initial test date becomes the anniversary month for annual testing purposes.

3.5 Annual Testing and Maintenance of Backflow Devices

At each year's anniversary date, the property owner(s) must ensure that testable devices are tested, and are maintained if required.

The Council shall give notice to the property owner(s), or their designated contact person, approximately four (4) weeks in advance of when annual testing and certification of devices are required and due. The notice will include the required fees.

Testing, and maintenance where necessary, must be carried out by a licensed plumber qualified in backflow prevention, and accordance with AS2845 Water Supply – Backflow Prevention Devices

Part 3: Field testing and maintenance of testable devices. Results of the testing and maintenance must be forwarded to Council within 2 weeks of the test date. The Council must be advised if the results cannot be forwarded due to a delay with maintenance.

Certification of the device must be registered with the Council, which includes payment of the annual registration fee.

Formal notice will be issued if certification of a property's device(s) by a qualified person has not been received within two (2) weeks of the due date. A late fee will apply for each four (4) week period (or part thereof) overdue until receipt of the appropriate certification. The Council may also take action in accordance with clause 3.6 (below).

3.6 Failure to Install, Register, Test or Maintain Devices

Where a customer has failed to install, register, test, or maintain backflow prevention devices(s), Council may do one or more of the following (as applicable):

- Send formal notification and issue a late fee for every four weeks overdue
- Test and certify the device and charge a fee to the property owner (or delegate)
- Apply a water flow restrictor to the metered water service for the property, and charge a fee for the removal of the restrictor
- disconnect the water service if Council believes that the hazard presented by the activities on the property presents an unacceptable risk to the water supply, and charges a fee for the disconnection/reconnection.

3.7 Removal or Change of Device

If the process or activity at the property has changed and the hazard rating is reduced, the property owner must have an accredited backflow prevention plumber certify the change in rating and advise Council in writing.

If the process or activity at the property has changed and the hazard rating is increased, the property owner must ensure that an appropriate device is installed and tested by an accredited backflow prevention plumber.

At any time a device is added, removed, or changed, the Council must be advised on the Backflow Prevention Device – Agreement & Record of Installation form.

3.8 Fire Service Requirements

Owners of properties with separate hydrant and sprinkler fire services must install a testable double check detector assembly. The device must be installed close to where the water service crosses the property boundary and upstream of any booster assembly or off-take. (Please note that the reduction of pressure across a backflow prevention device needs to be taken into account during the hydraulic design phase of a project to ensure minimum pressure requirements are met for fire services.)

Separate hydrant and sprinkler services require the installation of a double-check valve assembly.

On a separate hydrant and sprinkler fire service at a non-residential property, the device shall be installed close to where the water service crosses the property boundary, prior to any booster assembly.

A hydraulic design is required for any fire service assembly:

- Unit demand of 4 and greater, and
- 32mm assemblies or greater.

All designs are to be submitted by a competent person (*Plumbing Code of Australia*). Backflow prevention devices reduce pressure and must be taken into account during the design process.

3.9 Standpipes

Any standpipe connected to Council's water supply must have a testable backflow prevention device immediately after the standpipe.

3.10 Reclaimed Water Supplies

Premises with a reclaimed water supply are required to install on the potable water supply a backflow containment device suitable for high hazards. The device must be either a Registered Break Tank (RBT) or a Reduced Pressure Zone Device (RPZD).

3.11 Rainwater Tanks with Council Supply Back Up Connection

One of the greatest risks of contamination of the drinking water supply is from cross-connection with rainwater tanks. Council does not recommend consumption from rainwater tanks where a potable supply is provided.

Council does not recommend the interconnection of rainwater tanks with potable or non-potable supplies. Where interconnection does occur, rainwater tanks are to have:

- a dual check valve as zone and containment protection if the tank is above ground; or
- a testable double check valve as zone and containment protection if fully or partially buried.

3.12 Relevant Registers

Council will compile and update regularly:

- A register of properties and their owners/occupiers where testable backflow prevention devices are installed.
- A register of installed testable backflow prevention devices for each property.
- A register of authorised licensed plumbers or qualified personnel in backflow prevention device testing.

The list of local authorised licensed plumbers who are qualified in backflow prevention will be made available to owners/occupiers upon request, if Council staff are unavailable to do the work.

3.13 Responsibilities

Customer Responsibilities

Plumbers

- A licensed plumber must install all backflow prevention devices. Only a licensed plumber with backflow prevention accreditation may test/commission the devices.
- Plumbers, who have tested a device, or devices, must provide a copy of their backflow certification to Council before submitting Test & Maintenance Reports. This is only required on the first occasion a plumber submits test reports to Council.
- Plumbers must submit the Test & Maintenance Report to Council within 2 working days of testing the device. The property owner/occupier must ensure that this occurs.

Property Owners

- Installation of appropriate backflow prevention devices, including containment protection on their property, that have a high or medium hazard rating.
- Ensuring the type and installation of backflow prevention devices that are to be installed on properties are in accordance with the Plumbing Code of Australia and AS/NZS 3500
- Ensuring satisfactory operation of all registered backflow devices
- Ensuring annual testing of all registered backflow devices by a licensed plumber with appropriate backflow accreditation in accordance with the Plumbing Code of Australia, AS/NZS 3500, and Plumbing and Drainage Act 2011.
- Ensuring testable backflow prevention devices that are to be commissioned and tested are done so by a licensed person with appropriate backflow prevention accreditation. The testable device must be registered with Council.
- Backflow prevention devices for irrigation and watering systems shall comply with the Plumbing Code of Australia and AS3500.

3.14 Fees and Charges

Fees and charges relating to backflow prevention are in accordance with the current, annually produced "Delivery Program and Operation Plan – Fees and Charges".

Commercial - To recover the costs associated with undertaking the test of backflow devices and inspections which are overdue for annual testing to ensure the safeguard and protection of public water supplies eg \$170 per visit.

4 Implementation

Section 7 of the Plumbing & Drainage Act 2011 requires that plumbing and drainage work must comply with the Plumbing Code of Australia and other standards or requirements prescribed by the legislation.

The Plumbing Code of Australia requires that cold water services be designed, constructed, and installed in such a manner to avoid the likelihood of contamination of drinking water within both the water service and the network utility operator's supply. Furthermore, the Plumbing Code of Australia also specifies that the design, construction, installation, replacement, repair, alteration, and maintenance of cold water services must be in accordance with AS/NZS 3500.

The Council's responsibilities as detailed below:-

- Council has the responsibility to provide potable water to Australian Drinking Water Guidelines 2011 guidelines within the water supply reticulation systems up to and including meters on property boundaries.
- Under delegation from NSW Fair Trading, Planning, Community and Development has responsibility for the approval, testing, and inspection of water supply and sewerage plumbing within property boundaries.
- Planning, Community and Development also has responsibility for the protection of public health in compliance with the Local Government Act, 1993 and the Public Health Act, 2010.

From the above, Council Water and Sewer is responsible for the "containment protection" of properties that directly connect to the reticulated water supply system for control of cross-connection and prevention of backflow contaminating the system.

The Planning, Community and Development department has responsibility for "zone" and "individual" protection within properties.

Council Water and Sewer has responsibility for maintaining the register of testable backflow devices and management of the annual testing program. The backflow register and testing program includes all testable backflow prevention devices installed on properties within the Murrumbidgee Council LGA.

5 Application of Ecologically Sustainable Development (ESD) Principles

To ensure a future supply of safe drinking water to the community.

** This policy relates to properties under NSW State Government jurisdiction and within the borders of the Murrumbidgee Local Government Area. Where water is supplied by Council to land held by the Commonwealth, containment protection backflow prevention device(s) are required to be installed, tested, maintained, and registered with Council. Any internal "zone" or "individual" protection on Commonwealth-held land, and the associated installation, testing, and maintenance of those devices remain the responsibility of the landowner.*

6 Review

This policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).



Revised Drinking Water Quality Policy

	Name	Position	Signature	Date
Responsible Officer	Tom Dimec	Director of Infrastructure		
Authorised By	John Scarce	General Manager		

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Contents

1. Purpose	3
2. Scope.....	3
3. Objective.....	3
4. Policy statement	3
5. Policy implementation	3
6. Definitions	4
7. References and related documents	4
8. Exceptions	4
9. Policy Review	5

1. Purpose

Murrumbidgee Council is committed to managing its water supply effectively to provide a safe, quality product that consistently meets appropriate drinking water standards developed in accordance with the Australian Drinking Water Guidelines and other regulatory requirements.

To achieve this, Murrumbidgee Council will implement and maintain a Drinking Water Management System to effectively manage the risks to drinking water quality.

2. Scope

The Drinking Water Quality Policy applies to all Managers and employees involved in the supply of drinking water. They are responsible for understanding, implementing, maintaining and continuously improving the Drinking Water Management System.

3. Objective

This policy expresses Murrumbidgee Council's strategic intent regarding safe drinking water management.

4. Policy statement

This policy sets out how Murrumbidgee Council will implement and maintain a Drinking Water Management System to effectively manage the risks to drinking water quality.

In partnership with relevant stakeholders, Murrumbidgee Council will:

1. Manage water quality at all points, from catchment (where possible) through to treatment, storage and distribution;
2. Use a risk-based approach in which potential threats to water quality are identified and balanced;
3. Develop incident response processes to deal with any water quality issues identified;
4. Ensure that employees and any contractors involved in the supply of drinking water understand their responsibility and are appropriately trained to implement the Drinking Water Management System;
5. Routinely monitor the quality of drinking water; use effective reporting mechanisms to provide relevant and timely information; and promote confidence in the water supply and its management;
6. Comply with the regulatory requirements of the Public Health Act 2010 (NSW) and associated Public Health Regulation 2012; and
7. Continually improve our practices by assessing performance against criteria stated in the Drinking Water Management System.

5. Policy implementation

Failure to comply with this policy may be dealt with in accordance with Council's relevant Code of Conduct, Local Government (State) Award or other laws.

6. Definitions

This policy's definitions are:

Term	Definition
Australian Drinking Water Guidelines (ADWG)	Australian Drinking Water Guidelines (2011), including the framework for management of drinking water quality, as amended or updated from time to time
Drinking Water	Water primarily intended for human consumption which also has other personal, domestic or household uses, such as bathing and showering.
Drinking Water Management System (DWMS)	This DWMS forms Murrumbidgee Council's quality assurance program for its drinking water service, and addresses the elements of the Framework for Management of Drinking Water Quality and the NSW Guidelines for Drinking Water Management Systems 2013 (NSW Health).

7. References and related documents

The following legislation and/or guidelines are applicable to this policy:

Legislation and professional guidelines

- Public Health Act 2010 (NSW);
- Local Government Act 1993 (NSW)
- Water Management Act 2000 (NSW)

Associated Documents

- National Health and Medical Research Council (NHMRC)- Australian Drinking Water Guidelines - Framework for the Management of Drinking Water Quality (2011)
- NSW Department of Planning, Industry and Environment (Water) - LWU Performance Monitoring Data and Reports
- NSW Department of Planning, Industry and Environment (Water) – Safe and Secure Water Program
- NSW Health - NSW Guidelines for Drinking Water Management Systems (2013)

8. Exceptions

Nil

9. Policy Review

This policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government Policy changes occur).



