



Ordinary meeting business paper

Wednesday, 17 August 2022

commencing 10.00 am

Rous Administration Centre (L4), 218-232 Molesworth Street, Lismore

In accordance with clause 5.21 of the *Local Government Act 1993*, attendees at today's Council meeting are advised that this meeting is being 'live' streamed (except for the confidential session).

- All speakers should refrain from making any defamatory comments or releasing any personal information about another individual without their consent.
- Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings. All liability will rest with the individual who made the comments.
- This meeting must not be recorded by others without the prior written consent of the Council in accordance with Council's Code of Meeting Practice.

AGENDA

1. Opening of the meeting

2. Acknowledgement of Country

Council would like to show its respect and acknowledge the Traditional Custodians of the Land, of Elders past and present on which this meeting takes place.

3. Apologies and Leave of Absence

4. Confirmation of Minutes of previous meeting

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5. Disclosure of Interest

6. Presentation

Brian Wilkinson, Chair of Audit Risk and Improvement Committee
(refer Item 13.6 of the agenda)

7. General Manager reports

Nil items.

8. Group Manager Corporate and Commercial reports

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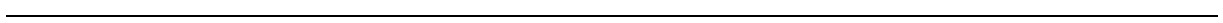
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18. Close of business



**MINUTES OF THE ORDINARY MEETING OF ROUS COUNTY COUNCIL HELD
WEDNESDAY, 15 JUNE 2022 AT COUNCIL'S ADMINISTRATION CENTRE, 218-232
MOLESWORTH STREET, LISMORE**

1. OPENING OF THE MEETING

The Chair opened the meeting at 10.02am.

In attendance:

Councillors:

- Cr Robert Mustow, Richmond Valley Council (Chair)
- Cr Sharon Cadwallader, Ballina Shire Council (Deputy Chair)
- Cr Rod Bruem, Ballina Shire Council
- Cr Andrew Gordon, Lismore City Council
- Cr Big Rob, Lismore City Council
- Cr Sandra Humphrys, Richmond Valley Council

Officers:

- Phillip Rudd, General Manager
- Guy Bezrouchko, Group Manager Corporate and Commercial
- Andrew Logan, Group Manager Planning and Delivery
- Helen McNeil, Group Manager People and Performance
- Adam Nesbitt, Group Manager Operations
- Noeline Smith, Executive Assistant
- Luka Taylor, IT Support

2 ACKNOWLEDGEMENT OF COUNTRY

Council showed its respect and acknowledged the Traditional Custodians of the Land, of all Elders, on which this meeting took place.

3 APOLOGIES AND LEAVE OF ABSENCE

RESOLVED [22/22] (Cadwallader/Gordon) that an apology be received and accepted on behalf of Crs Ndiaye and Lyon.

4 CONFIRMATION OF EXTRAORDINARY MINUTES 11 MAY 2022

4.1 Extraordinary Meeting Minutes 11 May 2022

RESOLVED [23/22] (Gordon/Cadwallader) that the Minutes of the Extraordinary Meeting held 11 May 2022 be accepted as presented.

Extraordinary Meeting Minutes 11 May 2022 (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Robert Mustow and Cr Big Rob	6
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

5 DISCLOSURE OF INTEREST

General Manager declared a pecuniary interest in Confidential Item 11.1 *Annual Performance Review: General Manager*.

6 GENERAL MANAGER REPORTS

Nil.

7 GROUP MANAGER CORPORATE AND COMMERCIAL REPORTS

7.1 Payment of Superannuation for Councillors

RESOLVED [24/22] (Cadwallader/Humphrys) that Council determines its position on the payment of a superannuation contribution payment in accordance with section 254B of the *Local Government Act 1993* to be: a) Yes, effective date 1 July 2022.

Payment of superannuation for councillors (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Sandra Humphrys and Cr Robert Mustow	4
Against	Cr Andrew Gordon and Cr Big Rob	2
Conflict of Interests	None	0
Abstain	None	0
Carried		

7.2 Retail Water Customer Account Assistance

RESOLVED [25/22] (Gordon/Rob) that Council, in accordance with section 356 (1) of the *Local Government Act 1993* and its 'Retail Water Customer Account Assistance' policy, approve financial assistance as listed in Table 1 of the report.

Retail water customer account assistance (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Robert Mustow and Cr Big Rob	6
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

7.3 Tabled Report: Final draft Integrated Planning and Reporting Framework (incorporating the 2022/23 Budget and 'Revenue' policy)

RESOLVED [26/22] (Gordon/Cadwallader) that Council:

- i). Receive and note the two public submissions lodged during the public exhibition period outlined in the report.
- ii). Adopt the Integrated Planning and Reporting Framework (incorporating the 2022/23 Budget and 'Revenue' policy), as presented at Council's Extraordinary Meeting held 11 May 2022.

Final draft Integrated Planning and Reporting Framework (incorporating the 2022/23 Budget and 'Revenue' policy (Resolution))		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Robert Mustow and Cr Big Rob	6
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

8 GROUP MANAGER PEOPLE AND PERFORMANCE REPORTS

8.1 Code of Conduct, Code of Conduct Procedures and Code of Meeting Practice

MOVED (Bruem/Gordon) that Council:

1. Revoke the following:
 - (a) Code of Conduct dated 17 April 2019; and
 - (b) Code of Conduct Procedures dated 17 April 2019.
2. Adopt the following as attached:
 - (a) Revised Code of Conduct; and
 - (b) Revised Code of Conduct Procedures.
3. Publicly exhibit the revised Code of Meeting Practice as attached for a period of 28 days and invite submissions on the same for a period of 42 days, concurrently, and:
 - (a) Should no submissions be received, the existing Code of Meeting Practice is revoked, and the revised Code of Meeting Practice is adopted; or
 - (b) Should any submission be received, those submissions be considered by Council at its next meeting prior to revoking the existing Code of Meeting Practice and adopting the revised Code of Meeting Practice.

FORESHADOWED MOTION (Bruem) subject to the value of the 'Gifts and benefits of token value' prescribed in the Code of Conduct remaining at \$50.

For: Cr Bruem

Against: Crs Rob, Gordon, Cadwallader, Mustow, Humphrys

FORESHADOWED MOTION (Rob/Gordon) that the report recommendation be adopted subject to the value of the 'Gifts and benefits of token value' being increased from \$50 to \$100.

On being put to the meeting the FORESHADWOED MOTION became the Motion.

RESOLVED [27/22] (Bruem/Gordon) that Council:

1. Revoke the following:
 - (a) Code of Conduct dated 17 April 2019; and
 - (b) Code of Conduct Procedures dated 17 April 2019.

2. Adopt the following as attached:
 - (a) Revised Code of Conduct; and
 - (b) Revised Code of Conduct Procedures; and

That the report recommendation be adopted subject to the value of the 'Gifts and benefits of token value' being increased from \$50 to \$100.

3. Publicly exhibit the revised Code of Meeting Practice as attached for a period of 28 days and invite submissions on the same for a period of 42 days, concurrently, and:
 - (a) Should no submissions be received, the existing Code of Meeting Practice is revoked, and the revised Code of Meeting Practice is adopted; or
 - (b) Should any submission be received, those submissions be considered by Council at its next meeting prior to revoking the existing Code of Meeting Practice and adopting the revised Code of Meeting Practice.

Code of Conduct, Code of Conduct Procedures and Code of Meeting Practice (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Robert Mustow and Cr Big Rob	6
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

8.2 Audit Risk and Improvement Committee - meeting update

RESOLVED [28/22] (Rob/Humphrys) that Council:

1. Receive and note the attached minutes from the Audit, Risk and Improvement Committee meeting of 26 April 2022; and
2. Approve the attached Internal Audit Plan 2022-25.

Audit Risk and Improvement Committee - meeting update (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Robert Mustow and Cr Big Rob	6
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

9 POLICIES

9.1 Investments (Reviewed)

RESOLVED [29/22] (Cadwallader/Gordon) that Council note the report and re-adopt the existing Investments policy without amendment

Investments (reviewed) (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Robert Mustow and Cr Big Rob	6
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

10 INFORMATION REPORTS

RESOLVED [30/22] (Rob/Cadwallader) that the following information reports be received and noted:

1. Investments - May 2022
2. Water consumption and usage - May 2022
3. Delivery program progress update 1 July 2021 to 31 December 2021
4. Contract for the provision of electricity for Rous County Council operations
5. Reports/actions pending

Notice of Motion: Browns Creek Pump Station on the Lismore Levee (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Robert Mustow and Cr Big Rob	6
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

ALTERING ORDER OF BUSINESS

RESOLVED [31/22] (Gordon/Cadwallader) that the order of business be altered to debate Item 13. Notice of Motion: Browns Creek Pump Station on the Lismore Levee.

13 NOTICE OF MOTION / QUESTIONS ON NOTICE

Item 13.1 Notice of Motion: Browns Creek Pump Station on the Lismore Levee

MOVED (Rob/Gordon) that Council provide the following information to Lismore City Council in relation to the Browns Creek Pump Station on the Lismore Levee:

1. Additional works able to be undertaken to ensure that pumps are not damaged or blocked during operation.
2. Options, including estimated costs, available to Lismore City Council to increase pump capacity, improve pump reliability during and after a flood when electricity supply is often unavailable, and improve pump availability for regular service, particularly following flood events.
3. Recommendations to assist Lismore City Council to increase the capacity, reliability and resilience of the Browns Creek Pump Station.

4. Opportunities to jointly seek immediate grant funding through State and Federal channels to increase the capacity, reliability and resilience of the Browns Creek Pump Station.

On being put to the meeting the Motion was Carried.

RESOLVED [32/22] (Rob/Gordon) that Council provide the following information to Lismore City Council in relation to the Browns Creek Pump Station on the Lismore Levee:

1. Additional works able to be undertaken to ensure that pumps are not damaged or blocked during operation.
2. Options, including estimated costs, available to Lismore City Council to increase pump capacity, improve pump reliability during and after a flood when electricity supply is often unavailable, and improve pump availability for regular service, particularly following flood events.
3. Recommendations to assist Lismore City Council to increase the capacity, reliability and resilience of the Browns Creek Pump Station.
4. Opportunities to jointly seek immediate grant funding through State and Federal channels to increase the capacity, reliability and resilience of the Browns Creek Pump Station.

Notice of Motion: Browns Creek Pump Station on the Lismore Levee (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Robert Mustow and Cr Big Rob	6
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

RESUMPTION TO ORDER OF BUSINESS

RESOLVED [33/22] (Cadwallader/Gordon) that order of business be resumed.

11 CONFIDENTIAL MATTERS

MOVE TO CLOSED COUNCIL

RESOLVED [34/22] (Bruem/Gordon) that Council move into Closed Council with the press and public excluded from the meeting based on the grounds detailed below:

Report	Annual performance review: General Manager
Grounds for closure	Section 10A(2)(a) personal matters concerning particular individuals (other than councillors).
Public interest	Public discussion would not be in the public interest due to disclosure of personal information.

The meeting moved to Closed Council at 11.18am

RESUME TO OPEN COUNCIL

RESOLVED [35/22] (Cadwallader/Rob) that the meeting resume to Open Council.

The meeting moved to Open Council at 11.45am.

The Chair read to the meeting the following resolution of Council:

11.1 Annual Performance Review: General Manager

RESOLVED [36/22] (Gordon/Rob) that Council:

1. Accept the recommendation of the Chair and Councillors that assessed the General Manager's annual review on 11 May 2022 as 'More than Satisfactory'.
2. Agree to the recommended change to the General Manager's total remuneration package (TRP) as specified in the report.
3. Council acknowledges the professionalism and excellent leadership of the Council during difficult times.

Annual Performance Review: General Manager (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Robert Mustow and Cr Big Rob	6
Against	None	0
Conflict of Interests	None	0
Abstain	None	0
Carried		

12 MATTERS OF URGENCY

Nil.

13 NOTICES OF MOTION / QUESTIONS ON NOTICE

Item 13. Notice of Motion dealt with earlier in the meeting.

14 CLOSE OF BUSINESS

There being no further business the meeting closed at 11.48am.

Preliminary 2021/22 End of Year Financial Summary and Budget Carry Forwards

Responsible Officer: Group Manager Corporate and Commercial (Guy Bezrouchko)

Recommendation

That Council:

1. Receive and note the Preliminary 2021/22 End of Year Financial Summary Report, acknowledging that it is a preliminary summary prior to end of year adjustments and audit.
2. Approve the transfers to and from reserve as detailed in Tables 2 - 8 of this report.
3. Approve the funds to be carried forward as detailed in Tables 9 - 16 of this report.

Background

This report provides a preliminary overview of the 2021/22 financial performance of the organisation, detailing the cash transfers to and from reserve and identifying the works to be carried forward to the 2022/23 financial year. It should be noted that non-cash transactions (for example accruals, depreciation) are eliminated to determine the cash amount to be transferred to or from reserve.

While the figures and commentary will provide a guide to performance, it is important to note that it is subject to change as end of year accounting adjustments are in progress and the audit has not yet commenced.

It is anticipated that any year-end adjustments will not affect the cash position. Therefore, it is reasonable to adopt the transfers to and from reserves as well as the works carried forward budgets.

The attachment provides a summary of the completed capital works program as at 30 June 2022.

End of Year Financial Summary

The End of Year financial summary is presented for the whole organisation and then broken down on a Reporting Unit basis. Actual income and expenditure is compared to estimates as at the March 2022 quarterly review. The tables summarise the financial performance; accompanying commentary is high level and reflects the preliminary nature of the results.

Whole Organisation

Table 1 shows income and expense for Council. It highlights those preliminary results have generally been better than anticipated with an operating deficit of \$3,294,900.

Table 1: Whole Organisation Preliminary Financial Results for 2021/22

	2021/22 Actual \$	2021/22 Estimated March Review \$	Variance \$
Operating Income	27,472,300	28,066,900	(594,600)
Operating Expense	30,767,200	34,118,000	3,350,800
Operating Result (Deficit)	(3,294,900)	(6,051,100)	2,756,200
Eliminate Depreciation	8,523,800	7,577,200	946,600
Eliminate Other Non-Cash Transactions	1,462,000	0	1,462,000
Cash Result	6,690,900	1,526,100	5,164,800
Add: Capital Income	6,563,100	4,930,000	1,633,100
Less: Loan Capital Repayment	3,397,900	3,419,700	21,800
Less: Capital Expense	17,212,100	35,751,600	18,539,500
Transfer to/(from) Reserve	(7,356,000)	(32,715,200)	(25,359,200)
Net Cash Movement	0	0	
Reserve Balance	42,024,200	16,665,000	25,359,200

It is fair to summarise 2021/22 as a difficult year with the region continuing to deal with Covid-19 related restrictions and its impact on services. However, the scale of the March 2022 floods significantly altered plans and budget forecasts as resources were focused on business continuity and restoring services once the flood waters subsided.

Subsequently, much work has been undertaken on our insurance claim, assessing grant funding availability and accounting for assets lost or damaged in the events.

In this context the forecast financial operating result from 2021/22 is satisfactory.

Operating revenue was impacted by the delayed settlement of grant funds, specifically those related to Natural Disaster Relief and Recovery Arrangements (NDRA) from 2021.

Operating expense was less than forecast by approximately \$3.35 million. Several projects have committed funds that require carryover due to not being completed in this financial year which are covered later in this report. Also, operating expense was impacted by accelerated depreciation charges due to several infrastructure assets requiring renewal earlier than anticipated. The budget was not adjusted during 2021/22 as a revaluation of water infrastructure assets was in progress and depreciation will be further adjusted as part of this process.

Actual capital income exceeded forecast due to \$1.6 million in grant funds being received. A grant was received from the NSW Government's new dedicated construction body, the Northern Rivers Reconstruction Corporation and is to be utilised for urgent repairs and resilience building of water infrastructure damaged by the floods of March 2022.

Capital expense was significantly under budget with various projects not completed in the financial year. Later in this report, Council approval is requested to rollover the unexpended capital budget forward to the 2022/23 financial year.

As a result, the net transfer from reserves required to fund the approved budget was significantly less than the forecast which is reflected in the increased reserve balance.

Bulk Water Reporting Unit

Table 2 indicates that overall budget forecasts were quite accurate, and the Reporting Unit achieved a preliminary operating deficit of \$1,612,200, which is \$2.97 million better than forecast.

Table 2: Bulk Water Preliminary Financial Results for 2021/22

	2021/22 Actual \$	2021/22 Estimated March Review \$	Variance \$
Operating Income	19,913,800	19,825,700	88,100
Operating Expense	21,526,000	24,413,100	2,887,100
Operating Result	(1,612,200)	(4,587,400)	2,975,200
Eliminate Depreciation	7,006,500	5,986,000	1,020,500
Eliminate Other Non-Cash Transactions	1,441,900	0	1,441,900
Cash Result	6,836,200	1,398,600	5,437,600
Add: Capital Income	5,710,000	4,080,000	1,630,000
Less: Loan Capital Expense	3,397,900	3,419,700	21,800
Less: Capital Expense	16,861,100	33,174,700	16,313,600
Transfer to/(from) Reserve	(7,712,800)	(31,115,800)	(23,403,000)
Net Cash Movement	0	0	
Reserve Balance	33,052,300	9,649,300	23,403,000

Operating income was in line with the forecast, with the majority of actual income being derived from constituent council contributions for bulk water, which amounted to \$19.4 million.

Operating expense was approximately \$2.89 million below budget forecast. This relates to operational savings in electricity (\$395,500) and specific delayed projects (\$1.5 million) identified for carry over.

Capital income derived from section 64 developer contributions (\$4.1 million) met budget expectations whilst \$1.6 million from Northern Rivers Reconstruction Corporation was previously unbudgeted.

The majority of the unexpended budget in the capital works program will need to be carried forward to 2022/23. The attachment to this report details all the capital projects and their expense compared to budget.

The reserve balance of \$33.05 million is better than forecast primarily due to the level of projects to be carried forward.

Retail Water Reporting Unit

Retail Water has generally performed in line with the forecast and based on preliminary results shown in Table 3 will record an operating deficit of approximately \$19,300.

Table 3: Retail Water Preliminary Financial Results for 2021/22

	2021/22 Actual \$	2021/22 Estimated March Review \$	Variance \$
Operating Income	3,068,100	3,117,700	(49,600)
Operating Expense	3,087,400	3,158,200	70,800
Operating Result	(19,300)	(40,500)	21,200
Eliminate Depreciation	381,400	361,100	20,300
Eliminate Non-Cash Transactions	3,300	0	3,300
Cash Result	365,400	320,600	44,800
Add: Capital Income	2,700	0	2,700
Less: Capital Expense	122,600	1,527,700	1,405,100
Less: Transfer to/(from) Reserve	245,500	(1,207,100)	(1,452,600)
Net Cash Movement	0	0	
Reserve Balance	2,909,600	1,457,000	1,452,600

Operating income was short of the forecast budget and is comprised of retail water sales, connection fees and water filling station sales. Revenue from retail water sales is the primary contributor to operating income.

Operating expense is 2% below forecast and is due to small labour savings.

Spending on capital works is significantly below forecast, with Smart Metering (\$865,400) and Reticulation (\$403,700) projects identified for carryover into the 2022/23 financial year.

The reserve is currently in a sound position.

Flood Mitigation Reporting Unit

The preliminary figures in Table 4 indicate that Flood Mitigation actual results will vary considerably from forecast predominantly due to grant funding not being received as predicted.

The Flood Reporting Unit has recorded a preliminary operating loss of some \$1.789 million. It should be noted that depreciation includes the Lismore Levee (approx. \$383,300) and exclusion of this cost reduces the loss to approximately \$1.406 million.

Table 4: Flood Mitigation Preliminary Financial Results for 2021/22

	2021/22 Actual \$	2021/22 Estimated March Review \$	Variance \$
Operating Income	1,256,800	2,112,000	(855,200)
Operating Expense	3,046,500	3,184,200	137,700
Operating Result	(1,789,700)	(1,072,200)	(717,500)
Eliminate Depreciation	719,200	685,000	34,200
Eliminate Other Non-Cash Transactions	(12,000)	0	(12,000)
Cash Result	(1,082,500)	(387,200)	(695,300)
Less: Capital Expense	49,800	150,300	100,500
Transfer to/(from) Reserve	(1,132,300)	(537,500)	(594,800)
Net Cash Movement	0	0	
Reserve Balance	(33,200)	561,600	(594,800)

Operating income varies considerably from the forecast budget due to grant funds of \$970,000 that were due prior to the end of the year but not received. If these funds had of been received prior to 30 June 2022 the reserve balance would have been \$936,700. This reserve will be restored when these funds are received in 2022/23.

Operating expense was \$137,700 less than forecast.

Capital expense related partially to the renewal and replacement of floodgates and 'heavy' repairs and maintenance work on rural levees. The 'heavy' maintenance work may be relocated to operating expense as part of the end of year accounting adjustments.

The reserve balance is in negative by approximately \$33,200 which is concerning and attributable to the grant funding not yet received. The Reporting Units are an internal reporting segregation designed to provide transparency and accountability to the different functions performed by Rous. Consolidated funds are available to ensure continuity of flood mitigation operations until the timing issue of receiving grant funds for the works already undertaken occurs. The long-term financial plan predicts recurrent operating losses that gradually improve and ongoing capital expenditure that will be financed from reserves.

Weed Biosecurity Reporting Unit

Preliminary figures in Table 5 indicate that Weed Biosecurity has performed better than expected with a preliminary surplus of \$488,900.

Table 5: Weed Biosecurity Preliminary Financial Results for 2021/22

	2021/22 Actual \$	2021/22 Estimated March Review \$	Variance \$
Operating Income	2,021,700	1,870,900	150,800
Operating Expense	1,532,800	1,935,300	402,500
Operating Result	488,900	(64,400)	553,300
Eliminate Depreciation	24,500	27,000	(2,500)
Eliminate Non-Cash Transactions	(138,400)	0	(138,400)
Cash Result	375,000	(37,400)	412,400
Capital Expense	100	110,000	109,900
Transfer to/(from) Reserve	374,900	(147,400)	522,300
Net Cash Movement	0	0	
Reserve Balance	2,453,600	1,931,300	522,300

Operating income is above forecast by \$150,800 due to grant funding that was received in the last quarter of 2021/22.

Operating expense was approximately \$402,500 below the budget forecast. This relates to several grant funded projects that are ongoing into 2022/23.

The capital project associated with updating the geographic information system (GIS) (data capture system) was delayed and unspent funds have been identified to carry forward.

The reserve balance of \$2.45 million represents a strong position with further works planned for 2022/23 from the available funds.

Richmond Water Laboratories (RWL) Reporting Unit

Table 6 depicts the RWL preliminary operating result is a \$305,400 deficit.

Table 6: Richmond Water Laboratories Preliminary Financial Results for 2021/22

	2021/22 Actual \$	2021/22 Estimated March Review \$	Variance \$
Operating Income	956,700	857,700	99,000
Operating Expense	1,262,100	889,300	(372,800)
Operating Result	(305,400)	(31,600)	(273,800)
Eliminate Depreciation	18,300	15,200	3,100
Eliminate Other Non-Cash Transactions	112,200	0	112,200
Cash Result	(174,900)	(16,400)	(158,500)
			0
Less: Capital Expense	0	44,100	44,100
Transfer to/(from) Reserve	174,900	60,500	114,400
Net Cash Movement	0	0	
Reserve Balance	234,700	349,200	(114,500)

Income exceeded budget by \$99,000, which is positive given the disrupted trading conditions experienced within the last financial year.

In 2021/22, approximately 64.2% of income was derived from external customers with the remaining income coming from internal (Rous County Council) sales.

Operating expense is \$372,800 over budget, with additional expenditure on contractors as testing had to be subcontracted to other laboratories (\$141,800), the write off inventory (\$50,000) due to the flood event and the disposal of flood affected equipment (\$214,900). These additional expenses were offset by some minor savings in salaries and lease costs.

No capital expense has been incurred in the replacement of instruments and equipment but forecast budgets exist for this purpose.

The reserve balance of \$114,500 below the forecast is due to the increased expenditure.

Property Reporting Unit

A loss of \$179,700 is the preliminary result shown in Table 7. It is important to note that operating expense includes Perradenya maintenance of approximately \$52,600.

Table 7: Property Preliminary Financial Results for 2021/22

	2021/22 Actual \$	2021/22 Estimated March Review \$	Variance \$
Operating Income	158,700	189,400	(30,700)
Operating Expense	338,400	369,900	31,500
Operating Result	(179,700)	(180,500)	800
Eliminate Depreciation	56,900	62,900	(6,000)
Eliminate Other Non-Cash Transactions	16,300	0	16,300
Cash Result	(106,500)	(117,600)	11,100
Add: Capital Income	850,400	850,000	400
Less: Capital Expense	53,700	290,800	237,100
Transfer to/(from) Reserve	690,200	441,600	248,600
Net Cash Movement	0	0	
Reserve Balance	1,893,600	1,645,000	248,600

Operating income was below the forecast budget and consists of rental income from leased properties. Several commercial lease properties were affected by the February/March flood and rental income was suspended for the final four months of the financial year.

Operating expenditure was close to the forecast budget and consists of leased properties and Perradenya maintenance expenses

Construction of the Perradenya land development - Stage 7 is an ongoing project while capital income arose from the sale of the property at 56 Carrington Street.

The reserve balance of \$1.89 million is better than forecast.

Fleet Reporting Unit

Fleet operations generated a operating surplus of \$122,500 as per Table 8 with expenses under budget. A cash surplus of \$478,100 was achieved once depreciation is eliminated.

Table 8: Fleet Preliminary Financial Results for 2021/22

	2021/22 Actual \$	2021/22 Estimated March Review \$	Variance \$
Operating Income	96,500	93,500	3,000
Operating Expense	(26,000)	168,000	194,000
Operating Result	122,500	(74,500)	197,000
Eliminate Depreciation	317,000	440,000	(123,000)
Eliminate Other Non-Cash Transactions	38,700	0	38,700
Cash Result	478,200	365,500	112,700
Less: Capital Expense (Net of Trade-In)	124,800	454,000	329,200
Transfer to/(from) Reserve	353,400	(88,500)	441,900
Net Cash Movement	0	0	
Reserve Balance	1,513,500	1,071,600	441,900

Operating income is made up of staff contributions for private lease vehicles and interest revenue earned by the Reporting Unit and was closely aligned with the forecast budget.

Operating expense includes all recurrent costs such as repairs/maintenance, depreciation, insurance, registration, fuel etc. less plant hire income. Plant hire income is an internal charge raised against those Reporting Units benefitting from the use of the fleet item. The 'expense' is debited to the benefitting Reporting Unit in the form of a plant hire rate and the 'income' is credited to Fleet.

Plant hire income presents as a negative expense in the Fleet Reporting Unit (a contra journal), which explains why total fleet expense is negative \$26,000.

Operating expenses were significantly under budget by \$194,000. Most of the difference relates to depreciation expense (\$317,000), with a number of vehicles having been fully depreciated in the previous year. General operating expenses were all slightly less than forecast.

Fleet sales and purchases resulted in capital revenue of \$45,100 and capital expense of \$169,900. Council staff have experienced availability issues with procuring new fleet items due to the ongoing impact of the pandemic and market supply conditions.

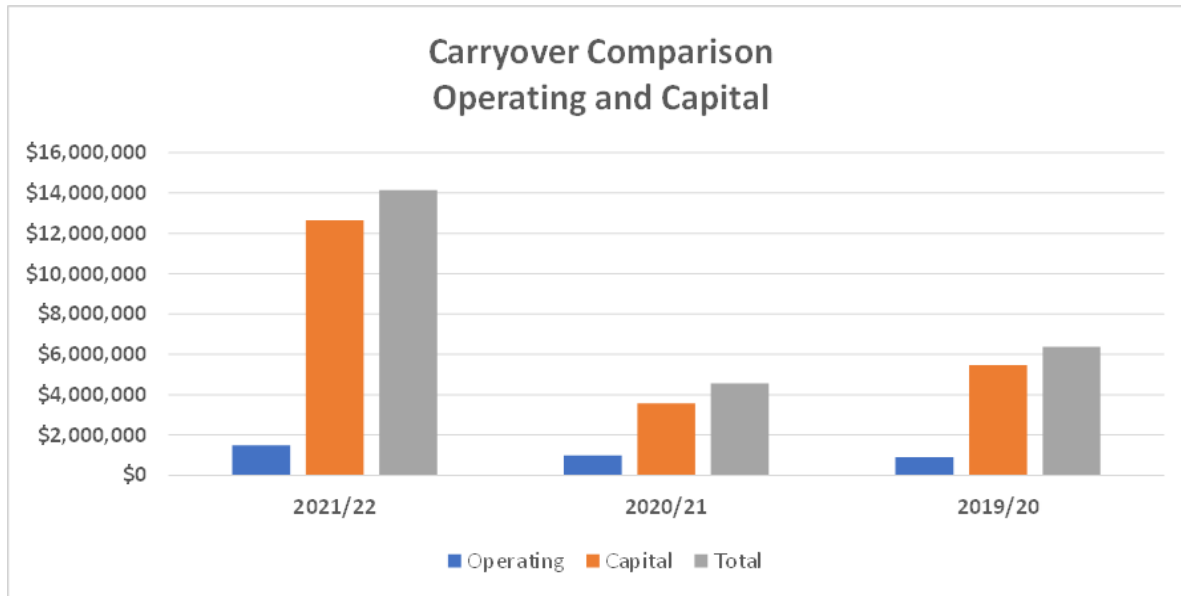
The reserve balance of \$1.51 million is better than forecast.

Works Carried Forward

This section of the report identifies those unexpended budgets that require being rolled forward to the 2022/23 financial year or in some cases a later financial year. The projects to which the budget relate are either not complete or in some cases not commenced. The works have been split between operational projects and capital works. Additionally, they are presented in three different categories; standard carryovers, major project carryovers and carryovers deferred to later years.

The proposed carryovers from 2021/22 total \$14,135,000 which is a significant increase on the previous two years; 2020/21 totalled \$4,552,800 and 2019/20 totalled \$6,375,100 as per Table 9 below.

Table 9: Carryover Comparison – Operating and Capital



These carryovers predominantly relate to the Bulk Water Reporting Unit (89.5%) and the Retail Water Reporting Unit (8.9%). It is important to note that the carryover amounts are significantly impacted by two areas being the Future Water Program 2060 (FWP 2060) and St Helena 600mm Main Renewal (St Helena). When these projects are removed the carryovers total; 2021/22 \$5,422,900, 2020/21 \$2,156,300 and 2019/20 \$4,489,500. This is displayed in Table 10 below.