Draft Frost Control Fan Policy

	Name	Position	Signature	Date
Responsible Officer	Garry Stoll	Director Planning, Community & Development		
Authorised By	John Scarce	General Manager		

Document Revision History	
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July 2022

Council Disclaimer

This policy was formulated to be consistent with Council's legislative obligations and within the scope of Council's powers. This policy should be read in conjunction with relevant legislation, guidelines and codes of practice. In the case of any discrepancies, the most recent legislation should prevail.

This policy does not constitute legal advice. Legal advice should be sought in relation to particular circumstances. Liability will not be accepted for losses incurred as a result of reliance on this policy.

DRAFT

Contents

Council Disclaimer	2
1. Purpose	4
2. Statement	4
2.1 Introduction	4
2.2 What is a frost control fan?	4
2.3 Are all frost control fans covered by this Policy?	4
2.4 In what planning zones under the Murrumbidgee Local Environment Plan 2013 are frost control fans permitted?	5
2.5 What application requirements will apply to the installation of permanent frost control fans?	5
2.6 What standards will apply to the operation of all frost control fans?	6
2.7 Can adjacent land alter from a non-noise sensitive zone to noise sensitive?	7
2.8 Do the noise criteria apply to other development?	8
2.9 What happens if complaints are received about an existing frost control fan?	8
3. Statement	9
4. Exceptions	9
5. Legislation	9
6. Related Documents	9
7. Review	9

1. Purpose

- To find an equitable balance between the use of frost control fans and the amenity of surrounding residents.
- To address the interface issues regarding the installation and operation of frost control fans.
- To set standards appropriate for Murrumbidgee Council Local Government Area (LGA) for the installation and operation of frost control fans.
- To allow for sustainable agriculture and continued agricultural growth.

2. Statement

2.1 Introduction

Murrumbidgee Council supports the horticultural industry within the Murrumbidgee Council Local Government area.

The Frost Control Fan Policy seeks to provide guidelines for the installation of permanent fans and use of mobile fans to reduce the adverse impacts of frost on horticultural crops, in an effort to maintain primary production while reducing the likelihood of land use conflict within the locality.

With increasing interest expressed by fruit and nut growers to install frost control fans or mobile wind machines in our rural areas, the need has arisen to revise the initial guidelines as population density increases.

2.2 What is a frost control fan?

The principal function of the frost control fan is to mix the warmer air from higher atmospheric inversion layers with the cold air layer closer to the ground, normally reducing the risk of frost damage to horticultural crops.

A frost control fan is a machine that consists typically of a tower approximately 10 - 11 metres in height, with two (2) to five (5) blades at the top, each being 2.5 - 3 metres long. An engine is mounted at the base of the tower and is used to drive the blade via drive shafts and gearing. The head of the fan rotates through 360 degrees on a vertical axis, with the blade spinning between 400 - 750 revolutions per minute. The head of the fan takes approximately 5 - 7 minutes to complete one 360 degree rotation.

2.3 Are all frost control fans covered by this Policy?

From the date of adoption, this policy will apply to the installation of permanent, and to the use of mobile frost control fans in the Murrumbidgee Council Local Government Area, with regard to noise emission/compliance.

Permanent frost control fans require development consent. The use of mobile frost control fans do not require Council's approval, however, they are included in this policy for equity purposes with regard to noise emission.

2.4 In what planning zones under the Murrumbidgee Local Environment Plan 2013 are frost control fans permitted?

Frost control fans will only be permitted with Council consent in the RU1 Primary Production zone, only where intensive plant agriculture (e.g. orchards and vineyards) are permissible without consent.

2.5 What application requirements will apply to the installation of permanent frost control fans?

When a development application is submitted to Council for the installation of permanent frost control fans, it must be accompanied by the following information:

- 2.5.1 Scaled site diagram showing the proposed location of the frost control fan/s, particularly in relation to dwelling houses within 1000 metres of the fans.
- 2.5.2 Structural engineer's certification and drawings for the footings and structural steelwork. (This information may be provided by the manufacturer).
- 2.5.3 Details of crop/s to be protected by the frost control fans; e.g. citrus, almonds, grapes, and the like.
- 2.5.4 Details of the anticipated temperature at which damage occurs to the crop/s proposed to be protected and the anticipated temperature that the fans would come on to protect the crop/s from frost and cut out to cease fan operation.
- 2.5.5 The number of frosts on average per year which currently affect the crop/s to be protected, according to currently available climatic data. For example, Bureau of Meteorology data, or site specific data collected for the past 3 seasons.
- 2.5.6 Applicants are referred to Section 4.15 of the Environmental Planning & Assessment Act, 1979 to address its provisions in their statement of environmental effects, including the provisions of environmental planning instruments, development control plan, the likely impacts of the development and other relevant matters associated with their proposal.
- 2.5.7 An acoustic report, prepared by a suitably qualified acoustical consultant, is to be submitted with the application documentation, modelling the extent of impact of the proposed frost control fans upon surrounding non-associated dwellings, with all proposed and existing fans on the farm (or within the same ownership on adjoining or adjacent lands) operating simultaneously. The model should be based upon manufacturer's sound level data, a copy of which is to be provided with the application. A map should be included in the report with the extent of the modelled 55 dB(A) and 45 dB(A) sound level 'contours'. Further, the report should provide a clear description of the parameters and atmospheric conditions upon which the modelling is premised (e.g. terrain - actual or theoretical, wind speed, temperature, inversion layer present, local known reflective surfaces).
- 2.5.8 In relation to the manufacturer's sound power level data, the LAeq measurements must have been taken over a period of 15 minutes, and over a range of distances from 10 metres to 500 metres from the frost control fan. These manufacturer's readings must be included in the information submitted with the Development Application.
- 2.5.9 If there are no non-associated dwellings within 1000 metres of the proposed frost control fans, the acoustic modelling report will not be required.
- 2.5.10 Notwithstanding point 2.5.9 above, if there are other permanent frost control fans within 1000 metres of the proposed frost control fans, the accumulated noise may impact upon surrounding non-associated dwellings, and an acoustic report will be required, taking into consideration the cumulative impact of all of the fans, including those on the site.

- 2.5.11 The acoustic report should demonstrate how compliance will be achieved with the following criteria, for the closest non-associated dwelling outside the subject site or ownership, on a property not associated with the land over which the application is made, based upon zone of that land adjacent to the application property.

The following criteria apply to existing adjacent land use zones:

Location of affected residence	Outdoor Criteria (LAeq)	Indoor Criteria (LAeq)
Noise Sensitive Zone	45 dB(A) (max)	25 dB(A) (max)
Non-noise Sensitive Zone	55 dB(A) (max)	35 dB(A) (max)

- 2.5.12 If the indoor criteria can be met through the provision of noise attenuation measures at the closest non-associated dwelling rather than the external noise criteria, compliance will be determined at Council's discretion. Internal criteria can also be achieved through the installation of double glazing and insulation for example.

Note:

- i. A noise sensitive zone is a land use zone adjacent to the frost fan property, primarily meant for noise sensitive land uses typically meant for residential development under Murrumbidgee Local Environmental Plan, 2013. The noise sensitive zones are R5 Large Lot Residential and RU5 Village Zone.
- ii. A non-noise sensitive zone is a land use zone adjacent to the frost fan property, primarily meant for primary production under the Murrumbidgee Local Environmental Plan, 2013, being RU1 Primary Production.
- iii. Other non-noise sensitive land use zones include Environmental Protection Zones (e.g. E2 Environmental Conservation, E3 Environmental Management) and Industrial Zones (e.g. Industrial General – IN1) where existing non-associated dwellings may be located adjacent to primary production lands.
- iv. Manufacturer's sound power level data must not just be based on the sound power output at 300 metres only, but readings taken at a range of distances and provided to Council.
- v. Note that Council will retain all submitted acoustic reports, which will be made available upon request, for an application within 1000 metres of another property containing frost control fans.

2.6 What standards will apply to the operation of all frost control fans?

Once permanent frost control fans have been approved by Council, they must operate under the following conditions:

1. The frost control fans must have an auto-ignition thermostatic control that is set at all times to a temperature appropriate to the crop being protected, with an anemometer set to shut down the fan operation when wind speeds exceed 10km per hour.
2. The driving engine for the frost control fan must be housed in a noise attenuating housing with an integrated acoustic muffler.
3. As an initial compliance check, noise levels are to be taken following the installation of approved permanent frost control fans. This will be imposed as a condition of consent to ensure that the installed fans do actually achieve the applicant's stated decibel level. The compliance check should be conducted during the atmospheric conditions under which the fans are intended to operate (i.e. during a frost event). Compliance acoustic reports will be undertaken by a suitably qualified acoustical consultant, at the cost of the owner of the frost control fans.

4. The minimum sound data collection for a compliance check should be taken at a range of distances from 10m to 500m from the frost control fans. Further the sound data collection should also be taken at a distance of two to five (2-5) metres from a bedroom of the closest non-associated dwelling to the fans. Both data sets should be recorded for a minimum of 15 minutes. The resultant compliance report is to be provided to Council to complete the condition of consent, permitting Council to be satisfied that compliance has been achieved, or to advise that amelioration measures need to be taken to bring the fans into compliance.
5. Whilst all frost control fans are in operation, the noise level measured at a distance of 2 - 5 metres from any bedroom window of a non-associated dwelling situated on an adjacent property to that containing the frost control fans, must not exceed the outdoor or indoor limit as listed below:

Location of affected residence	Outdoor Criteria (LAeq)	Indoor Criteria (LAeq)
	+2dB(A) considered compliant	+2dB(A) considered compliant
Noise Sensitive Zone	45 dB(A) (max)	25 dB(A) (max)
Non-Noise Sensitive Zone	55 dB(A) (max)	35 dB(A) (max)

6. Compliance checks may be requested at any time, should official complaints be received by Council and there is doubt as to whether the subject frost control fans are operating in accordance with the development consent or this policy in the case of a mobile frost fan. Compliance acoustic reports will be undertaken by a suitably qualified acoustical consultant, at the cost of the fan operator.
7. If, when measured in an approved manner, the noise from frost control fans is within 2 dB(A) of the limits listed within this section, the frost control fans will be deemed to be in compliance.
8. The noise limits contained in this section apply to the noise from all frost fans on the land under investigation, operating simultaneously; i.e. land over which frost fans have been approved, or lands in the same ownership which contain existing frost fans.
9. A noise management plan should be prepared and provided to adjoining and adjacent non-associated residents within 1000m of the property where the frost fans are installed. This plan at a minimum should provide owner/farm manager contact numbers and emails, complaints procedure, advice on contact prior to impending frost and operation of fans and the like and potential noise mitigation measures to resolve complaints.