Table 10: Carryover Comparison – Operating and Capital (Not Including FWP 2060 or St Helena)

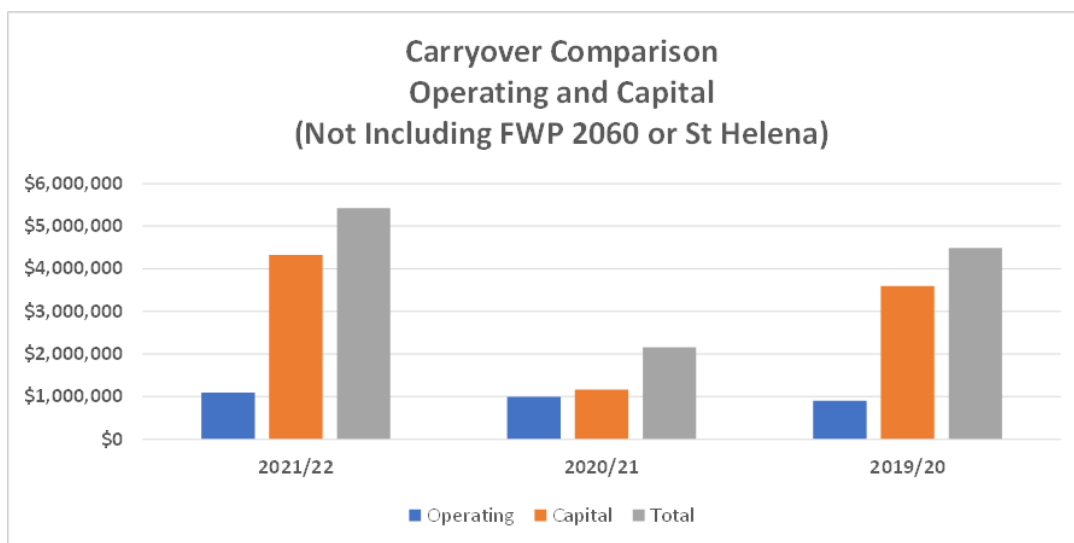


Table 11: Standard Operating Budgets to be Carried Forward

Operating Project Name	Total (\$) 2022/23	Comments
Catchment Landholder Education and Awareness (P-CMP 20-25 A1)	32,000	<p>Action A1 of the RCC 2020-25 Catchment Management Plan consists of on-going promotion/ education and awareness building concerning the impact of catchment activities on drinking water quality and the role of all catchment stakeholders in protecting catchments.</p> <p>All of the above-mentioned activities were effectively unable to proceed during 2022/23 due to COVID restrictions on events/gatherings and the flood-related impacts that removed any capacity for engagement. In addition, there was the loss of a large amount of educational collateral at the Lismore based Cultural, Education and Information Centre.</p> <p>Whilst there are existing funds allocated in 2022/23, it is proposed to carry forward the unspent funds to allow both the replacement of physical collateral, the support and promotion of events, hosting of the catchment activity trailer, and the engagement of contractors as required to facilitate these actions.</p> <p>In addition, it should be noted that this action also incorporates engagement with our constituents on related issues, and there is substantial engagement required during 2022/23 with our constituents ahead of some key catchment projects in 2023/24. Carry forward of these funds will allow the engagement of a contractor to assist with constituent engagement and the preparation of technical briefs for the 2023/24 projects.</p>
Catchment Water Quality Monitoring Program (P-CMP 20-25 A5)	31,700	<p>Action A5 of the RCC 2020-25 Catchment Management Plan consists of the conduct of catchment water quality monitoring to assess risk, monitor changes, allow for operational adaptive management as needed and identify emerging issues.</p> <p>The RCC Catchment Water Quality Monitoring Program is an on-going part of the RCC Drinking Water Mgt System (DWMS) to assess raw water quality risk and inform operational management of drinking water. Additional investigative monitoring and assessment actions have been identified within each catchment to measure the success of previous work, evaluate emerging risks and to provide information for evidence-based recommendations for on-going work.</p> <p>RCC has engaged a contractor (and a PO issued) to conduct a comprehensive review of catchment water quality data (five yearly review) to examine trends in detail and review and update the monitoring program methodologies and outputs. It is proposed to carryover the unspent funds to allow this work to be completed.</p>
ECD River Reach Plan Audit and Planning (P-CMP 20-25 EC19)	22,500	<p>River Reach Plans in both the Wilsons River Source and Emigrant Creek Dam catchments have been largely successful with good landholder up-take and on-ground implementation for priority reaches. The approach has involved initial reach-scale assessments of riparian zones (incorporating vegetation condition and extent, bank erosion, stock access etc.) and development of property-scale action plans to address key issues. On-ground works included weed control, cattle exclusion fencing, vegetation planting and erosion control works.</p> <p>In June 2021 RCC engaged Australian Wetlands Pty Ltd to (a) review work completed as part of the Emigrant Creek Source River Reach Plan over the past 5-year period; and (b) develop a new River Reach Plan for the upper Emigrant Creek catchment.</p> <p>Some key tasks have been completed however, the work has been delayed due to both COVID restrictions that have impacted the ability to engage landholders, and the devastating floods of March 2022.</p> <p>It is proposed to carryover the unspent funds for the implementation phase which involves finalisation of the new River Reach Plan (scheduled for the first quarter of 2022/23) and preparation of the Property Site Action Plans for the identified priority locations.</p>
EC River Reach Plan Extension (P-CMP 20-25 EC20)	60,000	<p>The Emigrant Creek River Reach Plan and associated Property Site Action Plans will be finalised between July-December 2022.</p> <p>This will allow staff to proceed to quotation stage with bush regeneration contractors in late 2022/early 2023 and the commencement of on-grounds works during the third and fourth quarters of 2022/23.</p> <p>Funds are required to be carried forward to allow implementation of the River Reach Plan through the engagement of contractors for the on-ground work phase.</p>

Operating Project Name	Total (\$) 2022/23	Comments
WRS River Reach Plan Audit and Planning (P-CMP 20-25 WR15)	37,400	<p>In June 2021 RCC engaged Hydrobiology Pty Ltd to:- (a) review work completed as part of the Wilsons River Source River Reach Plan over the past 10-year period; and (b) develop a new River Reach Plan for the extent of Wilsons River between the Boatharbour Nature Reserve and Eltham.</p> <p>Some key tasks that have commenced however, this work has been substantially delayed due to both COVID restrictions that have impacted the ability of the consultants to travel to NSW and the ability to engage landholders, as well as the devastating floods of February/March 2022.</p> <p>Preparation of the new River Reach Plan is expected to be completed in the first quarter of 2022/23. This will allow the consultant to prepare Property Site Action Plans for the identified priority locations during the second quarter of 2022/23.</p>
WR16: WRS River Reach Plan Extension (P-CMP 20-25 WR16)	75,000	<p>The Wilsons River Reach Plan and associated Property Site Action Plans will be finalised between July-December 2022.</p> <p>This will allow staff to proceed to quotation stage with bush regeneration contractors in late 2022/early 2023, allowing commencement of on-grounds works during the third and fourth quarters of 2022/23.</p> <p>Funds are required to be carried forward to allow implementation of the River Reach Plan through the engagement of contractors for the on-ground work phase.</p>
Regional Demand Management Plan (P-DM PLAN)	4,500	<p>The Draft Plan has been prepared in consultation with constituent councils. The Draft Plan was presented at the July 2022 Council workshop - this date was pushed back to July following the floods March 2022 flood events. The finalisation and adoption of this Plan will take place in October 2022, following public exhibition.</p>
Drought Management Review (P-DROUGHT REVIEW)	24,700	<p>Although ongoing water sources within the Future Water Project 2060 remain uncertain, there is a need to commence the update of the new Drought Management Plan late within the 2022/23 FY to improve our preparedness for the next drought.</p>
Dam Safety Management System (P-DSMS)	246,700	<p>Dambreak studies and hydrological modelling was delayed due to the need to include latest March 2022 flood event data in the hydrological model. The deliverables of these studies are prerequisites to the Dam Risk Assessments and Safety Assessments and Reporting. Work to be done on dam safety requires a staged implementation approach with a peer review and has taken longer to implement due to the impacts of the recent floods. These funds and future financial year funds are required to perform work required by Dams Safety NSW.</p>
Project - Developer Servicing Plan Update (P-DSP)	60,200	<p>The project to review and update Council's Development Servicing Plan (DSP) was unable to commence until the water infrastructure asset revaluation had been . This was expected to occur in December 2021, however final values were not provided until February 2022. The DSP update project was then commenced with a suitable consultant being selected and the draft DSP being prepared for audit, review and Council adoption. There were some delays in the drafting of the DSP due to Council staff seeking external legal advice. A workshop on the Draft DSP is planned for Councillors in September 2022. The Draft DSP is currently with a third party auditor and will be presented to the October Council meeting for public exhibition with the final DSP being presented to the December 2022 Council meeting for adoption. It is proposed to carryforward the remaining funds to cover existing purchase commitments for the revised DSP plus \$30,000 project contingency.</p>
Hydraulic Capacity Assessment [Distribution Network] (P-HYDRAULIC ASSES)	48,600	<p>This project is for the assessment of the bulk water network to determine its suitability for meeting the future peak demand forecasts, and confirmation of the future capital works program for pipe replacements etc. Delays in the provision of water demand information for future developments in Constituent Council LGA's and challenges with extracting water demand data have caused this project to take longer than what was originally estimated. The water demand information was required for the hydraulic modelling of the bulk water network, which is currently in progress.</p> <p>Funds are already committed to this project with an existing purchase order to be carried forward for this multi-year project implementation.</p>

Operating Project Name	Total (\$) 2022/23	Comments
Project - Mains Swabbing (P-MAINS SWABBING)	185,000	<p>This project has been delayed as there are several limitations on when these works can be carried out. The full Water Operations team needs to be available due to the large number of shut downs, cut ins, and the risk of emergency repairs. This meant that the work could not be carried out during 2022/23 as the team was functionally split into blue/green teams during COVID restrictions. As there is a school on a section of the main, the works also need to be arranged to be carried out outside of school hours. The water supply will need to be interrupted throughout the works, and this main services both the Ballina Heights and the Water Wheels bulk flow meter, the works can also not be carried out during periods of high water demand.</p> <p>The nature of the works involves dechlorinating and discharging large volumes of water into low-lying swamp land in key locations along the main, so the works cannot be carried out when the groundwater table is elevated. Works were initially planned during school holidays in 2020, but heavy rain two weeks before the scheduled date meant that the works could not be completed, with the groundwater table very high, and working surfaces super saturated. The project was then planned during school holidays in 2021/22 when the weather was dry enough to carry out the work, state borders were open, and our teams were not functionally split, but the contractor we had engaged was already committed elsewhere on a major project, and despite their best efforts were not available.</p> <p>Since then issues with the intermittent and unpredictable rainfall associated with the La Nina cycle, heavy rainfall in February 2022, and extreme flooding of the area in March 2022 the groundwater table in the North and Emigrant Creek catchments and floodplain is still elevated. The plan remains to carry out the works as soon as we have a long enough dry period to see a drop in groundwater table giving us storage capacity for discharged water, with contractor and staff availability, outside of peak consumption periods and school times.</p>
Communications Team Support (S-ADMIN)	10,000	<p>Funds to be carried over will be used to provide support to the Communications Team through the continuation of social media content creation and monitoring and content writing during the probationary period of the Communications Business Partner role, up until the end of August 2022.</p> <p>The intention moving forward is to rationalise the use of all communication contract service providers after this period.</p>
Training and Professional Development (S-ADMIN)	50,000	<p>Covid-19 has restricted the ability of the People and Performance team to coordinate training and professional development for all employees over the past 12 months. This was due to restricted travel with border closures, Registered Training Organisations unable to facilitate training, the vaccination status of employees and the recent natural disaster of the flood events in March 2022. This coupled with an increase in recruitment activities, training and professional development were unable to be coordinated or delivered. As last years training did not occur, an increase in the amount of mandatory training for employees will be required in 2022/23.</p> <p>It is proposed to carryover \$50,000 in unspent training funds from 2021/22 and allocate \$12,500 to each Group Manager as a professional development budget for their Groups.</p> <p>Note also that the General Manager has a separate professional development budget allocation.</p>
Wilson's River Source (S-WRS)	11,900	<p>The 2021/22 budget contained a total of \$88,300 – the intention of these funds being allocated was (i) to allow us to conduct further work with private landholders and school sites to allow handback during 2021/22; and (ii) to allow the establishment of a partnership project with the The Casino Food Co-Op (Northern Co-operative Meat Company).</p> <p>In relation to (i), whilst some works have been completed, following the substantial impact of the February/March 2022 floods, it will be important to conduct a follow-up visit in Spring 2022 to address the likely weed response.</p> <p>The project agreement has already been executed in relation to (ii).</p> <p>To meet this overall objective, RCC will conduct follow up bush regeneration and tree planting works on a series of sites within the Wilson's River Tidal Pool sub-catchment that have had previous works undertaken, but require additional post-flood work to bring them to a standard for handover to the landholders.</p>

Operating Project Name	Total (\$) 2022/23	Comments
Grant - Coastal Management Plan Scoping Study (GC-CMP STUDY)	12,600	<p>RCC (on behalf of its constituent councils) is coordinating the conduct of a Scoping Study as the first stage in the preparation of the Richmond River Coastal Management Program (CMP). The purpose of a CMP is to set the long-term strategy for the coordinated management of the coastal zone with a focus on achieving the objects of the CM Act and associated catchment-wide objectives.</p> <p>RCC and its constituent councils have contributed a total of \$50,000 funding to the project, which has been matched 2:1 by the Department of Planning and Environment (DPE) Coast and Estuaries Grant. This provides for a project to the value of \$150,000.</p> <p>This project is currently at the final draft stage, however the DPE has effectively placed the project on hold pending legal advice relating to the scope (this is yet to be received).</p> <p>RCC and it's consultants are currently addressing Council/agency comments on the final draft. Subsequent stages that are still to be completed include completion of a public exhibition process, conduct Councilor briefings at 6 Councils and also secure budget endorsement from the same 6 Councils for the Stage 2 investigations. This will take the majority of 2022/23 to complete.</p> <p>A carry forward of expenditure to 2022/23 to allow this project to proceed, and to meet the requirements of our funding agreement (contract) established between RCC and DPIE. A grant reinstatement will be required under AASB 1058 and will be included in the September 2022 QBRs.</p>
Coastal Zone Management Plan (P-CZMP)	36,900	<p>In 2021/22, CZMP funds were allocated for the following:</p> <p>Action 6b: Identify priority riparian areas and rehabilitate: These RCC funds are matching funds as part of a successful grant application to the DPI Fish Habitat Action Grant program in 2021/22.</p> <p>Action 4b: Review floodgate management protocols: Conduct of water quality monitoring to support the conduct of a Drainage Options Study at Keith Hall, South Ballina.</p> <p>The project site in relation to Action 6b is in Coraki, and the project partners the Bandjalung Aboriginal Corporation (Native Title Holders for this area), Bogal Local Aboriginal Land Council (LALC), and Richmond Valley Council (RVC) have all been severely impacted by the February and March 2022 floods and have been in no position to be able to progress such a project in recent months. The balance of these CZMP funds are required to be carried forward to allow RCC to honour our matching funds contribution under the grant agreement.</p>
Risk Based Framework - Water Quality Sampling (P-RBF WQ)	29,900	<p>Monitoring of sediment yield from grazing/macadamias: DPIE funding to support NSW Government Risk Based Framework: DPE is developing a water quality monitoring program using dataloggers constructed by SCU under the MEMA program to better understand sediment and nutrient loads associated with various sized events comparing different standards of land management within the grazing and macadamia industries. This sampling is also intended to measure past best management practice works (through the MEMA Clean Catchments Program and others) against 'business as usual approaches.' DPE has allocated a total of \$29,905 to enable RCC to assist with the installation of sampling equipment - leveraging the experience gained through the Richmond River Water Quality Monitoring Program (renewal of the datalogger network across the floodplain). This project shall effectively be a fee for service – i.e. DPE would pay for the time spent by staff installing this equipment and associated materials, together with additional analytical support through RWL.</p> <p>These funds are required to be carried forward to allow this work – funded by DPE to proceed in 2022/23.</p>
Total Operating Budget to be Carried Forward	979,600	

Table 12: Standard Capital Budgets to be Carried Forward

Capital Project Name	Total (\$) 2022/23	Comments
Upgrade of Broadwater Water Supply. 250mm Water Main from Langs Hill to Broadwater (CE-BROADWATER 150)	10,000	<p>The project construction was unable to commence in 2021/22 due to inclement weather and poor ground conditions. Peak day demand forecasts have recently been updated for the bulk water supply system and the existing system capacity is sufficient to meet current demand and the pipeline upgrade can be deferred for approximately five (5) years. A revised Broadwater water supply strategy report will be prepared for the Leadership Team. Part of the pipeline is in poor condition and there may be some additional costs resulting from the decision to defer this project associated with potential water main breaks. Materials purchased for the project will be stored until the project is commenced.</p> <p>A Building Better Regions Grant application was submitted for part funding of this project however Council is yet to receive an outcome.</p> <p>At the same time Council's peak day forecast was updated and was decreased for Broadwater, allowing the pipeline upgrade project to be deferred by five years which will relieve short term pressure on the capital works budget. It is recommended the project be deferred up to five years with remaining funds from 2021/22 to be returned to reserves. Should the grant application be successful it is proposed to be utilised, subject to grant funding conditions, to construct a 700m section of the Broadwater 250mm pipeline which will replace the oldest, and highest risk of failure, section of the existing Broadwater pipeline.</p> <p>A minor carryforward is requested to cover existing purchasing commitments.</p>
Byron 200/150 - Shelley Rd, Byron Bay. Planning and Design (CE-BYRON200)	20,000	Consultants have been engaged to prepare design plans and documentation. Due to flooding in the Northern Rivers the consultant resources, as agreed with RCC staff, were reallocated to flood recovery assistance for the local Councils. Documentation is expected to be completed in June/July 2022. It is proposed to carryforward these funds to complete the design plans and an environmental assessment.
Chemical Tank Farm Upgrade (CE-CHEM FARM)	40,700	Funds are required to be carried forward to cover existing committed funds for the concept design of the bulk chemical storage facility and to progress the project to a preliminary design stage in 2022/23. There is additional budget in 2022/23 for this project. Further funding of \$75,000 may be required to complete design based on current estimates and will be addressed in a future QBRS if required.
Wyrallah Rd Section - Relocation Works (CE-CORAKI225)	250,000	An assessment of options was completed to determine the preferred approach to replace, relocate or abandon a deteriorated water main north of Wyrallah. The preferred option is to transfer approximately 12 customers to a duplicate pipeline in the area. Customers have been engaged and water relocation agreements have been received from most customers with negotiations ongoing. Further modelling and review work is being undertaken with regard to the long-term water supply strategy for the area, which may affect the preferred option going forward. It is recommended funds are carried forward to progress and complete these works in 2022/23. This project is ranked as a high priority in the project prioritization matrix (No. 10 out of 72 projects).
Emigrant Creek Dam Water Treatment Plan Biologically Activated Carbon (BAC) Replacement and Steel Shell Corrosion Repairs (CE-ECWTP BAC)	368,800	This project was unable to be completed due to delays in contractors and consultants being able to attend site due to COVID restrictions and high demand. The works include replacement of the BAC media, recoating of the BAC internal steel shells and installation of internal pipework for a future air scour upgrade. The media must be removed to complete the internal works. The BAC media has been tested and is recommended for replacement to maintain filter performance and a suitable supplier has been identified. However, the project is awaiting consultant advice on recoating products and methodology and internal resources to progress the planning and implementation. It is recommended that all funds are carried forward.
Emigrant Creek Dam Outlet Pipe Underwater Inspection/Condition Assessment (CE-ECWTP PIPE)	6,700	Design and installation of new removable outlet pipe grate has not been completed due to competing priorities within Council and flood recovery response taking precedence over other works. There were further delays in arranging divers to attend site and inspect the existing grate. The new grate will be designed and fabricated for installation before December 2022. Fabrication of the grate may require additional funding to be sourced from operational budgets.
Fosters Spur Shed (CE-FOSTERS SPUR)	22,700	The shed is to be constructed in an isolated location that is accessible by four (4) wheel drive vehicles only in dry conditions. The work was planned to be completed in 2021/22 however continual wet weather and then the flood events in March 2022 has hindered access to the site.
Solar - Nightcap (CE-GREENHOUSE)	154,600	This project was not completed in 2021/22 due to several competing priorities for the planning and delivery team within Council. This project was assessed as a low priority relative to renewal and repair projects on existing assets. The project was initiated early in 2022 however due to flood impacts in the region, solar contractors were unable to attend the site for several months to inspect the project. The project re-commenced in May/June 2022. It is proposed to carryforward the remaining funds to cover existing purchase commitments for the Nightcap Water Treatment Plant 100kW solar PV installation with additional funds for structural assessments, roof height safety upgrades and electrical switchboard safety upgrades. This is due to be completed in the first half of 2022/23.
Instruments - Emigrant (CE-INSTRUMENTS EC)	8,500	Procurement of replacement instruments was not completed due to interruptions from regional flooding. Instrument replacements will be carried out in 2022/23.
Instruments - Nightcap (CE-INSTRUMENTS NC)	23,000	Procurement of replacement instruments was not completed due to interruptions from regional flooding. Carried over funds will be used to implement additional instrumentation upgrades recommended from the Nightcap Strategic Review. Instrument replacements will be carried out in 2022/23.

Capital Project Name	Total (\$) 2022/23	Comments
IT - Communications (CE-IT COMMS)	100,000	Due to the floods in early 2022 procurement of the replacement telephone system was delayed. Staff are currently working through commercial terms with the preferred vendor. Procurement is expected to be complete in the first quarter of 2022/23.
IT - Computer Fleet (CE-IT COMPUTERS)	30,000	Shortages in the supply of I pads over the COVID-19 pandemic and the floods in early 2022 meant the priority for procuring these items decreased. However, these devices are still required by the operational branch of Council. Procurement is expected to occur in the first quarter of 2022/23.
IT - Microwave Bridge (CE-IT MICROWAVE)	75,000	Microwave bridge renewals were due to be carried out in the first half of 2022. However, due to the March 2022 floods part of these funds were used to install a microwave bridge at the Gallans Road worksite in Ballina to enable it to be used as an office site for staff. The maintenance and replacement work is still due to be carried out. Note: \$150,200 will be carried over to 2023/24 to complete these project.
IT - Network (CE-IT NETWORK)	69,000	The procurement process for a fibre link at Gallans Road has started and the civil works are due to begin in the first quarter of 2022/23. Payment is not due until the fibre connection is completed.
Nightcap WTP Main Switchboard and PLC Network Replacement - Planning and Preworks (CE-NCWTP PLC SB)	150,600	Multi year project being undertaken by a combination of internal and contract resources. Project has been interrupted with both internal and contract resources responding to recent flood events. Project was recently assessed as a high priority based on the high consequence of no action. Previous carry over funds of \$23k have been used to progress PLC upgrades as part of this project. Additional contract resources have been committed to progressing the design of the switchboard upgrade with aim to issue contract for the construction before the end of 2022/23.
Water Source - Rocky Creek Dam Aerator Replacement (CE-RCD DESTRAT)	327,400	The Project was not completed in 2021/22 due to competing priorities within Council and flood recovery response taking precedence over this and other works. The work is very specialist in nature with a small number of consultants and contractors able to advise and assist, making access to them more difficult and contributing to the delays. The Project remains a medium priority, with the Infrastructure Program Manager appointed as Project Manager, and it is recommended for the budget to be carried forward for completion in 2022/23.
Reservoir Renewals - Decommissioning of Pineapple Rd Res. Renewal of St Helena Reservoir Roof (CE-RESERVOIR)	25,000	An updated cost estimate for the refurbishment of St Helena Reservoir exceeds the available budget. Based on the current condition of the roof, the majority of the works can be deferred for 3 years without significant impact to the assets condition, water quality, safety or asset security. Furthermore, delaying of the project will enable the St Helena 600 pipeline to be constructed which will create options for bypassing the reservoir to undertake the required works which could result in a significant cost saving for this project. It is recommended that \$25,000 is carried forward to cover existing commitments and complete temporary sealing works to address water quality risks. Minor pipework modifications works relating to Pineapple Rd Reservoir can be undertaken from existing operational budgets.
Corrosion Repairs St Helena 525 and Lismore 600 (CE-ST HELENA600/525)	459,300	The project has been impacted by the ongoing wet weather and the floods, but is proceeding well around these issues. The project is tracking to be completed under budget and will enable a small number of other activities to be completed as variations under the Contract. The remaining funds are required to be carried over to cover our contractual commitments.
Engineering Drawing Management System (CE-TDM)	82,600	A technology solution has been selected and the vendor engaged. Project has incurred slippage caused by floods and the required redirection of work efforts. Project is back on track and will be completed in the first half of 2022/23.
Reticulation - General (CE-RETIC)	93,200	This is a contingency budget for the construction of reticulation water mains. Based on initial estimates this will be required to complete the works at Richmond Hill and as such needs to be carried over.
Reticulation Renewal - Richmond Hill: Kahala, Laihaina, Ridgeland Close and Quail Place (CE-RETIC RH)	310,500	Works were unable to be scheduled in first six months of 2022 due to COVID-19 and persistent wet weather. Works are currently planned to commence in August 2022 once the tender process is finalised. Recent discussions with contractors have suggested that the current budget, including the carry-over of Reticulation-General above, will be insufficient to complete the project
Total Capital Budget to be Carried Forward	2,627,600	

Table 13: Major Projects Operating Budgets to be Carried Forward

Operating Project Name	Total (\$) 2022/23	Comments
Consultation on Cultural Heritage Dunoon Dam Council Land (P-FWP2060 CHDCL)	136,400	This budget was originally intended to support the disposal of land originally set aside for the proposed Dunoon Dam. Following the Council decision in February 2022 to undertake cultural heritage and biodiversity investigations into the proposed Dunoon Dam, this budget was reassigned to that activity. Scoping of the investigations has commenced and consultants will be engaged in late 2022 to commence work. Work has also commenced to determine the hydrologic benefits or impacts of the proposed Dunoon Dam. This work will continue into 2022/23.
Indirect Potable Reuse Investigations (P-FWP2060 IPR)	140,000	Throughout 2021/22 a full review of the work done to date was completed internally and a revised approach developed to progress Purified Recycled Water (PRW) activities within the FWP. Scoping for additional PRW investigations was completed and put to tender at the end of 2021/22. The tender is expected to be awarded in the first quarter of 2022/23 and the work is expected to take 12-15 months to complete. Note: the budget required for 2022/23 is approximately \$400k. It is proposed to carryover \$140k to 2022/23 and allocate \$120k to 2023/24 to reflect the cashflow required for the contract when it is in place.
Total Operating Budget to be Carried Forward	276,400	

Table 14: Major Projects Capital Budgets to be Carried Forward

Capital Project Name	Total (\$) 2022/23	Comments
FWP 2060 - Alstonville Groundwater (CE-FWP ALSTON)	1,038,300	Following the decision by Ballina Shire Council not to transfer the Marom Creek Water Treatment Plant (WTP) and associated supply and distribution assets to RCC, Council progressed with work for site selection and concept design for a new treatment plant in the Alstonville area. The site selection process and concept design will conclude early in 2022/23. Following the outcome of the Convery's Lane bore development, work will progress on the Convery's lane bore fit out, as well as progressing planning for additional bore/s, design of the new WTP and survey/design for connecting pipe infrastructure. Some deferral of the 2022/23 budget to future years is expected and will be addressed in the September 2022 QBRS.
Direct Potable Reuse Pilot Scheme (CE-FWP DPR)	60,000	It is proposed to carry over this budget to future years. This would involve deferring the 2021/22 budget and reducing the 2022/23 budget via the September 2022 QBRS to reflect a revised approach to purified recycled water (PRW). It is expected that planning for the PRW pilot plant will commence in 2023/24 following completion of more detailed investigations into the potential for PRW schemes. These budgets will be re-forecast in the LTFP in the future based on a 2023/24 commencement. Note: it is proposed to carryover \$60,000 to 2022/23 and allocate \$563,800 to 2023/24.
Woodburn Existing Bores (CE-FWP WEB)	205,900	Initial work was commenced in 2022/23 to determine a concept plan and the requirements to make the existing bore (Bore 3) operational. A grant funding application was also made to the Building Better Regions fund. Advice regarding the outcome of the grant application has been delayed due to the federal election. Some other delays have been experienced due to wet weather and flooding resulting in limited site access and a need to assess infrastructure damage. Work is expected to progress in 2022/23 with the proposal to carry over all of the remaining 2021/22 funds.
Woodburn New Bores (CE-FWP WNB)	846,400	The first stage of the Woodburn New Bores commenced in 2021/22 with consultants engaged to undertake a catchment risk assessment and bore site selection. This work will be completed in early 2022/23. Further work to acquire bore sites and construct new bores and the associated infrastructure will be undertaken in 2022/23. Total funding to be retained as estimated in the forecast FWP calculations.
Gallans Road Workplace Site (CE-GALLANS)	550,300	The consolidated worksite at Gallans Road in Ballina requires significant design and construction works to be undertaken over the next two financial years to be fit for purpose. It is proposed to carryover all the unspent funds over to 2022/23.
St Helena 600 Stage 19 (CE-ST HELENA600 S1)	339,200	Project is complete. Savings to be used for the restoration of landslip in Stage 1 with all remaining funds to roll into Stage 2.
St Helena 600 Stage 2 (CE-ST HELENA600 S2)	3,806,100	Project underway with funds committed. Recent flooding has resulted in project delays and changes to the construction methodology/scope which will result in additional costs. It is anticipated that the current budget surplus will be sufficient to cover these works. A revised project budget will be completed in the first quarter of the 2022/23 once the full extent of required works has been costed. It is planned to return excess funds via the September 2022 QBRS.
Smart Metering Project (CE-S-METERS)	856,400	The Project Manager was appointed in August 2021 and has completed key tasks, project planning and internal consultation to enable an Expression of Interest to be issued in early July 2022. On-ground works for smart metering rollout are planned to commence in the 1st quarter of 2023, following the February 2023 Council meeting, and be substantially completed by 30 June 2023, with the need to extend some funding into 2023/24, depending on weather and other variables. Expenditure to date has been for the Project Manager. The unspent budget needs to be carried forward to allow completion of the works.
Perradenya Cycleway (CE-PERRA CYC)	35,000	Wet weather throughout much of 2021/2022 has resulted in delays to works in the Perradenya Estate. It is proposed to carryforward all unspent funds to 2022/23.
Perradenya Release 7 (CE-PERRA REL 7)	86,800	Wet weather throughout much of 2021/2022 has resulted in delays to works in the Perradenya Estate. It is proposed to carryforward all unspent funds to 2022/23.
Perradenya Whole of Subdivision (CE-PERRA WOS)	20,000	Wet weather throughout much of 2021/2022 has resulted in delays to works in the Perradenya Estate. It is proposed to carryforward all unspent funds to 2022/23.
Total Capital Budget to be Carried Forward	7,844,400	

Table 15: Deferred Operating Budgets to be Carried Forward

Operating Project Name	Total (\$) Future Years	Comments
RCC Contribution to a Joint Application to the Australian Research Council Linkage Program (P-ARC)	30,000	<p>In August 2019, Council resolved to support a research application to the Australian Research Council Linkage Program for research on natural flood mitigation measures – a key plank of the Northern Rivers Watershed Initiative. The original extent of this commitment was \$90,000 (3 years of funding at \$30,000 pa).</p> <p>Since the original Council resolution, the core project team has been seeking to build a comprehensive research team and seeking to attract additional local contributions. Lodgement of the application was also delayed by the extensive restructuring process that has taken place in the relevant schools at SCU.</p> <p>The research team has now been confirmed and the research application has been lodged in partnership with UNSW in December 2021. There is yet to be any advice from the ARC as to whether this application has been successful or not.</p> <p>The 2022/23 budget already contains an amount of \$30,000 allocated to this project, therefore it is recommended that the unspent funds be carried forward to 2023/24 to allow RCC to meet our</p>
Intensive Pesticide Sampling Program (P-CMP 20-25 A7)	75,000	<p>Action A7 of the RCC 2020-25 Catchment Management Plan consists of the conduct of an intensive pesticide monitoring program in each catchment to better define risk and provide up to date information. The last intensive program was completed in 2009-2010 (over 10 years ago) and therefore an updated program is necessary to evaluate current risks considering changes in pesticide use and current monitoring techniques and technology.</p> <p>This program requires substantial lead in time as well as financial support from NSW Health to maximise leverage from the RCC investment. In order to provide adequate lead-in time both to prepare an appropriate technical specification as well as to apply for NSW Health funding, it is proposed to carryover and defer this expenditure to 2023/24. This is also more consistent with the capacity of staff to support the project.</p>
Investigate Potentially Harmful Contaminants (P-CMP 20-25 A8)	12,000	<p>Action A8 of the RCC 2020-25 Catchment Management Plan aims to provide information to better assess the risk of catchment pollutants. The Investigation aims to determine the presence and potential impacts of pharmaceuticals, EDCs and PFAS in source water.</p> <p>The risk assessment for the WRS identified that there are known potential sources of these contaminants in the catchment however, to date there has not been any assessment of presence and levels in source water. An investigative study is recommended to provide more information on potential human exposure from drinking water. The last intensive program was completed in 2009-2010 (over 10 years ago) and therefore an updated program is necessary to evaluate current risks considering changes in pesticide use and current monitoring techniques and technology.</p> <p>As with the pesticide investigation, this program requires substantial lead in time as well to maximise leverage from the RCC investment. In order to provide adequate lead-in time both to prepare an appropriate technical specification as well as to apply for NSW EPA funding, it is proposed to carryover and defer this expenditure to 2023/24. This is also more consistent with the capacity of staff to support the project.</p>
Total Operating Budget to be Carried Forward	117,000	

Table 16: Deferred Capital Budgets to be Carried Forward

Capital Project Name	Total (\$) Future Years	Comments
Groundwater Land Acquisition (CE-FWP LAND)	520,000	Land acquisition for Woodburn and Alstonville Groundwater sites are dependent on the outcomes of bore and treatment plant site selection processes, and the outcome of the Convery's Lane bore development. These processes will continue early into 2022/23. The proposal is to defer the 2021/22 budget to 2023/24 and reduce the 2022/23 budget via the September 2022 QBRS and re-forecast land acquisition costs in LTFP in the future as more information regarding project timing becomes available.
Tyagarah Groundwater (CE-FWP TYAG)	936,000	Due to impacts of flooding, FWP project delays and staff resourcing, commencement of further investigations into Tyagarah Groundwater Scheme 1 have been rescheduled to commence in 2022/23. The proposal is to defer the 2021/22 funding to 2024/25 and reduce the 2022/23 funding via the September 2022 QBRS to reflect the updated scope of work planned for 2022/23. Funding required for Tyagarah Groundwater will be re-forecast in the LTFP in the future as more information becomes available as investigations progress.
Total Capital Budget to be Carried Forward	1,456,000	

Governance

- **Finance**

All approved carryover requests will be added to Council's Long-Term Financial Plan.

- **Legal**

In accordance with section [211](#) of the *Local Government (General) Regulation 2021* (NSW), money cannot be expended unless Council has first approved the expenditure and the budget. Council approval is therefore sought for the proposed carryover works.

Consultation

The carryover information contained in this report was obtained through submissions from staff across the organisation.

Conclusion

The Preliminary 2021/22 End of Financial Year Summary report has been prepared to indicate the financial results, subject to any further adjustments. The resulting transfers to and from reserve and proposed carryover works are included, it is recommended that Council approve the preliminary financial results, transfers to and from reserve and carryovers.