Note:

- i. For a definition of noise sensitive and non-noise sensitive zones, see notes i, ii and iii of Section 2.5 of this Policy.
- ii. Indoor noise levels are to be measured from the inside of a bedroom of a residence (with all windows closed) not being on the same property as the subject frost control fans.
- iii. When a noise level check is carried out, the measurement period must be for at least 15 minutes.
- iv. All noise measurements are to be carried out by either a qualified noise control officer (as authorised under the POEO Act) or a suitably qualified acoustical consultant.

2.7 Can adjacent land alter from a non-noise sensitive zone to noise sensitive?

Council may rezone land which alters the type of the land uses within that new zone so that it becomes noise sensitive. Council may consider changes to zones through a strategic land use strategy, though rezoning may also occur through a site specific planning proposal where Council will carefully consider the appropriateness of the change in predominant land use given the nature of the surrounding land.

2.8 Do the noise criteria apply to other development?

In the circumstance where land to be developed (e.g. subdivided or new dwellings constructed) is within 1,000 metres of existing and/or approved (but not yet installed) frost control fans, the future developer of the land subject to the rezoning or development application will be responsible for addressing the issue of compliance with this policy.

This may be achieved by doing the following:

- a) The provision of buffers to limit the location of future dwelling houses in relation to their proximity to the existing frost control fans; and/or,
- b) Constructing dwellings to achieve the relevant indoor criterion for the land use zone within which the developed property is located; and/or
- c) At the time of subdivision of that land, Council may impose a condition for the creation of a restriction on the title of the proposed lots, requiring certain noise attenuation measures to be incorporated into the design and construction of any proposed dwelling in that subdivision to enable the indoor criteria to be achieved.

2.9 What happens if complaints are received about an existing frost control fan?

1. In the first instance, a resident should make contact with the land owner that the fan operation is of concern or disturbing them. The land owner/operator should prepare a noise management plan and provide it to non-associated residents within the immediate vicinity (e.g. up to 1000 metres) of the property containing the frost fans to encourage dialogue in order to reduce the incidence of complaint and to aid conflict resolution.
2. The noise management plan should include, but not be limited to, contact telephone number of farm manager or land owner, after hour contact details, email address and the like, along with likely times of operation, permitted noise levels, a procedure for providing adjacent non-associated residents with advice on impending fan operation (e.g. 24 hour notice), complaint handling, and potential noise mitigation measures.
3. The noise management plan should be provided to Council for reference and inclusion in the development application/property file records.
4. In the event of non-compliance with the Noise Management Plan, Council will endeavour to establish a dialogue between the affected resident and the owner of the frost control fans, to raise the issues and to try and find possible resolutions.
5. Should any dialogues/negotiations fail, Council will re-assess the subject frost control fan against the requirements of this policy and any associated development consent.
6. Where complaints are received, the complainant should be prepared to allow Council's Officers or the proponent's acoustical consultant reasonable access to their property for the purpose of measuring the sound from the frost control fan if it is deemed necessary, during normal operation atmospheric conditions (i.e. during a frost when the fans are operating, which could be during the night or early hours of the morning). Council may seek to install a noise logger on the complaint's property for an extended period of time to record sound data for evaluation purposes.
7. Should Council receive a complaint concerning the operation of frost control fans, then noise level readings must be taken over at least three consecutive 15 minute periods at 2 - 5 metres from any bedroom wall in the non-associated dwelling house the subject of the complaint. The noise level set for the frost control fans must be exceeded on more than two nights within a 60 day period before Council will notify the operator of the frost control fan that action may need to be taken to ensure the fan operates within its consent.
8. If the frost control fan and its operation comply with its development consent and/or this policy, no further action will be taken. Should the subject frost control fans not be complying, further action will be considered. Where the noise limits are not met, the frequency of usage is a consideration in deciding what action to take. The level of noise exceedance will also be taken into consideration.

Note:

When noise measurements are to be taken, the following points will apply:

- i. The sound level meter must be set to measure fast response A-weighted sound pressure levels and the levels must be measured in terms of the equivalent continuous sound level (Leq) metric and the duration of the measurements must be no less than 15 minutes or two full revolutions of the frost fan gear head.
- ii. Noise measuring instruments must be equivalent to Type 2 (or better) as defined in Australian Standard 1259 "Sound Level Meters", Parts 1 and 2. The instrument is to be calibrated prior to use.
- iii. Apart from the provisions already contained in this policy, noise measurements must be conducted in accordance with Australian Standard 2659, "Guide to the use of Sound-measuring Equipment", Parts 1 and 2.

3. Statement

Noise sensitive zone is a land use zone adjacent to the frost fan property, primarily meant for noise sensitive land uses, typically meant for residential development under Murrumbidgee Local Environmental Plan, 2013.

Non-noise sensitive zone is a land use zone adjacent to the frost fan property, primarily meant for primary production or other general development under the Murrumbidgee Local Environmental Plan, 2013, and may include rural, some environmental protection and industrial zones.

Non-associated dwelling is a dwelling not located on the same land as the proposed / approved / existing frost fans, and in separate ownership to those lands.

4. Exceptions

NIL

5. Legislation

- Environmental Planning & Assessment Act 1979
- Protection of the Environment Operations Act, 1997
- Murrumbidgee Local Environmental Plan, 2013

6. Related Documents

NSW Environment Protection Agency Noise Guide for Local Government

7. Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).



Murrumbidgee COUNCIL

Draft Single Use Plastics Policy

	Name	Position	Signature	Date
Responsible Officer	Garry Stoll	Director Planning, Community & Development		
Authorised By	John Scarce	General Manager		

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August 2022

Contents

1. Purpose	3
2. Scope	3
3. Definitions.....	3
4. References.....	4
5. Content.....	4
6. Review	4

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1. Purpose

Murrumbidgee Council is committed to progressively reducing, and where possible eliminating, single use plastics by 2026. This policy applies to Council operations, including implementation of responsible procurement practices and influence of supply chains, and Council-managed events including, but not limited to, official functions, civic events, community forums, listening posts, workshops, meetings, training events and parties. The policy also incorporates advocating for change and working with the community to build awareness and behavioural change on single use plastics. This policy outlines how Council will lead, and work together with our community to achieve this commitment.

2. Scope

The scope of the policy aims to encourage improved planning and consideration of plastic waste, from the procurement phase, to use and finally disposal.

Exemptions may be granted for plastic products that are required to meet medical and safety requirements or where there is no other practical alternative product or distribution method available.

Events and activities occurring on Council land, but not managed by Council, are not included in the mandatory scope of this policy, but shall be encouraged and supported by Council to voluntarily comply.

3. Definitions

Council	Murrumbidgee Council
Council managed land	Land owned by the State (i.e. Crown Land) or a third party that Council manages day to day.
Council Officers/Public Officials	Includes Councillors, employees whether they are permanent or temporary employees, volunteers, and contractors.
Council Operations	Anywhere that Council staff are present at a location or provide a service or function to the community.
Council Owned Land	Land owned by Council.
Council Sponsored	Activities or events that receive financial or in-kind assistance from Murrumbidgee Council.
Events	A gathering of people for an organised activity.
Plastic	The Oxford Dictionary defines plastic as “a synthetic material made from a wide range of organic polymers such as polyethylene, PVC, nylon, etc., that can be moulded into shape while soft, and then set into a rigid or slightly elastic form”. Includes plastics labelled as degradable or biodegradable.
Single use plastic items	Includes any disposable plastic and polystyrene items including, but not limited to, stationery packaging, cleaning items, balloons, cutlery and food and drink packaging designed to be used once and then discarded.

4. References

- National Packaging Targets 2025
- NSW Waste Avoidance and Resource Recovery Strategy 2014-2021 (WARR Strategy)
- Protection of the Environment Operations (Waste) Regulation 2014
- Riverina and Murray Joint Organisation (RAMJO) Waste Strategy 2017 – 2021

5. Content

Under the Murrumbidgee Council Community Action Plan 2022 – 2026, item 2.2.2.1, Murrumbidgee Council have committed to continuing collaboration with RAMJO on Council's Waste Management Strategy.

To achieve our commitment by 2026, Murrumbidgee Council will work to:

- progressively reduce and, where possible, eliminate single use plastic items within Council operations;
- encourage and support events and activities that are held on Council-owned or managed land or receive Council sponsorship to voluntarily comply to reduce single use plastic;
- reduce and, where possible, eliminate single use plastic items for all events held on Council-owned or managed lands from 2023;
- comply with all National and State legislation in relation to waste avoidance, generation, recycling and disposal;
- advocate all levels of Government regarding reductions in the use of single use plastics;
- implement procurement practices and influence supply chains to avoid soft plastic packaging wherever possible;
- influence the local business and retail industry sectors to provide products and services that do not rely on single use plastics;
- build awareness within the community on the importance of reducing single use plastics;
- support the National Packaging Targets; and
- develop and implement an action plan to progressively reduce single use plastics.

Exemptions will apply for plastic products that are required to meet medical and safety requirements, or where there is no other practical alternative product or distribution method available.

6. Review

This policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).



Mobile Food Vending Policy

	Name	Position	Signature	Date
Responsible Officer	Garry Stoll	Director Planning, Community & Development		
Authorised By	John Scarce	General Manager		

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CONTENTS

1. POLICY OBJECTIVE.....	3
2. SCOPE AND PURPOSE	3
3. DEFINITIONS.....	4
4. COUNCIL POLICY	4
APPROVAL.....	4
INSPECTION OF VEHICLE.....	4
HOURS OF OPERATION.....	5
APPROVED SITES.....	5
SELLING CONDITION.....	5
VEHICLE CONDITION	5
WASTE DISPOSAL	5
PUBLIC NUISANCE.....	5
ROAD RULES	6
STATUTORY APPROVALS	6
PUBLIC LIABILITY.....	6
5. EXCEPTIONS	6
6. LEGISLATION.....	6
7. RELATED DOCUMENTS	7
8. POLICY REVIEW	7
APPENDIX A.....	8

1. POLICY OBJECTIVE

To regulate mobile and standing food vendors that display and sell commodities on public or private land.

2. SCOPE AND PURPOSE

Council supports the operation of mobile food vendors in the Murrumbidgee Council and encourage diversity in food options.

The purpose of the Policy is to provide the framework for the operation of mobile food vehicles in the Murrumbidgee Council. The Policy sets out the relevant legislative requirements for safe food handling and preparation practices and establishes the on-street trading parameters. The Policy supplements provisions of the Local Government Act 1993, the Local Government (General) Regulation 2005, the Roads Act 1993, the Roads Regulation 2008, the Food Act 2003, Food Regulation 2015 and the Protection of the Environment Operations Act 1997.

The NSW Government treats Mobile Food Vendors as exempt development (not requiring any Council approval) where they comply with the following development standards under the NSW Exempt and Complying Development Code 2.54B;

The standards specified for that development are that the development must—

- (a) have the consent of the owner of the land on which the development is carried out or, if a council or public authority has the control and management of the land, the consent, in writing, of the council or public authority, and
- (b) not restrict any vehicular or pedestrian access to or from the land or entry to any building on the land, and
- (c) not obstruct the operation of, or access to, any utility services on the land or on adjacent land, and
- (d) not be located within the canopy of, or result in damage to, any tree growing on the land or on adjacent land, and
- (e) not result in any damage to public property on the land or on adjacent land, and
- (f) if carried out on land in a residential zone—only be carried out between 7am and 7pm, and
- (f1) if carried out on land immediately adjacent to a residential zone—only be carried out between 7am and 10pm, and
- (g) if located on a public place—have any approval required under section 68 of the Local Government Act 1993

The Policy applies to Council owned roads and other public places within the Murrumbidgee Council.