Attachment

1. Rous County Council 2021/22 Capital Works

Rous County Council 2021/22 Capital Works

Area	Description	Actual 2021	Budget 2021	% Consumed
CE-BROADWATER 150	Broadwater 150 upgrade	235,948	600,000	39%
CE-BUSINESS PAPER	Electronic Business paper	65,746	50,000	131%
CE-BYRON200	Byron 200 - mains renewal	16,686	50,000	33%
CE-CHAMBERS	RW Admin Building	12,195	250,000	5%
CE-CHEM FARM	Chemical Farm	90,819	140,500	65%
CE-CMP	Catchment Management Plan - High Priority Actions	0	5,000	0%
CE-CORAKI225	Coraki 225 - mains renewal	0	250,000	0%
CE-DEPOT	Depot Upgrade	35,000	100,000	35%
CE-DEPOT PRO	Depot procurement	0	50,000	0%
CE-DIAP	Disability Inclusion Action Plan - Priority Action	23,135	78,500	29%
CE-ECD ACCESS	ECD Access	5,909	10,100	59%
CE-ECWTP BAC	Emigrant Creek Water Treatment Plant - BAC	13,216	382,000	3%
CE-ECWTP PIPE	Emigrant Creek Water Treatment Plant - Outlet pipe	3,300	10,000	33%
CE-ECWTP RAW	Emigrant Creek Water Treatment Plant - Raw water	4,414	150,000	3%
CE-FOSTERS SPUR	Fosters Spur Shed	7,320	30,000	24%
CE-FWP ALSTON	Future Water Program - Alstonville groundwater	458,764	520,000	88%
CE-FWP DPR	Future Water Program - DPR pilot scheme	176	624,000	0%
CE-FWP LAND	Future Water Program - Groundwater land acquisition	0	520,000	0%
CE-FWP MAROM	Future Water Program - Marom Creek WTP	55,116	1,040,000	5%
CE-FWP PM	Future Water Program - Project management	580,381	3,054,000	19%
CE-FWP TYAG	Future Water Program - Tyagarah groundwater	0	936,000	0%
CE-FWP WEB	Future Water Program - Woodburn existing bores	2,144	208,000	1%
CE-FWP WLI	Future Water Program - Water loss implementation	18,163	520,000	3%
CE-FWP WNB	Future Water Program - Woodburn new bores	21,608	868,000	2%
CE-GREENHOUSE	Greenhouse Gas Abatement	41,493	200,000	21%
CE-IT NETWORKS	IT Network	0	69,000	0%
CE-IT MICROWAVE	IT Microwave Bridge	19,809	245,000	8%
CE-NCWTP JETTY COR	Nightcap Water Treatment Plant - Jetty Corrosion	6,537	450,000	1%
CE-NCWTP PLC SB	Nightcap Water Treatment Plant - PLC SB Upgrade	70,822	223,000	32%
CE-RCD DESTRAT	Rocky Creek Dam Destratification	14,468	340,000	4%
CE-RESERVOIR	Reservoir Defect Repairs	55,900	300,000	19%
CE-ST HELENA600 S2	St Helena 600 Upgrade - Stage 2	6,512,732	11,695,600	56%
CE-ST HELENA600/525	St Helena 600/525 Elevated Main Corrosion Repairs	298,124	738,800	40%
CE-TDM	Technical Drawing Management	17,430	100,000	17%
CE-TOOLS	Tools & Equipment	0	5,000	0%
CE-UNPLAN DT	Unplanned dams & treatment replacements	0	8,000	0%
CE-VALVE	Valve Renewal	46,759	72,000	65%
F-FLEET	Fleet Capital Purchase	124,771	454,000	27%
CE-FMI FG HR-MR	Flood Mitigation - Floodgates High & Medium Risk	101	22,000	0%
CE-FMI LG	Flood Mitigation - Lifting Gear	1,697	11,000	15%
CE-FMI LI HM	Flood Mitigation - Inspection and Heavy Maintenance	11,066	50,000	22%

Area	Description	Actual 2021	Budget 2021	% Consumed
CE-PERRA CYC	Perradenya – shared footpath/cycle way	0	35,000	0%
CE-PERRA REL7	Perradenya - Release 7	31,736	184,700	17%
CE-PERRA WOS	Perradenya - Whole of Subdivision	15,233	15,300	100%
CE-RURAL PROP	Rural Properties upgrades	0	55,800	0%
CE-RETIC	Reticulation Mains - Various	8,595	519,000	8%
CE-S-METERS	Meter Reading Software	89,610	946,000	9%
CE-RENEWALS	Richmond Water Laboratory - Renewals	0	44,100	0%
CE-WB GIS	GIS Data Capture New System	79	75,000	0%
CE-WB SB FG	Swan Bay Floodgated Pipe	0	25,000	0%
Works in progress		9,035,191	27,354,400	33%

Rous County Council 2021/22 Capital Works (Ctd)

Area	Description	Actual 2021	Budget 2021	% Consumed
CE-BULK	Bulkflow Meters	18,189	25,000	73%
CE-EASEMENT	Easement Creation	9,000	22,000	41%
CE-ECWTP COMM	Emigrant Creek Water Treatment Plant - Communications upgrade	34,682	35,000	99%
CE-ECWTP TANK	Emigrant Creek Water Treatment Plant - Steel tanks	104,147	125,000	83%
CE-GALLANS	Gallans Road - Consolidation of workplace	6,890,465	7,487,500	92%
CE-INSTRUMENTS DIS	Instruments Distribution	4,645	5,000	93%
CE-INSTRUMENTS EC	Instruments Emigrant Creek Water Treatment Plant	11,753	22,000	53%
CE-INSTRUMENTS NC	Instruments Nightcap Water Treatment Plant	1,953	25,000	8%
CE-IT COMMS	IT Communications	71,678	123,500	58%
CE-IT COMPUTERS	IT Computer Fleet	6,706	64,300	10%
CE-IT FUTURE	IT Future Improvements	8,250	10,500	79%
CE-IT SERVERS	IT Servers	66,020	79,000	84%
CE-IT SOFTWARE	IT Software	74,931	75,000	100%
CE-NCWTP DISINF	Nightcap Water Treatment Plant - Disinfection	2,278	3,000	76%
CE-NCWTP SEPTIC	Nightcap Water Treatment Plant - Septic renewal	12,900	15,000	86%
CE-RAW PUMP	Raw Water Pumps	68,687	64,200	107%
CE-ST HELENA600 S1	St Helena 600 Upgrade - Stage 1	680,296	1,019,500	67%
CE-FMI UNPLAN	Flood Mitigation - Unplanned Replacements/Repairs	32,101	33,000	97%
CE-FILLING STATION	Filling Station	24,441	26,200	93%
	Works completed	8,123,122	9,259,700	88%

Note: The internal salaries for capitalisation budget allocation have been removed from the above totals. All actual expenditure has been journalled to the appropriate capital projects.

Retail water bad debt write-off

Responsible Officer: Group Manager Corporate and Commercial (Guy Bezrouchko)

Recommendation

That Council, in accordance with its Debt Management and Financial Hardship policy:

1. Approve the write-off of one (1) Water Filling customer due to bankruptcy.
2. Approve the write-off of three (3) Retail Water Billing customers due to cyble unit issues not accurately recording water usage.

Background

Council's Debt Management and Financial Hardship policy requires Council resolution for approval to write-off bad debts above \$1,000 (ex-GST). Debts approved for write-off by Council staff are done so under delegation and in accordance with sections 131 or 213 of the *Local Government (General) Regulation 2021*.

Water filling customer

Council received a notification of bankruptcy from the Australian Financial Security Authority in May 2022 on behalf of a water filling customer. Council has been advised that we will not be able to recover the debt due to the bankruptcy status and no further action is possible. The total water filling customer debt to be written-off is \$2,650.03.

Retail water billing customers – cyble unit issues

Three retail water billing account customers have been identified to have had issues with the cyble units attached to their water meters failing to correctly transmit usage data. The issue was discovered when the meters were replaced, and the final read indicated water consumption exceeding 200% compared to the previous quarter. It is proposed that the customers debt be reduced based on historical water use prior to the cyble unit issue.

Rous staff contacted the manufacturer of the cyble units, Itron Australasia Pty Ltd, who have acknowledged cyble unit failure for devices that date from 2019 to 2021. They are addressing this issue with a firmware upgrade patch to be physically applied to the affected cyble units.

Total Water Billing Customers debt to be reduced, via write-off, due to cyble unit issues is \$7,429.82.

Cyble Unit Data	Options	Recommendation
10512/99 RW110012	Full Charge = \$3,634.66 50% Credit = \$1,817.16 Av Daily use = \$611.87 ($\$3,634.66 - \$611.87 = \text{Credit of } \$3,022.79$)	Credit of \$3,022.79 (based on average daily use of previous 5 quarters prior to cyble issue)
10339/99 RW1701585	Full Charge = \$4,065.98 50% Credit = \$2,032.99 Av Daily use = \$1,932.84 ($\$4,065.95 - \$1,932.84 = \text{Credit of } \$2,133.14$)	Credit of \$2,133.14 (based on average daily use of previous 6 quarters prior to cyble issue)
12258/99 RW1300513	Full Charge = \$2,445.90 50% Credit = \$1,222.95	Credit of \$2,273.89 (based on average

Cyble Unit Data	Options	Recommendation
	Av Daily use = \$172.01 (\$2,445.90-\$172.01 = Credit of \$2,773.89)	daily use of life of meter as appears to have had cyble issue from the start)

Finance

Rous does not encounter many instances where debt write-off is required through active debtor management or through water meter malfunction. This write-off is immaterial to Council's long term financial plan.

Conclusion

It is recommended that Council approve the write-off of \$2,605.03 (Water filling customer) and \$7,492.82 (Retail water billing customers).

TOTAL Write-off = \$10,097.85

Retail water customer account assistance

Responsible Officer: Group Manager Corporate and Commercial (Guy Bezrouchko)

Recommendation

That Council in accordance with section 356 (1) of the *Local Government Act 1993* and its 'Retail Water Customer Account Assistance' policy, approve financial assistance as listed in Table 1 of this report.

Background

One application for financial assistance in accordance with section 356 (1) under Council's 'Retail Water Customer Account Assistance' policy has been received. Details of the application are set out below.

Table 1

Section 356 (non pensioner)						
Account	Meter No.	Date application received	Nature of leak	Original water charges due	S356 financial assistance to be approved	Adjusted water charges due after approval
11932-10000-8	RW1100143	21-Jul-22	Underground leak and was unable to locate the exact location, so replaced all the pipes	\$7,551.90	\$4,641.29	\$2,910.61
Total				\$7,551.90	\$4,641.29	\$2,910.61

Finance

The 2022/23 financial year budget allocation for applications made in accordance with the 'Retail Water Customer Account Assistance' policy is \$25,000.

Budget Table S356/S582		
2022/23 financial year budget	\$25,000.00	<u>No. of applications</u>
S356 assistance approved financial year to date	\$0.00	
S582 assistance approved financial year to date	\$0.00	
S582 assistance approved since last Council meeting	\$0.00	
Proposed S356 assistance approval this Council meeting	\$4,641.29	1
Proposed S582 assistance approval this Council meeting	\$0.00	
Budget remaining 2022/23 financial year	\$20,358.71	

Legal

Section 377(q) of the *Local Government Act 1993* provides that a decision under section 356 to contribute money or otherwise grant financial assistance may not be delegated and that the decision must be made by resolution of Council.

Conclusion The total value of section 356 financial assistance equates to \$ 4,641.29 by application of Council's 'Retail Water Customer Account Assistance' policy. It is proposed that Council grant the recommended financial assistance.

Rous Regional Demand Management Plan 2023-2026

Responsible Officer: Group Manager Planning and Delivery (Andrew Logan)

Recommendation

That Council:

- 1) Endorses the draft Rous Regional Demand Management Plan (2023-2026) attached to this report, for public exhibition for the period 22 August to 9 September 2022 .
- 2) If public submissions are made during the public exhibition period, a report be furnished to Council's October 2022 meeting, including staff comment on how the submissions have been considered, for Council to determine a position on endorsement of the Plan.
- 3) If no public submissions are made during the public exhibition period, the version of the draft Rous Regional Demand Management Plan (2023-2026) placed on public exhibition, is deemed to be adopted by Council.
- 4) Note that constituent councils will be advised in writing once the draft Regional Demand Management Plan is on public exhibition.

Background

The draft Regional Demand Management Plan (RDMP) describes the water supply demand management initiatives to be implemented by Rous County Council (RCC) over the next four years (2023 - 2026). This RDMP builds on the initiatives and successes of demand management actions implemented by RCC since 1995 and aims to continue to deliver comprehensive and effective water conservation programs throughout the Rous supply footprint.

The draft Rous Regional Demand Management Plan (2023-2026) was prepared alongside a separate background document, '*RDMP review and Update - Background Information and Recommended Plan Components*'. The draft Plan includes the proposed demand management actions and budgets for the next four-year term and the background information document provides context to the inclusions and exclusions of the Plan.

The draft Plan proposes a suite of actions that reflect outcomes of the following activities undertaken as part of the Plan's development:

- Consultation and feedback from Rous and constituent councils staff including individual meetings and a workshop involving all organisations.
- Review of the current Regional Demand Management Plan 2019-2022, implementation progress and history – successes, challenges, and opportunities.
- Investigation of best practice demand management initiatives of other water utilities across the east coast.
- Current indicators of demand and losses.
- Investigation of behaviour change applications in demand management.
- Presentation and discussions at the July 2022 Rous County Council Workshop.

The Plan and proposed actions are centred on a voluntary behaviour change approach where our community indicates what they need to be more water efficient and what information and support (and in what forms) will be most helpful to make meaningful change. In essence, helping people to help themselves to bring about change to an aspect of water use that has bothered them - change is achieved when people take actions not because they are consciously trying to reduce water use, but because those actions add convenience to their daily routine.

A copy of the draft Plan and background document is attached for review and consideration by Council.

Actions of the draft Regional Demand Management Plan 2023-2026

The new RDMP includes the following actions:

Residential customer programs.

- New behaviour change pilot incorporating an intensive program focused on residual water use and customer needs.
- Residential Rainwater Tank Rebate Program.

Non-Residential customer programs.

- Expanding the Sustainable Water Partner Program to include both top-order water consuming businesses as well as small to medium businesses.

Data collection, monitoring and reporting.

- Establishing the feasibility of standardising connection types.
- Developing a standard metering policy.

Education and engagement.

- Customer engagement and education programs including a Regional Education Officer position.
- Ongoing communications program including water efficiency messaging through traditional, web and digital media platforms.
- Design of a public water efficiency education space at the Gallans Road site.

Monitoring and evaluation.

- Focus placed on regular communications with the Regional Water Supply Liaison Committee and sharing learnings from each council.
- Sharing of lessons learned for programs and projects led by each individual Council including Water Loss Management Programs and smart-metering investigations, pilots and implementation.

Finance / budget

The budget in the RDMP (2023-2026) is shown in the following table.

Tasks, budget (excl. existing resources) and timing	Year 1: 2023	Year 2: 2024	Year 3: 2025	Year 4: 2026
Residential customer programs				
RES1 - Behaviour change pilot program	\$40,000	\$100,000	\$50,000	\$20,000
RES2 - Residential rebate/incentive program	\$65,000	\$50,000	\$30,000	\$20,000
Non-residential customer programs				
NRES1 - Sustainable water partner program (existing)	\$80,000	-	-	-
NRES2 – Sustainable water partner program pilot program	\$20,000	\$150,000	\$150,000	\$150,000
NRES3 - Audit of council facilities and operations	-	-	\$75,000	-
Data collection, monitoring and reporting				
DMR1 - Standard definitions of connection types	\$35,000	-	-	-
DMR2 - Standard metering policy	\$25,000	-	-	-
DMR3 - Reporting of customer data and consumption	-	-	\$20,000	\$20,000
Education and engagement				
EDU1 - Education and engagement tools	\$40,000	\$35,000	\$35,000	\$35,000
EDU2 - Regional education officer	\$30,000	\$135,000	\$135,000	\$135,000
EDU3 - Education facility	\$20,000	-	-	-
Totals	\$355,000	\$470,000	\$495,000	\$380,000

This budget was adopted by Council at the June 2022 Council meeting.

Consultation

The draft RDMP and supporting document was prepared following stakeholder consultation and engagement. The next stage of this engagement process is to seek feedback from the broader community by taking the Plan to public exhibition.

Conclusion

It is recommended that Council review the Rous Regional Demand Management Plan (2023-2026) and background document, '*RDMP review and Update - Background Information and Recommended Plan Components*' and support both documents going to public exhibition between 22 August – 9 September 2022.

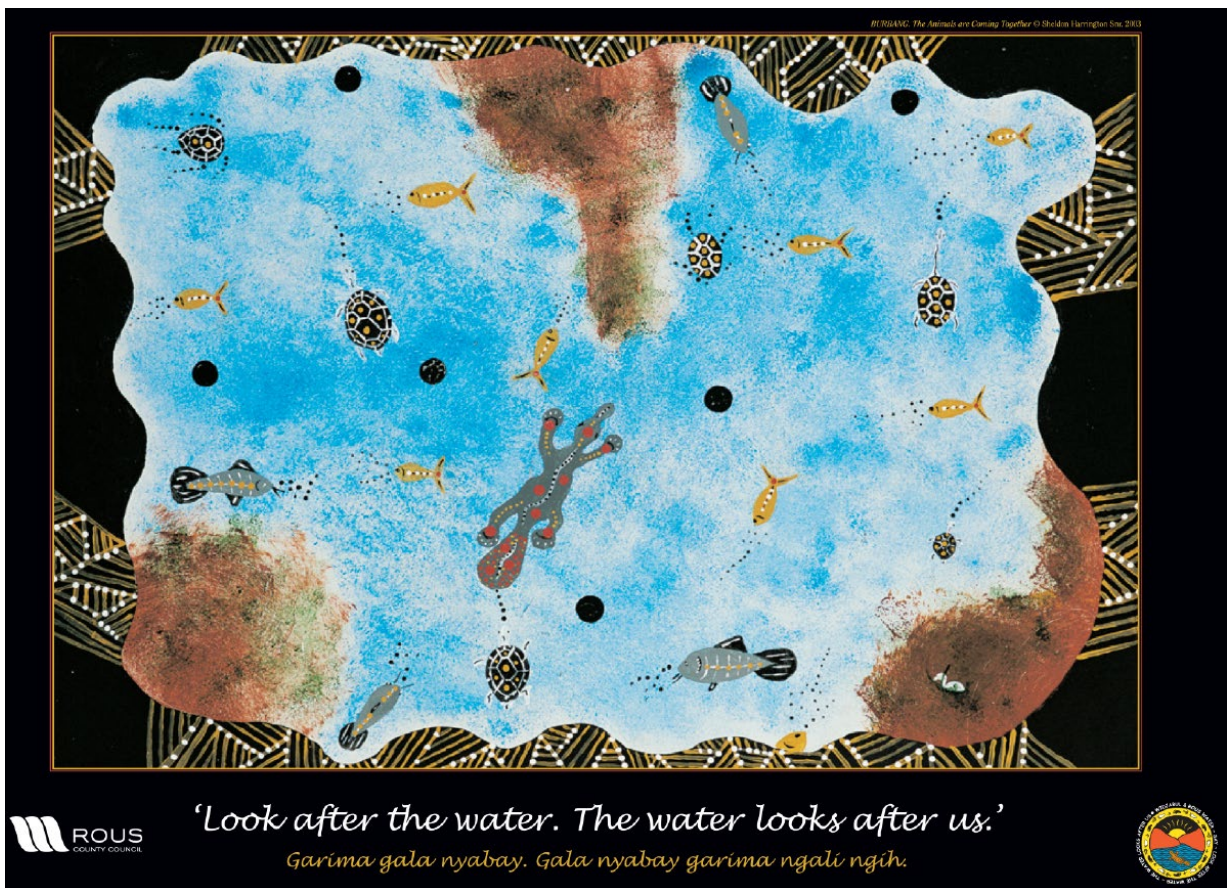
Any feedback following this public exhibition period will be recorded and considered for inclusion in the draft Plan prior to the final draft being presented to Council at the October 2022 meeting.

Attachments

1. Rous Regional Demand Management Plan: 2023-2026
2. Regional Demand Management Plan Review and Update, Background Information and recommended Plan Components (**available via website:** <https://rous.nsw.gov.au/business-papers-and-meeting-minutes>)



Rous Regional Demand Management Plan: 2023 – 2026



Final draft for public exhibition

June 2022

Disclaimer:

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Acknowledgement of Country:

Hydrosphere Consulting acknowledges the Bundjalung peoples, Traditional Custodians of the lands discussed in this report and pay tribute and respect to the Elders both past and present and emerging of the Bundjalung nations.

Cover photo: Widjabul poster - <https://rous.nsw.gov.au/educational-resources>

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**JOB 22-003: DEVELOPMENT OF REGIONAL DEMAND MANAGEMENT PLAN:
ROUS REGIONAL DEMAND MANAGEMENT PLAN**

REV	DESCRIPTION	AUTHORS	REVIEW	APPROVAL	DATE
0	Draft for RCC review	R. Campbell	M. Howland	M. Howland	12 Jan 2022
1	Updated with feedback from RCC and constituent councils	R. Campbell	M. Howland	M. Howland	22 June 2022

EXECUTIVE SUMMARY

This Regional Demand Management Plan (RDMP) describes the water supply demand management initiatives to be implemented by Rous County Council (RCC) over the next four years (2023 - 2026). This RDMP builds on the initiatives and successes of demand management actions implemented by RCC since 1995 and aims to continue to deliver comprehensive and effective water conservation programs throughout the region. The aim of the RDMP is to implement economically, socially and environmentally sound measures to achieve defined outcomes in water efficiency and conservation over the long term.

The RDMP includes a combination of top-down demand management measures and innovative behaviour change components that aim to enhance the success of the plan through a measurable and persistent reduction in water supplied to the region by allowing individuals and households to:

- Create a situation where they are facilitated to choose their own reasons for change.
- Form their own plan for change using both existing and potentially new tools.

The top-down measures and behaviour change components will complement the supply measures adopted in the *Future Water Project 2060*. The objectives of demand management in the region are to reduce normal consumption and average supply requirements and therefore reduce the urgency of water source augmentation. Demand management actions aim to increase awareness of the value of water and level of customer consumption and encourage a change in behaviour to more water efficient practices. Pilot programs will be used to test uncertainties and prove effectiveness of potential new or modified actions. Sufficient resources will be allocated by RCC and the constituent councils to ensure successful outcomes of the RDMP actions and related demand management initiatives.

This RDMP includes the following actions:

- RES: Residential Customer Programs.
- NRES: Non-Residential Customer Programs.
- DMR: Data Collection, Monitoring and Reporting.
- EDU: Education and Engagement.
- RDMP Monitoring and Evaluation.

RCC and the constituent councils will implement a cooperative and positive approach to delivery of this RDMP.

The RDMP actions will require resources and funding for program development, marketing and promotion, data collection and monitoring, implementation of actions and ongoing review. A summary of the expected funding requirements is provided in Table 1.

Monitoring and evaluation are essential tools for the implementation and ongoing improvement of this RDMP. A committee (staff from RCC and the constituent councils) will oversee the plan implementation and ensure the actions specified in the RDMP are completed. The committee will also be responsible for assessing if the plan is meeting its objectives and how best to adapt the plan to incorporate the latest knowledge, experience and technology in a process of continuous improvement. This RDMP will be reviewed and updated in four years (by December 2026).

Table 1: RDMP implementation budget

Tasks, budget (excluding existing resources) and timing	Year 1: 2022/23	Year 2: 2023/24	Year 3: 2024/25	Year 4: 2025/26
Residential customer programs				
RES1 - Behaviour change pilot program	\$40,000	\$100,000	\$50,000	\$20,000
RES2 - Residential rebate/incentive program	\$65,000	\$50,000	\$30,000	\$20,000
Non-residential customer programs				
NRES1 - Sustainable water partner program (existing)	\$80,000	-	-	-
NRES2 – Sustainable water partner program pilot program	\$20,000	\$150,000	\$150,000	\$150,000
NRES3 - Audit of council facilities and operations	-	-	\$75,000	-
Data collection, monitoring and reporting				
DMR1 - Standard definitions of connection types	\$35,000	-	-	-
DMR2 - Standard metering policy	\$25,000	-	-	-
DMR3 - Reporting of customer data and consumption	-	-	\$20,000	\$20,000
Education and engagement				
EDU1 - Education and engagement tools	\$40,000	\$35,000	\$35,000	\$35,000
EDU2 - Regional education officer	\$30,000	\$135,000	\$135,000	\$135,000
EDU3 - Education facility	\$20,000	-	-	-
Totals	\$355,000	\$470,000	\$495,000	\$380,000

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1 INTRODUCTION

1.1 Purpose

At its December 2020 meeting, Rous County Council (RCC) resolved [61/20] to implement an enhanced demand management and water efficiency program that is:

- Based on better defined governance arrangements for RCC across the region.
- Based on evidence-based decision-making.
- Subject to prior, successful pilot testing programs.
- Able to address the issue of demand hardening by providing further water savings over and above those already being achieved through previous demand management initiatives.
- Based on the exploration and identification of innovative methods of engagement with the community on water efficiency and conservation.

This Regional Demand Management Plan (RDMP) describes the water supply demand management initiatives to be implemented by RCC over the next four years (2023 - 2026).

The *Rous Future Water Project 2060* (Hydrosphere Consulting, 2021) identifies new water supply sources to ensure long-term water supply security for the Rous region. RCC remains committed to responsible water use and ongoing initiatives aimed at reducing demand. Ongoing review and update of demand management activities is a key component of the *Future Water Project 2060*. Water demand management in the region is undertaken to support and maintain an effective, flexible and adaptable approach to efficient water use and water supply security.

This RDMP 2023 - 2026 builds on the initiatives and successes of demand management actions implemented by RCC since 1995 and aims to continue to deliver innovative, comprehensive and effective water conservation programs throughout the region. The aim of the RDMP is to implement economically, socially and environmentally sound measures to achieve defined outcomes in water efficiency and conservation over the long term.

1.2 Regional Water Supply

RCC is a special purpose council under the *Local Government Act 1993*. RCC provides bulk potable water to the urban areas of its constituent council local government areas (LGAs):

- Ballina Shire Council, excluding Wardell and surrounds.
- Byron Shire Council, excluding Mullumbimby.
- Lismore City Council, excluding Nimbin.
- Richmond Valley Council, excluding Casino and all land west of Coraki.

RCC also provides water supply services to rural and urban connections direct from the bulk supply trunk main system (RCC retail customers).

The RCC supply network extends from Ocean Shores in the north and Byron Bay in the east, west to Lismore and south to Evans Head (Figure 1). Ballina, Byron, Lismore and Richmond Valley Councils also supply potable water to other towns and villages within their LGAs from their local supplies (Wardell, Mullumbimby, Nimbin and Casino water supplies).

Residential consumption accounts for the majority of potable water supply demand in the region (76% of total demand). Residential connections include single and multi-residential dwellings with varying water efficiency as follows:

- BASIX connections – new and renovated residential properties that have been built under the NSW BASIX building sustainability scheme, where the property includes water efficient fixtures and fittings designed to meet a target reduction in consumption.
- Non-BASIX efficient connections – pre-2005 houses that have installed water efficient fittings and fixtures. This will include households that have accessed historical rebates offered by RCC and the NSW Government.
- Non-BASIX standard connections - pre-2005 houses which, at the time of building were fitted with inefficient water fixtures and have not undergone any renovation or conversion to efficient fixtures.

Non-residential water uses in the region include:

- Commercial/retail including shopping centres.
- Service industries including accommodation providers and restaurants.
- Industrial/processing including food production and processing.
- Health care including hospitals and nursing homes.
- Educational facilities.
- Rural uses including stock watering and irrigation.

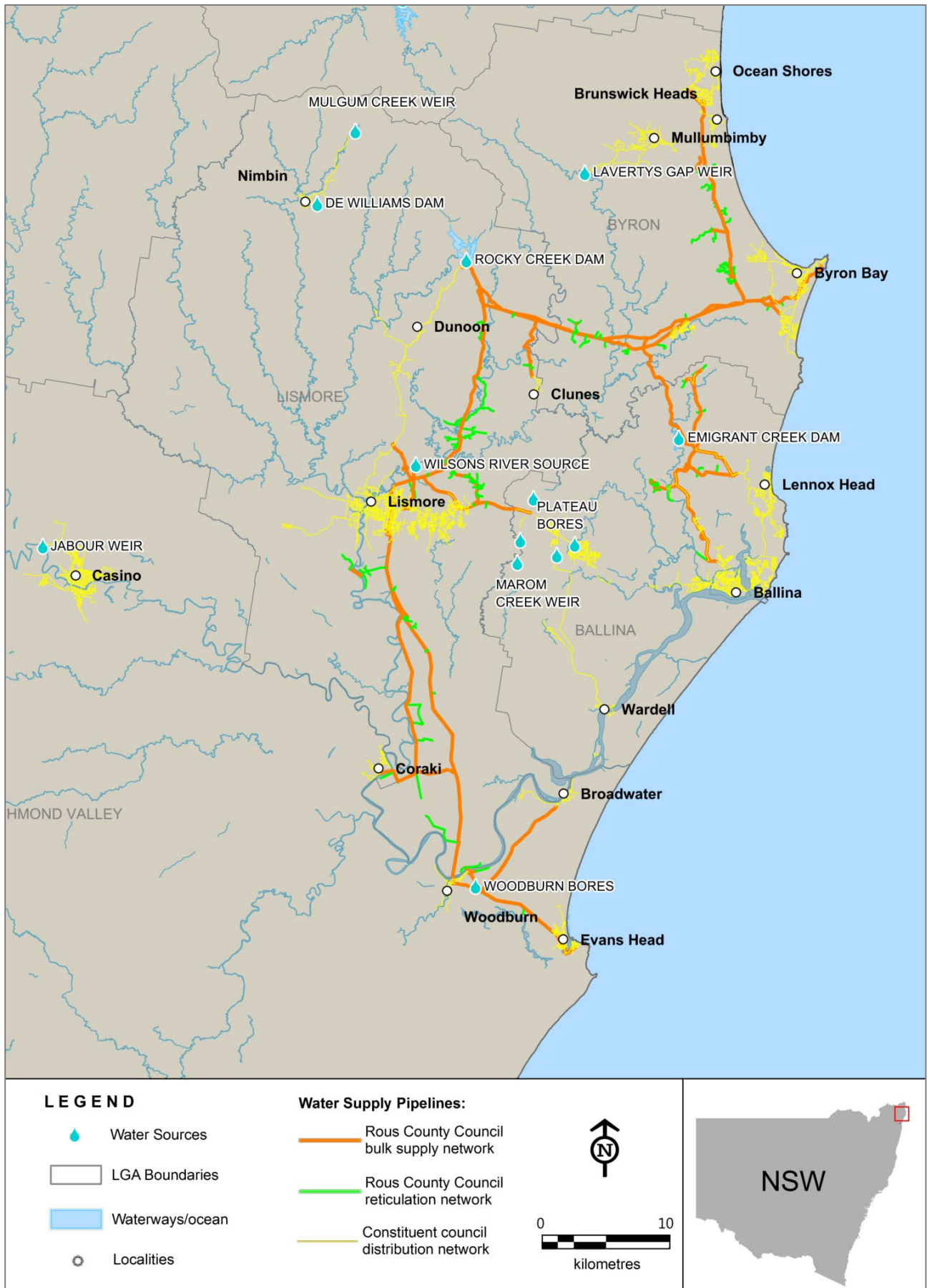


Figure 1: Regional potable water supply systems

1.3 Development of the RDMP 2023 - 2026

This RDMP for 2023 – 2026 was developed through:

- Consultation with RCC and the constituent councils separately and through the Regional Water Supply Agreement Liaison Committee (the Liaison Committee).
- Review of previous RDMP 2019 - 2022 implementation progress.
- Review of the demand management initiatives of other water utilities.
- Consideration of current indicators of demand and losses.
- Investigation of behaviour change applications in water supply demand management.

Background information is provided in a separate report (*Regional Demand Management Plan Review and Update. Background Information and Recommended Plan Components* (Hydrosphere Consulting, 2022) which documents the recommended RDMP components based on the outcomes of the above tasks. The recommendations were provided for consideration by RCC and the constituent councils at a workshop with the Liaison Committee in December 2021. The measures agreed at this workshop have been further developed as actions in this RDMP 2023 - 2026. Not all recommendations have been adopted in the new plan which has been developed considering the available budgets and human resources of RCC and the constituent councils. Multiple recommendations have been combined where appropriate in the design of the actions.

Prior to adoption of this RDMP 2023 - 2026, consultation with RCC councillors was undertaken (via a workshop) and a draft of the plan was provided to constituent council General Managers and key operational staff for review. The draft RDMP 2023 - 2026 was also placed on public exhibition during August/September 2022. Feedback from all stakeholders will be considered in the finalisation of this RDMP.

1.4 Objectives and Focus Areas

Previous demand management initiatives across the region have focussed on top-down measures including:

- Regulation - BASIX (mandatory rainwater tanks or recycled water connections) and standards for plumbing and water-related appliances through the water efficiency labelling scheme (WELS).
- Pricing - water supply tariffs are set by the individual councils to achieve full cost recovery and related best-practice requirements.
- Incentives - rebates for water saving fixtures, fittings, rainwater tanks and recycled water connections.
- Education and marketing - to inform people about the value and scarcity of water and the need for water conservation.
- Technical/engineering approaches - smart meters (limited application within the region to date), low-flow plumbing fixtures, insulation of hot water pipes, low water use irrigation fixtures, less water intensive gardens and alternative water sources.

This RDMP includes a combination of these top-down measures and complementary behaviour change components that aim to enhance the success of the plan through a measurable and persistent reduction in water use in all households in the region by allowing individuals and households to:

- Create a situation where they are facilitated to choose their own reasons for change.
- Form their own plan for change using both existing and potentially new tools.

The top-down measures and behaviour change components will complement the supply measures adopted in the *Future Water Project 2060*. A key driver of this RDMP is the economic benefit of deferring or downsizing new water supply works as much as possible. By reducing total water demand, the costs of building new water supplies and transferring and treating water are reduced and any capital investment required to meet the needs of growing communities may be deferred. An effective demand management strategy also has the potential to achieve reductions in the required capacity of new water supply infrastructure. This RDMP builds on the achievements of past demand management actions towards reducing water demand and deferring the need for new water supply sources.

Demand management programs will also result in environmental, social and economic benefits. The environment benefits from reducing the need for, or lessening the footprint required for water supply infrastructure can reduce the need for extraction from rivers and aquifers leading to increased river flow and improved river health.

An effective demand management program also has a strong community engagement focus. As water demand education and awareness activities promote the uptake of water efficiency measures and highlight water wastage, they also engage the community to be better advocates for water conservation and protection, with the expectation that water is supplied, delivered and used efficiently.

The objectives of demand management in the region are to reduce normal consumption and average supply requirements to reduce the urgency of water source augmentation. Demand management actions aim to increase awareness of the value of water and level of customer consumption. Innovative approaches will be used to improve the success of any actions over time. Pilot programs will be used to test uncertainties and prove effectiveness of potential new or modified actions. Sufficient resources will be allocated by RCC and the constituent councils to ensure successful outcomes of the adopted actions and related demand management initiatives.

The focus areas for this RDMP are:

1. Collection and analysis of detailed demand data - accurate identification of water demand in terms of customer sectors and uses and improved understanding of components of water losses.
2. Pilot programs focusing on changing behaviour of residents to use less water to complement other supply and demand measures and to test the community desire, costs and benefits of future residential retrofit programs for household and external water uses. Residential programs will also be designed to include components which support residents to identify and repair leaks.
3. Customer engagement programs targeting key business sectors, schools, older properties with inefficient fittings and fixtures, household leaks or high-water users with increased customer involvement, understanding and ownership of water efficiency requirements.

In parallel with the RDMP, RCC and the constituent councils will implement effective asset management and strategic planning activities including water loss management programs aimed at reducing water wastage through leakage and to assist with improved understanding of water supply and demand. Smart metering for RCC retail customers, in conjunction with the actions within the water loss management program will also further reduce water loss within the RCC bulk water network and assist RCC's retail customers to better understand water usage and identify leaks. Water supply pricing will be reviewed on an ongoing basis to support the objectives of this RDMP.

1.5 RDMP Actions and Tasks

Appropriate urban water conservation is a required outcome of the NSW Government's Best-Practice Management of Water Supply and Sewerage Framework and the *Water Management Act 2000*. In non-metropolitan areas in NSW, water is supplied by the local water utility (LWU), which in most cases is the local council. Demand management and water conservation measures are implemented by LWUs using a suite of measures usually defined in a Demand Management Plan or in its Integrated Water Cycle Management (IWCM) Strategy. In the Rous region, there are five LWUs (RCC and the four constituent councils). The actions in this RDMP will be coordinated by RCC on behalf of its constituent councils. The actions apply to the Rous regional water supply areas and RCC's retail customers. The actions will also support the constituent councils in the delivery of their local water supplies (Wardell, Mullumbimby, Nimbin and Casino). The constituent councils will develop IWCM Strategies addressing the water supply and demand management needs of their local supplies.

This RDMP includes the following actions:

- RES: Residential Customer Programs.
- NRES: Non-Residential Customer Programs.
- DMR: Data Collection, Monitoring and Reporting.
- EDU: Education and Engagement.
- RDMP Monitoring and Evaluation.

Each action includes the required tasks to be implemented by RCC, budget expenditure and timing. The tasks to be implemented by the constituent councils are also provided. Some tasks will be implemented by existing staff resources and these costs have not been included. RCC's Water Sustainability Officer will be supported by internal and external resources required to implement the RDMP actions. The implementation of the RDMP actions will be a key component of monitoring and evaluation requirements.

1.6 RDMP Coordination

RCC will continue to coordinate:

- Data collection, monitoring and reporting with data provided by the constituent councils as required by the RDMP.
- Non-residential customer programs (the Sustainable Water Partner Program).
- Residential customer programs.

- Regional education and engagement programs.

RCC and the constituent councils will implement a cooperative and positive approach to delivery of this RDMP. RCC and the constituent councils will share information and collaborate at quarterly committee meetings (or as assessed and determined by the Committee). The status of RDMP tasks and data on customers, water supply and consumption will be reported by all councils at the committee meetings with standing agenda items including RDMP progress, demand indicators and sharing of lessons learned on RDMP actions and related demand management initiatives (e.g. water loss management, smart metering and pricing).

2 RESIDENTIAL CUSTOMER PROGRAMS

Based on data reported by the NSW Government, the average residential demand across the Rous region is higher than the NSW median although demand varies between the LGAs. The residential sector is the largest customer group in the regional supply area with approximately 85% of connections and 76% of demand (excluding losses, Hydrosphere Consulting, 2020) and will continue to be a focus of the RDMP.

RCC has subsidised residential plumbing inspection and retrofit/rebates programs between 1997 and 2008 and rainwater tank installation since 2003. The implementation of the WELS for the mandatory labelling of appliances and the BASIX requirements for new developments will continue to increase the market uptake of water efficient fixtures and appliances, particularly rainwater tanks, showerheads and washing machines. The BASIX requirements will address the demand reduction opportunities from rainwater tanks in new developments.

Rebates for rainwater tank installation in existing non-BASIX houses appear to be popular within the community, particularly during dry periods. Although rainwater tank rebates can assist with encouraging water efficiency in non-BASIX houses, many rainwater tanks in the Northern Rivers region were not refilled by rain in the drought of 2019/20. Customers relied on town water supplies during these times. In addition, rainwater tanks installed for internal uses are required to include potable water top-up systems and therefore potable water is used during extended dry periods.

The rainwater tank rebates offered in previous years do not generally provide value for money for RCC (for expenditure of public funds) and there are limited water savings particularly during extended dry periods. Due to the low cost-effectiveness, the rainwater tank rebate will be phased-out over the four-year RDMP and will only be offered to customers within the Rous regional water supply area. The total budget available for the rainwater tanks will be capped each year with applications approved on a first come - first served basis. Modifications to the rebate program will be considered during each annual review of the RDMP. Alternative cost-effective residential customer incentives will be developed during the RDMP implementation. The aim is to provide greater support to households by offering more appropriate incentives to meet their needs.

Pilot programs will be implemented to test the needs and benefits of residential incentive programs. A customised behaviour change program will be designed and implemented for a small sub-set of the residential water supply customers in each of the four LGAs to add to the success of other water supply and demand reduction measures and ensure sustained water efficiency behaviours are identified and supported. The pilot program will be developed using the behaviour change approach with the following objectives:

- To provide effective customer engagement and support.
- To increase community awareness of water sources, water scarcity and usage.
- To increase understanding of the community's perception of water use and tailor future demand management actions accordingly.
- To develop cost effective methods of supporting residential customers to achieve water efficiency.
- To establish baseline consumption and water use behaviour for different household types across the region.
- To support vulnerable or financially disadvantaged customers with older water-intensive products.
- To quantify potential water savings through various program measures.

- To develop targeted future incentive programs.

Background information on behaviour change is provided in *Regional Demand Management Plan Review and Update. Background Information and Recommended Plan Components* (Hydrosphere Consulting, 2022) and additional information on the proposed pilot behaviour change program is provided in Appendix 1.

Existing tools will be used as part of the pilot program and may be adapted as required based on the program findings. This includes the online water saving tool kit and interactive home water calculator, factsheets, information provided on the RCC website and the 160 L Challenge campaign and other tools provided by Smart Approved WaterMark promoting messaging around water conservation, efficiency and water literacy. The pilot program will also determine whether an improved water bill format should be developed (e.g. including detailed information on consumption, comparisons to regional targets and water saving advice) and whether it will be effective in achieving the program objectives. Any modified bill format would be rigorously tested on customers before implementation as part of the pilot program.

As a result of the pilot program, the residential customer program will be modified for inclusion in the next revision of the RDMP to include a broader range of products available through rebates and incentives that reflect the needs of residential customers.

RES: Residential Customer Programs

Tasks, additional budget (excluding existing resources) and timing		Year 1: 2022/23	Year 2: 2023/24	Year 3: 2024/25	Year 4: 2025/26
RES1 - Behaviour change pilot program		\$40,000	\$100,000	\$50,000	\$20,000
RES1.1	Confirm approach to behaviour change pilot program	Initial program design and identification of target groups			
RES1.2	Select behaviour change consultant	Contract awarded			
RES1.3	Develop/adapt tools	Tools identified and developed			
RES1.4	Test ideas and tools in focus groups		Initial focus groups		
RES1.5	Finalise program design		Final program design		
RES1.6	Data collection (program areas and region)		Collect and analyse water use data		
RES1.7	Implement, evaluate and adapt pilot program		Pilot program implemented in each LGA		
RES1.8	Program evaluation				Collect and analyse program data
RES1.9	Detailed analysis and design of future program roll-out				Program evaluation and reporting
<i>RES1 - Constituent council tasks</i>		<i>Initial program design with committee, identifying target groups, meter reading and data provision</i>		<i>Meter reading and data provision, program evaluation.</i>	

Tasks, additional budget (excluding existing resources) and timing		Year 1: 2022/23	Year 2: 2023/24	Year 3: 2024/25	Year 4: 2025/26
RES2 - Residential rebate/incentive program		\$65,000	\$50,000	\$30,000	\$20,000
RES2.1	Implement rainwater tank rebate program within RCC supply area	Rebates provided to regional water supply customers to agreed budget			
RES2.2	Develop future residential rebate and incentive program based on outcomes of pilot program (RES1)				Develop future program

3 NON-RESIDENTIAL CUSTOMER PROGRAMS

This RDMP includes a targeted and broader approach to delivery of the Sustainable Water Partner Program (SWPP) as this expenditure has been cost effective and the program provides valuable customer engagement. Promotion to high water users and specific priority industry sectors will be a focus. The program will be revised to include a broader range of products available through rebates to reflect the needs of non-residential customers.

The objectives of the SWPP are to assist non-residential customers to improve water efficiency and reduce water/sewer bills. The SWPP consists of three parts: water efficiency plans, water efficiency projects and recognition. The SWPP has been modified as follows:

- RCC will identify target business types that are likely to benefit from the program (e.g. “wet” businesses such as laundromats, hairdressers etc. and high-water users such as education facilities, shopping centres, tourist premises, aged care). RCC will promote the SWPP to these target businesses through a pilot program using existing tools established as part of the SWPP. Initially pilot programs will be developed with a subset (e.g. three) of each target business type across the region. The SWPP will be rolled-out to the businesses participating in the pilot program with the aim of refining the SWPP based on the outcomes of the pilot programs.
- Fully funded water savings plans will be available to all businesses included in the pilot program.
- Rebates for water saving projects identified in the water savings plans developed through the pilot program will be funded (50% of the cost of each approved project) to a maximum of \$15,000 per business. The range of water saving projects eligible for funding will be expanded to include all water efficient products certified by Smart Approved WaterMark and through the WELS program ([Products - Smart Approved WaterMark \(smartwatermark.org\)](#)). RCC will continue to promote recycled water usage where available as part of the SWPP pilot program with rebates for recycled water connections that replace potable water use.
- Mechanisms for ongoing monitoring and engagement will be developed with each participating customer as part of the SWPP pilot program to measure the success of SWPP initiatives.
- The SWPP will continue in its current form for high water users (>5 ML/a) for year 1 of the RDMP in parallel with the establishment of the pilot program and the program will remain available to high water users over years 2 – 4 of the RDMP.
- The total budget available for the SWPP will be capped each year with applications approved on a first come - first served basis.

Based on the findings of the pilot program, the SWPP will be modified as required for implementation in future.

Non-residential incentive schemes will also be developed and implemented by each constituent council for high water users (non-residential customers) in the local supply areas through strategic planning (e.g. IWCM Strategy development), utilising the tools and experience of the RCC SWPP.

RCC and the constituent councils will audit council premises (including public pools, office buildings, depots, open space irrigation and tourist facilities) and operations (e.g. water infrastructure maintenance and council

roadworks) to identify potential improvements to water efficiency, showcase projects, demonstrate leadership and encourage customer water efficiency.

NRES: Non-Residential Customer Programs

Tasks, additional budget (excluding existing resources) and timing		Year 1: 2022/23	Year 2: 2023/24	Year 3: 2024/25	Year 4: 2025/26
NRES1 - Sustainable Water Partner Program (existing)		\$80,000			
NRES1.1	Continue to implement the SWPP targeting non-residential customers using > 5 ML/a (using current SWPP tools)	SWPP implementation			
<i>NRES2 - Constituent council tasks</i>		<i>Meter reading and data provision</i>			
NRES2 – Non-residential customer pilot program		\$20,000	\$150,000	\$150,000	\$150,000
NRES2.1	Identify target non-residential customers for pilot program	Initial program design and identification of target business groups			
NRES2.2	Develop/adapt tools	Tools identified and developed			
NRES2.3	Implement, evaluate and adapt pilot program		Pilot program implemented		
NRES2.4	Program evaluation		Collect and analyse program data		
NRES2.5	Detailed analysis and design of future program roll-out				Program evaluation and reporting
<i>NRES2 - Constituent council tasks</i>		<i>Initial program design with committee, identifying target groups, meter reading and data provision</i>	<i>Meter reading and data provision, program evaluation, identify potential projects in local supply areas</i>		

Tasks, additional budget (excluding existing resources) and timing		Year 1: 2022/23	Year 2: 2023/24	Year 3: 2024/25	Year 4: 2025/26
NRES3 - Audit of council facilities and operations				\$75,000	-
NRES3.1	Identify facilities and operations for audit			Facilities and operations identified	
NRES3.2	Audit of RCC and constituent council facilities and operations			Audits completed	
NRES3.3	Identify water saving projects				Potential water saving projects identified
<i>NRES3 - Constituent council tasks</i>				<i>Identify and provide access to facilities, meter reading and data provision</i>	

4 DATA COLLECTION, MONITORING AND REPORTING

Currently, monitoring and evaluation of demand management indicators and initiatives is primarily undertaken as part of RCC and constituent council business management reporting. The limitations with current demand reporting include:

- Inconsistencies between reporting of customer numbers and demand of the different councils.
- Inadequacies in billing systems which do not allow accurate and efficient reporting of customer numbers, connection types and hence detailed analysis of customer demand.
- Informal and irregular reporting systems.

There is an ongoing need for improved data collection, evaluation and reporting to implement an effective demand management program and provide meaningful information on the results achieved. All actions in this RDMP rely on accurate data to develop and communicate benchmarks and targets to the councils and customers as well as predict future demand. The focus of the actions is the development of a more accurate demand profile by customer types and the improvement of monitoring, evaluation and reporting mechanisms.

Improved data collection and analysis of all components of the water balance is required with improved systems to capture data. Once implemented, smart metering will assist RCC to provide near real - time data on the consumption of retail customers (Section 6.2). The water loss management programs to be implemented by RCC and by the constituent councils will include bulk flow metering to enable reporting of water supply in each service area/zone (Section 6). Further development of monitoring and evaluation programs is required to develop a greater understanding of the components of the water supply as well as the impact of demand management programs on residential and non-residential demand over time. This will consider the dynamics of the demand profile and other factors influencing demand trends such as climate, household composition, community attitude, water conservation behaviours and the level of water efficiency adopted within the community.

Water consumption data and number of connections from each LWU is required to enable per connection consumption-based reporting of water use within the region. While practices and categories vary between the councils, water supply customers are currently categorised primarily for billing purposes based on the meter characteristics. Current differences in defining connections make calculation and comparisons of water consumption across the region difficult. A consistent definition of connection types across all LGAs and consistent reporting of water consumption within these types is required to provide comparable and useful data. The councils will work together to develop and implement standardised definitions of connection types to ensure consistency across the region. Data from the residential and non-residential pilot programs (RES1 and NRES2) will assist with establishing baseline consumption and water use behaviour for the participating customers.

The objectives of monitoring and reporting are:

- To ensure timely, accurate and consistent reporting to assist with ongoing RDMP development and evaluation.

- To ensure consistency with existing reporting requirements and avoid duplication or additional reporting.
- Reporting of information on consumption to consumers on an ongoing basis.

As part of this RDMP, the councils will develop mechanisms to collect standardised data and a reporting program in accordance with the best-practice requirements to incorporate customer and consumption-based reports that include:

- Number of connections by customer/connection type.
- Number and type of connections with alternative water supplies.
- Number and type of connections with smart meters.
- Bulk water production by service area/zone (once data are available through district metering implemented as part of the water loss management program - Section 6).
- Total consumption by connection type in each service area/zone.

The councils will also work together to develop and implement a standardised metering policy across the region to assist with monitoring and reporting, particularly the demand of multi-unit residential and non-residential properties and rural connections and provide information on ownership and responsibilities. Separate metering of all existing multi-unit properties as required by best-practice may not be cost-effective. However, there is a need to understand the number of multi-residential and multi non-residential properties to better understand the demand of these properties and to implement actions relating to individual customers. RCC will implement smart metering for all retail customers as discussed in Section 6.2.

Regional demand forecasts will be updated in accordance with the *Rous Future Water Project 2060* actions with more accurate data collected through the RDMP implementation.

DMR: Data Collection, Monitoring and Reporting

Tasks, additional budget (excluding existing resources) and timing		Year 1: 2022/23	Year 2: 2023/24	Year 3: 2024/25	Year 4: 2025/26
DMR1 - Standard definitions of connection types		\$35,000	-		
DMR1.1	Review existing customer management systems and if feasible, develop consistent definitions of connection types across the region and identify required system modifications for each council.	Agreed definitions and systems to be implemented			
DMR1.2	Implement system modifications (RCC retail customer management system)		RCC retail customers are classified in accordance with agreed system.		
<i>DMR 1 - Constituent council tasks</i>		<i>Provide information and resources to assist with review, share knowledge and lessons learned</i>	<i>Implement agreed system within regional and local water supply areas</i>		
DMR2 - Standard metering policy		\$25,000			
DMR2.1	Review existing customer metering for all five councils, identify objectives and constraints, develop consistent policy for customer metering across the region.	Policy developed			
<i>DMR2 - Constituent council tasks</i>		<i>Provide information and resources to assist with review, share knowledge and lessons learned</i>	<i>Implement agreed policy within water supply areas</i>		

Tasks, additional budget (excluding existing resources) and timing		Year 1: 2022/23	Year 2: 2023/24	Year 3: 2024/25	Year 4: 2025/26
DMR3 - Reporting of customer data and consumption		-	-	\$20,000	\$20,000
DMR3.1	Provide data on retail customers and metered demand, bulk water supplied to constituent councils and bulk supply system losses	Quarterly data collection and bi-annual reporting			
DMR3.2	Develop standardised reporting of water balance data based on customer management system modifications (DMR1), smart metering and bulk flow metering to be applied across the region (through water loss management programs)			Water balance reporting procedure developed	
DMR3.3	Develop appropriate water loss indicators and targets			Indicators and targets developed	
DMR3.4	Reporting of water supply in each bulk supply service area/zone			Quarterly data collection and bi-annual reporting in accordance with reporting procedure and targets	
<i>DMR3 - Constituent council tasks</i>		<i>Provide quarterly data on customers and demand</i>		<i>Provide quarterly data on customers and demand in accordance with improved customer management system, bulk flow metering and reporting procedure</i>	
DMR4 - Monitoring of RDMP action status		-	-	-	-
DMR4.1	RDMP action status reported through committee	Quarterly meetings	Quarterly meetings	Quarterly meetings	Quarterly meetings
DMR4.2	Annual review of RDMP	Annual review	Annual review	Annual review	Annual review
DMR4.3	Progress reporting to Council	Bi-annual	Bi-annual	Bi-annual	Bi-annual
<i>DMR4 - Constituent council tasks</i>		<i>Provide data as required by RDMP actions, provide feedback on implementation of related activities (e.g. water loss management and smart metering), share knowledge and lessons learned</i>			

5 EDUCATION AND ENGAGEMENT

Education and engagement will continue to be a key focus of the RDMP to improve the success of other demand management measures, increase water literacy and encourage water efficient behaviour.

Education activities are directly linked to the customer engagement programs, encouraging and supporting water efficient behaviours. Education components will be designed to reach all customer sectors. The information available to customers (e.g. through websites, customer service centres and bill inserts) will be reviewed and updated regularly with links to consistent centralised information and outcomes of the residential and non-residential pilot programs (RES1 and NRES2). RCC will continue to subscribe to Smart Approved WaterMark (Smart Water Advice - Smart Approved WaterMark (smartwatermark.org)) collateral and resources. Other cost-effective methods will include the use of social media for information dissemination.

General education activities will include materials targeting households, non-residential customers and high residential and non-residential users as part of other RDMP programs. Education and engagement tools will be developed through the residential customer program (RES1 - behaviour change pilot program) and the non-residential customer program (NRES2 - SWPP pilot program) based on the identified needs of customers. Education activities will also include tourism accommodation providers and facilities as part of the non-residential customer program (NRES2 - SWPP pilot program) to target the large number of visitors to the region.

A regional resource for delivery of water cycle education programs will be developed and implemented including catchment health, water supply, wastewater management and stormwater management initially targeting schools but also wider community education. As school students are the customers of the future and can encourage water efficiency in the home, a targeted and well-resourced education program for primary and secondary schools will be developed and delivered directly by internal staff. This resource will utilise existing learning resources and tools including the augmented reality sandpit and catchment trailer and facility tours. RCC will prepare a concept design for the incorporation of a water engagement and education facility as part of the provision of broader engagement and education activities at RCC's consolidated operating site in Ballina.

Ongoing sustainable and sensible water use will continue to be promoted through voluntary permanent water conservation measures as Level 0 in the RCC drought restriction policy. This will assist with promoting sensible water use and support other program measures.

EDU: Education and Engagement

Tasks, additional budget (excluding existing resources) and timing		Year 1: 2022/23	Year 2: 2023/24	Year 3: 2024/25	Year 4: 2025/26
EDU1 - Education and engagement tools		\$40,000	\$35,000	\$35,000	\$35,000
EDU1.1	Review and update education and engagement tools	Ongoing review and update			
<i>EDU1 - Constituent council tasks</i>		<i>Provide links to tools provided by RCC</i>			
EDU2 - Regional education officer		\$30,000	\$135,000	\$135,000	\$135,000
EDU2.1	Define role and responsibilities of education officer	Roles and responsibilities defined			
EDU2.2	Recruitment	Education officer recruited			
EDU2.3	Regional education program		Regional education program developed and implemented		
<i>EDU2 - Constituent council tasks</i>		<i>Define roles and responsibilities through committee</i>			
EDU3 - Investigate feasibility of education facility		\$20,000	-	-	-
EDU3.1	Prepare a concept design which incorporates water education as part of RCC's consolidated operating sites.	Feasibility study			

6 RELATED DEMAND MANAGEMENT INITIATIVES

6.1 Water Loss Management

Water loss management is a critical component of demand reduction and current levels of losses are high. Water loss reduction will be a focus of RCC and constituent council asset management activities implemented separately to this RDMP.

A Water Loss Management Plan (WLMP) was developed for RCC in August 2019 (Detection Services Pty Ltd., 2019). Previous water loss reduction actions have resulted in significant improvement in the levels of losses within the bulk supply network. Further investment in bulk flow metering and data loggers, pressure management and active leak detection repair and evaluation will further reduce water losses. The capture of data on flow and pressure within the bulk supply system will also be improved through data loggers and telemetry. A comprehensive water loss program was adopted by RCC at its December 2020 meeting [61/20] for implementation over four years. A budget of \$1.9 million has been committed for implementation of the RCC water loss program.

Each constituent council will also implement a water loss management program building on existing programs and infrastructure already installed. Water loss management programs will be developed through strategic planning (e.g. IWCM Strategy development) and implemented by each constituent council. This will include data collection and water loss analysis, district flow metering and data analysis, pressure management, active leak identification, timely leak repairs and asset management.

RCC and the constituent councils will provide sufficient resources to implement their water loss management programs and set targets based on best-practice indicators (DMR3.3) and timeframes for water loss reduction.

6.2 Smart Metering

Currently, manual reading of customer water meters is undertaken for most of the Rous region on a quarterly basis. While this may be adequate for billing requirements it provides limited information on actual water use behaviour and leakage. In most areas, customer meters are remote or difficult to access and remote meter reading is employed in these areas.

As there is considerable benefit expected to result from smart metering, including synergies with other RDMP objectives/actions as well as interest from customers, smart metering will be a focus of RCC asset management activities to be implemented separately to this RDMP. A smart metering project has been developed for RCC's retail customers with an implementation period of two years. Given the distribution of RCC's customers across much of the region, there are likely to be efficiencies in collaboration with the constituent councils. Background information on smart metering is provided in *Regional Demand Management Plan Review and Update. Background Information and Recommended Plan Components* (Hydrosphere Consulting, 2022) and further information on the RCC smart metering program is provided in Appendix 1.

6.3 Water Supply Pricing

There are strong links between water supply pricing and water usage. Water supply tariffs are set by the individual councils to achieve full cost recovery and related best-practice requirements (metering with user - pays volumetric pricing, two-part tariff and stepped price increase for high water consuming residential customers).

RCC's bulk water sales revenue from the constituent councils and direct retail customers is calculated on the gross dollar yield required to fund bulk water supply activities. The constituent council contributions to the required revenue are calculated based on prior year consumption. This bulk pricing structure does not support water efficiency measures as there is no direct signal to customers related to consumption and no incentive for the constituent councils to reduce overall consumption or water losses.

Water supply pricing is likely to be a highly effective demand management tool but will be addressed separately to this RDMP as part of each council's financial planning. RCC will review the bulk pricing structure in consultation with the constituent councils considering options to support demand reduction signals and other demand management measures such as water loss reduction. In 2022/23, RCC will explore different models for bulk and retail supply pricing with the main aim of linking pricing to sales and hence provide a water conservation signal that the constituent councils and RCC could pass on to their customers.

The constituent councils will continue to set a pricing structure that encourages demand reduction and supports the initiatives in the RDMP. Increased usage charges will be considered as the councils with high consumption charges generally have lower demand per customer.

7 RDMP MONITORING AND EVALUATION

Monitoring and evaluation are essential tools for the implementation and ongoing improvement of this RDMP. A committee will oversee the plan implementation and ensure the actions specified in the RDMP are completed (Section 1.6). The committee will also be responsible for assessing if the plan is meeting its objectives and how best to adapt the plan to incorporate the latest knowledge, experience and technology in a process of continuous improvement.

Success of the RDMP will be gauged through ongoing reporting of action implementation (including timing and completeness) as required by DMR4. Annual review of this RDMP (for the previous financial year activities) will be undertaken by September 30 of each year and will include:

- A review of demand data.
- An evaluation of the completeness and effectiveness of RDMP actions.
- Feedback from the customers and the constituent councils.
- An assessment of the impact of RDMP actions on RCC and the constituent councils in terms of costs, resourcing and operations.

Based on the results of the annual reviews, the RDMP may be revised to address any identified issues.

This RDMP will be reviewed in four years (by December 2026).

Demand targets (e.g. consumption for various customer groups, water loss indicators etc.) will be developed over the long-term once meaningful data are available through the implementation of the data collection actions in this RDMP. The next version of the plan (2027-2030) will rely on more accurate data and will include targets and key performance indicators.

REFERENCES

Detection Services Pty Ltd (2019) *Rous County Council Water Loss Management Plan*. August 2019, V2.

Hydrosphere Consulting (2020c) *Rous County Council Bulk Water Supply - Demand Forecast: 2020 - 2060*, October 2020.

Hydrosphere Consulting (2021a) *Rous Regional Supply: Future Water Project 2060, Integrated Water Cycle Management Strategy*, July 2021.

Hydrosphere Consulting (2022) *Regional Demand Management Plan Review and Update. Background Information and Recommended Plan Components*, February 2022.

APPENDIX 1 BEHAVIOUR CHANGE PILOT PROGRAM

Behaviour Change Pilot Program

Detailed information on behaviour change practice and investigations undertaken as part of the development of the RDMP is provided in *Regional Demand Management Plan Review and Update. Background Information and Recommended Plan Components* (Hydrosphere Consulting, 2022). An outline of the proposed methodology for the residential behaviour change pilot program is provided below.

Aims

The aim of a behaviour change program is to change the behaviour of residents to use less water and achieve a target (say 160 L/person/day) in the participating households in the first instance. Later in the staged approach, this target would be for the whole region. A target may also be reducing water loss (leakage). The voluntary behaviour change approach will be implemented in parallel with the current supply and top-down measures implemented across the region which will continue to play an important role. The voluntary behaviour change approach uses an individual's goals and drivers to 'help people to help themselves' which will complement these supply and top-down measures. Once the behaviour change approach is implemented, the infrastructure measures will be easier for people to understand and the right balance of top-down measures will also be easier to implement.

Staged Approach

A strategy that involves implementing, evaluating, learning and adapting includes defining outcome measures and the method of evaluation (impact vs process) and exploring opportunities where 'uncertainty' and 'flexibility' are embraced. This will reduce risk in future resource allocation and decision-making and scaling up will be easier when appropriate (Figure 2). By adapting and being flexible in the first stage of implementation, uncertainty will reduce over time making resource allocation more reliable. Similarly, flexibility can reduce over time because there will be more knowledge about the way the initiative fits the application.

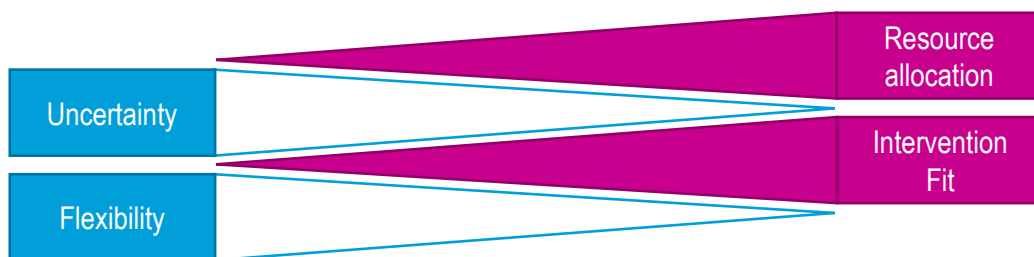


Figure 2: The benefit of the implement, evaluate, learn and adapt process

A pilot program will be used as a staged framework for larger programs or initiatives to be implemented after the conclusion of the 2023 - 2026 RDMP.

Program development

The following principles will be used to develop the voluntary behaviour change approach and ideally achieve sustained change:

- A co-design approach where the councils and customers collaborate to design a program. A co-design approach is one where people who will use a particular service or product are involved in the design of that service or product. This means that the design of the package of measures and the

way they are introduced needs to include the key stakeholders (RCC, the constituent councils) as well as the residents who will be targeted. The focus groups and discussions with the councils suggests that there are sufficient differences between council areas (and residents) that this process should be undertaken in each council area separately. After an initial approach has been planned, the focus group will be used in each of the target areas to help refine the details of the intervention and the likely tools that will be needed to assist long-term change.

- An approach based on 'implement, evaluate, learn and adapt' to ensure that the program has maximised water reduction results in both the short and long term.
- A program of individual conversations with individuals and households about their water use, complemented by available tools and information to assist them with change.

Tools

A tool is anything that assists a person or household to make a change:

- Information e.g. the impact of water losses in a household, how to detect leaks, how much water is used in a shower (can be delivered on paper or via specific links to a website). Information will be specific to the needs of the person (i.e. if they want to understand how much water is used in the shower, they do not need large amounts of information on other issues).
- Services e.g. water use audits.
- Technology e.g. smart metering, low flow shower heads.

Existing resources and potentially new/adapted tools will be used. Existing information is available on the council websites e.g. water saving tips. Branding of these tools will consider the best approach to reflect local conditions which will be tested during the focus group sessions. The current format of water bills as a change mechanism will also be tested during the initial program setup.

Target groups

Since the aim is to start with a small study, modify as needed, and then roll it out across the wider region, each LWU will nominate a small, clearly defined target group of households. Ideally this group has some type of social interaction so that behaviour can be reinforced by 'trusted others' rather than only the program's representatives. Examples might be:

- Working with particular groups to involve First Nations communities (e.g. local Aboriginal land councils or corporations). The approach needs to be tailored to the community.
- Choosing an interactive community group such as:
 - A club (e.g. Rotary).
 - An over-50s community/estate.
 - A school community.
 - People associated with a community centre.

The target group could be of any size, but ideally should involve at least 50 - 100 households so that sufficient data is obtained to measure the success of the program. In each case the target should include all people in the nominated group, not a sub-sample. Where possible, a control group should also be selected.

Some initiatives might be run together with local groups or community activities, while others might fit in with state programs which can produce funding opportunities or implementation savings. Examples of potential partners could include:

- Garden centres who can provide waterwise plant and soil advice.
- Existing garden education programs.
- Community support programs e.g. Anglicare. These groups are likely to encourage the development of tools to support their clients.
- Organisations where language and culture could be used as a conduit for changing water use behaviours.
- Local schools in the target area.
- Existing RCC and constituent council Aboriginal advisory groups.

Program components

Once the target group has been selected, the following steps are involved:

- Group discussions to determine the best initial approach - these would take the form of discussions with the leader to get their recommendations on how to have conversations with all households in the group but would also include a focus group in each council area and some short informal conversations with target people to check that the approach is likely to succeed. Note that more than one approach could be needed. Recruiting at least one person from a household might be undertaken by letter, visits, attendance at a meeting, a social media group, phone or something else suggested by the group.
- An initial approach to let people know about the program - the initial approach will simply alert the person/household that there is a program and that their household has been targeted and that they will be approached or can approach someone to be involved. The wording of this approach would be tested to be sure that the message received is the one intended.
- Initial measurement of water use at the target households - measurement of water use over time (e.g. per month) and calculated as a daily average will be undertaken for each household in the target group.
- Initial conversation with one person from each target household beginning with a short survey about appliances, water use and awareness and followed by a discussion about their ideas on change (e.g. 'things they want to change by have not got around to'), tools required and process of change for their household.
- Feedback given to the household in a form decided on at the outset of the program. At the end of the conversation participants would be told that they will receive feedback on their water use before and after the conversation, compared to other people in their group so that they can see the effects of the changes they make.

- At least one, but preferably two follow-up conversations to discuss the feedback, listen for any further changes they would like to make and offer any further tools for ongoing change.
- At the end of the coaching/conversation phase, participants would receive feedback on the overall achievements of the program in their area.

A region-wide survey to establish specific barriers and enablers for change will not be undertaken in the current program for several reasons:

- An individual approach will be adopted where barriers and enablers are explored at an individual or household level.
- It is very easy to get biased results from a survey due to insufficient or biased sampling.
- Region-wide results are not always directly relevant to the target groups.

Data requirements

For each household in the target area data would be collected including:

- Number of people in the household.
- Household and related outdoor characteristics (garden, pool, lawn etc.)
- Water use for a nominated period - for simplicity, this period could be quarterly to match meter readings but extra reads can be undertaken to provide a more rigorous analysis.
- Ideally water use for previous years at that household would be compared so that seasonal variation could be accounted for.

The measurement of water use has two purposes - monitoring the success of the program and making it possible to give participants feedback on their own water use and to compare it to others in their region. Measurement will be recorded before the commencement of the program, during its implementation and after. Ideally, these details should be obtained for all households in the target area (whether they participate or not) so that good forecasts for a roll-out program are available. It is important that measurement of water use by households (and per person) is robust to provide:

- A reporting mechanism to clearly show the impact of the program.
- Feedback to participating households (their own water use compared to others in the region).
- Comparisons of water use on bills in language that is easily understood.

During the program water use will be provided for each participating household on a regular basis. This will enable them to understand where they are using water and the impacts of the changes they are making. During and following the completion of the pilot program, measurement will continue in the same way and data will also be provided to participants on an ongoing basis.

Marketing and communications

A marketing and communications program will be developed to ensure that the program is clearly understood. Messages will be catchy and rigorous testing will be done to show that people understand what changes are required and can easily act on them. A brand will be developed and tested in the focus groups.

The skills of the council communications teams will be combined with simple and cost-efficient tools to develop an easily understood message/branding.

It is recommended that for the four years of the RDMP (2023 – 2026) the focus is on testing existing marketing tools (e.g. Facebook and websites). There are two key ways to use these media:

- Providing information (people participating in the program can be directed to a Facebook or website link that provides with local information relevant to their council area).
- Providing an outlet for stories. Participants can use a Facebook group to share stories of how they have changed, often promoting much greater change than can be achieved through larger scale approaches.

The reactions of participants will be closely monitored in the pilot program with minor changes made if needed to facilitate greater change.

Reporting

Following the completion of the pilot program, all data will be evaluated and recommendations will be provided for consideration in the future roll-out of the program outcomes across the region (including rebates, incentives, marketing, engagement and other tools).

APPENDIX 2 RCC SMART METERING INITIATIVE

RCC Smart Metering Initiative

RCC is planning to roll out smart metering across its retail water customers in 2022/23. This will provide these customers with a platform that can provide more timely data and customisable updates and alerts about water usage and leakage events. Customer awareness and engagement programs related to increasing familiarity with the use of new mobile applications and other tools will be implemented during 2023/24, with the aim of empowering customers to inform themselves with more timely water use data and be in a better position to understand their own water use patterns, cost implications, and respond more effectively to water leakage events on their property.

A smart metering pilot project was undertaken through 2014 to 2017 with ten businesses who were considered high water users (greater than 5ML/a). The project was successful in obtaining water savings of between 10 to 15% for those businesses who were adequately engaged and motivated.

The previous RDMP 2019 - 2022 proposed a study to be undertaken in 2018/19 to review technologies and suppliers for smart metering infrastructure and software. That RDMP contemplated developing a business case for the roll-out of smart metering across the region. During this period, two constituent councils have proceeded with trials of smart metering, but all have remained open to the option of shared implementation components across a broader regional approach if an opportunity to do that arises. Whilst this may not result in a fully cohesive regional smart meter solution envisaged as an option in earlier issues of the RDMP, it may still involve some shared procurement activity, use of similar platforms, and at the very least, knowledge sharing of implementation experiences between RCC and the constituent councils.