This Policy does not apply to mobile food vendors who are:

- Trading in accordance with a development consent or the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 on private land
- Trading on public land in accordance with an approved event

3. DEFINITIONS

Council means Murrumbidgee Council

Vending Vehicle includes any mobile or stationary vehicle and any adjacent area reasonably used for the purpose of displaying and selling commodities; but excludes service vehicles such as mechanics, carpet cleaning services, gardening services and the delivery of pre-ordered commodities such as pre-ordered meals.

4. COUNCIL POLICY

Approval

- 4.1 An application for approval to operate a vending vehicle within the Murrumbidgee Local Government Area must be completed by the applicant and submitted to Murrumbidgee Council for approval by the Director Planning, Community & Development (or equivalent position) or their nominated delegate.
- 4.2 After the granting of the initial approval to operate a vending vehicle within the Murrumbidgee Local Government Area, subsequent approvals are to be renewed annually with Murrumbidgee Council and will be subject to an application fee. This application should be lodged with Council at least one month prior to the expiry of the previous approval.
- 4.3 An approval to operate a vending vehicle includes approval under the provisions of Section 68 of the Local Government Act 1993 for the purpose of selling of commodities in a public place.
- 4.4 If the vehicle information provided with the initial application changes during the term of this approval, details of the change shall be advised in writing to Council within one week of the variation occurring.
- 4.5 Any vehicle and adjacent areas used for the purpose of displaying and selling commodities without the appropriate approval of Council, and/or not in accordance with this policy, or any license or direction of Council, is prohibited.
- 4.6 A copy of the certificate of approval must be kept with the vehicle at all times and the certificate must be provided on request by an authorised Council Officer.
- 4.7 Should the mobile food stall be based outside Murrumbidgee Council, the operator will need to complete the Temporary Food Stall Application Form and provide a copy of a current (within the last 12 months) inspection report from the Council where the vehicle is registered.

Inspection of Vehicle

- 4.8 The Council may require the vehicle to be made available for inspection at any reasonable time.
- 4.9 All mobile food vendors should be fully self-contained and not rely on Council to provide power, water or sewer services.

Hours of Operation

- 4.10 The hours of operation for the vehicle selling or displaying commodities are limited from 7.00am to 7.00pm daily. In exceptional circumstances, hours of operation may be varied to the discretion of the Director, Planning, Community & Development (or equivalent position) or their nominated delegate.

Approved Sites

- 4.11 Vendors shall operate only within the designated areas as identified in Appendix A.

Selling Condition

- 4.12 Only the sale of foodstuffs and drinks will be allowed by mobile food vendors. No sale of alcohol, cigarettes or other products from mobile food vehicles will be approved.
- 4.13 The vendor is required to undertake a Food Safety Supervisor Course and keep a visible copy of the NSW Food Authority Certificate in the vehicle at all times.

Vehicle Condition

- 4.14 All vehicles permitted under this policy shall be maintained in a clean and safe condition. Vehicles displaying or selling food are to comply with the Food Standards, Australian and New Zealand Food Safety Standards, Food Act 2003 and Transport for NSW registration and rules.
- 4.15 The vending vehicle must not be used for sleeping purposes.
- 4.16 Employees' personal belongings, cleaning equipment, soiled equipment, waste and commodities kept in the vehicle are to be physically separated.

Waste Disposal

- 4.17 Suitable garbage receptacles with close-fitting lids must be provided in the vehicle.
- 4.18 When directed, a suitable receptacle must be provided outside the vehicle for placing litter.
- 4.19 All garbage must be removed daily, or more frequently when the need arises. Vendor packaging should not be disposed of in Council rubbish bins.
- 4.20 Any waste must be transported to a place that can lawfully be used as a waste facility for that waste. A copy of an appropriate Waste Management Plan must be provided to Council prior to approval.

Public Nuisance

- 4.21 The use of the vehicle must not create an "offensive noise", as defined in the Protection of the Environment Operations Act 1997.

- 4.22 The use of equipment to amplify sounds in or on any public road or public place is prohibited unless prior consent of the Council is obtained. Such applications may be approved with or without conditions.

Road Rules

- 4.23 Vehicles permitted under this policy shall not obstruct roadways or footpaths and shall not be driven or parked in such a way that is a hazard to other road users.
- 4.24 A vehicle permitted under this policy will not be exempt from any road rules, traffic and parking regulations or any similar legislation.
- 4.25 Vehicles permitted under this policy shall not be permitted to sell commodities in a demarcated School Zone.
- 4.26 The vendor is not to provide tables or chairs or other seating or furniture for customers.

Statutory Approvals

- 4.27 A vehicle permitted under this policy shall comply with all relevant Acts, Regulations and Council Policies and nothing herein shall be taken as the granting of consent under the Environmental Planning and Assessment Act 1979.

Public Liability

- 4.28 The proprietor must provide Council with a copy of their current Public Liability Policy for not less than \$20 million dollars indemnifying Murrumbidgee Council against any claims that arise from the operation of the vending vehicle.

5. EXCEPTIONS

There are no exemptions under the Policy for mobile food vehicles.

Note: Section 158(3) of the Local Government Act 1993 requires a Local Approvals Policy to specify the circumstances (if any) in which a person would be exempt from the necessity to obtain a particular approval from Council. To ensure the safety of food for human consumption, there will be no exemptions for compliance with the Policy in relation to mobile food vehicles.

6. LEGISLATION

The following documents are related to the Policy:

- Section 356 of the Local Government Act 1993 (as amended)
- Local Government Act 1993
- Protection of the Environment Operations Act 1997
- Food Act 2003.
- Food Regulation 2015
- Roads Act 1993
- Roads Regulation 2008
- Environmental Planning and Assessment Act 1979

7. RELATED DOCUMENTS

The following documents are related to the Policy:

- Guidelines for Mobile Food Vending Vehicles (available on the NSW Government Authority Food website <http://www.foodauthority.nsw.gov.au/>)
- Office of Local Government Street Vending Control Guidelines

8. POLICY REVIEW

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).

APPENDIX A

Darlington Point Location – Darlington Point Swimming Pool Carpark Corner Carrington & Curphey Place



Coleambally Location – Carpark at rear of Brolga Place

Corner Kingfisher Avenue and Brolga Place



Jerilderie Location – Luke Park Parking Area

Powell Street





Murrumbidgee
COUNCIL

Revised Statement of Business Ethics

	Name	Position	Signature	Date
Responsible Officer	Kaitlin Salzke	Chief Financial Officer		
Authorised By	John Scarce	General Manager		

Document Revision History	
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August 2022

Contents

1. Why a Statement of Business Ethics?.....	3
2. Council's Values	3
3. Key Principles	3
4. What You Can Expect from Council.....	4
5. What Council Expects from Tenderers, Contractors, Suppliers, Applicants, Consultants etc.	5
6. Consequences of Unethical Behaviour & Non-Compliance with the Code of Conduct ...	5
7. Guidance Notes	6
7.1 Incentives, Gifts, & Benefits	6
7.2 Conflicts of Interest	6
7.3 Confidentiality	6
7.4 Communication Between Parties	6
7.5 Use of Murrumbidgee Council Equipment, Resources and Information.....	6
7.6 Intellectual Property Rights	6
8. Review.....	6

1. Why a Statement of Business Ethics?

Murrumbidgee Council works with private, public and not-for-profit sectors to provide a diverse range of services to the community. The community expects Council to have high ethical standards in everything it does. Council is expected to not have any conflict between its own interests and its obligations to the community.

This statement is intended for anyone in the private, public or not for profit sectors who are involved in a business arrangement with Council or are proposing to be in such an arrangement. It explains Council's ethical position. Anyone dealing with Murrumbidgee Council in a business arrangement is expected to comply with the ethical framework in which Council works. This statement outlines what can be expect from Council and what Council will expect from you in any business dealings.

Council expects all its business partners to acquaint themselves with, and understand, the standards prescribed by this Statement.

2. Council's Values

Underpinning this statement of business ethics are the values stated within Council's Community Strategic Plan and Code of Conduct. When doing business with the private sector, Murrumbidgee Council and its staff are accountable for their actions and are expected to:

- Use public resources effectively and efficiently;
- Deal fairly, honestly and ethically with all individuals and organisations; and
- Avoid any conflicts of interest (whether real or perceived).

Council is also committed to:

- Transparent and accountable practices; and
- Sustainable economic, environmental and social practices.

3. Key Principles

Council will undertake its business activities and dealings with the public on the following key principles:

Integrity

Council officials must not place themselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties.

Leadership

Council will promote the key principles by demonstrating leadership and exemplify high standards of ethical behaviour to strengthen the public's trust and confidence in Council.

Impartiality

Council decisions will be made on merit and in accordance with any statutory obligations when carrying out business dealings. This means fairness and equitable treatment for all. This includes awarding contracts, procurement and the sale of Council assets.

Accountability

Council is accountable to the public for its decisions and actions and should consider all issues on their merits, taking into account the views of others. Reasons for decisions should be recorded, appropriate records should be kept and proper audit trails established.

Openness

Council will be open and transparent about actions it has undertaken and decisions it (and its staff) have made. All information should be made available; any restriction must be based on sound wider public interest reasons or commercial confidentiality.

Honesty

Council and its staff will act honestly. Private interests relating to public duties must be appropriately declared and resolved. All relevant statutory requirements must be followed, all potential or actual conflicts of interest must be fully disclosed and the Code of Conduct observed at all times.

Respect

Council and its staff will treat others with respect at all times. All others will be treated in a professional and courteous manner.

4. What You Can Expect from Council

Council will ensure that all of its policies, procedures and practices relating to tendering, contracting, purchasing of goods and services, assessment of development applications, use of consultants and interaction with lobbyists are all consistent with best practice and the highest standards of ethical conduct.

Council's Code of Conduct binds staff and delegates. When doing business with the private, public and not-for-profit sectors, staff and delegates are accountable for their actions and are expected to:

- Use Council resources efficiently and effectively;
- Be honest, professional, accessible, open, fair and ethical;
- Communicate clearly and respond promptly to questions to resolve issues quickly;
- Comply with the law, this statement and the policies and procedures that guide our methods of operation;
- Provide open competition for work in the necessary or optimum way;
- Resolve any actual, perceived or potential conflicts of interest;
- Make objective decisions based on merit, considering reasonable criteria and only relevant and material facts;
- Strive to achieve the best value for money;
- Never seek any gifts or other personal benefits;
- Protect privacy and confidentiality where necessary;
- Observe environmental sustainability considerations;
- Comply with work health and safety requirements.