A smart metering project has been developed for RCC's retail customers with a total budget estimate project cost of \$1.1 million and an implementation period of two years. A Project Manager was engaged by RCC in late 2021. Analysis of system requirements commenced immediately and information sharing with the constituent councils on the project, approach and timeline occurred prior to the end of 2021. Specification development will occur early in the 2022 calendar year and include an emphasis on coordinating with constituent councils to identify any opportunity to benefit from involvement in the RCC smart meter roll out.

The RCC project also has a side constraint related to the existing "walk by / drive by" wireless metering arrangements (including field data collection hand-held devices and back-office software functionality) no longer being supported by the original supplier. Failure of these legacy systems without support could impose a requirement for RCC to revert to manual reading until the new smart meter installations are operational. Minimising this risk is a significant driver in the overall RCC smart meter project timeline and for this reason, options for extending the Rous smart meter roll-out to other constituent councils will need to be undertaken in such a way that RCC's implementation roll-out is not significantly delayed.

Despite this, RCC envisages that with timely and responsive interactions between RCC and the constituent councils, particularly in 2022, options such as a common procurement process, shared evaluation of suppliers and staged multi-client implementations under a single head supply contract of multiple parts are all possible mechanisms for the constituent councils to benefit from the RCC implementation without the project timeline being unduly delayed.

Given the distribution of Rous's customers across much of the region, there are likely to be efficiencies in sharing communication infrastructure (at a minimum) if the constituent council chooses to join in that area. Further to the smart metering project, a project with Richmond Valley Council has been identified to extend

the smart metering installation to Woodburn and surrounding areas to better inform planned bulk water main augmentation within the area. The demand and consumption data that would come from this project would better inform this augmentation and may allow the deferral of the augmentation for several years.

Smart metering for RCC retail customers, in conjunction with the actions within the WLMP, represent the best value for money opportunities to further reduce water loss within the RCC bulk water network.

Improving the engagement of RCC customers with their water usage and related costs, through provision of better tools (mobile applications, customisable alerts and data), secure platforms supporting more timely data capture and customer messaging related to these improvements, remains the prime driver for the RCC smart metering initiative.

Supply of backflow prevention devices

Responsible Officer: Group Manager Planning and Delivery (Andrew Logan)

Recommendation

That Council:

1. Accept the tender submitted by Australian Valve Group Pty Ltd for a contract lump sum price of \$261,293.41 incl. GST for the supply of backflow prevention devices.
2. Approve an additional \$25,000 (incl. GST) as a contingency amount.

Background

Rous County Council, at its meeting of 21 October 2021, resolved to adopt a revised 'Backflow Prevention' policy [Resolution 52/21] which required the implementation of testable backflow prevention devices (TBPD) on all medium and high hazard retail water customers on the Rous water supply network.

Council approved a budget of \$1,250,000 funded from the Retail Fund, for the implementation of the backflow program. Part of this budget was for the supply and installation of 1,755 devices at an estimated cost of \$555 each (\$975,000). As noted in the October 2021 Council report, the installation of the backflow prevention devices was to be undertaken in parallel with the smart metering program, to reduce installation costs.

Council staff have since identified that the preferred procurement strategy for the backflow prevention devices was for a supply only contract to ensure the selected device met Council's specification and to avoid additional margins being placed on the cost of the devices if they were part of the smart metering contract. The devices will be free issued to the smart metering installation contractor.

The total number of devices to be purchased was further refined to 1,615 based on the criteria in the revised 'Backflow Prevention' policy with additional allowance for spare devices to be placed into inventory.

Tender

Tenders to supply 1615 backflow prevention devices (Rous County Council Contract No D22-6979) were called using the open tendering method. The scope of works in the tender is to supply 1615 backflow prevention devices (1540 x 20mm devices, 68 x 25mm devices and 7 x 32mm devices) delivered to the Rous County Council Depot at Gallans Road, Ballina.

Tenders were called on 2 June 2022 using the Tenderlink website and closed on 24 June 2022. At the close of tender, five tenders had been received as summarised in the table below.

Tenderer	A.B.N.	Tender Amount	Assessed Tender Amount ¹	Total Score ²	Recommended Tender Amount ^{3,4}
Australian Valve Group Pty Ltd	89 068 227 270	\$260,222.33	\$263,222.33	94.12	\$261,293.41
Cadia Group Pty Ltd	36 165 578 156	\$333,738.90	\$336,738.90	78.20	

Tenderer	A.B.N.	Tender Amount	Assessed Tender Amount ¹	Total Score ²	Recommended Tender Amount ^{3,4}
Emerson Automation Solutions Final Control Australia Pty Ltd	83 000 922 690	\$477,148.62	\$480,148.62	54.77	
Reliance Worldwide Corporation (Aust.) Pty Ltd	71 004 784 301	\$469,992.38	\$469,992.38	26.27	
S&J Property Trust / AF / SBH Enterprises Pty Ltd Trading as Backflow Central	83 185 316 113	\$298,500.00	\$298,500.00	90.88	

Notes:

1. The 'Assessed Tender Amount' is the Tender Amount plus (or minus) the Assessed Values of qualifications and departures (anomalies) in the tender.
2. The 'Total Score' includes the scores for price and non-price criteria.
3. The 'Recommended Tender Amount' is the Tender Amount plus (or minus) adjustments offered by the Preferred Tenderer to withdraw qualifications and departures.
4. Includes an amount of \$1,071.08 for purchase of service kits using the schedule of rates in the tender.
5. Tendered amounts GST inclusive.

An evaluation of the tenders received was based on the following criteria:

- Price
- Compliance with technical specification
- Demonstrated quality of nominated backflow prevention device (including intervals between servicing and expected operating life)
- Ease of maintenance/serviceability
- Proposed delivery methodology and program
- Demonstrated Recent Experience in undertaking supply of similar large backflow prevention device orders in Australia
- Demonstrated long term service and support in Australia and demonstrated availability and lead time of nominated backflow prevention device

The evaluation method included weighted price and non-price criteria with a price:non-price ratio of 70:30. A variation to the standard 60:40 ratio under Council's Procurement Policy was approved by the Group Manager Planning and Delivery on the following basis:

- This tender is for bulk supply of a known item (testable backflow prevention device) of which there are only limited manufacturers of suitable devices sold in Australia.
- The items will not be considered if they do not meet the mandatory technical specification in the tender documents.
- If the devices meet the technical specification, the price is the single most important factor. Non-price criteria relating to quality and ability to supply are low risk as the available devices are already known and there are several established suppliers.
- The devices will be purchased as part of the smart metering and backflow project and it is important that the most advantageous price is obtained to minimise the cost impacts to the project budget.

The Tender Evaluation Report is included as [Attachment 1](#).

The pre-tender estimate for the supply of 1,615 backflow prevention devices was \$488,000 (incl GST). This estimate was based on a 15% bulk purchase discount being applied to average retail prices for backflow prevention devices from prices available on the Backflow Central website as at May 2022.

The most advantageous tender, following assessment of price and non-price criteria, was provided by Australian Valve Group Pty Ltd for an amount \$260,222.33 (incl GST).

It is recommended a quantity of service kits is purchased from Australian Valve Group Pty Ltd using the tendered rates, and added to stock inventory. This is an additional \$1,071.08 (incl GST), bringing the tender amount to \$261,293.41 (incl GST). An additional contingency of \$25,000 (incl GST) or approximately 10% is recommended bringing the total project amount to \$286,293.41 (incl GST).

Australian Valve Group Pty Ltd advised that the backflow prevention devices will be supplied within 120 days of receipt of a purchase order which is well within the smart metering rollout program.

Australian Valve Group Pty Ltd offered a 12 month warranty starting from the date of installation and registration of the backflow prevention devices. This is effectively an extended warranty above the standard 12 month warranty starting from date of delivery.

Finance

The implementation of the backflow prevention program has a total budget allocation of \$1,375,000 (incl GST) of which \$1,072,500 (incl GST) was identified for the supply and installation of backflow prevention devices. The tender amount of \$261,293.41 (incl GST) will leave \$811,206.59 (incl GST) available for the installation of the devices, which will be undertaken in parallel with the installation of smart meters under a separate contract to be issued in 2023. The current allocated budget is sufficient for the awarding of this contract.

Legal

As the value of the contract was expected to exceed \$250,000 (incl GST), an open tender process was undertaken in conformance with the requirements of the *Local Government Act 1993*¹ and the *Local Government (General) Regulation 2021*².

Should Council resolve to accept the tender submitted by Australian Valve Group Pty Ltd, the details of the contract will be recorded in Council's contracts register available on its website in accordance with legislative requirements.³

Conclusion

Tenders have been called for the supply of 1,615 backflow prevention devices to be installed on all medium and high hazard water service connections on the Rous water supply network.

Five tenders were received.

The most advantageous tender, following assessment of price and non-price criteria was provided by Australian Valve Group Pty Ltd for an amount \$260,222.33 (incl GST).

¹ See [section 55](#) *Local Government Act 1993* (NSW)

² See [Part 7](#) *Local Government (General) Regulation 2021* (NSW)

³ See [Division 5, Part 3](#) *Government Information (Public Access) Act 2009* (NSW)

It is recommended a quantity of service kits is purchased from Australian Valve Group Pty Ltd using the tendered rates to be added to stock inventory. This is an additional \$1,071.08 (incl GST).

The Recommended Tender Amount is **\$261,293.41 (incl GST)**.

Attachment

1. Tender Evaluation Report

Tender Evaluation Report

CONTRACT DETAILS	
CONTRACT NAME:	Supply of Backflow Prevention Devices
RFT/CONTRACT NO. :	D22-6979
CONTRACT DESCRIPTION:	Supply of 1540 x 20mm Reduced Pressure Zone (RPZ) devices, 68 x 25mm RPZ devices, 7 x 32mm RPZ devices, and repair kits to Gallans Rd, Ballina.
TIME FOR COMPLETION:	6 months
PROCUREMENT SYSTEM:	
Tender Method: (Reg 166)	Open
Commercial Conditions:	Rous County Council - Standard Contract for the Supply of Goods
Payment Method:	Lump Sum
Cost adjustment:	Not Applicable
PRE-TENDER ESTIMATE (incl. GST):	\$488,000 at 31/05/2022
PRINCIPAL IN THE CONTRACT:	Rous County Council
Recommending Officer / Contact No:	Samuel Curran

DETAILS OF THE WORK

Rous County Council sought tenders for the supply only of backflow prevention devices to be installed on all medium and high hazard water service connections in accordance with the Rous County Council Backflow Prevention Policy (adopted October 2021). The backflow prevention devices will be installed as part of the rollout of smart metering contract in 2023.

The tender was for the supply only of 1540 x 20mm Reduced Pressure Zone (RPZ) devices, 68 x 25mm RPZ devices, 7 x 32mm RPZ devices and a proportion of repair kits to Rous County Council depot at Gallans Rd, Ballina. The quantities in the tender include an allowance for spare device stock for inventory.

TENDERS RECEIVED

Tenders were called on 02/06/2022 and closed at 4:00 pm on 24/06/2022. Five tenders were received as follows (all amounts inclusive of GST):

Tenderer	A.B.N.	Tender Amount	Assessed Tender Amount ¹	Total Score ²	Recommended Tender Amount ^{3,4}
Australian Valve Group Pty Ltd	89 068 227 270	\$260,222.33	\$263,222.33	94.12	\$261,293.41
Cadia Group Pty Ltd	36 165 578 156	\$333,738.90	\$336,738.90	78.20	
Emerson Automation Solutions Final Control Australia Pty Ltd	83 000 922 690	\$477,148.62	\$480,148.62	54.77	

Tenderer	A.B.N.	Tender Amount	Assessed Tender Amount ¹	Total Score ²	Recommended Tender Amount ^{3,4}
Reliance Worldwide Corporation (Aust.) Pty Ltd	71 004 784 301	\$469,992.38	\$469,992.38	26.27	
S&J Property Trust / AF / SBH Enterprises Pty Ltd Trading as Backflow Central	83 185 316 113	\$298,500.00	\$298,500.00	90.88	

Notes:

1. The 'Assessed Tender Amount' is the Tender Amount plus (or minus) the Assessed Values of qualifications and departures (anomalies) in the tender.
2. The 'Total Score' includes the scores for price and non-price criteria.
3. The 'Recommended Tender Amount' is the Tender Amount plus (or minus) adjustments offered by the Preferred Tenderer to withdraw qualifications and departures.
4. Includes an amount of \$1,071.08 for purchase of service kits using the schedule of rates in the tender.

EXAMINATION OF TENDERS

1. PRE-EVALUATION ACTIONS

The tendering process was required to comply with the *Local Government (General) Regulation 2005* (the *Regulation*).

Council called tenders using the open tendering method, in accordance with clause 167 of the *Regulation*.

The evaluation method included weighted price and non-price criteria with a price:non-price ratio of 70:30 as approved by the Group Manager Planning and Delivery in accordance with Council's Procurement Policy.

A Tender Evaluation Plan consistent with the *Regulation* and the Conditions of Tendering in the RFT documents was prepared and endorsed by the Tender Evaluation Committee prior to close of tenders.

Five questions were received and answered using the public form on Tenderlink during the tender period. The questions were generally seeking clarification on the delivery details and device specification. The pre-tender estimate was not revised as there was no changes in the scope of works.

There were some issues reported by tenderers during the tender period in accessing and uploading documents to Tenderlink. Tenderers were advised, bids could alternatively be emailed to Council's general email for registration. However, all five tenders were received through Tenderlink with only a clarification on their tender provided by Backflow Central via email before the tender close.

2. INITIAL EVALUATION

All tenders included the completed schedules required to be submitted with the tender.

Except for the qualifications and departures dealt with in Evaluation of Price, all tenders met the requirements of the RFT documents.

3. EVALUATION OF NON-PRICE CRITERIA

The information submitted by the tenderers was evaluated against the specified non-price criteria, in accordance with the Tender Evaluation Plan. Following Table shows a high-level summary of non-price criteria used for the evaluation of this RFT:

Non-Price Criterion	Weighting
Compliance with Technical Specification Section 2.2 MANDATORY requirements (Failure to comply may result in tender being passed over) Section 2.3 Desirable requirements 5%	5%
Demonstrated quality of nominated RPZ (including intervals between servicing and expected operating life). Ease of maintenance/serviceability	10%
Proposed delivery methodology and program	5%
Demonstrated Recent Experience in undertaking supply of similar large RPZ orders in Australia.	5%
Demonstrated long term service and support in Australia and demonstrated availability and lead time of nominated RPZ device	5%
Total non-price weighting	30%

The tender submitted by Reliance Worldwide Corporation (Aust.) Pty Ltd proposed a RPZ device with a maximum working pressure of 1200kPa. This device did not meet the mandatory specification of 1600kPa working pressure and the tender was passed over. The submitted price was included in the price scoring in accordance with the Tender Evaluation Plan.

A summary of the scores agreed for the non-price criteria, signed by all members of the Tender Evaluation Committee, is at **Appendix A**.

The non-price scores were weighted, totaled and normalized as shown in the spreadsheet at **Appendix B**. The total non-price scores are summarised below.

Tenderer	Total normalized non-price score	Ranking
Australian Valve Group Pty Ltd	24.12	3
Cadia Group Pty Ltd	23.53	4
Emerson Automation Solutions Final Control Australia Pty Ltd	30	1
Reliance Worldwide Corporation (Aust.) Pty Ltd	Tender passed over.	n/a
S&J Property Trust / AF / SBH Enterprises Pty Ltd Trading as Backflow Central	28.24	2

4. EVALUATION OF PRICE

4.1 Examination of Tendered Rates

The Sums tendered in the Schedule of Prices - Lump Sum were compared with the pretender estimate. The comparison highlighted that all tender responses were lower than the original pretender estimate.

The pretender estimate was based on average online retail prices for a Valvcheq and Watts RPZ devices with an assumed 15% discount based on bulk purchase volume.

The discounts offered compared to the retail pricing of devices ranges from approximately 15% to nearly 50%.

The tender also included schedule of rate items for individual service kits. A summary of the service kits prices from each vendor is shown below. Service kits are used on as required basis if the valve is found to be leaking or may be used if the RPZ device fails to pass the annual testing.

Tenderer	20mm service kit	25mm service kit	32mm service kit
Australian Valve Group Pty Ltd	\$26.38	\$40.02	\$59.80
Cadia Group Pty Ltd	\$242.26	\$249.66	\$340.32
Emerson Automation Solutions Final Control Australia Pty Ltd	\$137.77	\$137.77	\$162.22
Reliance Worldwide Corporation (Aust.) Pty Ltd	\$47.77	\$61.27	\$122.54
S&J Property Trust / AF / SBH Enterprises Pty Ltd Trading as Backflow Central	\$34.70	\$52.36	\$76.60

4.2 Assessment of Qualifications and Departures

Four of the five tenders contained qualifications and departures (anomalies) and did not fully meet the requirements in the RFT Documents. The qualifications and departures generally related to proposed modifications to the contract clauses, with the exception of the Reliance Worldwide Corporation tender which had departures relating to the mandatory technical specification.

Clause 178 of the *Regulation* requires Council to accept the most advantageous tender. In order to identify which tender was 'most advantageous' for the specified work, the values of the qualifications and departures were assessed and added to the original Tender Amounts. See the Qualifications and Departures Tables at **Appendix C**.

4.4 Normalised Price Scores

The tenders were compared on the basis of the Assessed Tender Amounts, calculated by adding the assessed values of qualifications and departures to the original Tender Amounts.

The Assessed Tender Amounts were used to calculate the weighted and normalised price scores using the method set out in the Tender Evaluation Plan, which is incorporated into the spreadsheet at **Appendix B**. The price scores are summarised below.

Tenderer	Weighted price score	Ranking
Australian Valve Group Pty Ltd	94.12	1
Cadia Group Pty Ltd	78.20	3
Emerson Automation Solutions Final Control Australia Pty Ltd	54.77	4
Reliance Worldwide Corporation (Aust.) Pty Ltd	26.27	5
S&J Property Trust / AF / SBH Enterprises Pty Ltd Trading as Backflow Central	90.88	2

5. SELECTION OF THE MOST ADVANTAGEOUS TENDER

Total scores were obtained for each of the tenders by adding the normalised total non-price score and weighted price score, as shown in the spreadsheet at **Appendix B**. The total scores are summarised below.

Tenderer	Total normalized non-price score	Weighted price score	Total score	Ranking
Australian Valve Group Pty Ltd	24.12	70	94.12	1
Cadia Group Pty Ltd	23.53	54.67	78.20	3
Emerson Automation Solutions Final Control Australia Pty Ltd	30	24.77	54.77	4
Reliance Worldwide Corporation (Aust.) Pty Ltd	Tender passed over.	26.27	26.27	5
S&J Property Trust / AF / SBH Enterprises Pty Ltd Trading as Backflow Central	28.24	62.65	90.88	2

The tenderer with the highest total score was Australian Valve Group Pty Ltd. Australian Valve Group Pty Ltd Assessed Tender Amount was lower than that of other tenderers offers and the tender from Australian Valve Group Pty Ltd was therefore identified as the most advantageous. The Tender Amount of Australian Valve Group Pty Ltd is reasonable.

The tender from Australian Valve Group Pty Ltd also had the most advantageous pricing for service kits demonstrating a low whole of lifecycle cost for the proposed devices.

It is recommended a quantity of service kits is purchased from Australian Valve Group Pty Ltd using the tendered rates for stock inventory equal to approximately 2-5% of the quantity of devices ordered as shown below.

Spare parts	Unit Cost	Quantity	Line Cost
20mm service kit	\$26.38	30	\$791.40
25mm service kit	\$40.02	4	\$160.08
32mm service kit	\$59.80	2	\$119.60
TOTAL COST			\$1,071.08

The Recommended Tender Amount is **\$261,293.41**

6. COMMENTARY ON THE TENDERER'S CAPABILITY

Australian Valve Group Pty Ltd is part of the Watts Group, a US\$3.9B global company. Watts products have been supplied into Australia for 35 years. Goods supplied under the contract will be receipted and accepted by Council before payment is made within 30 days of receipt of a valid and undisputed tax invoice in accordance with the contract terms.

Australian Valve Group Pty Ltd has advised delivery will be made within 120 days from receipt of purchase order. Assuming the tender is awarded at the August 2022 Rous County Council meeting and a letter of award and purchase order issued shortly thereafter, this is well within the

required timeframe for devices to be included in the rollout of smart metering which is scheduled to start in approximately March 2023.

Australian Valve Group Pty Ltd also advised the RPZ device 12-month warranty will start from the date of installation once the device is registered with Australian Valve Group Pty Ltd. This is a significantly better outcome than the standard 12-month warranty that starts from date of delivery (advice included at **Appendix D**).

The Tender Evaluation Committee considers Australian Valve Group Pty Ltd is capable of completing the contract satisfactorily.

7. MISCELLANEOUS

The tender evaluation process followed the agreed Tender Evaluation Plan.

The tender evaluation process complied with the *Local Government (General) Regulation 2005*.

The tender of Australian Valve Group Pty Ltd offers best value for money.

Rous County Council has confirmed that sufficient funds are available to cover the Recommended Tender Amount and a contingency allowance adequate for variations and other assessed risks.

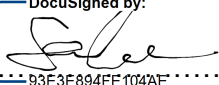
RECOMMENDATION

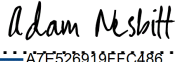
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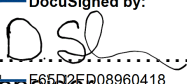
It is recommended that:

1. the tender submitted by Australian Valve Group Pty Ltd, in the Recommended Tender Amount of **\$261,293.41**, be accepted for Contract No. D22-6979 - Supply of Backflow Prevention Devices.

1) Evaluation Panel

DocuSigned by:

.....
93E3E894FE104AE...
Samuel Curran
Date: 04-07-2022

DocuSigned by:

.....
A7E526919FFC486...
Adam Nesbitt
Date: 04-07-2022

DocuSigned by:

.....
E65F02EP08960418...
David Schneider
Date: 04-07-2022

APPENDICES

Appendix A – Agreed Non-Price Scores

Appendix B – Scoring Spreadsheet

Appendix C – Qualifications and Departures

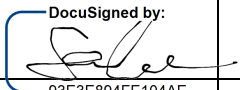
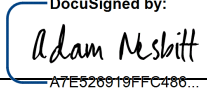
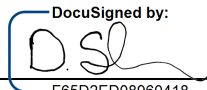
Appendix D – Warranty advice from Australian Valve Group Pty Ltd

Appendix A – Agreed Non-Price Scores

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Appendix A – Non Price Criteria Score

Tenderer : AVG


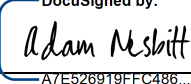
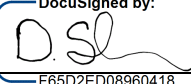
Tenderer	TEC Comments	Agreed Score:	
1. Compliance with Technical Specification Section 2.2 MANDATORY requirements (Failure to comply may result in tender being passed over) Section 2.3 Desirable requirements 5%	Proposed Device WATTS 009-AU-SS Meets all mandatory and desirable requirements Spare parts are for each individual size	100	
2. Demonstrated quality of nominated RPZ (including intervals between servicing and expected operating life). Ease of maintenance/serviceability 10%	Provided key points on valve construction that assist in maintenance ease and serviceability. Advised 12 month service interval but this is the annual test. Provided no information to demonstrate quality of RPZ, nor information on service intervals (i.e. seal replacement) or expected life	40	
3. Proposed delivery methodology and program 5%	Delivery within 120 days from PO. Max 3 deliveries to Gallans, pallets not exceeding 1 ton each. Pallets jacks can carry 1 ton.	100	
4. Demonstrated Recent Experience in undertaking supply of similar large RPZ orders in Australia. 5%	Listed 15 government and commercial clients but did not provide numbers of devices or any details of the supplies.	60	
5. Demonstrated long term service and support in Australia and demonstrated availability and lead time of nominated RPZ device 5%	Watts in Aus for 35 years. RPZ and service kits retained in stock in Aus. Documentation readily available. Repair kits half price of Valvecheg device.	70	
Signatures of Tender Evaluation Committee Members:			
Name	Sam Curran	Adam Nesbitt	Dave Schneider
Position	Planning and Development Engineer	Group Manager Operations	Water Operator/Backflow Plumber
Signature	DocuSigned by: 	DocuSigned by: 	DocuSigned by: 
Date	30-06-2022	01-07-2022	04-07-2022

Other comments: no departures or changes to contract clauses. RPZ device tested to 2000kPA. Warranted to 1600kPA. Warranty offered from date of installation instead of date of delivery (devices must be registered).

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Appendix A – Non Price Criteria Score

Tenderer : CADIA


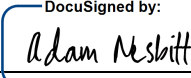
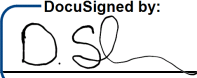
Tenderer	TEC Comments	Agreed Score:	
1. Compliance with Technical Specification Section 2.2 MANDATORY requirements (Failure to comply may result in tender being passed over) Section 2.3 Desirable requirements 5%	Proposed Device WATTS 009-AU-SS Meets all mandatory and desirable requirements Spare parts are for each individual size	100	
2. Demonstrated quality of nominated RPZ (including intervals between servicing and expected operating life). Ease of maintenance/serviceability 10%	Provided key points on valve construction that assist in maintenance ease and serviceability. Advised 12 month service interval but this is the annual test. Provided no information to demonstrate quality of RPZ, nor information on service intervals (i.e. seal replacement) or expected life	40	
3. Proposed delivery methodology and program 5%	Partnering with AVG to supply. Delivery within 120 days from PO. No details on delivery method	80	
4. Demonstrated Recent Experience in undertaking supply of similar large RPZ orders in Australia. 5%	No large RPZ supply contracts. Supply several central west councils with Watts RPZs. Several contracts in place for water meters to 8 central west councils	70	
5. Demonstrated long term service and support in Australia and demonstrated availability and lead time of nominated RPZ device 5%	Cadia keep stock of spare parts and RPZs in Australia. Cadia in Aus for 25 years	70	
Signatures of Tender Evaluation Committee Members:			
Name	Sam Curran	Adam Nesbitt	Dave Schneider
Position	Planning and Development Engineer	Group Manager Operations	Water Operator/Backflow Plumber
Signature	 <small>DocuSigned by:</small>	 <small>DocuSigned by:</small>	 <small>DocuSigned by:</small>
Date	<small>93E3E894FE104AE...</small> 30-06-2022	<small>A7E526919FFC486...</small> 01-07-2022	<small>F65D2ED08960418...</small> 04-07-2022

Other comments: several changes to contract clauses including limit of liability, and agreement for part contract to be subcontracted

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Appendix A – Non Price Criteria Score

Tenderer : EMERSON

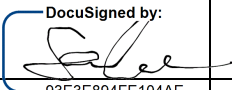
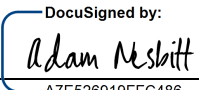
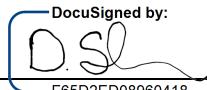
Tenderer	TEC Comments	Agreed Score:	
1. Compliance with Technical Specification Section 2.2 MANDATORY requirements (Failure to comply may result in tender being passed over) Section 2.3 Desirable requirements 5%	Proposed Device VALVCHEQ RP03 Meets all mandatory and desirable requirements Service kits fit both 20-25mm and 32-50mm Simpler spares. Service kits double the price of Watts	100	
2. Demonstrated quality of nominated RPZ (including intervals between servicing and expected operating life). Ease of maintenance/serviceability 10%	Australian made. 30+ years on device. 3-7 years on seals. In-situ maintenance training available to local contractors	80	
3. Proposed delivery methodology and program 5%	Delivery within 6 months from PO	70	
4. Demonstrated Recent Experience in undertaking supply of similar large RPZ orders in Australia. 5%	Several large RPZ supply contracts listed from within last 10 years. To government and commercial clients. Ranging from 359 to 917 RPZ devices of varying sizes	100	
5. Demonstrated long term service and support in Australia and demonstrated availability and lead time of nominated RPZ device 5%	Manufactured and supported locally from QLD factory. RP03 has been manufactured and installed since 2003 in every state and territory in Aus. Stock available Eagle Farm, Brisbane	80	
Signatures of Tender Evaluation Committee Members:			
Name	Sam Curran	Adam Nesbitt	Dave Schneider
Position	Planning and Development Engineer	Group Manager Operations	Water Operator/Backflow Plumber
Signature	DocuSigned by: 	DocuSigned by: 	DocuSigned by: 
Date	93E3E894FE104AE... 30-06-2022	A7E526919FFC486... 01-07-2022	F65D2ED08960418... 04-07-2022

Other comments: several changes to contract clauses

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Appendix A – Non Price Criteria Score

Tenderer : RELIANCE

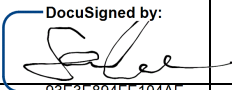
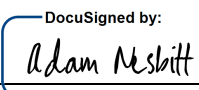
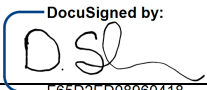
Tenderer	TEC Comments	Agreed Score:	
1. Compliance with Technical Specification Section 2.2 MANDATORY requirements (Failure to comply may result in tender being passed over) Section 2.3 Desirable requirements 5%	Proposed Device RMC Bronze Does not meet mandatory pressure rating -1200kPa (Tender passed over)	0	
2. Demonstrated quality of nominated RPZ (including intervals between servicing and expected operating life). Ease of maintenance/serviceability 10%	Tender passed over	0	
3. Proposed delivery methodology and program 5%	Tender passed over	0	
4. Demonstrated Recent Experience in undertaking supply of similar large RPZ orders in Australia. 5%	Tender passed over	0	
5. Demonstrated long term service and support in Australia and demonstrated availability and lead time of nominated RPZ device 5%	Tender passed over	0	
Signatures of Tender Evaluation Committee Members:			
Name	Sam Curran	Adam Nesbitt	Dave Schneider
Position	Planning and Development Engineer	Group Manager Operations	Water Operator/Backflow Plumber
Signature	DocuSigned by: 	DocuSigned by: 	DocuSigned by: 
Date	93E3E894FE104AE... 30-06-2022	A7E526919FFC486... 01-07-2022	F65D2ED08960418... 04-07-2022

Other comments: does not meet mandatory spec. (pressure rating). Tender passed over.

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Appendix A – Non Price Criteria Score

Tenderer : BACKFLOW CENTRAL

Tenderer	TEC Comments	Agreed Score:	
1. Compliance with Technical Specification Section 2.2 MANDATORY requirements (Failure to comply may result in tender being passed over) Section 2.3 Desirable requirements 5%	Proposed Device WATTS 009-AU-SS Meets all mandatory and desirable requirements Spare parts are for each individual size	100	
2. Demonstrated quality of nominated RPZ (including intervals between servicing and expected operating life). Ease of maintenance/serviceability 10%	Advised 10 year expected servicing interval on seals. Easy to service. Spare parts available in stock. Life expectancy pending quality of water	80	
3. Proposed delivery methodology and program 5%	Delivery within 120 days from PO. Delivered by truck with rear lowering platform. Lifts to not exceed 600kg	100	
4. Demonstrated Recent Experience in undertaking supply of similar large RPZ orders in Australia. 5%	Contracts to supply to over 32 councils and Water Corp WA but did not provide numbers of devices or any details of the supplies.	60	
5. Demonstrated long term service and support in Australia and demonstrated availability and lead time of nominated RPZ device 5%	In stock and available on demand.	60	
Signatures of Tender Evaluation Committee Members:			
Name	Sam Curran	Adam Nesbitt	Dave Schneider
Position	Planning and Development Engineer	Group Manager Operations	Water Operator/Backflow Plumber
Signature	 <small>DocuSigned by:</small> <small>93E3E894FE104AE...</small>	 <small>DocuSigned by:</small> <small>A7E526919FFC486...</small>	 <small>DocuSigned by:</small> <small>F65D2ED08960418...</small>
Date	30-06-2022	01-07-2022	04-07-2022

Other comments: offered extended warranty starting 30th March 2023 if order made in full

Appendix B – Scoring Spreadsheet

Scores Calculation Spreadsheet

Tender Name : Supply of backflow prevention devices

Tender Number : D22-6979

Non-price scoring			Tenderers' Names									
Criterion	Maximum score	Weighting	Tenderer 1 AVG		Tenderer 2 CADIA		Tenderer 3 EMERSON		Tenderer 4 RELIANCE		Tenderer 5 BF CENTRAL	
			Score	Weighted score	Score	Weighted score	Score	Weighted score	Score	Weighted score	Score	Weighted score
Compliance with DESIRABLE technical specification (5%)	100	5	100	5.0	100	5.0	100	5.0	0	0.0	100	5.0
Demonstrated quality of nominated RPZ (including intervals between servicing and expected operating life). Ease of maintenance/serviceability (10%)	100	10	40	4.0	40	4.0	80	8.0	0	0.0	80	8.0
Proposed delivery methodology and program (5%)	100	5	100	5.0	80	4.0	70	3.5	0	0.0	100	5.0
Demonstrated Recent Experience in undertaking supply of similar large RPZ orders in Australia (5%)	100	5	60	3.0	70	3.5	100	5.0	0	0.0	60	3.0
Demonstrated long term service and support in Australia and demonstrated availability and lead time of nominated RPZ device (5%)	100	5	70	3.5	70	3.5	80	4.0	0	0.0	60	3.0
Total non-price weighting		30										
Weighted total non-price score				21		20		26		-		24
Normalised total non-price score				24.12		23.53		30.00				28.24
Price scoring												
Tendered fee				\$260,222.33		\$333,738.90		\$477,148.62		\$469,992.38		\$298,500.00
Assessments for qualifications and departures if applicable			Y/N	\$ 3,000	Y/N	\$ 3,000	Y/N	\$ 3,000	Y/N	\$ 3,000	Y/N	\$ -
Other				\$ -		\$ -		\$ -		\$ -		\$ -
Other				\$ -		\$ -		\$ -		\$ -		\$ -
Pc = Fee for tender evaluation only				\$ 263,222		\$ 336,739		\$ 480,149		\$ 472,992		\$ 298,500
Pav = Average of fees for tender evaluation		\$ 299,487										
Ps= Price score				112		88		40		42		100
Pn = Normalised price score				100.00		78.10		35.39		37.52		89.49
Price weighting		70										
Pw = Weighted price score				70.00		54.67		24.77		26.27		62.65
Non-price and price total												
Total of normalised total non-price score and weighted price score				94.12		78.20		54.77		26.27		90.88

Appendix C – Qualifications and Departures

Qualifications and Departures Table

Contract No:	D22-6979	Contract title:	Supply of backflow prevention devices
Name of Tenderer:	AVG	Tender price	\$260,222.33

No.	Qualification or departure	Complies with RFT?	Assessed Value of Non-Compliance	Comment on Assessment	Preferred Tenderer's Response	Preferred Tenderer's Adjustment	Recommendation
1	AVG clarified via email 30.06.2022, the terms of the warranty are 12 months from date of installation. The backflow devices will be required to be registered at time of installation as a condition of the warranty.	Yes	\$0.00	The standard warranty is 12 months from the date of delivery. AVG have effectively offered an extended warranty for nil cost.		\$0.00	
2	Proposed amendments to contract clauses	No	\$3,000.00	Cost associated with reviewing and negotiating all T+C deviations		\$0.00	
3						\$0.00	
4						\$0.00	
5						\$0.00	

Tender Amount	\$ 260,222.33	Tender Amount	\$ 260,222.33
Assessed value of qualifications & departures	\$ 3,000.00	Adjustments	\$ -
Sub-total	\$ 263,222.33	Adjusted Tender Amount	\$ 260,222.33
Assessed Tender Amount	\$ 263,222.33		

Tender Evaluation by:
Name:


Samuel Curran

Qualifications and Departures Table

Contract No:	D22-6979	Contract title:	Supply of backflow prevention devices
Name of Tenderer:	CADIA	Tender price	\$333,738.90

No.	Qualification or departure	Complies with RFT?	Assessed Value of Non-Compliance	Comment on Assessment	Preferred Tenderer's Response	Preferred Tenderer's Adjustment	Recommendation
1	Proposed amendments to contract clauses	No	\$3,000.00	Cost associated with reviewing and negotiating all T+C deviations		\$0.00	
2						\$0.00	
3						\$0.00	
4						\$0.00	
5						\$0.00	

Tender Amount	\$ 333,738.90	Tender Amount	\$ 333,738.90
Assessed value of qualifications & departures	\$ 3,000.00	Adjustments	\$ -
Sub-total	\$ 336,738.90	Adjusted Tender Amount	\$ 333,738.90
Assessed Tender Amount	\$ 336,738.90		

Tender Evaluation by:
Name:


Samuel Curran

Qualifications and Departures Table

Contract No:	D22-6979	Contract title:	Supply of backflow prevention devices
Name of Tenderer:	EMERSON	Tender price	\$477,148.62

No.	Qualification or departure	Complies with RFT?	Assessed Value of Non-Compliance	Comment on Assessment	Preferred Tenderer's Response	Preferred Tenderer's Adjustment	Recommendation
1	Proposed amendments to contract clauses	No	\$3,000.00	Cost associated with reviewing and negotiating all T+C deviations		\$0.00	
2						\$0.00	
3						\$0.00	
4						\$0.00	
5						\$0.00	

Tender Amount	\$ 477,148.62	Tender Amount	\$ 477,148.62
Assessed value of qualifications & departures	\$ 3,000.00	Adjustments	\$ -
Sub-total	\$ 480,148.62	Adjusted Tender Amount	\$ 477,148.62
Assessed Tender Amount	\$ 480,148.62		

Tender Evaluation by:
Name:


Samuel Curran

Qualifications and Departures Table

Contract No:	D22-6979	Contract title:	Supply of backflow prevention devices
Name of Tenderer:	RELIANCE	Tender price	\$469,992.38

No.	Qualification or departure	Complies with RFT?	Assessed Value of Non-Compliance	Comment on Assessment	Preferred Tenderer's Response	Preferred Tenderer's Adjustment	Recommendation
1	Proposed amendments to contract clauses	No	\$3,000.00	Cost associated with reviewing and negotiating all T+C deviations		\$0.00	
2						\$0.00	
3						\$0.00	
4						\$0.00	
5						\$0.00	

Tender Amount	\$ 469,992.38	Tender Amount	\$ 469,992.38
Assessed value of qualifications & departures	\$ 3,000.00	Adjustments	\$ -
Sub-total	\$ 472,992.38	Adjusted Tender Amount	\$ 469,992.38
Assessed Tender Amount	\$ 472,992.38		

Tender Evaluation by:
Name:


Samuel Curran

Qualifications and Departures Table

Contract No:	D22-6979	Contract title:	Supply of backflow prevention devices
Name of Tenderer:	BACKFLOW CENTRAL		Tender price
			\$298,500.00

No.	Qualification or departure	Complies with RFT?	Assessed Value of Non-Compliance	Comment on Assessment	Preferred Tenderer's Response	Preferred Tenderer's Adjustment	Recommendation
1	Backflow Central advised the received verbal commitment from the manufacturer that the 12 month warranty would be initiated from 30th March 2023.	Yes	\$0.00	The standard warranty is 12 months from the date of delivery. Backflow Central have effectively offered an extended warranty for nil cost.		\$0.00	
2						\$0.00	
3						\$0.00	
4						\$0.00	
5						\$0.00	

Tender Amount	\$ 298,500.00
Assessed value of qualifications & departures	\$ -
Sub-total	\$ 298,500.00
Assessed Tender Amount	\$ 298,500.00

Tender Amount	\$ 298,500.00
Adjustments	\$ -
Adjusted Tender Amount	\$ 298,500.00

Tender Evaluation by:
Name:


Samuel Curran

Appendix D – Warranty advice from Australian Valve Group Pty Ltd

Samuel Curran

From: Samuel Curran
Sent: Thursday, 30 June 2022 3:40 PM
To: Samuel Curran
Subject: FW: Tender clarification- Warranty

Samuel Curran
Planning & Development Engineer

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From: Fordward, Neal neal@avg.net.au
Sent: Thursday, 30 June 2022 2:34 PM
To: Samuel Curran Samuel.Curran@rous.nsw.gov.au
Cc: Xu, Jason jason.xu@wattswater.com; Lee, Bill bill@avg.net.au
Subject: FW: Tender clarification- Warranty

Hi Samuel,

Please see the link below which will lead you to our “**Standard Limited Warranty for Watts products**”

<https://www.wattsau.com.au/resources/warranty-information>

We are happy to start the warranty period from date of installation as the devices will need to be registered at this time.

If there is anything else I can help you with please feel free to give me a call.

Best Regards,

Neal Fordward
Category Manager NSW/ACT
Plumbing-Hot water & Backflow



Watts Australia
24 Metrolink Circuit
Campbellfield
Vic 3061, Melbourne

1800 284 287 | (03) 9462 2666 | +61 (0) 437878086
Email : neal@avg.net.au
www.wattsau.com.au



009 STAINLESS
STEEL RANGE
15mm — 50mm



From: Samuel Curran <Samuel.Curran@rous.nsw.gov.au>
Sent: Thursday, 30 June 2022 1:34 PM
To: 'neal@avg.net.au' <neal@avg.net.au>
Subject: Tender clarification- Warranty

Hi Neal,

Can you please provide clarification on the warranty provided with the proposed Watts 009 SS RPZ device?


And is there an additional cost to provide 12 month warranty starting from 30th March 2023 (effectively an extended warranty)?

Regards

Samuel Curran
Planning & Development Engineer
Rous County Council
PO Box: 230, Level 4, 218-232 Molesworth Street LISMORE NSW 2480 | [02 6623 3800](tel:0266233800) | [0407 858 409](tel:0407858409) |
Samuel.Curran@rous.nsw.gov.au |

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URL: <http://www.rous.nsw.gov.au/page.asp?f=RES-XRL-37-22-83>

Rous County Council acknowledges the Traditional Custodians of the land upon which we work and live. We pay our respects to the Elders of the past, present and emerging and acknowledge their continuing connection to Country who will guide us on our shared journey to the future.

Code of Meeting Practice

Responsible Officer: Group Manager People and Performance (Helen McNeil)

Recommendation

That Council:

1. Revoke the Code of Meeting Practice dated 19 June 2019 and any other document revived as a result of the revocation; and
2. Adopt the revised Code of Meeting Practice ([Attachment 1](#)).

Background

At its meeting on 15 June 2022, Council resolved to:

3. *Publicly exhibit the revised Code of Meeting Practice as **attached** for a period of 28 days and invite submissions on the same for a period of 42 days, concurrently, and:*
 - (a) *Should no submissions be received, the existing Code of Meeting Practice is revoked and the revised Code of Meeting Practice is adopted; or*
 - (b) *Should any submission be received, those submissions be considered by Council at its next meeting prior to revoking the existing Code of Meeting Practice and adopting the revised Code of Meeting Practice.*

A copy of the original Council report is provided at [Attachment 2](#).

Notice of the revised Code of Meeting Practice ('CoMP') was uploaded to Council's website on 16 June 2022. The 42-day period for the making of public submissions concluded on 28 July 2022.

On 27 July 2022, a submission in relation to the revised Code of Meeting Practice was received from the Ballina Environment Society ('BES') – see copy at [Attachment 3](#).

Staff comment

The submission received from the BES seeks an amendment to the revised Code of Meeting Practice to specify that the right to speak in support of a motion cannot be 'reserved' by the mover and must occur before debate commences or be waived completely.

The mandatory provisions of the Model Code of Meeting Practice issued by the Office of Local Government, which Council is obliged to adopt,¹ convey the following rights on the mover of the original motion:

- A right of general reply to all observations made during the debate before the motion, or amendment, is finally put – see clause 10.20 CoMP; and
- To speak more than once on the motion and each amendment to it – see clause 10.21 CoMP.

Other than the general right of reply, which is exercised "*at the conclusion of the debate before the motion (whether amended or not) is finally put*"², the mandatory provisions do not prescribe when the other right (or first right) of the original mover to speak to the motion arises.

¹ See section [360\(3\) Local Government Act 1993](#) (NSW)

² Clause 10.20 Model Code of Meeting Practice

In other words, as the CoMP currently stands, the mover of the original motion or amendment is not obliged to speak in support of the motion before debate commences.

While additional provisions may be incorporated into a council's CoMP, these cannot be inconsistent with the mandatory provisions.³

The amendment sought in the BES submission would have the effect of restricting the right conferred on the mover of the motion, so that if it is not exercised before debate commences it is lost altogether.

This is considered inconsistent with the mandatory provisions, which intend to confer a broad, rather than limited, right to speak in support of the motion on the mover. For these reasons, the amendment sought by the BES is not supported at this time.

Finance

Refer to 'finance' section of [Attachment 2](#).

Legal

Contained in the body of the report.

Consultation

Public submissions on the revised Code of Meeting Practice were invited between 16 June 2022 and 28 July 2022, inclusive. Notice of the public exhibit of the revised Code of Meeting Practice was provided via Council's website and Facebook account.

As the amendment sought by the BES would impact a mandatory provision of the CoMP, verbal advice was sought and obtained from the Office of Local Government which confirmed the staff position outlined above.

Note - the Office of Local Government is the appropriate body to petition for a change to the mandatory provisions of the Model CoMP.

Conclusion

Council having undertaken the requisite public consultation of its revised CoMP and considered the single public submission received, should proceed to adopt the revised CoMP without amendment, as publicly exhibited.

Attachment

1. Revised Code of Meeting Practice (for **adoption**) (ATTACHMENT)
2. 15 June 2022 Council report – Revised Code of Conduct, Code of Conduct Procedures, and Code of Meeting Practice (**available via website**): <file:///C:/Users/nsmith/Downloads/rous-meeting-agenda-15-june-2022.pdf>
3. Submission received via email on 27 June 2022 at 3:24pm from Ballina Environment Society (ATTACHMENT)
4. [Code of Meeting Practice dated 19 June 2019](#) (for **revocation**) (via website).

³ Section 360(4) Ibid.



Code of Meeting Practice

A code governing the conduct of
meetings of Council:
based on the Office of Local Government Model
Code of Meeting Practice



Version	Purpose and Description	Date adopted by Council	Resolution no.
1.0	Adopt Code of Meeting Practice	15 March 2000	10196/00
1.1	PUBLIC CONSULTATION DRAFT	15 August 2011	63/11
2.0	Adopt revised Code of Meeting Practice	16 November 2011	101/11
2.1	Insert local rule regarding debate on amendments to motions (4.17)	18 July 2012	53/12
2.2	PUBLIC EXHIBITION DRAFT – Amendment to meeting frequency	19 September 2018	77/18
3.0	Adopt revised Code of Meeting Practice	21 November 2018	103/18
3.1	PUBLIC CONSULTATION DRAFT – following release of new OLG Model Code of Meeting Practice (Council meeting 17 April 2019)	17 April 2019	24/19
4.0	Adopt revised Code of Meeting Practice	19 June 2019	39/19
5.0	PUBLIC CONSULTATION DRAFT – following release of new OLG Model Code of Meeting Practice (Council meeting 15 June 2022)	15 June 2022	TBC
5.0	Adopt revised Code of Meeting Practice	28 July 2022	TBC

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1 Introduction

This Code of Meeting Practice is to be referred to as the 'Rous County Council Code of Meeting Practice' ('the Code') and is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Code applies to all meetings of council and committees of council of which all the members are councillors (committees of council). It should be noted that a council committee whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Background

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code of Meeting Practice for Local Councils in NSW, developed by the Office of Local Government (OLG). Council may also incorporate non-mandatory and other supplementary provisions.

Various provisions found throughout Council's Code are outlined below:

Provision	Explanation	Identified by:
Mandatory	Provisions which must be included in the Code	No symbol
Non-mandatory	Provisions suggested by OLG which may be included in the Code	◆
Non-mandatory (amended)	Utilises or replaces non-mandatory provisions suggested by OLG, to meet organisational needs	♣
Supplementary	Additional provisions drafted by Council to meet organisational needs.	♠

All provisions must be consistent with the mandatory provisions of the Model Code of Meeting Practice for Local Councils in NSW.

Non-mandatory provisions which have not been adopted are marked as "Omitted", so to ensure consistency with numbering throughout the Code.

Making, amending and dealing with the Code must be undertaken in accordance with Chapter 12, Part 2, Division 1 of the *Local Government Act 1993*, including public notice and exhibition requirements.

2 Meeting principals

2.1 Council and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local community.

Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.

Trusted: The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

Respectful: Councillors, staff and meeting attendees treat each other with respect.

Effective: Meetings are well organised, effectively run and skilfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

3 Before the meeting

Timing of ordinary council meetings

3.1 Omitted – superseded by clause 3.2.

3.2 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

♣ Should council omit to resolve a meeting schedule, ordinary meetings of council will be held on the third Wednesday of February, April, June, August, October and December at 10:00am.

3.2A ♣ On the third Wednesday of the month when meetings are not scheduled to be held, Council will hold briefings or workshops commencing at 9:30am unless, in consultation with the Chair, the General Manger determines that there is no substantial matter for discussion.

Note: Councils must use either clause 3.1 or 3.2.

Note: Under section 396 of the Act, county councils are required to meet at least four (4) times each year.

Extraordinary meetings

3.3 If the chairperson receives a request in writing, signed by at least two (2) councillors, the chairperson must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The chairperson can be one of the two councillors requesting the meeting.

Note: Clause 3.3 reflects section 366 of the Act.

Notice to the public of council meetings

- 3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meetings of committees of the council.

Note: Clause 3.4 reflects section 9(1) of the Act.

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

- 3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.7 reflects section 367(1) of the Act.

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.8 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.9 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted ten (10) business days before the meeting is to be held.

- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

- 3.12 ♦ If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

- 3.13 ◆ A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:
- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
 - (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

- 3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- ♣ Subject to unforeseen circumstances, the General Manager will endeavour to cause the business paper to be provided to Councillors no later than the Wednesday prior to the scheduled Ordinary Council meeting.
- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the chairperson to put a chairperson's minute to a meeting under clause 9.6.
- 3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.

- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.21 reflects section 9(2A)(a) of the Act.

- 3.22 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Statement of ethical obligations

- 3.23 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

Availability of the agenda and business papers to the public

- 3.24 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.24 reflects section 9(2) and (4) of the Act.

- 3.25 Clause 3.24 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.25 reflects section 9(2A)(b) of the Act.

- 3.26 For the purposes of clause 3.24, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors (♠ refer to clause 3.17).

Note: Clause 3.26 reflects section 9(3) of the Act.

- 3.27 A copy of an agenda, or of an associated business paper made available under clause 3.24, may in addition be given or made available in electronic form.

Note: Clause 3.27 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.28 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.29 Despite clause 3.28, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.30 A motion moved under clause 3.29(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.31 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.29(a) can speak to the motion before it is put.
- 3.32 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.33 ♦ Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.34 ♦ Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.35 ♦ Pre-meeting briefing sessions may be held by audio-visual link.
- 3.36 ♦ The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.37 ♦ Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.38 ♦ Councillors (including the chairperson) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

4 Public forums

- 4.1 ♣ The council may hold a public forum immediately prior to, or as part of, each ordinary and extraordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Subject to clause 4.1A, the public forum will be limited to 15 minutes in total.

- 4.1A ♠ The General Manager, in consultation with the chairperson, may determine to hold additional public forums or to extend the total time of a public forum if, in the opinion of the General Manager with the concurrence of the chairperson, the circumstances warrant it.
- 4.1B ♠ In the event a council meeting is cancelled (refer to clause 5.14) the corresponding public forum will be taken to also be cancelled.
- 4.2 ◆ Public forums may be held by audio-visual link.
- 4.3 ◆ Public forums are to be chaired by the chairperson or their nominee.
- 4.4 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by 10:00am on the day prior to a Council meeting (or two days prior to the Council meeting if presenting material in accordance with clause 4.11) and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.5 ◆ A person may apply to speak on no more than two items of business on the agenda of the council meeting.
- 4.6 ◆ Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.7 ◆ The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application. ♣ Where possible, details of speakers authorised to speak during the public forum are to be included in the Agenda.
- 4.8 ◆ No more than two speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.9 ◆ If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.10 ◆ If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.11 ◆ Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs, no later than two days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.12 ♣ The general manager or their delegate is to determine the order of speakers at the public forum and, where appropriate, will adopt the custom of alternating an objector to a matter with a supporter to the same matter.

- 4.13 ♣ Each speaker will be allowed five minutes to address the council. This time is to be strictly enforced by the chairperson. At their discretion, the chairperson may, in consultation with the General Manager, increase a speaker's time limit.
- 4.14 ◆ Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.15 ◆ A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument. ♣ A councillor is not permitted to lecture or convey statements, rather than questions, to a speaker.
- 4.16 ◆ Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question, are to be limited to five minutes.
- 4.17 ◆ Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.18 ◆ The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to five minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19 ◆ Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.20 ◆ When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.21 ◆ If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.22 ◆ Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.23 ◆ Where a speaker engages in conduct of the type referred to in clause 4.20, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.24 Councillors (including the chairperson) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.

5 Coming together

Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.
- 5.3 Omitted.
- 5.4 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.5 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.6 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.7 reflects section 234(1)(d) of the Act.

- 5.8 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 5.9 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 5.9 reflects section 368(1) of the Act.

- 5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.10 reflects section 368(2) of the Act.

- 5.11 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.

- 5.12 In either case, the meeting must be adjourned to a time, date, and place fixed:

- (a) by the chairperson, or
- (b) in the chairperson's absence, by the majority of the councillors present, or
- (c) failing that, by the general manager.

- 5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

- 5.14 ◆ Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire) or a public health emergency, the chairperson may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

- 5.15 ◆ Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Meetings held by audio-visual link

- 5.16 A meeting of the council or a committee of the council may be held by audio-visual link where the chairperson determines that the meeting should be held by audio-visual link **because of a natural disaster or a public health emergency**. The chairperson may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The chairperson must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.

- 5.17 Where the chairperson determines under clause 5.16 that a meeting is to be held by audio-visual link, the general manager must:
- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
 - (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
 - (c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.

- 5.18 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by councillors at meetings by audio-visual link

- 5.19 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.

- 5.20 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.

- 5.21 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.

- 5.22 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.

- 5.23 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.

- 5.24 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:

- (a) the meetings the resolution applies to, and
- (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.

- 5.25 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.

- 5.26 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.
- 5.27 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.28 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.29 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.30 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the public to attend council meetings

- 5.31 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

Note: Clause 5.31 reflects section 10(1) of the Act.

- 5.32 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

- 5.33 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

- (a) by a resolution of the meeting, or
- (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.33 reflects section 10(2) of the Act.

Note: If adopted, clauses 15.14 and 15.15 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.15 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Webcasting of meetings

- 5.34 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.
- 5.35 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and made publicly available on the council's website, and
 - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.36 The recording of a meeting is to be made publicly available on the council's website:
- (a) at the same time as the meeting is taking place, or
 - (b) as soon as practicable after the meeting
- Note:** Council currently provides meeting recordings in accordance with clause 5.36(b).
- 5.37 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.38 Clauses 5.36 and 5.37 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.
- Note: Clauses 5.34 – 5.38 reflect section 236 of the Regulation.**
- 5.39 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the general manager and other staff at meetings

- 5.40 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.
- Note: Clause 5.40 reflects section 376(1) of the Act.**
- 5.41 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.
- Note: Clause 5.41 reflects section 376(2) of the Act.**
- 5.42 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.
- Note: Clause 5.42 reflects section 376(3) of the Act.**
- 5.43 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.
- 5.44 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

6 The chairperson

The chairperson at meetings

- 6.1 The chairperson, or at the request of or in the absence of the chairperson, the deputy chairperson (if any) presides at meetings of the council.

♠ The chairperson of a county council is elected in accordance with section 391 of the Act, to undertake functions in accordance with section 391A of the Act. As a matter of administrative convenience, Council may elect a deputy chairperson. The election of the deputy chairperson will be conducted at the same time and in the same manner as the election of the chairperson.

Note: Clause 6.1 reflects section 369(1) of the Act.

- 6.2 If the chairperson and the deputy chairperson (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the chairperson and deputy chairperson

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at that meeting.

- 6.4 The election of a chairperson must be conducted:

- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

- 6.6 For the purposes of clause 6.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:

- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
- (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

7 Modes of address

- 7.1 ♠ The chairperson is to be addressed as 'Chair', 'Mr/Madam Chair' or 'Mr/Madam Chairperson'.
- 7.2 Omitted.
- 7.3 ◆ A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 ◆ A council officer is to be addressed by their official designation or as Mr/Ms [surname].

8 Order of business for ordinary council meetings

- 8.1 Omitted – superseded by 8.2.
- 8.2 ♠ The general order of business for an ordinary meeting of the council shall be:
 - 01 Opening meeting*
 - 02 Acknowledgement of Country*
 - 03 Apologies and applications for a leave of absence or attendance by audio-visual link by councillors*
 - 04 Confirmation of minutes of previous meeting*
 - 05 Disclosure of interest*
 - 06 Chair's minute(s)
 - 07 Matters of urgency
 - 08 Notices of motions/Questions with notice*
 - 09 Reports of committees
 - 10 Reports to council (General Manager and Group Managers, as applicable)
 - 11 Policies
 - 12 Information reports
 - 13 Confidential matters
 - 14 Close of business*

♠ The items marked with an asterisk (*) are routinely included in the council meeting agenda. Remaining items are included as appropriate based on the council business proposed for discussion at the meeting.

Note: Councils must use either clause 8.1 or 8.2.

- 8.3 The order of business as fixed under clause 8.2 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: If adopted, Part 13 allows council to deal with items of business by exception.

- 8.4 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

9 Consideration of business at council meetings

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a chairperson's minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Chairperson's minutes

- 9.6 Subject to clause 9.9, the chairperson at a meeting of the council, may, by minute signed by the chairperson, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A chairperson's minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson may move the adoption of a chairperson's minute without the motion being seconded.
- 9.8 A recommendation made in a chairperson's minute put by the chairperson is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A chairperson's minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 9.10 ◆ Where a chairperson's minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

Staff reports

- 9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

- 9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10 Rules of debate

Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.6A ♠ The chairperson may rule that a motion or an amendment is out of order if, in the view of the chairperson, the proposed motion:
- (a) is vague and equivocal in its language;
 - (b) is the direct negative of or is inconsistent with a resolution just passed by the meeting;
 - (e) is outside the scope of the meeting;
 - (f) in the opinion of the chairperson, contains potentially defamatory statements;
 - (g) is unnecessary in that it proposes a course of action or policy already resolved upon by the meeting; or
 - (h) is potentially vexatious and proposed to impede the orderly transaction of business.
- 10.6B ♠ The General Manager may provide factual information on a notice of motion to assist in the discussion of the motion. The General Manager must not comment on the merit of a notice of motion.
- Where a motion put before Council is not exactly as presented on the Agenda, the motion must be in writing and provided to the chairperson before the mover may proceed.
- 10.6C ♠ The chairperson must not accept a motion 'that the motion be now put' if a Councillor is speaking to the motion in accordance with this Code of Meeting Practice or while a question, properly asked by a Councillor, awaits response in accordance with a direction of the chairperson.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6 or 10.6A, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

- 10.8 Any motion, amendment, or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

- 10.9 ♦ A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.
- 10.31 Omitted.

11 Voting

Voting entitlements of councillors

11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

11.4 Omitted.

Voting at council meetings

11.5 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

11.6 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

11.7 The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.

11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.

11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.

11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for chairperson or deputy chairperson is to be by secret ballot.

11.11 Omitted.

Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.13 may be omitted.

Voting on planning decisions

11.12 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.

- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12–11.14 apply also to meetings that are closed to the public.

Note: Clauses 11.12–11.15 reflect section 375A of the Act.

Note: The requirements of clause 11.12 may be satisfied by maintaining a register of the minutes of each planning decision.

12 Committee of the whole

- 12.1 The council may resolve itself into a committee to consider any matter before the council.
- Note: Clause 12.1 reflects section 373 of the Act.**
- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.
- Note: Clauses 10.20–10.30 limit the number and duration of speeches.**
- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

13 Dealing with items by exception

- 13.1 ♦ The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution. ♣ Only items included under the “Information Reports” agenda item may be considered in this manner.
- 13.2 ♦ Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 ♦ The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.

- 13.4 ◆ Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 ◆ A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 ◆ Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 ◆ Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

14 Closure of council meetings to the public

Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

♣ If the Agenda lists more than one matter for discussion in a part of a meeting proposed to be closed to the public, Council must consider each proposed closure of the meeting on its individual merits. For example, Council may consider one recommendation that lists the individual reason(s) for the proposed closure of the meeting, matter by matter.

- 14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

- 14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by members of the public

14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.

14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by 12.01pm on the day prior to the Council meeting at which the matter is to be considered.

14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.

14.13 No more than four speakers are to be permitted to make representations under clause 14.9.

14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.

14.15 The general manager (or their delegate) is to determine the order of speakers.

14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than four speakers to make representations in such order as determined by the chairperson.

14.17 Each speaker will be allowed five minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Obligations of councillors attending meetings by audio-visual link

- 14.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

- 14.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.21 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.22 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.23 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.22 during a part of the meeting that is webcast.

Decisions to be made in open meeting

- 14.23 ♠ The council or all committees of the council, must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.

♠ Note: Clause 14.23 reflects section 254 of the Act.

15 Keeping order at meetings

Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- (a) contravenes the Act, the Regulation or this code, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or

- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- (d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

Note: Clause 15.11 reflects section 182 of the Regulation.

15.12 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a), (b) or (e), or
- (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

Note: Clause 15.12 reflects section 233 of the Regulation.

How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

15.14 Omitted – superseded by clause 15.15.

15.15 ◆ All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

Note: Councils may use either clause 15.14 or clause 15.15.

15.16 ◆ Clause 15.15 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

15.17 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

Note: Clause 15.17 reflects section 233(2) of the Regulation.

- 15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.19 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.20 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

How disorder by councillors attending meetings by audio-visual link may be dealt with

- 15.21 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.
- 15.22 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.23 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.24 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.25 Without limiting clause 15.18, a contravention of clause 15.24 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.18. Any person who contravenes or attempts to contravene clause 15.24, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.26 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16 Conflicts of interest

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at public forums, meetings of the council, committees of the council and any briefings or workshops of council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made ♠ or via other written record in the case of public forums, briefings or workshops of Council.

- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

17 Decisions of the council

Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 17.1 reflects section 371 of the Act.

- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

Note: Clause 17.3 reflects section 372(1) of the Act.

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

Note: Clause 17.5 reflects section 372(3) of the Act.

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

- 17.6A ♠ The General Manager will act in accordance with clause 19.12, unless an intention to submit a notice of motion to alter or rescind is verbally communicated to the chairperson and the general manager by close of business the day following the relevant council meeting and the formal written notice of motion to alter or rescind, in conformance with clause 17.4, is provided to the general manager within 48 hours of the closure of the meeting.

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

- 17.10 Omitted.

- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 17.11 reflects section 372(6) of the Act.

- 17.12 ◆ Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) ♣ the chairperson rules the business that is the subject of the motion is of sufficient urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 17.13 ◆ A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

- 17.14 ◆ A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Recommitting resolutions to correct an error

- 17.15 ◆ Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
- (b) to confirm the voting on the resolution.

- 17.16 ◆ In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.

- 17.17 ◆ The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

- 17.18 ♦ A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.
- 17.19 ♦ A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20 ♦ A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18 Time limits on council meetings

- 18.1 Omitted.
- 18.2 Omitted.
- 18.3 Omitted.
- 18.4 Omitted.
- 18.5 Omitted.

19 After the meeting

Minutes of meetings

- 19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 19.1 reflects section 375(1) of the Act.

- 19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:
- (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
 - (b) details of each motion moved at a council meeting and of any amendments moved to it,
 - (c) the names of the mover and seconder of the motion or amendment,
 - (d) whether the motion or amendment was passed or lost, and
 - (e) such other matters specifically required under this code.

- 19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 19.3 reflects section 375(2) of the Act.

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

- 19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

- 19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 19.12 reflects section 335(b) of the Act.

20 Council committees

Application of this Part

- 20.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

- 20.2 The council may, by resolution, establish such committees as it considers necessary.

- 20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.

- 20.4 The quorum for a meeting of a committee of the council is to be:
- (a) such number of members as the council decides, or
 - (b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

- 20.5 The council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

Notice of committee meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
 - (b) the business proposed to be considered at the meeting.
- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

- 20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

- 20.11 The chairperson of each committee of the council must be:
- (a) the chairperson, or
 - (b) if the chairperson does not wish to be the chairperson of a committee, a member of the committee elected by the council, or

- (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 Omitted.
- 20.18 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.20 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

Disorder in committee meetings

- 20.22 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

- 20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
 - (b) details of each motion moved at a meeting and of any amendments moved to it,
 - (c) the names of the mover and seconder of the motion or amendment,
 - (d) whether the motion or amendment was passed or lost, and
 - (e) such other matters specifically required under this code.
- 20.24 ♦ All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.29 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

21 Irregularities

- 21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
- (a) a vacancy in a civic office, or
 - (b) a failure to give notice of the meeting to any councillor or committee member, or
 - (c) any defect in the election or appointment of a councillor or committee member, or
 - (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
 - (e) a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.

22 Definitions

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting

the Regulation	means the <i>Local Government (General) Regulation 2021</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

23 ♠ Summary: Procedure in relation to motions

Motion	Notice?	Seconder required?	Debate	Right of reply	Ref.
General	Yes	Yes	Yes	Yes	10.1-10.4
Amendment	No	Yes	Yes	No	10.10-10.16
Chairperson's Minute	No	No	Yes	Yes	9.6-9.10
Urgency	No	Yes	No	No	9.3-9.5
Rescission/ alteration	Yes	Yes	Yes	Yes	17.3-17.7 s.372 of Act
Urgent rescission/ Alteration	No	Yes	No	No	17.12-17.14
Alteration of order of business	No	Yes	Mover only	No	8.3
Dissent	No	Yes	Mover, Chair only	No	15.8-15.10

Subject: FW: Submission re RCC draft Code of Meeting Practice
Attachments: BES letter to RCC Chair - Breaches of Due Process.pdf

From: Lyn Walker [REDACTED]
Sent: Wednesday, 27 July 2022 3:24 PM
To: Rous County Council <council@rous.nsw.gov.au>
Subject: Submission re RCC draft Code of Meeting Practice

To: the General Manager
Rous County Council

From Ballina Environment Society
bes<bes2478@gmail.com>

Re: Submission RCC draft Code of Meeting Practice

Ballina Environment Society has objected previously to a Breach of Rous County Council Code of Meeting Practice (attached, see p2 in particular). We have not yet received any reply to our objection. Given that ROUS has not recognised the Breach in any way this Society recommends that the RCC Code of Meeting Practice specifically spells out the detail thus:

"The rules of debate require that the mover and seconder of a motion speak to the motion and give their reasons for so moving it at that time."

If they do not wish to speak at that time that is their right. At the end of the debate they will still have the right to respond to what has been raised by other councillors in the debate as is clearly specified in the model code. Their right to speak twice will not be affected.

In our attached letter we clearly specify, with examples of the actual debate of 16/02/2022 why this requirement, which we believe is implicit in the Model Code of Conduct, is necessary.

It is our intention to write to the Dept of Local Government asking them to make the requirement as above explicit in the Model Code, using the RCC example as detailed in our attached letter.

Sincerely

Dr Lyn Walker
for
Ballina Environment Society
27th July 2022.

Ballina Environment Society Inc

NSW 2478 Australia

Email: BES2478@gmail.com

Ph: 0401 498 709



The Chair
Rous County Council,

Dear Cr. Mustow

Re: Breaches of Due Process in RCC meeting 16th Feb 2022

Ballina Environment Society believes that two significant breaches of Due Process occurred specifically relating to the Agenda Item Motion 12.1 Dunoon Dam. Please note: [Due Process here means the legal definition \(not the common confusion with normal processes or democracy\)](#). The breaches go to unfair disadvantage, being deprived of the opportunity to be informed to the level at which they could speak against other points from more historically experienced members and breach of RCC Code of Meeting Practice which also caused unfair advantage.

1. Unfair treatment

The motion on a complex and controversial issue, acknowledged by the Chair to be so, should never have been accepted by the Chair and/or General Manager at that time; It disadvantaged members opposed to the motion and that it would do so should have been obvious before the meeting started.

1.1. There were five new members (of eight in total) two of whom had been appointed only twelve days before the meeting. These were the two opposing the motion.

1.2. There was no prior appropriate data/opportunity to question, discuss, obtain original documents, and otherwise explore widely to fill in the background. For new councillors a wide-ranging workshop or detailed comprehensive staff report would have been appropriate as preparation AND plenty of time to ingest all the details. Neither were provided.

1.2.1. The Hydrosphere report for the Dec 2020 change and July 2021 confirmation was insufficient for three reasons:

- a) It lacked some of the reference points that led to the 2020 decision to delete the Dunoon Dam from the IWCM.
- b) On critical matters of the CHIA and the EIA the original material was interpreted, not presented. Some interpretations are disputable.
- c) The Hydrosphere report was 115 pages of fine print long.

1.2.2. The staff contribution failed new members in two ways:

- a) The reasons given for the 2020 changes were inaccurate as no mention was made of the role of the CHIA 2013 report which had not been made available to Councillors and to the public until 2020.
- b) The Agenda was crammed full of data that even the returning members found so formidable that a motion was created to stop such overcrowding in the future.
- c) The Agenda was disorganized without separation of attachments and Agenda items; it is difficult to navigate. One Councillor presented a request for more information to be able to get to grips. It was a reasonable request highlighting previous preparation failures. However, the Chair did not exercise due regard to facilitate this

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request, egregious because the motion should not have been there without that opportunity.