To achieve probity, Council will consider at all stages of the purchasing, tendering, contracting and development application processes, the following factors:

- Transparency of process;
- Accountability;
- Ethically managing potential conflicts of interest;
- Obtaining best value;
- Monitoring and evaluation of performance.

Council's dealing will be transparent, accountable and open to public scrutiny. However, there will be times when confidentiality will be required in relation to some commercial information relating to third parties with whom business has been conducted.

5. What Council Expects from Tenderers, Contractors, Suppliers, Applicants, Consultants etc.

Council requires all suppliers of goods and services, tenderers, contractors, consultants, development applicants and anyone doing business with Council to observe the following principles:

- Act ethically and honestly in dealing with Council;
- Declare actual or perceived conflicts of interest;
- Comply with Council's procurement policies and procedures;
- Provide accurate and reliable information when required;
- Take all reasonable measures to prevent disclosure of confidential Council information;
- Refrain from engaging in any form of collusive practice;
- Refrain from offering staff and delegates gifts, benefits, inducements or incentives;
- Assist Council to prevent unethical practices in our business relationships;
- Comply with privacy legislation in relation to personal information obtained through dealings with Council or work undertaken for Council;
- Comply with all the on-site work health and safety requirements;
- Act without discrimination;
- Respect and comply with environmental laws;
- Provide Council with a quality product or service on time that gives good value for money.

If you have any concerns about this Statement of Business Ethics, any concerns about breaches of this Statement or any conduct that may involve fraud or corruption, maladministration, or serious and substantial waste of public funds, please contact Council's General Manager.

Alternatively, you may consider directly contacting the NSW Independent Commission Against Corruption (ICAC), the NSW Ombudsman or the NSW Office of Local Government.

6. Consequences of Unethical Behaviour and Non-Compliance with the Code of Conduct

Corrupt or unethical behaviour by an entity doing business with Council could lead to the following actions or consequences:

- Termination of any contract;
- Loss of future opportunities with Council;
- Loss of reputation;
- Investigation for corruption/ fraud matters;
- Criminal prosecution.

Consequences for Council staff and delegates may include:

- Formal investigation;
- Disciplinary action;
- Criminal prosecution.

7. Guidance Notes

7.1 Incentives, Gifts and Benefits

Murrumbidgee Council expects its staff to, where possible, decline gifts and benefits offered to them during the course of their work. Providers should refrain from offering any gift or benefit to Council staff.

Staff should familiarise themselves with, and be guided by, the Murrumbidgee Council Gifts and Benefits Policy.

7.2 Conflicts of Interest

All Council staff are required to disclose any potential conflicts of interest. The Council extends this requirement to all entities doing business with Council, its contractors and suppliers.

7.3 Confidentiality

All Council information should be treated as confidential unless otherwise indicated.

7.4 Communication Between Parties

All communication should be clear, direct and accountable to minimise the risk of perception of inappropriate influence being brought to bear on the business relationship.

7.5 Use of Murrumbidgee Council Equipment, Resources and Information

All Murrumbidgee Council equipment, resources and information should only be used for proper official purposes and in accordance with Council Policies.

7.6 Intellectual Property Rights

In business dealings between Murrumbidgee Council and other entities, parties to the dealings will respect each other's intellectual property rights and will formally negotiate any access, license or use of intellectual property.

8. Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).



Murrumbidgee
COUNCIL

Revised Councillor Expenses and Facilities Policy

	Name	Position	Signature	Date
Responsible Officer	Kaitlin Salzke	Chief Financial Officer		
Authorised By	John Scarce	General Manager		

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Contents

Policy Summary	3
Part A – Introduction	4
1. Introduction	4
2. Policy objectives	4
3. Principles	4
4. Private or political benefit	5
Part B – Expenses	5
5. General expenses	5
6. Specific expenses	5
7. Insurances	10
8. Legal assistance	10
Part C – Facilities	11
9. General facilities for all Councillors	11
10. Additional facilities for the Mayor	11
Part D – Processes	12
11. Approval, payment and reimbursement arrangements	12
12. Disputes	13
13. Return or retention of facilities	13
14. Publication	14
15. Reporting	14
16. Auditing	14
17. Breaches	14
18. Review	14
PART E – Appendices	15
Appendix I: Related legislation, guidance and policies	15
Appendix II: Definitions	16
Appendix III: Councillor Claim For Private Vehicle Expenses	17
Appendix IV: Councillor Claim For Out of Pocket Expenses	18

Policy Summary

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

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

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2005* (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
General, interstate, overseas and long distance intrastate travel expenses	\$2,500 per Councillor	Per year
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night
Professional development	\$3,000 total for all Councillors	Per year
Conferences and seminars	\$6,000 total for all Councillors	Per year
Carer expenses	\$2,000 per Councillor	Per year
Home office expenses	\$200 per Councillor	Per year
Corporate dress	\$800 per Councillor	Per term
ICT devices	Provided to all Councillors	Not relevant
Council vehicle and fuel card	Provided to the Mayor	Not relevant
Furnished office	Provided to the Mayor	Not relevant
Mobile telephone	Provided to the Mayor	Not relevant

Additional costs incurred by a Councillor in excess of these limits are considered a personal expense that is the responsibility of the Councillor.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

Part A – Introduction

1. Introduction

- 1.1. The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Murrumbidgee Council.
- 1.2. The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.
- 1.3. The purpose of this policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.
- 1.4. Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.
- 1.5. Expenses and facilities provided by this policy are in addition to fees paid to Councillors. The minimum and maximum fees a Council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

2. Policy objectives

- 2.1. The objectives of this policy are to:
 - enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties
 - enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties
 - ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors
 - ensure facilities and expenses provided to Councillors meet community expectations
 - support a diversity of representation
 - fulfil the Council's statutory responsibilities.

3. Principles

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

- **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to Councillors.

4. Private or political benefit

- 4.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 4.2. Private use of Council equipment and facilities by Councillors may occur from time to time. For example, telephoning home to advise that a Council meeting will run later than expected.
- 4.3. Such incidental private use does not require a compensatory payment back to Council.
- 4.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse the Council.
- 4.5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
 - production of election material
 - use of Council resources and equipment for campaigning
 - use of official Council letterhead, publications, websites or services for political benefit
 - fundraising activities of political parties or individuals, including political fundraising events.

Part B – Expenses

5. General expenses

- 5.1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
- 5.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

6. Specific expenses

General travel arrangements and expenses

- 6.1. All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 6.2. Each Councillor and the Mayor may be reimbursed up to a total of \$2,500 per year, for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:
 - for public transport fares
 - for the use of a private vehicle or hire car

- for parking costs for Council and other meetings
 - for tolls
 - by Cabcharge card or equivalent
 - for documented ride-share programs, such as Uber, where tax invoices can be issued.
- 6.3. A suitable vehicle or vehicles may be provided by the Council for use on official duties connected with the office of Councillor.
- 6.4. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.
- 6.5. Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided if requested.
- 6.6. Travel in excess of the cap may be approved at the discretion of the General Manager.

Interstate, overseas and long distance intrastate travel expenses

- 6.7. For the purposes of this policy, general travel shall include travel to the Local Government Areas of Councils belonging to the Riverina and Murray Joint Organisation. Expenses for this travel will be governed by Clauses 6.1-6.4.
- 6.8. In accordance with Section 4, Council will scrutinise the value and need for Councillors to undertake overseas travel. Councils should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.
- 6.9. Total interstate, overseas and long distance intrastate travel expenses for all Councillors will be included in the cap at Clause 6.2.
- 6.10. Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, the General Manager prior to travel.
- 6.11. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel.
- 6.12. The case should include:
- objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the Councillor's civic duties
 - who is to take part in the travel
 - duration and itinerary of travel
 - a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 6.13. For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.

- 6.14. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
- 6.15. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 6.16. Bookings for approved air travel are to be made through the General Manager's office.
- 6.17. For air travel that is reimbursed as Council business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

Travel expenses not paid by Council

- 6.18. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

Expenses for accompanying persons

- 6.19. The Council shall meet the costs of registration and attendance at any official dinners for the Mayor's or Councillors' accompanying person, for the following conferences:
 - Local Government NSW
 - Australian Local Government Association
 - National General Assembly of Local Government
 - Murray Darling Basin Association
- 6.20. All travel expenses, additional accommodation expenses, accompanying person tours and other sundry expenses incurred by the accompanying person shall be the personal responsibility of the individual Councillor.
- 6.21. The Council shall also meet the costs of attendance for an accompanying person of the Mayor (or Councillor on behalf of the Mayor) at official Council functions or other authorised events of a formal and ceremonial nature.

Accommodation and meals

- 6.22. In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.
- 6.23. Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the Murrumbidgee Local Government Area.
- 6.24. The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.
- 6.25. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of Clause 6.19.
- 6.26. Councillors will not be reimbursed for alcoholic beverages.

Incidental expenses

- 6.27. Incidental expenses totalling less than \$25 per day may not require specific receipts, provided it can be demonstrated that the expenditure was incurred. The level of the supporting documentation should be commensurate with the nature of the expenditure: for example, parking, tolls, refreshments and similar expenses may only require a signed statement listing the payments made.

Refreshments for Council related meetings

- 6.28. Appropriate refreshments will be available for Council meetings, Council committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the General Manager.
- 6.29. As an indicative guide for the standard of refreshments to be provided at Council related meetings, the General Manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

Professional development

- 6.30. Council will set aside \$3,000 total for all Councillors annually in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies.
- 6.31. In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 6.32. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 6.33. Approval for professional development activities is subject to a prior written request to the General Manager outlining the:
- details of the proposed professional development
 - relevance to Council priorities and business
 - relevance to the exercise of the Councillor's civic duties.
- 6.34. In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in Clause 6.27, as well as the cost of the professional development in relation to the Councillor's remaining budget.

Conferences and seminars

- 6.35. Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and local government in NSW.
- 6.36. Council will set aside a total amount of \$6,000 annually in its budget to facilitate Councillor attendance at conferences and seminars. This allocation is for all Councillors. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 6.37. Approval to attend a conference or seminar is subject to a written request to the General Manager. In assessing a Councillor request, the General Manager must consider factors including the:

- relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties
 - cost of the conference or seminar in relation to the total remaining budget.
- 6.38. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the General Manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.18-6.21.

Telecommunications expenses

- 6.39. Council will reimburse reasonable telephone calls (landline and mobile) and facsimile costs associated with the execution of Councillors' civic duties. Expense claims for reimbursement are to be accompanied by an itemised bill, with usage relating to Council business highlighted.

Special requirement and carer expenses

- 6.40. Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing impaired Councillors and those with other disabilities.
- 6.41. Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.
- 6.42. In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.
- 6.43. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$2,000 per annum for attendance at official business, plus reasonable travel from the principal place of residence.
- 6.44. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.45. In the event of caring for an adult person, Councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

Home office expenses

- 6.46. Each Councillor may be reimbursed up to \$200 per year for costs associated with the maintenance of a home office, such as minor items of consumable stationery and printer ink cartridges.