2. **Breach of RCC Code of Meeting Practice.**

There is no such procedure by which the mover and seconder of the motion can claim as they did to "reserve the right to speak".

2.1. The rules of debate, plainly described in the RCC Code, are such that the mover moves the motion and speaks to the reasons for it. Secunder likewise. If they don't wish to speak that is their problem. In the end, they have the right of reply i.e., to respond to what has been raised in the debate. However, this does not include the right to introduce new material having passed up the opportunity to do so. The effect of introducing new material at the end is to:

2.1.1. Deprive the other members of the right to speak against the reasons for the motion.

2.1.2. Confer a huge advantage to the mover and seconder who can then speak without fear of refuting. In this case, the mover (and seconder) took advantage and made substantial claims that were easily challengeable as not being accurate. The four most egregious claims are:

- a) *That the motion would allow RCC to listen to the traditional owners which we haven't done.* The traditional owners were inside and outside the meeting at the time making their wishes against the motion very clear. They were very clear also that the CHIA 2013 represented their united views about the sacred land and therefore they were not going to repeat them as the motion required.
- b) *That those used as authority against the dam did in fact support it being back on the table when challenged.* I attach Prof White's refute to this claim (as reported in the Echo).
- c) *That the petition presented by Cr Cadwallader did not contain contradictions to the imperative of having everything on the table.* There were eight requests in the petition and seven of them were for taking things off the table. Although four (of seven) were for short-term getting started they were also available in the long term. In addition to these four, there were three others requested to be removed from the table.

BES believes that it is up to the Chair and the GM to make restitution for these breaches. BES would like to be advised on how this will be done.

Regards
Claudia Caliari and Lyn Walker
Ballina Environment Society

Delegation - General Manager

Responsible Officer: Group Manager People and Performance (Helen McNeil)

Recommendation

That Council approve the instrument of delegation for the position of General Manager as presented in [Attachment 2](#).

Background

To allow the General Manager to undertake the duties of the role prescribed by the *Local Government Act 1993* (LG Act) and their contract of employment, Council may delegate to the position of General Manager any of the functions granted to it under the LG Act or any other Act, except for those functions listed in [section 377](#) (extract provided at [Attachment 3](#)).

Any delegations made by Council under section 377 must be reviewed within the first 12 months of each term of office.¹ The delegation to the General Manager made by the previous term of Council on 11 December 2019 ([Attachment 1](#)) is now due for review following the local government elections in December 2021.

1. Revised delegation

Governance staff have reviewed the delegation made by the previous Council to the General Manager and recommend two substantive amendments relating to the acceptance of tenders and the threshold for debt write-off – See [Attachment 2](#).

Tenders

Under the current delegation, the General Manager may accept tenders valued up to \$250,000 (including GST) and tenders in excess of this value are currently accepted by resolution of Council.

The revised delegation proposes to increase this tender acceptance threshold to \$1,000,000 (including GST) subject to the legislative tendering requirements being fulfilled and an approved budget being present.

The purpose of this amendment is to provide:

- greater **operational efficiency** in the awarding of tenders/letting of contracts. This is important in competitive procurement activities where attracting suitable suppliers is challenging and time can often be 'of the essence' (for example, Future Water Project 2060 and the 2022 flood recovery), and;
- **business continuity**, particularly during periods when Council is unable to meet (for example, due to natural disasters, pandemics, and the period between the commencement of caretaker period to the first meeting of the new term of Council).

A notation has also been included in the revised delegation, stipulating the requirement to provide Council with a summary of all tenders accepted by the General Manager under their delegation to the next available Council meeting.

¹ [Section 380](#) *Local Government Act 1993* (NSW)

Debt write-off

Under Council's existing 'Debt Management and Financial Hardship' and 'Revenue' policies the General Manager is authorised to write-off debts up to the value of \$1,000, including the power to sub-delegate this authority to certain Council staff.

It is recommended that this authority be captured within the Council issued delegation to the General Manager.

It is further proposed under cover of a separate report to this Council meeting, that the threshold for the write-off of debts by the General Manager be increased to \$5,000.00. The revised delegation has been drafted on the assumption that this recommendation is adopted by Council and can be amended should that recommendation not be accepted.

2. Existing checks and balances

- Process controls

Under section 55 of the LG Act, Council is required to invite and conduct tenders in accordance with the provisions of the *Local Government (General) Regulation 2021* before entering into certain contracts – for example, a contract for goods or services estimated at \$250,000 or more.

- Financial controls

Prior to the commencement of each financial year, Council is presented with an Operational Plan and budget for approval in accordance with the Integrated Planning and Reporting requirements and financial management principles contained in the LG Act.

- Probity controls

Council is required under the *Government Information (Public Access) Act 2009* (GIPA Act) to keep and make publicly available on its website a register(s) of contracts valued at \$150,000 (including GST) or more in order to promote an open, fair and accountable Council.

The details that must be included in Council's contract register(s) under the GIPA Act are summarised in Attachment 4.

- Policy controls

The eligibility and evidentiary requirements for the write-off of debts, fees and/or charges by Council, the General Manager, and/or Council staff is established by Council through the adoption of a 'Debt Management and Financial Hardship' policy. (Attachment 5).

Finance

Council's Long-Term Financial Plan includes substantial works particularly regarding the FWP 2060. This change will improve the required processes to implement the forecast projects.

Legal

Amendment to section 377 exceptions

In 2013, the Local Government Acts Taskforce provided a report to the Minister for Local Government setting out recommendations for local government reform in NSW.²

² Local Government Acts Taskforce 'Report to the Minister for Local Government the Hon Don Page MP – A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988' dated 16 October 2016.

Acceptance of tenders was identified by the Taskforce as an operational function that should be capable of delegation to the General Manager (at the time, it was listed in section 377 LG Act as a function that could not be delegated to the General Manager³).

The purpose of this recommendation was to ensure that councils focussed on strategic decisions consistent with the Integrated Planning and Reporting Framework and empowered the General Manager to make the operational decisions necessary for the day-to-day management of council.

In 2016, the *Local Government Amendment (Governance and Planning) Bill 2016* was adopted by the NSW parliament and section 377 of the LG Act amended to allow the authority to accept tenders, other than tenders to provide services currently provided by council staff, to be delegated to the General Manager.

Contracts less than \$250,000

The process for undertaking procurement activities or awarding contracts valued at less than \$250,000, and/or are exempt from the section 55 LG Act tendering requirements, are regulated by Council's 'Procurement' Policy (Attachment 6) and associated procedures.

The revised delegation attached to this report will not impact this requirement.

Reporting debt write-off

In accordance with section 131 of the *Local Government (General) Regulation 2021* ('LG Regulation'), the General Manager must advise the Council of any bad debt written off (for example, because it would not be cost effective to attempt recovery) by written order of the General Manager.

Details of all rates or charges written off during the year are also required to be included in Council's Annual Report, as per section 132 of the LG Regulation.

Consultation

The recommendation to increase the threshold for the acceptance of tenders was conveyed to Councillors in the context of the procurement strategy for the Future Water Project 2060, which was presented at the July 2022 Councillor workshop.

Section 55 of the LG Act regulates the process to be followed to engage the market (i.e. by ensuring a consistent, fair and equitable opportunity is extended to all prospective suppliers). It is important to note that should Council resolve to make the proposed delegation as recommended, this authority will apply to the award of all tenders and not just those made in the course of the Future Water Project 2060.

Conclusion

A review of the Council issued delegation to the General Manager has been completed with amendments proposed to the threshold for accepting tenders and debt write-off, as outlined above.

Attachments

1. Delegation to General Manager dated 11-12-2019
2. Revised delegation to General Manager
3. Section 377 *Local Government Act 1993* (extract)

³ Section 377(1)(i) *Local Government Act 1993* – A council may delegate to the general manager any of the functions of the council other than the following: "[the acceptance of tenders which are required under this Act to be invited by the council](#)".

4. Summary of details to be included in contract registers under the *Government Information (Public Access) Act 2009*
5. '[Debt Management and Financial Hardship](#)' policy (**via website**)
6. '[Procurement](#)' policy (**via website**)

Rous County Council

Delegation

Rous County Council ('Council') at its meeting of 11 December 2019, hereby:

1. Pursuant to section 377 of the *Local Government Act 1993* and section 375 of the *Biosecurity Act 2015*, revoke the delegation conferred on the position of General Manager by resolution of Council at its meeting of 19 September 2018 (resolution 80/18) and any delegations revived as a result of this revocation.
2. Pursuant to section 377 of the *Local Government Act 1993*, delegate to the position of General Manager the functions conferred or imposed on Council by or under the *Local Government Act 1993*, that are capable of being delegated to that position, subject to the following conditions:
 - (i) Acceptance of tenders valued at \$250,000 (including GST) or more are to be determined by resolution of Council; and
 - (ii) any expenditure incurred or approved by the General Manager must have an approved budget allocation or have been otherwise authorised by Council resolution.
3. Pursuant to section 375 of the *Biosecurity Act 2015*, delegate to the position of General Manager the functions conferred or imposed on Council as a local control authority by or under the *Biosecurity Act 2015*.
4. Delegate to the position of General Manager the functions conferred or imposed on Council by or under any other Act or law, that are capable of being delegated to that position.

Definitions

function includes a reference to a power, authority and duty.

Note:

Section 377 of the *Local Government Act 1993* makes provision for a range of Council functions that are not delegable.

This delegation includes the power to sub-delegation functions under section 375 of the *Biosecurity Act 2015*.

CHAIRPERSON

Rous County Council

Delegation

Rous County Council ('Council') at its meeting of 17 August 2022, hereby:

1. Pursuant to section 377 of the *Local Government Act 1993* and section 375 of the *Biosecurity Act 2015*, revoke the delegation conferred on the position of General Manager by resolution of Council at its meeting of 11 December 2019 (resolution 93/19) and any delegations revived as a result of this revocation.
2. Pursuant to section 377 of the *Local Government Act 1993*, delegate to the position of General Manager the functions conferred or imposed on Council by or under the *Local Government Act 1993*, that are capable of being delegated to that position, subject to the following conditions:
 - (i) Acceptance of tenders and award of contracts valued:
 - A. Up to \$1,000,000 (including GST) can be determined by the General Manager subject to compliance with any applicable tendering requirements under the *Local Government Act 1993* or associated regulations.
 - B. \$1,000,001 (including GST) or more are to be determined by resolution of Council.
 - (ii) Any tenders accepted, contracts awarded, or expenditure incurred or approved by the General Manager must have an approved budget allocation or have been otherwise authorised by Council resolution.
 - (iii) Authorise the write off of rates, charges and debts to Council equal to or below \$5,000 (incl. GST) that satisfy the requirements of the *Local Government Act 1993*, associated regulations, and Council's 'Debt Management and Financial Hardship' policy.
3. Pursuant to section 375 of the *Biosecurity Act 2015*, delegate to the position of General Manager the functions conferred or imposed on Council as a local control authority by or under the *Biosecurity Act 2015*.
4. Delegate to the position of General Manager the functions conferred or imposed on Council by or under any other Act or law, that are capable of being delegated to that position.

Definitions

function includes a reference to a power, authority and duty.

Note:

Section 377 of the *Local Government Act 1993* makes provision for a range of Council functions that are not delegable.

This delegation includes the power to sub-delegate functions under section 375 of the *Biosecurity Act 2015*.

A summary of tenders accepted and contracts awarded by the General Manager under clause 2(i)(A) of this delegation must be provided to Council for its information at the next available Council meeting.

CHAIRPERSON



Local Government Act 1993 No 30

Current version for 1 January 2022 to date (accessed 26 May 2022 at 08:38)

[Chapter 12](#) ▶ [Part 3](#) ▶ [Section 377](#)

377 General power of the council to delegate

- (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following—
- (a) the appointment of a general manager,
 - (b) the making of a rate,
 - (c) a determination under section 549 as to the levying of a rate,
 - (d) the making of a charge,
 - (e) the fixing of a fee,
 - (f) the borrowing of money,
 - (g) the voting of money for expenditure on its works, services or operations,
 - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
 - (i) the acceptance of tenders to provide services currently provided by members of staff of the council,
 - (j) the adoption of an operational plan under section 405,
 - (k) the adoption of a financial statement included in an annual financial report,
 - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
 - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
 - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
 - (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*,
 - (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
 - (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
 - (r) a decision under section 234 to grant leave of absence to the holder of a civic office,

- (s) the making of an application, or the giving of a notice, to the Governor or Minister,
 - (t) this power of delegation,
 - (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.
- (1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if—
- (a) the financial assistance is part of a specified program, and
 - (b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - (d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.
- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.
- (3) A council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.

Government Information (Public Access) Act 2009 (NSW)**29 Information to be entered in register—class 1 contracts**

The following information about a class 1 contract is to be entered in the government contracts register—

- (a) the name and business address of the contractor,
- (b) particulars of any related body corporate (within the meaning of the *Corporations Act 2001* of the Commonwealth) in respect of the contractor, or any other private sector entity in which the contractor has an interest, that will be involved in carrying out any of the contractor's obligations under the contract or will receive a benefit under the contract,
- (c) the date on which the contract became effective and the duration of the contract,
- (d) particulars of the project to be undertaken, the goods or services to be provided or the real property to be leased or transferred under the contract,
- (e) the estimated amount payable to the contractor under the contract,
- (f) a description of any provisions under which the amount payable to the contractor may be varied,
- (g) a description of any provisions with respect to the renegotiation of the contract,
- (h) in the case of a contract arising from a tendering process, the method of tendering and a summary of the criteria against which the various tenders were assessed,
- (i) a description of any provisions under which it is agreed that the contractor is to receive payment for providing operational or maintenance services.

30 Additional information for class 2 contracts

[...]

(2) The additional information required to be entered in the register for class 2 contracts is as follows—

- (a) particulars of future transfers of significant assets to the State at zero, or nominal, cost to the State, including the date of their proposed transfer,
- (b) particulars of future transfers of significant assets to the contractor, including the date of their proposed transfer,
- (c) the results of any cost-benefit analysis of the contract conducted by the agency,
- (d) the components and quantum of the public sector comparator if used,
- (e) if relevant, a summary of information used in the contractor's full base case financial model (for example, the pricing formula for tolls or usage charges),
- (f) if relevant, particulars of how risk, during the construction and operational phases of a contract to undertake a specific project (such as construction, infrastructure or property development), is to be apportioned between the parties, quantified (where practicable) in net present-value terms and specifying the major assumptions involved,
- (g) particulars as to any significant guarantees or undertakings between the parties, including any guarantees or undertakings with respect to loan agreements entered into or proposed to be entered into,
- (h) particulars of any other key elements of the contract.

31 Register to include copy of class 3 contract

If a class 2 contract has (or is likely to have) a value of \$5 million or more (a **class 3 contract**), the register must include a copy of the class 3 contract.

Rous Cultural, Environmental and Information Centre

Responsible Officer: Group Manager People and Performance (Helen McNeil)

Recommendation

That Council:

1. Receive and note this report.
2. Endorse the termination of the lease of 207 Molesworth Street, Lismore.
3. Endorse the reallocation of funds to the catchment and cultural awareness budget for progressing reconciliation activities.
4. Receive a progress report at the February 2023 Council Meeting.

Background

On 16 June 2021, Council received the attached report regarding the establishment of the Rous Cultural, Environmental and Information Centre ("RCEIC") at the former Lismore Visitor Information Centre at 207 Molesworth Street, Lismore.

The RCEIC was opened to the public on 1 December 2021.

Following the flood events of 2022, the RCEIC was inundated and suffered significant damage. The majority of Rous' fit out was destroyed.

Lismore City Council (LCC), as the owner of the property has requested Rous advise whether there is an intention to recommence operations of the RCEIC. This request is due to the need for LCC to prioritise asset repairs.

It is proposed that Rous does not recommence operations of the RCEIC and that staff proceed with steps to terminate the lease.

The agreed position between Rous and LCC was that Rous occupy the premises by way of registered lease, and then grant back to LCC a non-exclusive licence for the delivery of visitor services. The staffing and operational hours of the RCEIC were shared between Rous and LCC on a roster basis.

As at the date of writing this report, LCC staff have not confirmed whether it is intended that LCC will recommence visitor services at the site. In the event that LCC visitor services do not recommence then this would present a further challenge to Rous resuming operations. Staffing arrangements were in place between Rous and LCC to enable the RCEIC to operate 7 days per week. Without LCC's partnership and support the RCEIC will not operate over weekends. While these considerations do not impact the proposal to terminate the lease, they are relevant in relation to the mechanism used to terminate the lease (refer to 'Legal' section of the report).

Governance

- **Integrated Planning and Reporting**

Strategic Objective 2.3.4 states:

We respect our local Aboriginal history and culture, and work positively to engage our First Nations community

Activities and initiatives planned to be delivered through the RCEIC will be reviewed having regard to where reconciliation efforts will be of most value post-flood. The impact of the disaster has been widespread and devastating therefore it is appropriate to ensure that short – medium term actions and activities are appropriate. All efforts will continue to be aligned with

and support Rous' Strategic Objective 2.3.4 including as part of and through the Reconciliation Action Plan.

- **Finance**

The previously allocated budgets for the RCEIC are proposed to be reallocated in the September 2022 Quarterly Budget Review. Additional funding is not required as a consequence of the actions proposed in this report.

- **Legal**

Clause 8 of the current lease for 207 Molesworth Street, allows Rous to terminate the lease if the premises cannot be made good. While LCC have advised they intend to repair the premises, given Council's relocation to Gallans Rd, Ballina it is likely that these repairs will not occur prior to Council's relocation. As noted earlier, LCC's future plans for visitor services will determine the legal basis to terminate the lease.

Consultation

The RCEIC project was undertaken in consultation with Council's Group Manager Corporate and Commercial, Catchment and Cultural Awareness Manager and Governance Advisor and LCC staff. Since the flooding events, internal consultation has occurred which also includes Rous' recently appointed Reconciliation Liaison Officer however external consultation has proved difficult due to flood recovery works. If the recommendations of this report are endorsed, staff will continue to attempt to liaise with LCC with a view to ending the tenancy at 207 Molesworth Street, Lismore.

Conclusion

It is proposed that operation of the RCEIC not resume and as a consequence that staff progress steps to terminate the lease of 207 Molesworth Street, Lismore. Council's opportunity to test and improve its reach and effectiveness in delivering cultural, environmental and related technical information is still an objective which provides a valuable and innovative outcome to be progressed under the auspices of the Reconciliation Action Plan.

Attachment

1. Rous Cultural Environmental Information Centre – Council report 15-06-2022

Rous Cultural, Environmental and Information Centre

(D21/18829)

Business activity priority

Customers and Stakeholders

Goal 5

Proactive management of relationships with member councils and key stakeholders

Recommendation

That Council:

1. Receive and note this report;
2. Endorse the approach to lease the Lismore Visitor Information Centre site, establish and operate a cultural, environmental and information facility as per the Legal Framework set out in this report;
3. Approve an additional budget allocation of \$175,000 from bulk water reserves; and
4. Receive a progress report prior to the adoption of the draft Operational Plan 2022/23.

Background

An opportunity has arisen for Council to establish a cultural, environmental and information facility at the Lismore City Council ('LCC') owned Lismore Visitor Information Centre ('Visitor Centre'). The initiative will enable targeted engagement activities (particularly for major initiatives) and provide Council further opportunity to deepen partnerships with local Indigenous people and organisations as part of Council's Reconciliation Action Plan.

Following the councillor workshop presentation of 17 March 2021, the purpose of this report is to seek Council's endorsement to progress with a lease and licence agreement and approve the estimated budget required for same, as set out below.

1. Lismore Visitor Information Centre status

Located adjacent to Heritage Park on Molesworth Street in the Lismore CBD, the Visitor Centre is a purpose-built public engagement facility. See Figure 1.

The building contains ground floor public amenities and first/upper floor retail and office space.

The first/upper floor features an indoor rainforest replica, Aboriginal historical display, cultural gallery space, staff amenities, display shelving and service counter.

LCC closed the Visitor Centre in July 2020 to deliver cost savings while a review of its tourism strategy was undertaken.

In late-2020, LCC conducted an open expressions of interest process to identify potential partners who could reopen the Visitor Centre and provide a base-level of visitor information/tourism services whilst delivering a new operating model for the facility.

Rous lodged an expression of interest in November 2020.

Central to Council's proposal was establishing and operating the Rous Cultural, Environmental and Information Centre via a partnership model involving LCC and the Aboriginal community.

The expression of interest was conditional on subsequent Council consultation and consideration.



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Figure 1 – Visitor Centre denoted by red box. Aerial view extracted from NSW Six Maps 04-06-2021.

2. Vision for the Rous Cultural, Environmental and Information Centre

Council's vision for the Rous Cultural, Environmental and Information Centre's operating model entails three main elements.

Firstly, creating a regional base for community engagement across all of Council's service delivery areas by:

- staffing the centre from Council's engagement and customer service teams with a rostered system of technical specialists (e.g. weed biosecurity, bush regeneration, water sustainability, floodplain, etc) so that community members can drop in to discuss and learn about key natural resource management issues;
- installing permanent and changing displays (utilising multimedia and other technology where possible) to showcase Council's major flood mitigation, bulk water supply and weed biosecurity projects and other initiatives; and
- developing a program of regular community presentations and guest speakers.

Secondly, partnering with the region's Aboriginal community to utilise the centre for cultural heritage displays, events and other activities. While this will largely depend on volunteer arrangements, employment opportunities through targeted grant programs will be pursued.

Council's Reconciliation Action Plan Advisory Group is well-positioned to help develop these partnerships as well as the centre's cultural awareness themes.

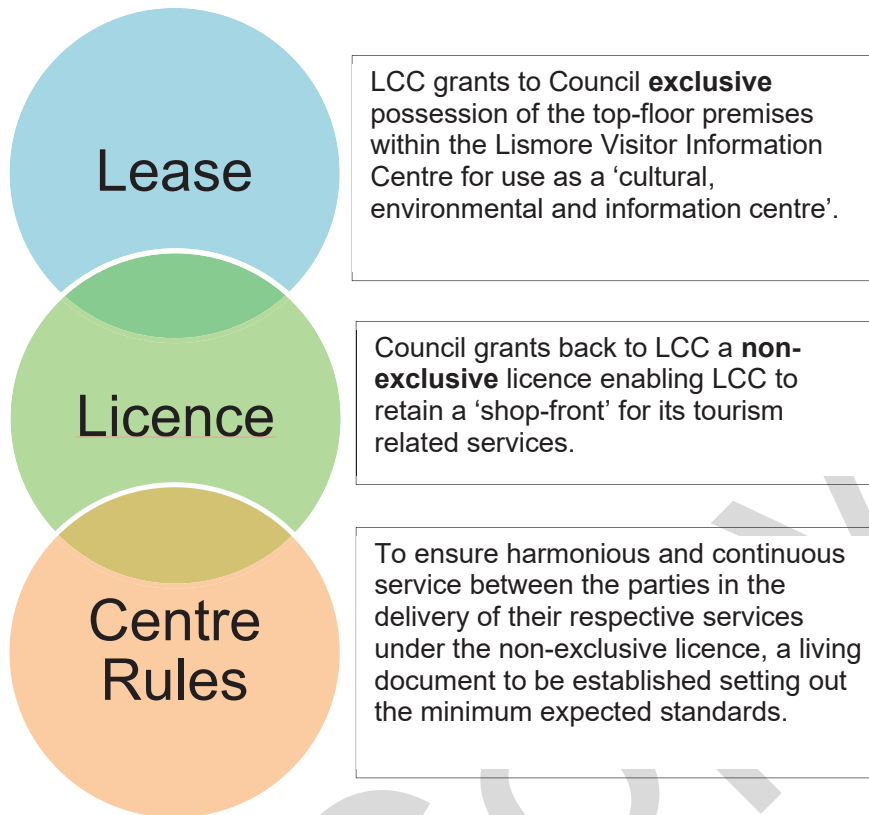
Finally, supporting LCC in its endeavour to continue providing a tourism service.

This includes retaining the centre's existing indoor rainforest replica, Aboriginal historical display, and visitor information resources as well as some retail functions and products.

It also involves Council staff responding to visitor information enquiries and LCC maintaining a tourism-related staffing presence within the centre via a licence agreement.

3. Legal Framework

The legal framework outlined below is recommended as the most appropriate method by which to clearly delineate the rights, responsibilities and liabilities as between and of the parties while promoting and facilitating their respective objectives.



(1) Lease agreement

Under the lease, LCC grants Council exclusive possession of the Visitor Centre's first/upper floor for use as a 'cultural, environmental and information centre'.

The lease starts on 1 July 2021 for a term of three years, with an option to extend for a further three years.

Rent payable commences at \$17,600 (including GST) per annum, with CPI increases annually.

Initially, Council has three months from the lease's start date to fit out the centre prior to opening to the public on 1 October 2021.

LCC remains responsible for operating and maintaining the ground floor public amenities.

The lease contains a 'without cause' termination clause which allows Council to withdraw at any time from the arrangement upon payment of the equivalent of six (6) months' rent and two (2) months prior notice to LCC.

(2) Licence agreement

Under the licence agreement, Council grants back to LCC a non-exclusive licence to allow LCC to provide tourism-related services from the centre's first/upper floor.

LCC is required to provide a minimum physical staffing requirement of 10 hours per week (Monday to Friday) and may install and maintain a kiosk and display tourism-related brochures.

The licence agreement also establishes a set of Centre Rules which regulate the interaction between the parties sharing the centre by providing a written understanding as to the minimum behavioural, operational and service standards expected under the licence.

The centre's hours of operation are also set out in the Centre Rules, being, Council will operate the centre Monday to Friday between 10am and 4pm while LCC will operate the centre Saturdays and Sundays between 10am and 2pm.

Governance

Section 377(1)(h) of the Local Government Act 1993 (NSW) precludes Council from delegating authority in relation to the "compulsory acquisition, purchase, sale, exchange or surrender of any land or other property" but does not preclude delegation of authority to enter into leases or licences.

The General Manager has the delegated authority to execute the lease and licence agreements.

Finance

The draft Operational Plan 2021/22 does not contain any specific funding for the fit-out and operation of the centre as described in this report.

It should be noted that Rous' salary costs are included in the draft Operational Plan 2021/22 along with the recurrent allocation for supporting collateral.

However, given the public aspect of this innovative approach, an appropriate additional budget 2021/22 allocation is requested to ensure this trial project meets its objectives.

	\$ Budget
Rent and outgoings	25,000
12-month contract – establishment resourcing	95,000
Fit out costs	30,000
Contingency amount	25,000
TOTAL	\$175,000

Consultation

The development of the legal framework was undertaken in consultation with Council's Group Manager Corporate and Commercial, Natural Resource Management Planning Coordinator and Governance Advisor and Lismore City Council staff.

Conclusion

Council has an opportunity to test and improve its reach and effectiveness in cultural, environmental and related technical information in an innovative and novel way with relatively low commercial risk exposure.

A progress report will be provided to Council prior to the adoption of the 2022/23 Operational Plan.

Guy Bezrouchko
Group Manager Corporate and Commercial

Debt Management and Financial Hardship policy and Retail Water Customer Account Assistance policy (reviewed)

Responsible Officer: Group Manager Corporate and Commercial (Guy Bezrouchko)

Recommendation

That Council:

1. Receive and note the report.
2. Publicly exhibit the revised Retail Water Customer Account Assistance policy and Debt Management and Financial Hardship policy (Attachment 1 and 2) for a period of 28 days, and:
 - i). Should no public submissions be received:
 - (a) The following policies be revoked and any policies revived as a result of the revocation:
 - Debt Management and Financial Hardship policy dated 15 April 2020; and
 - Retail Water Customer Account Assistance policy dated 19 September 2018.
 - (b) The revised policies attached to this report be adopted.
 - (c) The revised Retail Water Customer Account Assistance policy be applied to those properties identified as staff having excess water usage in flood affected areas for Quarter 4 (February to May 2022).
 - ii). Should any public submission be received, those submissions be considered by Council at its next meeting in conjunction with consideration of revoking the above policies and adopting the revised policies.
3. Fix the amount above which debts may be written off only by resolution of Council at \$5,000 (incl. GST).
4. Approve the removal the paragraph referring to write-offs: Rates, Charges and Debts to Council from the Revenue policy (Fees and Charges 2022-23) as it is captured in the General Manager's delegation.

Background

Revised Retail Water Customer Account Assistance policy

The recent natural disaster has had significant financial impact on our customers and community. Finance staff have received numerous enquiries from retail customers regarding financial assistance, debt waiver or other financial relief due to excess water accounts post 2022 floods.

306 properties have been identified as having excess water usage in flood affected areas for Quarter 4 (February to May), 2022. Properties with excess water usage were identified following an analysis of the Q4/2022 water charges against the previous year's water charges for the same quarter. Staff have investigated possible avenues for financial relief and support within its financial capacity which Council can consider applying for those affected by the 2022 NSW floods.

While legislative provisions do exist to grant financial assistance through Section 356 of the *Local Government Act 1993* (LG Act'), amendments are required to the Retail Water Customer Account Assistance policy to be able to provide any form of natural disaster relief now and in the future.

Proposed policy change

Under the current policies, Council has limited scope to provide financial relief in circumstances such as natural disasters. The revised Retail Water Customer Account Assistance policy proposes a new category for “Natural Disaster Events”, which will allow for Council to have a determined position with which to deal with customers, financially impacted by natural disasters.

6. Granting of financial assistance – Natural disaster event

- 6.1. Council may, in its discretion, agree to financial relief in the form of adjusting water charges where a Natural Disaster (as declared by the Federal Government) could reasonably be considered to have contributed to an excess water use reading/charge.
- 6.2. Financial relief will be assessed based on a historical water consumption comparison. Water charges will be adjusted to reflect the customers usual water usage.
- 6.3. Council staff will identify properties impacted by a natural disaster event and will apply 6.2 above to determine disaster relief applicable.

Should Council support this policy change and after 28 days of public exhibition there are no material public submissions received, staff will apply this revised policy to the 306 flood affected properties identified (total financial relief \$60K). This would be reported to Council through the next available Retail Water Customer Account Assistance report along with a request for an additional budget of \$60K to cover financial assistance for retail water customers due to the natural disaster event.

Revised Debt Management and Financial Hardship policy

Currently contained within this Debt Management and Financial Hardship policy is a section on write-off's which refers to the amount above which debts to Council may be written off only by resolution of the Council (currently fixed at \$1,000 ex-GST). Council delegates to the General Manager the power to write off debts equal to or below this threshold. Debts approved for write-off by Council staff are done so under delegation and in accordance with sections 131 or 213 of the *Local Government (General) Regulation 2021*.

Write-offs

The amount above which debts to Council may be written off only by resolution of the Council is fixed at \$1,000.00 (ex-GST). Council delegates to the General Manager the power to write-off debts equal to or below this threshold.

The General Manager sub-delegates the power to write-off debts equal to or below:

- \$500.00 to the relevant Group Manager
- \$250.00 to the Finance Manager.

It is recommended for Council to increase the amount for which debts may be written off only by resolution of Council to \$5,000 (incl. GST). In today's economic climate where \$1,000 is a very low threshold for operational efficiency, this increase to \$5,000 would provide Council staff with both operational and administrative efficiency. This would allow these 'business as usual' operational decisions to be made by Council staff with appropriate delegation without the need to wait up to 2 months to seek resolution by Council. Council members would continue to review and provide Council resolution for all write off's over \$5,000 and receive visibility of all debt write-offs made by Council staff. The bi-annual 'Debt write-off information summary' report presented to Council in February and August is the mechanism by which Council is advised of all bad-debts written off for the period 1 July to 31 December and 1 January to 30 June each year.

Proposed policy change

It is recommended this authority for the General Manager to approve debt write-off up to the approved threshold be removed from the Retail Water Customer Account Assistance policy and captured within the Council issued delegation to the General Manager. Amendments to this instrument of delegation is being presented for Council resolution at the August 2022 Council Meeting.

Revised Revenue policy (Fees and Charges 2022-23)

In line with the above recommendation to remove the reference to the amount above which debts to Council may be written off only by resolution of the Council in the Debt Management and Financial Hardship policy for it is also recommended to remove this same reference from the 'Revenue policy (Fees and Charges 2022-23) for the purpose of consistency.

Write Offs – Rates, Charges and Debts to Council

The amount above which rates, charges and debts to Council may be written off only by resolution of the Council is fixed at \$1,000.00 (ex-GST). Council delegates to the General Manager the power to write off rates, charges and debts equal to or below this threshold.

Proposed policy change

It is recommended this authority for the General Manager to approve debt write-off up the approved threshold be removed from the Revenue policy (Fees and Charges 2022-23) and be captured within the Council issued delegation to the General Manager. Amendments to this instrument of delegation is being presented for Council resolution at the August 2022 Council Meeting.

Finance

Council has an existing approved recurrent budget for retail water customer account assistance of \$25,000 and a write-off budget for \$10,000. In the event of a natural disaster, an additional budget maybe required. This would be reported to Council through the next available Retail Water Customer Account Assistance report along with the request for an additional budget to cover the natural disaster event.

Legal

Section 131(1) of the *Local Government (General) Regulation 2021* ('LG Regulation') provides that *"The council must, from time to time, by resolution, fix the amount of rates and charges above which any individual rate or charge may be written off only by resolution of the council."*

Section 356 of the *Local Government Act 1993* ('LG Act') provides that:

- (1) *A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.*
- (2) *A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.*
- (3) *However, public notice is not required if -*
 - (a) *the financial assistance is part of a specific program, and*
 - (b) *the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*

- (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
- (d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.*
- (4) Public notice is also not required if the financial assistance is part of a program of graffiti removal work.*

It is proposed that the revised policies, which each contemplate the granting of financial assistance, be placed on public exhibit for a period of 28 days for full transparency and to promote the objectives of section 356 of the LG Act.

Consultation

To place the amended Debt Management and Financial Hardship policy and Retail Water Customer Account Assistance policy on public exhibition for 28 days and seek public submissions.

Conclusion

Relief on water usage charges needs to be determined on a case-by-case basis and applied through an appropriate mechanism.

The current policies do not provide enough flexibility or adequate financial delegation to address these issues adequately in circumstances of a declared natural disaster. The revised policies have been developed to bridge this gap and are recommended for approval by Council subject any public submissions being received.