Corporate dress

- 6.47. The Workwear Group is Council's preferred supplier of the NNT Local Government Corporate Collection. 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)
- 6.48. Councillors may order corporate dress up to \$800 per Council term.
- 6.49. The Finance Manager will coordinate uniform orders.

7. Insurances

- 7.1. In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims.
- 7.2. Council also holds personal accident insurance, which provides for the payment of non-medical expenses and the loss of wages resulting from an accident whilst on official business for Council and a capital payment if the accident resulted in death. This cover extends to Councillors and their partners whilst on official business of Council.
- 7.3. Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.

8. Legal assistance

- 8.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
 - a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the Councillor
 - a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the Councillor
 - a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.
- 8.2. In the case of a code of conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.
- 8.3. Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
- 8.4. Council will not meet the legal costs:
 - of legal proceedings initiated by a Councillor under any circumstances
 - of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
 - for legal proceedings that do not involve a Councillor performing their role as a Councillor.
- 8.5. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

Part C – Facilities

9. General facilities for all Councillors

Facilities

- 9.1. Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
- access to the photocopier and facsimile machine in the Council offices (during normal office hours)
 - personal protective equipment for use during site visits
 - a name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Mayor or deputy Mayor.
- 9.2. Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through a specified officer in the Mayor's office or other specified staff member.
- 9.3. The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

Stationery

- 9.4. Each Councillor will be provided with a reasonable amount of appropriate stationery to carry out their civic duties, including but not limited to:
- letterhead, envelopes and postage stamps
 - business cards
 - writing pads and pens
 - paper and consumables for printers and fax machines
 - Christmas or festive cards

Administrative support

- 9.5. Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by a member of Council's administrative staff as arranged by the General Manager or their delegate.
- 9.6. As per Section 4, Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

Information and communications technology (ICT) devices

- 9.7. Councillors will be supplied with a tablet computer set up to enable internet access, emailing and processing of correspondence and access to Council business papers, minutes, policies and other Council records. All requisite software will be installed on that device.
- 9.8. Councillors will also be supplied with a printer upon request.

10. Additional facilities for the Mayor

- 10.1. Council will provide to the Mayor a maintained vehicle to a similar standard of other Council vehicles, with a fuel card. The vehicle will be supplied for use on business, professional development and attendance at the Mayor's office. Incidental private use may be permitted at the discretion of the General Manager.

- 10.2. Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.
- 10.3. Council will provide the Mayor with an appropriate mobile telephone and/or communications device for use in relation to official functions and duties of the office of Mayor.
- 10.4. The Mayor will be provided with a corporate credit card for Council-related business pursuant to the provisions of this Policy to maximum monthly amount.
- 10.5. In performing his or her civic duties, the Mayor will be provided administrative and secretarial support, as determined by the General Manager.

Part D – Processes

11. Approval, payment and reimbursement arrangements

- 11.1. Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 11.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 11.3. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
 - local travel relating to the conduct of official business
 - carer costs
 - telecommunications expenses
- 11.4. Final approval for payments made under this policy will be granted by the General Manager or their delegate.

Direct payment

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

Reimbursement

- 11.6. All claims relating to the use of a private vehicle must be made on the prescribed form (set out in Appendix III), and be submitted to the General Manager via their executive assistant.
- 11.7. All claims for reimbursement of expenses incurred must be made on the prescribed form (set out in Appendix IV), supported by appropriate receipts and/or tax invoices and be submitted to the General Manager via their Executive Assistant.

Advance payment

- 11.8. Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.

- 11.9. Requests for advance payment must be submitted to the General Manager via their Executive Assistant for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 11.10. Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to Council:
- a full reconciliation of all expenses including appropriate receipts and/or tax invoices
 - reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

- 11.11. If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.
- 11.12. If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

Reimbursement to Council

- 11.13. If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
- Council will invoice the Councillor for the expense
 - the Councillor will reimburse Council for that expense within 14 days of the invoice date.
- 11.14. If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the Councillor's allowance.

Timeframe for reimbursement

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

12. Disputes

- 12.1. If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the General Manager.
- 12.2. If the Councillor and the General Manager cannot resolve the dispute, the Councillor may submit a notice of motion to a Council meeting seeking to have the dispute resolved.

13. Return or retention of facilities

- 13.1. All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.
- 13.2. Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.

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

14. Publication

- 14.1. This policy will be published on Council's website.

15. Reporting

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

16. Auditing

- 16.1. The operation of this policy, including claims made under the policy, will be included in Council's audit program and an audit undertaken from time to time, as determined by the Audit, Risk and Improvement Committee.

17. Breaches

- 17.1. Suspected breaches of this policy are to be reported to the General Manager.
- 17.2. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

18. Review

- 18.1. This policy is to be reviewed within the first year of the new Council term.
- 18.2. This policy may be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur.)

PART E – Appendices

Appendix I: Related legislation, guidance and policies

Relevant legislation and guidance:

- Local Government Act 1993, Sections 252 and 253
- Local Government (General) Regulation 2005, Clauses 217 and 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

Related Council Policies:

- Code of Conduct

Appendix II: Definitions

The following definitions apply throughout this Policy

Term	Definition
Accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor
Appropriate refreshments	Means food and beverages, excluding alcohol, provided by Council to support Councillors undertaking official business
Act	Means the <i>Local Government Act 1993</i> (NSW)
Clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor
General Manager	Means the General Manager of Council and includes their delegate or authorised representative
Incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
Long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
Maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1
NSW	New South Wales
Official business	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes: <ul style="list-style-type: none"> • meetings of Council and committees of the whole • meetings of committees facilitated by Council • civic receptions hosted or sponsored by Council • meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council
Professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor
Regulation	Means the Local Government (General) Regulation 2005 (NSW)
Year	Means the financial year, that is the 12 month period commencing on 1 July each year

Appendix III: Councillor Claim For Private Vehicle Expenses



COUNCILLOR CLAIM FORM - PRIVATE VEHICLE EXPENSES

Councillor _____

DATE OF MEETING	NATURE OF MEETING	KMS	TOTAL \$
TOTALS			
MONTHLY FEE			
TOTAL PAYABLE			

SIGNATURE OF CLAIMANT

GENERAL MANAGER

DATE

Appendix IV: Councillor Claim For Out of Pocket Expenses



COUNCILLOR CLAIM FORM - OUT OF POCKET EXPENSES

Councillor _____

Function Attended: _____

Date: _____

Expense Item	Amount

I hereby certify this claim to be complete and an accurate account of the expenses incurred by me on behalf of the Murrumbidgee Council

Signature: _____

Date: _____

Authorised for payment by:

Name/Position Held: _____

Signature: _____

Date: _____



Murrumbidgee
COUNCIL

Revised Related Party Disclosures Policy

	Name	Position	Signature	Date
Responsible Officer	Kaitlin Salzke	Chief Financial Officer		
Authorised By	John Scarce	General Manager		

Document Revision History	
Date adopted by Council:	27 July 2017
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Date Adopted by Council:	
Minute Number:	
Next Review Date:	See item 12 of this Policy

August 2022

Contents

1. POLICY STATEMENT	3
2. SCOPE	3
3. POLICY OBJECTIVES	3
4. BACKGROUND AND/OR PRINCIPLES	3
5. AASB 124 DISCLOSURE REQUIREMENTS	3
6. IDENTIFYING RELATED PARTY TRANSACTIONS WITH KEY MANAGEMENT PERSONNEL (KMP) AND THEIR CLOSE FAMILY MEMBERS.....	4
7. INFORMATION PRIVACY	5
8. DEFINITIONS	7
9. LEGISLATIVE REFERENCE	8
10. RELATED POLICIES/PROCEDURES.....	9
11. APPLICATION DATE OF POLICY.....	9
12. REVIEW.....	9
APPENDIX A.....	10
APPENDIX B.....	12

1. POLICY STATEMENT

The Related Party Disclosure Policy aims to assist Murrumbidgee Council in complying with disclosure requirements concerning related parties, including key management personnel (KMP), their close family members and entities controlled or jointly controlled by any of them stipulated under the *Australian Accounting Standard AASB 124 Related Party Disclosures and the Australian implementation guidance for not-for-profit public sector entities* (AASB 124).

2. SCOPE

This policy is to be applied in:

- (a) identifying related party relationships and transactions;
- (b) identifying outstanding balances, including commitments, between Council and its related parties;
- (c) establishing systems to capture and record the related party transactions and information about those transactions;
- (d) identifying the circumstances in which disclosure of items (a) and (b) are required;
- (e) determining the disclosures to be made about those items in the general purpose financial statements for the purpose of complying with AASB 124.

3. POLICY OBJECTIVES

The objective of the policy is to ensure that the existence of, and appropriate details regarding, related party relationships and related party transactions that are necessary for users to understand the potential effects on the financial statements are properly identified, recorded in Council's systems, and disclosed in Council's general purpose financial statements in compliance with AASB 124.

4. BACKGROUND AND/OR PRINCIPLES

The Local Government Act (1993) and Regulation require Council to prepare its general purpose financial statements in compliance with Australian Accounting Standards. This policy specifically considers the application of AASB 124.

5. AASB 124 DISCLOSURE REQUIREMENTS

- 5.1.** In its General Purpose Financial Statements, Council will disclose management personnel compensation in accordance with AASB 124 paragraph 17 (on an aggregate basis only).
- 5.2.** If there have been transactions between related parties, consideration will first be given to materiality.

The fact that a transaction occurred at arm's length does not, in itself, provide exemption from disclosure. However, a transaction with related parties undertaken in the ordinary course of business under the same terms and conditions of non-KMP will be unlikely to require disclosure, based on the guidance set out in the AASB's *Agenda Decision: Materiality of Key Management Personnel Related Party Transactions of Not-For-Profit Public Sector Entities*.

The determination of materiality for such transactions will be determined by the Responsible Accounting Officer in consultation with the General Manager.

- 5.3. Council will not disclose in its financial statements related party transactions that are ordinary citizen transactions (OCT), so long as the terms and conditions are no different to those available to the general public. If an OCT occurs on terms and conditions that are different to those offered to the general public, the transaction will be captured and, if required, reported in the financial statements.
- 5.4. Related party transactions that are determined to be material will be disclosed in accordance with the requirements set out in AASB 124.
- 5.5. AASB 124 also requires disclosure of related party transactions with Council subsidiaries, entities who are associates of Council or of a Council subsidiary, and joint ventures in which Council or a Council subsidiary is a joint venture.

6. IDENTIFYING RELATED PARTY TRANSACTIONS WITH KEY MANAGEMENT PERSONNEL (KMP) AND THEIR CLOSE FAMILY MEMBERS

6.1. Related Party Declaration

Key management personnel must provide a Related Party Declaration to the Responsible Accounting Officer by no later than the following (the **specified notification date**):

- (a) 60 days after a KMP commences their term or employment with Council; and
- (b) 30 June each year; and
- (c) the date a KMP ceases their term or employment with Council.

The declaration should be in the form set out in Appendix B, detailing related party relationships and any related party transactions of which the KMP is aware.

6.2. RPT Declaration Form

At least 30 days before a specified notification date (or as soon as practicable, for specified date (c)), the Responsible Accounting Officer (or delegate) will provide KMPs with a RPT Declaration Form and a Privacy Collection Notice as set out in Appendix A.

6.3. Additional Related Party Declarations

During a financial year, if a KMP becomes aware of any new or potential related party transaction that is required or likely to be required to be disclosed in Council's financial statements; or any change to a previously notified related party transaction (including a change to a related party relationship), the KMP must proactively notify the Responsible Accounting Officer in writing no later than 30 days after the KMP becomes aware of the transaction or change.

6.4. Other Notifications

The notification requirements in this section 6 are in addition to the notifications a KMP must make to comply with:

- (a) Section 449 of the Local Government Act 1993 in relation to the disclosure of interests; and
- (b) The Code of Conduct.

6.5. Exclusions

The notification requirements in this section 6 do not apply to:

- (a) related party transactions that are ordinary citizen transactions (e.g. payment of rates, access to library or Council swimming pool), so long as the terms and conditions are no different to those available to the general public; or
- (b) for Councillors, expenses incurred and facilities provided to a Councillor during the financial year, under Council's Payment of Expenses and Provision of Facilities Policy.

6.6. Digital Extraction

The Responsible Accounting Officer or their delegate will digitally identify and extract information in Council's computerised business systems for the purpose of reviewing related party transactions and, if appropriate, disclosing them in the financial statements.

6.7. Other Sources of Information

To ensure all related party transactions are captured and recorded, the Responsible Accounting Officer or delegate may review other sources of information held by Council including, without limitation:

- (a) a Disclosure of Interests Return (under s449 of the Local Government Act 1993) of a KMP and of persons related to the KMP;
- (b) minutes of Council and committee meetings.

6.8. Manual Investigation and Recording of Information

For notified related party transactions that are not captured by Council's computerised business systems, the Responsible Accounting Officer will manually review the transactional documentation, and record or disclose details as appropriate.

7. INFORMATION PRIVACY

7.1. No Public Inspection

Information (including personal information) provided by a key management person in a Related Party Declaration is classified as confidential, and is not available for inspection by or disclosure to the public, including through a Government Information (Public Access) Act (GIPA) application.

7.2. Government Information (Public Access) [GIPA] Status

A GIPA application seeking access to or release of a document or information (including personal information) provided by a KMP in a Related Party Declaration will be refused on the grounds the document or information comprises information for which there is an overriding public interest against disclosure pursuant to Section 14 of the *Government Information (Public Access) Act*.

A GIPA application seeking access to and release of transactional information and documentation the subject of a related party transaction with Council will be considered, assessed and decided in accordance with Council's usual procedures regarding applications made under the *Government Information (Public Access) Act*.

7.3. When Consent Required

Except as specified in this policy, Council and other permitted recipients will not use or disclose personal information provided in a Related Party Declaration for any other purpose or to any other person except with the prior written consent of the subject KMP.

7.4. Permitted Recipients

The following persons are permitted to access, use and disclose the information (including personal information) provided in a Related Party Declaration for the purposes specified in section 7.5:

- (a) a Councillor;
- (b) the General Manager;
- (c) the Responsible Accounting Officer being responsible for the preparation of financial reports;
- (d) financial officers within Council's finance department responsible for the preparation of financial reports authorised by the Responsible Accounting Officer;
- (e) members of Council's Audit, Risk & Improvement Committee;
- (f) an auditor of Council (including an auditor from the Audit Office of New South Wales).

7.5. Permitted Purposes

A person specified in section 7.4 may access, use and disclose information (including personal information) in a Related Party Declaration or contained in a register of related party transactions for the following purposes:

- (a) to assess and verify a notified related party transaction ;
- (b) to reconcile identified related party transactions against those notified in a Related Party Declaration;
- (c) to comply with the disclosure requirements of the AASB 124;
- (d) to verify compliance with the disclosure requirements of the AASB 124.

An individual may access their personal information provided by a KMP in a Related Party Declaration in accordance with Council's Privacy Management Policy.

8. DEFINITIONS

Arm's length terms	<p>Terms between parties that are reasonable in the circumstances of the transaction that would result from:</p> <ul style="list-style-type: none"> (a) neither party bearing the other any special duty or obligation; and (b) the parties being unrelated and uninfluenced by the other; and (c) each party having acted in its own interests
Associate	In relation to an entity (the first entity), an entity over which the first entity has significant influence.
Close family Members or close members of the family	<p>In relation to a key management person, family members who may be expected to influence, or be influenced by, that key management person in their dealings with Council and include:</p> <ul style="list-style-type: none"> (a) that person's children and spouse or domestic partner; (b) children of that person's spouse or domestic partner; and (c) dependants of that person or that person's spouse or domestic partner <p>For the purpose of the AASB 124, close family members could include extended members of a family (such as, without limitation, parents, siblings, grandparents, uncles/aunts or cousins) <i>if</i> they could be expected to influence, or be influenced by, the key management person in their dealings with Council.</p>
Control	<p>Control of an entity is present when there is:</p> <ul style="list-style-type: none"> (a) power over the entity; and (b) exposure or rights to variable returns from involvement with the entity; and (c) the ability to use power over the entity to affect the amount of returns received; <p>as determined in accordance with AASB 10 <i>Consolidated Financial Statements, paragraphs 5 to 18, and Appendices A (Defined Terms) and B (Application Guidance)</i>.</p>
Joint control	The contractually agreed sharing of control of an arrangement, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.
Joint venture	An arrangement of which 2 or more parties have joint control and have rights to the net assets of the arrangement.
Joint venturer	A party to a joint venture that has joint control of that joint venture.
Key management personnel or key management person or KMP	<p>Person(s) having authority and responsibility for planning, directing and controlling the activities of Council.</p> <p>Specifically, key management personnel of Council are:</p> <ul style="list-style-type: none"> (a) the Mayor (b) Councillors (c) General Manager (d) Directors (e) Chief Financial Officer (f) Managers of each department

<p>Ordinary citizen transaction (OCT)</p>	<p>Transactions that an ordinary citizen would undertake with Council, which are undertaken on arm's length terms and in the ordinary course of carrying out Council's functions and activities.</p> <p>Examples of ordinary citizen transactions assessed to be not material in nature are:</p> <ul style="list-style-type: none"> (a) paying rates and annual charges (b) using Council's public facilities after paying the corresponding fees.
<p>related party</p>	<p>A person or entity that is related to Council pursuant to the definition contained in the AASB 124, paragraph 9.</p> <p>Examples of related parties of Council are:</p> <ul style="list-style-type: none"> (a) Council subsidiaries (if applicable) ; (b) key management personnel; (c) close family members of key management personnel; (d) entities that are controlled or jointly controlled by key management personnel or their close family members.
<p>related party transaction</p>	<p>A transfer of resources, services or obligations between the Council and a related party, regardless of whether a price is charged.</p> <p>Examples of related party transactions are :</p> <ul style="list-style-type: none"> (a) purchases or sales of goods; (b) purchases or sales of property and other assets; (c) rendering or receiving of services ; (d) rendering or receiving of goods; (e) leases; (f) transfers under licence agreements ; (g) transfers under finance arrangements (e.g. loans); (h) provision of guarantees (given or received); (i) commitments to do something if a particular event occurs or does not occur in the future; (j) settlement of liabilities on behalf of Council or by Council on behalf of that related party.
<p>Related Party Declaration</p>	<p>A document entitled <i>Related Party Declaration by Key Management Personnel</i> in the form set out in Appendix B.</p>
<p>significant influence</p>	<p>The power to participate in the financial and operating policy decisions of another entity, but without control or joint control of those policies, as determined in accordance with Australian Accounting Standard AASB 128 <i>Investments in Associates and Joint Ventures, paragraphs 3, 5 and 6.</i></p>

9. LEGISLATIVE REFERENCE

Local Government Act 1993 and Regulation
Accounting Standard AASB 124 Related Party Disclosures
Privacy and Personal Information Protection Act 1998
Privacy and Personal Information Protection Regulation 2014
Government Information (Public Access) Act 2009

10. RELATED POLICIES/PROCEDURES

Codes of Conduct
Privacy Management Policy
Payment of Expenses and Provision of Facilities Policy

11. APPLICATION DATE OF POLICY

This policy applies retrospectively with effect on and from 1 July 2017. Amendments to the policy apply from the date they are adopted by Council.

12. REVIEW

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).



APPENDIX A

PRIVACY COLLECTION NOTICE AND SUPPLEMENTARY INFORMATION FOR RELATED PARTY DECLARATION BY KEY MANAGEMENT PERSONNEL

PURPOSE OF COLLECTION, USE AND DISCLOSURE

Effective for annual periods beginning on or after 1 July 2017, Council must disclose certain related party relationships and related party transactions, together with information associated with those transactions, in its general purpose financial statements, in order to comply with Australian Accounting Standard AASB 124 Related Party Disclosures.

Related parties include Council's Key Management Personnel, their close family members, and any entities that they or any of their close family members control or jointly control.

A related party transaction is any transaction (whether a transfer of resources, services or obligations) between the reporting local government and any of the related parties, whether monetary or not.

If there is a material related party transaction with Council applicable to a reporting financial year, the AASB 124 requires Council to disclose in the financial statements the nature of the related party relationship and information about the transaction, including outstanding balances and commitments associated with the transaction. Disclosure in the financial statements may be in the aggregate and/or made separately, depending on the materiality of the transaction.

For more information about Council's disclosure requirements under the AASB 124, please refer to Council's Related Party Disclosure Policy.

RELATED PARTY DECLARATION BY KEY MANAGEMENT PERSONNEL

In order to comply with the AASB 124, Council has adopted a policy that requires all members of its Key Management Personnel (KMPs) to periodically provide declarations to the Responsible Accounting Officer regarding related parties and any transactions between Council and these parties, where known.

To this end, each Key Management Person (a KMP) must provide a Related Party Declaration, in the approved form, notifying any existing or potential related party transactions between Council and any related parties of the KMP, to the Responsible Accounting Officer by no later than the following periods during a financial year:

- a) 60 days after a KMP commences their term or employment with Council;
- b) 30 June (each year); and
- c) The end of term date or final day of employment.

Also, during a financial year, a KMP must proactively notify the Responsible Accounting Officer of any new or potential related party transactions that the person becomes aware of, or any changes to previously notified related party relationships or transactions. This notification must

be made in writing no later than 30 days after the person becomes aware of the transaction or change.

These related party transaction notification requirements are in addition to the Notifications KMPs are required to make to comply with:

- for the Administrator/Councillors/Local Representation Committee members, the conflicts of interest obligations in the Local Government Act 1993 and Code of Conduct; and
- for other KMPs, the Code of Conduct; and
- the return disclosing interests required to be kept under section 449 of the Local Government Act 1993.

The Audit Office of New South Wales may audit related party information as part of the annual external audit.

For privacy and right to information status of this information, please refer to Council's Related Party Disclosure Policy.

FURTHER QUESTIONS OR CLARIFICATION

In some cases it will be obvious whether a party is considered a related party for the purposes of AASB 124 and this form, or whether you or a family member control or have joint control over an entity. In other cases it will be less clear. If you are unsure, then you should contact the Responsible Accounting Officer for a confidential discussion.



APPENDIX B

RELATED PARTY DECLARATION BY KEY MANAGEMENT PERSONNEL

Name: _____

Position: _____

DETAILS OF RELATED PARTIES

Organisations (including companies, trusts, incorporated and unincorporated associations such as clubs and charities, joint ventures and partnerships) in which you have a controlling interest.

You have control of an entity if you have (a) power over the entity, (b) exposure, or rights, to variable returns from your involvement with the entity; and (c) the ability to use your power over the entity to affect the amount of your returns.

Organisation	% Interest	ABN/ACN

Close family members

Close family members include your spouse or domestic partner, and dependents and children of either of you. Any other family members (e.g. siblings, aunts, uncles, cousins, parents, grandparents, nieces, nephews) who could be expected to influence or be influenced by your in their dealings with Council are also considered to be close family members. Note that this definition is broader than the definition of "related" for the purpose of a return disclosing interests under s449 of the Local Government Act.

Full name	Relationship

Full name	Relationship

DECLARATION

I, _____ (*full name*), _____ (*position*), declare that, to the best of my knowledge, the above list includes all my close family members and the entities controlled, or jointly controlled, by myself or my close family members.

I make this declaration after reading the information supplied by Council which details the meaning of the words “close family members” and “entities controlled, or jointly controlled, by myself or my close family members.”

I also declare that if any circumstances change throughout the year in relation to the above, that I am to contact Council’s Responsible Accounting Officer in writing within 30 days.

I understand the purposes for which this information will be used and disclosed. I permit the Responsible Accounting Officer and the other permitted recipients specified in Council’s Related Party Disclosure Policy to access and use the information provided for the purposes specified in that policy.

Declared at _____ (*place*) on _____ (*date*)

(*signature*)

(Note: This document is confidential and is not GIPA-accessible. See Council’s Related Party Disclosure Policy)







SCHEDULE OF INVESTMENTS - 31 JULY 2022**External investments**

In accordance with Regulation 212 of the *Local Government (General) Regulation 2005*, details of Murrumbidgee Council's external investments are set out below.

Institution	Balance (\$)	Yield (p.a.)	Maturity	Term (months)	No.
IMB Ltd	1,014,313.25	0.40%	8/08/2022	5	22
Bendigo	500,812.76	1.00%	8/08/2022	3	26
Bendigo	6,010,553.42	0.30%	16/08/2022	7	45
Westpac	1,200,000.00	0.99%	19/08/2022	4	25
IMB Ltd	1,301,409.04	1.20%	23/08/2022	3	36
IMB Ltd	1,002,143.99	1.20%	24/08/2022	3	44
IMB Ltd	800,591.78	1.20%	25/08/2022	3	33
IMB Ltd	500,619.86	1.30%	30/08/2022	3	20
Bendigo	815,164.54	1.60%	2/09/2022	3	28
St George	509,790.12	0.32%	3/09/2022	7	27
IMB Ltd	800,000.00	1.60%	6/09/2022	3	41
NAB	503,154.17	0.40%	7/09/2022	6	23
IMB Ltd	750,661.64	1.75%	8/09/2022	3	42
Westpac	1,000,000.00	2.11%	15/09/2022	3	43
St George	1,002,659.97	1.65%	18/09/2022	5	31
Westpac	1,200,000.00	1.17%	19/09/2022	5	39
Bendigo	3,000,000.00	0.40%	16/10/2022	7	38
Westpac	1,200,000.00	2.99%	21/10/2022	3	30
IMB Ltd	750,863.01	2.40%	3/11/2022	4	29
Bendigo	1,500,000.00	0.45%	16/12/2022	7	40
IMB Ltd	1,012,052.51	3.00%	20/12/2022	6	24
Suncorp - METWAY	1,576,296.82	3.30%	9/01/2023	6	34
	<u>27,951,086.88</u>				

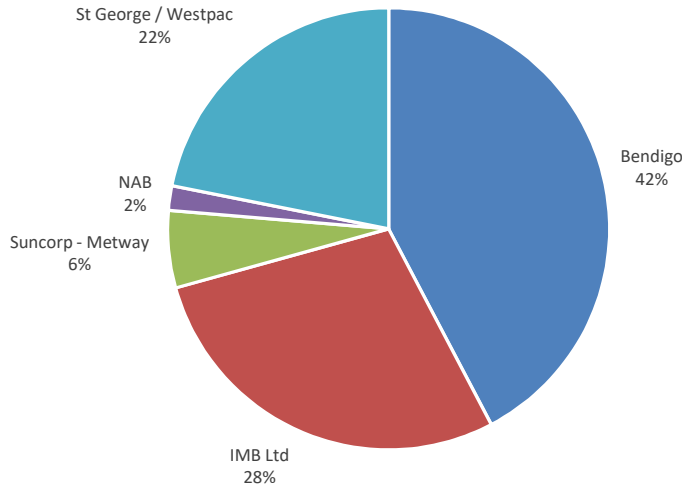
Maturity

All investments comply with the maximum duration set out for each rating category in the *Investment Policy*.

Month	\$	Funds Maturing
August 2022	\$ 12,330,444	
September 2022	\$ 6,581,430	
October 2022	\$ 4,200,000	
November 2022	\$ 750,863	
December 2022	\$ 2,512,053	
January 2023	\$ 1,576,297	
February 2023	\$ -	
March 2023	\$ -	
April 2023	\$ -	
May 2023	\$ -	
June 2023	\$ -	
	<u>\$ 27,951,087</u>	

Counterparties to Investments

Institution	Balance	S&P / Moody's / Fitch	Highest	Limit	% Invested	Compliant
Bendigo	11,826,531	BBB+ / A3 / A-	A	N/A	42.31%	N/A
IMB Ltd	7,932,655	- / Baa1 / BBB+	BBB	10%	28.38%	●
Suncorp - Metway	1,576,297	A+ / A1 / A+	A	14%	5.64%	●
NAB	503,154	AA / Aa3 / A+	AA	30%	1.80%	●
St George / Westpac	6,112,450	AA- / Aa3 / A+	AA	30%	21.87%	●
	<u>27,951,087</u>				<u>100%</u>	

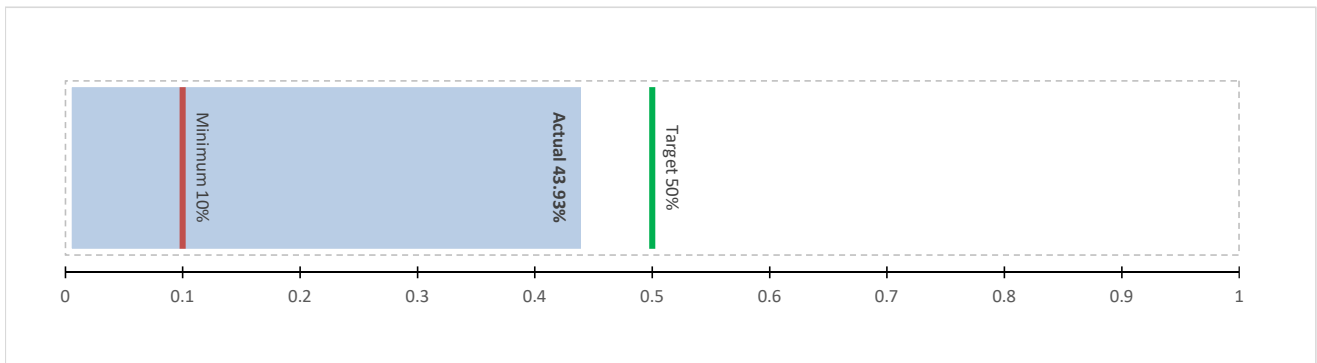


Investment with Coleambally Community Bank

42.31% ●

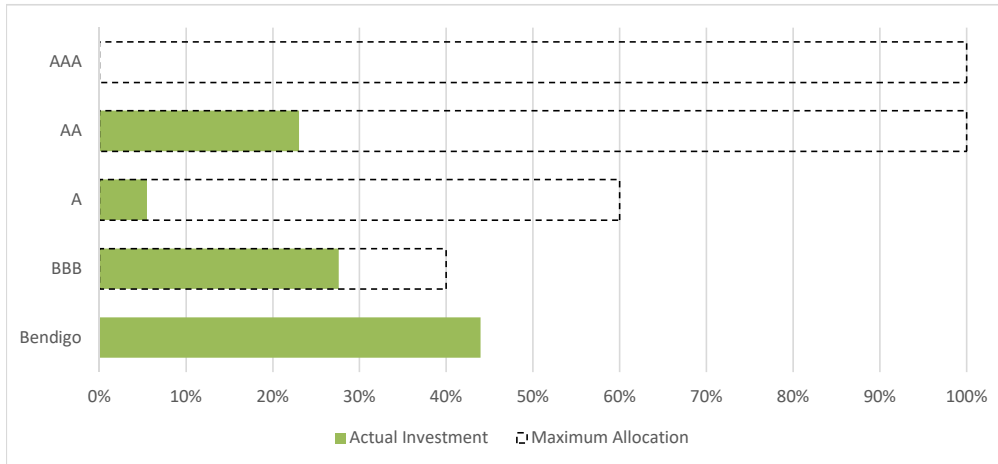
In recognition of the significant community role, support and activities undertaken within the Council area, Council aims to hold 50% of its investment portfolio with the Coleambally Community Bank.

If, when considering a new investment, an equivalently-rated or better-rated institution is offering an interest rate 0.40% p.a. (or more) higher than Coleambally Community Bank with a comparable term to maturity, Council may invest in that institution in preference to Coleambally Community Bank, irrespective of the target set out above. However, Council will hold a minimum of 10% of its portfolio with the Coleambally Community Bank at all times.



Overall Credit Quality Limits

Credit Rating	Maximum	Balance	% Invested	Compliant
AAA	100%	\$ -	0.00%	●
AA	100%	\$ 6,615,604	23.67%	●
A	60%	\$ 1,576,297	5.64%	●
BBB	40%	\$ 7,932,655	28.38%	●
Bendigo	N/A	\$ 11,826,531	42.31%	N/A
Total		\$ 27,951,087	100%	



Monthly investment movements

Redemptions

Institution - No.	Balance (\$)	Comments
Bendigo - 35	803,775	

New Investments

Institution - No.	Balance (\$)	Yield (p.a.)	Term (months)	Comments
N/A				

Rollovers

Institution - No.	Balance (\$)	Yield (p.a.)	Term (months)	Comments
Suncorp - Metway - 34	1,576,297	3.30%	6 months	
IMB Ltd - 29	750,863	2.40%	4 months	
Westpac - 30	1,200,000	2.99%	3 months	

Investment performance

For the period from 1 July 2022 - 31 July 2022:

Total investment income, including accrued interest	\$25,750
Money-weighted rate of return	1.07%
Bloomberg AusBond Bank Bill Index	1.44% p.a.

Murrumbidgee Council's rate of return did not meet the benchmark rate for the period 1 July 2022 - 31 July 2022.