Attachments

1. Retail Water Customers' Account Assistance policy adopted on 19 September 2018 **(for revocation)** **(available via website)** <https://www.rous.nsw.gov.au/page.asp?f=RES-ABA-28-13-74>
2. Debt Management and Financial Hardship policy adopted on 15 April 2020 **(for revocation)** **(available via website)** <https://www.rous.nsw.gov.au/page.asp?f=RES-MSA-63-57-38>
3. Proposed Retail Water Customer Account Assistance policy **(for adoption)**
4. Proposed Debt Management and Financial Hardship policy **(for adoption)**
5. Revenue Policy (Fees and Charges 2022-23) **(available via website)**
<file:///C:/Users/nsmith/Downloads/fees-and-charges-2022-23.pdf>

Policy



Retail Water Customer Account Assistance

Approved by Council: XX/XX/2022

To provide a framework with uniform and transparent rules for the assessment and determining of requests for account assistance.

Safety

Teamwork

Accountability

Respect

Background

Council recognises that there are circumstances where our retail water customers may need assistance to meet their responsibility of paying their water account. The objective of this Policy is to ensure uniform and transparent rules for providing account assistance. This Policy establishes the circumstances in which assistance will be provided, while applying the principles of fairness, integrity and confidentiality.

Policy statement

The *Local Government Act 1993* allows Council to provide account assistance to its customers as needed. Council has determined that it will voluntarily provide the following account assistance to its retail water customers:

- Payment arrangements, including payment extensions (section 564);
- Writing off or reducing interest (section 564 and 567);
- Extension of pensioner concession to avoid hardship (section 577);
- Granting of financial assistance due to a natural disaster event (section 356);
- Granting of financial assistance due to a concealed or undetected water leak or for the use of water dependent medical equipment (section 356); and
- Abandonment of pensioner rates and charges due to a concealed or undetected water leak (section 582).

1. Payment arrangements, including payment extensions

1.1. It is Council's practice to provide customers with payment extensions and payment arrangements of due dates in the first instance. However, where this is inappropriate, Council will consider other forms of assistance, as outlined in this Policy.

2. Writing off or reducing interest

2.1. There are two circumstances in which Council will write off or reduce interest:

- 2.1.1. Where the customer is compliant with a payment arrangement; and
- 2.1.2. Where the payment of accrued interest would cause the customer hardship.

3. Extension of pensioner concession to avoid hardship

3.1. Where Council considers it appropriate in the circumstances to avoid hardship, Council may extend that annual pensioner concession rebate of up to \$87.50 to an individual living with a pensioner who would otherwise be ineligible.

4. Granting of financial assistance – concealed or undetected water leak

- 4.1. Council has determined that a customer may be eligible for financial assistance due to a concealed or undetected water leak if:
- 4.1.1. The customer is solely or jointly liable for the water charges; and
 - 4.1.2. The recorded consumption for the quarter in which the leak occurred is in excess of 500kL; and
 - 4.1.3. The leak was above 200% of the daily average usage for the previous four (4) quarters; and
 - 4.1.4. The leak was repaired in accordance with the relevant Standards; and
 - 4.1.5. A licensed plumber has completed Council's 'Water Use Audit Report' and returned to Council.
- 4.2. The financial assistance that may be provided is calculated as follows:

$[(\text{Recorded consumption for the period}) \text{ less } 500\text{kL base consumption amount}] \times 75\%$

- 4.3. This assistance is only available to customers once per property, per ownership.
- 4.4. Council will not accept an application more than 60 days after the original due date of the water account that relates to the period of the concealed or undetected leak.
- 4.5. Property owner contact details will be forwarded to Council's Demand Management section who may contact the property owner about water saving initiatives.
- 4.6. Council will not apply this policy where there is no available budget.

5. Granting of financial assistance – water dependent medical equipment

- 5.1. Council may provide a rebate of up to 200kL per rating year to customers who require the use of home-based haemodialysis or other water dependent health care equipment.
- 5.2. This assistance is available to customers for the duration of the use of home base haemodialysis or other water dependent health care equipment, provided that this confirmed by a registered medical practitioner every rating year.

6. Granting of financial assistance – Natural disaster event

- 6.1. Council may, in its discretion, agree to financial relief in the form of adjusting water charges where a Natural Disaster (as declared by the Federal Government) could reasonably be considered to have contributed to an excess water use reading/charge.
- 6.2. Financial relief will be assessed based on a historical water consumption comparison. Water charges will be adjusted to reflect the customers usual water usage.
- 6.3. Council staff will identify properties impacted by a natural disaster event and will apply 6.2 above to determine disaster relief applicable.

7. Abandonment of pensioner rates and charges – concealed or undetected water leak

- 7.1. Council has determined that a customer may be eligible for financial assistance due to a concealed or undetected water leak if:
- 7.1.1. The property is the customer's sole or principal place of living; and
 - 7.1.2. The customer is solely or jointly liable for the water charges; and
 - 7.1.3. The recorded consumption for the quarter in which the leak occurred is in excess of the base consumption (kL) threshold for pensioners, calculated as follows:

Age pension amount (\$): single, including maximum pension supplement and energy supplement (per week)	x	=	base consumption (kL) threshold for pensioners
National minimum wage amount (\$) (per week)	500kL		

and

- 7.1.4. The leak was above 200% of the daily average usage for the previous four (4) quarters; and
- 7.1.5. The leak was repaired in accordance with the relevant Standards; and
- 7.1.6. A licensed plumber has completed Council's 'Water Use Audit Report' and returned to Council.

7.2. The financial assistance that may be provided is calculated as follows:

$\frac{[(\text{Recorded consumption for the period}) \text{ less the base consumption threshold for pensioners amount}] \times 75\%}{}$

- 7.3. This assistance is only available to customers once per property, per ownership.
- 7.4. Council will not accept an application more than 60 days after the original due date of the water account that relates to the period of the concealed or undetected leak.
- 7.5. Property owner contact details will be forwarded to Council's Demand Management section who may contact the property owner about water saving initiatives.
- 7.6. Council will not apply this policy where there is no available budget.

Contact officer

Group Manager Corporate and Commercial.

Related documents

Policies

[Pensioner Concession.](#)

[Privacy Management.](#)

Debt Management and Financial Hardship

Legislation

Government Information (Public Access) Act 2009.

Health Records and Information Privacy Act 2002.

Local Government Act 1993.

Local Government (General) Regulation 2021.

Privacy and Personal Information Protection Act 1998.

Social Security Act 1991.

Veterans' Entitlement Act 1986.

Other

[Retail Water Customers' Account Assistance application form](#)

[Retail Water Customers' Account Assistance Guidelines.](#)

[Water Use Audit Report.](#)

<i>Office use only</i>	File no.: 172/13	Next review date: 1 year	
Version	Purpose and description	Date adopted by Council	Resolution no.
1.0		18/03/2015	
2.0		06/05/2015	
3.0		19/09/2018	88/18
4.0	Amended to include provision for excess water charges connected to a natural disaster	17/08/2022	TBC

For adoption

Policy



Debt management and financial hardship

Approved by Council: ###/###/2022

To establish a fair and equitable approach to the recovery of debt, the assessment of financial hardship and outline the circumstances when debt can be considered for write-off.

Safety

Teamwork

Accountability

Respect

Definitions

To assist in the interpretation, the following definitions apply:

Act	<i>Local Government Act 1993</i>
Council	Rous County Council
Customer	<ol style="list-style-type: none"> 1. Property owner(s) with a direct retail water service connection with Council, or 2. An individual, business, company or government entity who have procured products or services from Council or RWL
Debt	Monies due and payable to Council or RWL
Default	Failure by a customer to abide by an agreed payment arrangement for the payment of a debt
Financial hardship	Where a customer wishes to pay monies due and payable to Council or RWL but does not have the financial capacity to do so
Payment arrangement	An agreement entered into by Council and a customer for the payment of a debt by instalment amounts paid over a defined period of time
Regulation	<i>Local Government (General) Regulation 2005</i>
RWL	Richmond Water Laboratories

Background

Council's main functions are providing bulk water supply, weed biosecurity and flood mitigation services to the community. Council also operates a commercial laboratory specialising in sampling and analysis of water quality, a network of retail water filling stations, direct retail water service connections and commercial properties.

Most customers pay monies owed when it falls due. Council acts to collect overdue monies to ensure good financial management and to be fair to the majority of customers who pay promptly within terms.

The Act requires Council to be diligent in the collection and management of public funds, while also making provision for financial assistance to customers experiencing genuine financial hardship.

Policy statement

Council is committed to the efficient and effective collection of overdue monies and the fair and equitable treatment of customers.

Council will achieve this by:

- acting in accordance with the Office of Local Government Debt Management and Hardship Guidelines
- providing a timely and cost-effective process for the collection of debt;
- ensuring Council staff are trained in appropriate debt recovery, hardship and write-off procedures;
- maintaining fair and respectful dealings with customers and applying the principles of integrity and confidentiality;
- establishing circumstances in which financial assistance will be provided to customers facing hardship pursuant to the provisions of the Act; and
- fulfilling the statutory requirements of the Act and other relevant legislation in relation to the recovery of debt.

Financial hardship

Council will consider customers experiencing financial hardship on an individual basis. Customers will need to confirm in writing the nature of the hardship and the estimated time the hardship will be experienced.

Customers will need to demonstrate a willingness to pay by maintaining contact with relevant Council staff regarding their circumstances and by agreeing to a payment arrangement which will be documented in writing and be issued to the customer.

Where a payment arrangement is requested that is considered unreasonable or uneconomic from Council's perspective to administer, staff may request the customer to:

- attend an interview with Council to assist in the understanding of the issues causing hardship and/or,
- provide supporting documentation from a recognised financial counsellor such as a member of the Financial Counsellors Association or from a recognised accountant such as a member of the Institute of Public Accountants.

In addition to a payment arrangement:

- Customers with a direct retail water service connection with Council should also refer to the Retail Water Customer Account Assistance Policy and Guidelines as they may also be eligible for:
 - Writing off or reducing interest (section 564 and 567 of the Act);
 - Extension of pensioner concession to avoid hardship (section 577 of the Act);
 - Granting of financial assistance due to a concealed or undetected water leak or for the use of water dependent medical equipment (section 356 of the Act); and
 - Abandonment of pensioner rates and charges due to a concealed or undetected water leak (section 582 of the Act)
- Customers who have procured products or services from Council or RWL and have been charged a fee may request for the fee to be reduced or waived in accordance with section 610E of the Act. The General Manager will have delegated authority to make such decisions in accordance with the Act and Regulations.

All customers who request assistance due to hardship will be assessed with the same eligibility criteria.

Recovery action

When a customer fails to pay monies owed in full or contact Council to enter into a payment arrangement by the due date of a water account or tax invoice, a reminder notice/letter will be issued. Interest will apply to water accounts in accordance with section 566(3) of the Act.

If by the due date specified on the reminder notice/letter the customer does not pay the monies owed in full or fails to contact Council to enter into an acceptable payment arrangement the matter will be referred to an external debt recovery agency. In addition, applicable credit accounts and access to products/services will be suspended.

It is the responsibility of the customer to communicate with Council and to ensure that Council's contact details including daytime telephone number and postal address are correct. Where a customer defaults on a payment arrangement for a second time, the matter will be referred to an external debt recover agency.

Recovery actions undertaken by the external debt recovery agency may include:

- Letter of Demand
- Statement of Liquidated Claim
- Default Judgement
- Examinations Summons
- Writ of Execution
- Service of a rent order where the property is tenanted
- Garnishee
- Charge against the land

All legal costs incurred in recovering debts will be charged against the account of which the debt is owed.

Recovery action will continue until such time as the outstanding debt including all legal costs incurred by Council are paid in full, or a mutually agreeable payment arrangement is made with Council to pay the outstanding amount, including legal costs, as per this policy. (Council does not report debts to credit reporting agencies and is under no obligation to assist customers to remove factually correct court judgement history.)

Note: Council reserves the right to:

- no longer extend credit and require payment in advance of any product/service supplied where a credit account has been suspended due to recovery action, including instances where the debt has been repaid in full including all legal costs.
- restrict water supply to customers with a direct retail water service connection in accordance with the Guidelines, to prevent misuse of water and the level of debt owed to Council increasing.

Write-offs

In accordance with clause 131 of the Regulation rates and charges can be written off under this clause only:

- if there is an error in the assessment, or
- if the amount is not lawfully recoverable, or
- as a result of a decision of a court, or
- if the council or the general manager believes on reasonable grounds that an attempt to recover the amount would not be cost effective.

In accordance with clause 213 of the Regulation a debt can be written off under this clause only:

- if the debt is not lawfully recoverable, or
- as a result of a decision of a court, or
- if the council or the general manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective.

The fact that a charge or debt is written off under clause 131 or 213 of the Regulation does not prevent Council from taking legal proceedings to recover the amount.

A write-off register will be maintained, and an information summary report will be submitted to Council on a bi-annual basis.

Informal dispute resolution

Where a customer owes a debt to Council and disputes the amount charged or outstanding, the customer is required to put the dispute in writing, stating reasons they believe the account to be incorrect. Council will investigate the complaint to determine if the dispute can be resolved informally and shall respond to the dispute in writing in a timely manner.

Council's Feedback and Complaints Handling Policy or the office of the NSW Ombudsman should be referred to for guidance on complaints.

If a customer is actively participating in a dispute resolution process, has made a request for financial hardship that has not yet been determined, or is complying with a payment arrangement made with Council in good faith, debt recovery proceedings and interest charges will be suspended.

Customers are encouraged to access support services to help resolve legal or financial issues and/or negotiate arrangements to manage debt. Community legal centres and financial counsellors provide a mix of social, financial and paralegal advice and advocacy on debt issues.

Support services

Customers suffering financial hardship or require legal support, may find the following organisations of assistance:

- ASIC's Moneysmart
www.moneysmart.gov.au
- Legal Aid NSW
www.legalaid.nsw.gov.au
Telephone: (02) 6885 4233
- Community Legal Centres NSW
www.clcnsw.org.au
Telephone: 1300 888 529
- Centrelink
www.centrelink.gov.au
Telephone: 13 63 57
- National Debt Hotline operated by Financial Counsellors Association of NSW
www.fcan.com.au
Telephone: 1800 007 007

Appendices

Debt recovery flowchart

Contact officer

Finance Manager

Related documents

Policies

'Retail water customers account assistance' policy
 'Privacy management' policy

Legislation

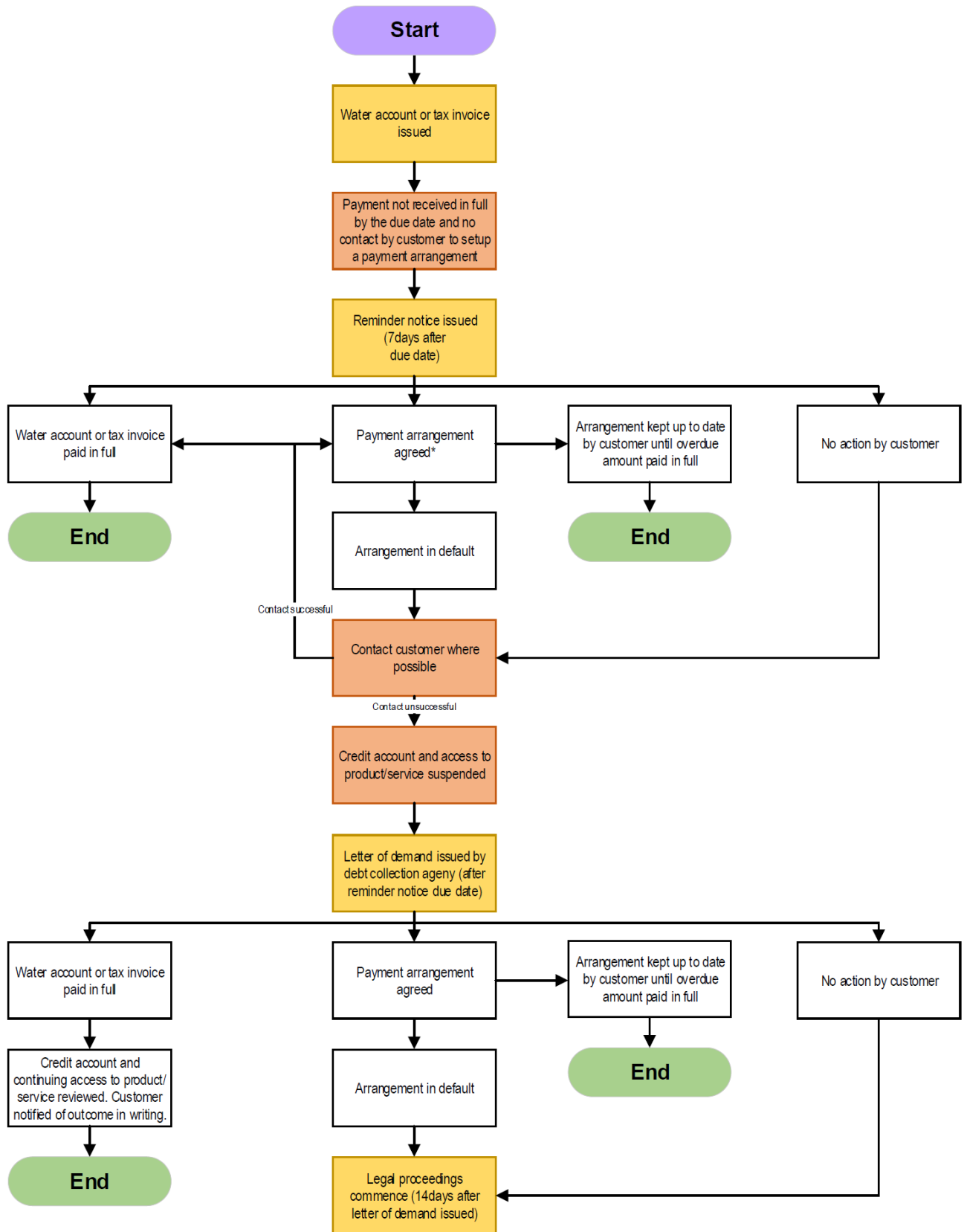
Local Government Act 1993
Local Government (General) Regulation 2005
Privacy and Personal Information Protection Act 1998

Other

NSW Office of Local Government Debt Management and Hardship Guidelines
 Retail Water Customer Account Assistance Guidelines

Office use only	File no.: 172/13	Next review date: 2 years	
Version 1.0		Date adopted by Council 21/04/2020	Resolution no. 16/20

Debt recovery flowchart



A customer is:

1. Property owner with a direct water service connection with Council, or
2. An individual, business, company or government entity who've procured products or services from Council or RWL.

* Where a customer defaults on a payment arrangement for a second time, matter to be referred to debt collection agent

Public Interest Disclosures policy

Responsible Officer: Group Manager People and Performance (Helen McNeil)

Recommendation

That Council:

1. Revoke the 'Public Interest Disclosures' policy dated 17 June 2020 and any policies revised as a result of the revocation; and
2. Adopt the revised 'Public Interest Disclosures' policy attached to this report.

Background

It is a legislative requirement for Council to have in place a public interest disclosures policy which, among other things, designates certain positions within the organisation as 'disclosures coordinators' for the receipt, processing, and/or referral of public interest disclosures (i.e. wrong doing under the *Public Interest Disclosures Act* ('PID Act')).

Following the organisation structure and resourcing review completed in late 2021, a review of the roles previously designated as Disclosures Coordinators was required. As a result, Council's 'Public Interest Disclosures' policy has been reviewed and amendments are proposed.

• Summary of key changes

Several minor amendments have been made (as a 'tracked change') to the revised 'Public Interest Disclosures' policy ([Attachment 1](#)), as outlined below:

- The introductory paragraph, provided as background, has been consolidated.
- Application of the policy has been clarified to extend to Audit, Risk and Improvement Committee members.
- Disclosures Coordinators have been updated as follows:
 - Human Services Manager deleted and replaced with People and Culture Manager (position name change); and
 - Governance Advisor deleted (position made redundant) and replaced with Governance and Risk Manager (new position).

Finance

Not applicable.

Legal

On 14 October 2021 a new [Public Interest Disclosure Bill 2022 \(NSW\)](#) ('PID Bill') was tabled in the NSW Parliament. The Bill was subsequently passed by both Houses of NSW Parliament on 29 March 2022 and assented to on 13 April 2022. The legislation replaces the *Public Interest Disclosure Act 1994* and will commence 18 months after the date of assent or earlier by a day appointed by proclamation.

The requirements relating to public interest disclosure policies are more prescriptive under the new *Public Interest Disclosures Act 2022* than the predecessor legislation.

The intention of the review of Council's 'Public Interest Disclosures' policy was to update the nominated Disclosures Coordinators, not to bring it in line with the new legislative requirements. A further review of the policy will be undertaken for this purpose during the 18-month transition period once the NSW Ombudsman has updated and developed its guidance, training and policy material.

Consultation

The 'Public Interest Disclosures' policy has been reviewed and updated by Council's governance staff. There is no legislative requirement to place the policy on public exhibit prior to it being adopted.

Conclusion

The revised 'Public Interest Disclosures' policy has been updated to reflect the current positions within the organisation structure and is recommended for adoption by Council.

Attachment

1. Revised 'Public Interest Disclosures' policy (**for adoption**)

Policy

Public interest disclosures

Approved by Council: ##/##/2022

To establish an internal reporting system for councillors and staff to report wrongdoing without fear of reprisal.

Safety

Teamwork

Accountability

Respect

Background

Rous County Council ("Council") is entrusted to manage its assets, people and resources in a responsible, ethical and efficient manner. To ensure Council maintains its position of trust, it acknowledges

- the faith and trust placed in it by the community and other government entities
- the expectation that Council staff and Councillors perform their duties to the highest standard and in compliance with the law; and
- the need for clear avenue for reporting any activities which fall below the standards of ethical and proper conduct.

The *Public Interest Disclosures Act 1994* (the Act) sets in place a system in NSW to support public officials in reporting serious wrongdoing. This policy establishes Council's internal processes, in conformance with the Act, for reporting any instances of conduct by Councillors or Council staff which falls below the high standards of conduct expected.

Policy statement

Council is committed to a high standard of ethical and accountable conduct and any form of wrongdoing in the workplace will not be tolerated. Councillors and staff who come forward and report wrongdoing are helping to promote Council's Values and the overall good management of Council.

1. Application

This policy applies to:

- Councillors and committee members (including Audit, Risk and Improvement and s355 Committee members)
- Employees (whether full-time, part-time, casual, temporary, or labour hire)
- Consultants
- Contractors

2. Purpose

The aim of this policy is to support and further the objects of the Act so as to facilitate disclosure in the public interest, of corrupt conduct, maladministration, serious and substantial waste, government information contravention and local government pecuniary interest contravention by:

- a). enhancing and augmenting established procedures for making disclosures concerning such matters, and

- b). protecting persons from reprisals that might otherwise be inflicted on them because of those disclosures, and
- c). providing for those disclosures to be properly investigated and dealt with.

It should be noted that this policy is not intended to affect the proper administration and management of an investigating authority or public authority (including action that may or is required to be taken in respect of the salary, wages, conditions of employment or discipline of a public official), subject to the following:

- a). detrimental action is not to be taken against a person if to do so would be in contravention of the Act, and
- b). beneficial treatment is not to be given in favour of a person if the purpose (or one of the purposes) for doing so is to influence the person to make, to refrain from making, or to withdraw a disclosure.

This policy is consistent with and complements Council's Code of Conduct and 'Fraud and Corruption Control' policy.

Council has an information sheet for staff that is based on the NSW Ombudsman's guidelines which supports this policy and Council's broad responsibilities under the Act, such as recording and reporting on reports of wrongdoing.

3. Organisational commitment

Council is committed to and expects Councillors and staff to make every effort to:

- Facilitate a climate of trust, where Councillors and staff are comfortable and confident about reporting wrongdoing.
- Encourage Councillors and staff to come forward if they have witnessed what they consider to be wrongdoing within Council.
- Keep the identity of the Councillor or staff disclosing wrongdoing confidential, wherever possible and appropriate.
- Protect a Councillor or staff who makes a disclosure from any adverse action motivated by their report.
- Deal with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it.
- Keep a Councillor or staff who makes reports informed of progress with the investigation of the report and the outcome.
- Encourage Councillors and staff to report wrongdoing within the Council, but Council but respecting any decision to disclose wrongdoing outside the Council – provided that disclosure outside the Council is made in accordance with the provisions of the PID Act.
- Ensure Managers and Supervisors at all levels in Council understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing.
- Provide adequate resources, both financial and human, to:
 - encourage reports of wrongdoing
 - protect and support those who report
 - provide training for key personnel
 - investigate allegations

- properly manage any workplace issues that the allegations identify or create
- correct any problem that is identified.

Under the Act, the General Manager is responsible for ensuring that:

- Council has an internal reporting policy (this policy)
- Councillors and staff are aware of the contents of the policy and the protections under the Act for people who make public interest disclosures
- Council complies with the policy and its obligations under the Act, and
- The policy delegates at least one staff position as being responsible for receiving public interest disclosures (Disclosures Coordinator).

4. What should be reported?

Any serious wrongdoing you see within Council that fits one or more of the following five categories:

- 4.1 **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.
- 4.2 **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 application for reasons that are not related to the merits of their application
- 4.3 **Serious and substantial waste of public money** is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money e.g. 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
- 4.4 **Breach of the GIPAA** 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
- 4.5 **Local government pecuniary interest contravention** is a failure to comply with the requirements of the *Local Government Act 1993* (LGA) 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 General Manager an undisclosed shareholding in a company competing for a council contract

When complaints are received by a nominated person set out in Section 9, the complaint will be assessed in accordance with the Act. The nominated person will ensure the requirements under the Act are met, including that the reporter is provided within 45 days after the disclosure with:

- a copy of this policy
- an acknowledgment in writing of the receipt of the disclosure

All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line Council's relevant policies and procedures. This might include matters such as harassment or unlawful discrimination or practices that endanger the health or safety of staff or the public.

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

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

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

- 5.1.1 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 GIPAA, or local government pecuniary interest contravention
- 5.1.2 the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing
- 5.1.3 the report has to be made to either the General Manager or, for reports about the General Manager the Chair, a position nominated in this policy (see section 9), an investigating authority or in limited circumstances to an MP or journalist (see section 11).

5.2 Reports by staff are not public interest disclosures if they:

- 5.2.1 mostly question the merits of government policy
- 5.2.2 are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

6. How to make a report

A report about wrongdoing can be made in writing or verbally. Written reports are preferred as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign the record. The Councillor or staff member should keep a copy of that record.

7. Can a report be anonymous?

There may be some situations where a staff member or councillor may not want to identify themselves when making a report. Although these reports will still be dealt with by Council, it is best if the person making the report identifies them self. This allows Council to provide any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified. If the identity of the person who made the report is not known, it is very difficult for Council to prevent any reprisal action against that person should others identify them. Often it is difficult to effectively assess and investigate anonymous reports.

8. Maintaining confidentiality

Council realises that Councillors and staff may want their report to remain confidential. This can help to prevent any reprisal action being taken for reporting wrongdoing.

Council is committed to keeping the identity of the reporter, and the reported wrongdoing, confidential where this is practical and appropriate. To maintain confidentiality and facilitate an investigation, it may be important to keep both the fact a report has been made and the substance of the report confidential. However, there may be situations where maintaining confidentiality is not possible or appropriate. If confidentiality is unable to be maintained, this will be discussed with the person that has made the report.

If confidentiality cannot be maintained, Council, in consultation with the person that has made the report, will develop a plan to support and as best as possible protect the person from any risks of reprisal.

When reporting wrongdoing, it should only be discussed with those dealing with it. This will include the Disclosures Coordinator and the General Manager. If the report is discussed more broadly, it may affect the outcome of any investigation.

9. Who can receive a report within Council?

Council encourages reports of general wrongdoing to be made to Supervisors. However, the Act requires that for a report to be a public interest disclosure it must be made to certain Public Officials identified by this policy.

The following positions are the only people within Council who are authorised to receive a public interest disclosure:

- General Manager
- Chair
- Disclosures Coordinators – Group Manager People and Performance, People and Culture Manager and Governance and Risk Manager.

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 above.

The broader responsibilities of those positions are outlined under the Roles and Responsibilities (section 10).

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 Chair.

10. Roles and Responsibilities

10.1 General Manager

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

The General Manager must make sure there are systems in place in Council to support and protect Councillors and staff who report wrongdoing. They are also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption. Notification about receipt of a Public Interest Disclosure may also be made to Council's external auditor.

10.2 Chair

If you are making a report about the General Manager, you should make your report to the Chair. They are responsible for:

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

The Chair is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption. Notification may also be made to Council's external auditor.

10.3 Disclosures Coordinator

The Disclosures Coordinator has a central role in dealing with reports. They receive them, assess them and deal with them, or refer them to other people within Council that can deal with them. This includes notification of Council's external auditor of Public Interest Disclosures received.

The role of Disclosures Coordinator is delegated to the positions of Group Manager People and Performance, People and Culture Manager and Governance and Risk Manager.

11. Who can receive a report outside of Council?

11.1 Councillors and staff are encouraged to report wrongdoing within Council, but internal reporting is not the only option available. Reports can also be made to:

- An investigating authority (see 11.2 below and section 21 of this policy) and
- A Member of Parliament (MP) or a journalist, but only in the limited circumstances outlined below.

11.2 The relevant investigating authorities for Council are:

- the ICAC - for reports about corrupt conduct
- the Ombudsman - for reports about maladministration
- the Information Commissioner - for disclosures about a breach of the GIPAA
- the Office of Local Government - for disclosures about local councils.

The relevant investigating authority is able to provide advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

The investigating authority may discuss any such reports with Council. Council 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. Council will also provide appropriate support and assistance to councillors or staff who report wrongdoing to an investigating authority, if Council is made aware that this has occurred.

11.3 Members of Parliament or journalists

To have the protections of the 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 Chair for reports about the General Manager
- an investigating authority.

Also, 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 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.

11.4 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, the protections offered under the Act will not apply. This may mean a breach of legal obligations or Council's Code of Conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside 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.

12. Feedback to persons who report wrongdoing

A Councillor or staff who report wrongdoing will be told what is happening in response to their report.

When a report is made, the reporter will be given:

- an acknowledgement that the disclosure has been received
- the timeframe for when further updates will be provided
- the name and contact details of the people who will provide updates.

The Act requires that you are provided with an acknowledgement letter and a copy of this policy within 45 days after you have made your report. Council will however attempt to get this information to you within five working days from the date you make your report.

After a decision is made about how the report will be dealt with, Council will send 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.

Council will provide this information within fifteen working days from the date the report is made. Council will also advise if Council decides to treat the report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the Act.

If a report is made which meets the requirements of the Act but the report was made under a statutory or legal obligation or incidental to the performance of day to day functions or duties, an acknowledgement letter or a copy of this policy will not be provided.

While a report is being dealt with, such as by investigation or making other enquiries, the following will be given:

- information about the progress of the investigation or other enquiries and reasons for any delay
- advice of any decision by Council not to proceed with the matter
- advice if the reporting person's identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.
- Once the matter has been finalised the reporting person 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. Managing the risk of reprisal and workplace conflict

When a councillor or staff member reports wrongdoing, Council will undertake a thorough risk assessment to identify the risk to the person who made the report, 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, 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.

14. Protection against reprisals

Council will not tolerate any reprisal action against a person who reports wrongdoing.

The Act provides protection for Councillors and staff 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 LGA and may include suspension or disqualification from civic office.

It is important for councillors and staff to understand the nature and limitations of the protection provided by the Act. The 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 Council has reasonable grounds to take such action.

15. 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 Chair.

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 Chair can alternatively be notified.

If Council becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, 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 9 of 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 Act to the ICAC or NSW Police Force.

If an allegation of reprisal is substantiated, the person alleging the reprisal will be kept informed of the progress and outcome of any investigation or other action taken in response to the 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.

16. Protection against legal action

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

17. Support for those reporting wrongdoing

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 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.

18. Sanctions for making false or misleading statements

It is important all councillors and staff are aware that it is a criminal offence under the Act to wilfully make a false or misleading statement when reporting wrongdoing. Council will not support councillors or staff who wilfully make false or misleading reports. Such conduct may also be a breach of Council's 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 and may include suspension or disqualification from civic office.

19. The rights of persons the subject of a report

Council is committed to ensuring councillors or staff 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 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 Act and the relevant related policies
- 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 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 Council. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

20. More information

More information around public interest disclosures is available on our intranet. Staff can also seek advice and guidance from the Disclosures Coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

21. Resources

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

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)
Phone: 02 8281 5999
Toll free: 1800 463 909
Facsimile: 02 9264 5364
Email: icac@icac.nsw.gov.au
Web: www.icac.nsw.gov.au
Address: L21, 133 Castlereagh Street, Sydney

For disclosures about maladministration:

NSW Ombudsman
Phone: 02 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Facsimile: 02 9283 2911
Email: nswombo@ombo.nsw.gov.au
Web: www.ombo.nsw.gov.au
Address: L24, 580 George Street, Sydney 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: L15, 1 Margaret Street, Sydney 2000

For disclosures about local councils:

Office of Local Government
Phone: 02 4428 4100
Facsimile: 02 4428 4199
Email: dlg@dlg.nsw.gov.au
Web: www.dlg.nsw.gov.au
Address: 5 O'Keefe Avenue, Nowra, NSW 2541

For disclosures about breaches of the GIPAA:

Information Commissioner
Toll free: 1800 472 679
Facsimile: 02 8114 3756
Email: ipcinfo@ipc.nsw.gov.au
Web: www.ipc.nsw.gov.au
Address: L11, 1 Castlereagh Street, Sydney

Contact officer

Group Manager People and Performance

Related documents**Policies**

Code of Conduct

Feedback and complaints handling

Fraud control

Work Health and Safety

Procedures

HR Procedures Handbook

Public Interest Disclosures

Legislation*Local Government Act 1993**Public Interest Disclosures Act 1994***Other**

Public Interest Disclosures Information Sheet (internal document)

<i>Office use only</i>	File no.: 172/13	Next review date: Annually	
Version	Purpose and description	Date adopted by Council	Resolution no.
1.0	New policy	21/12/2011	106/11
2.0	Review and update policy.	15/04/2020	17/20
3.0	Review and update nominated Disclosures Coordinator to include Governance Advisor.	17/06/2020	30/20
4.0	Review and update nominated Disclosures Coordinator to reflect changes made during 2021 organisation structure and resourcing review.	17/08/2022	TBD

Asset Management and Capitalisation policies (revised)

*Responsible Officers: Group Manager Corporate and Commercial (Guy Bezrouchko)
Group Manager Planning and Delivery (Andrew Logan)*

Recommendation

That Council:

1. Revoke the following policies and any policies revived as a result of the revocation:
 - a. Asset Management policy adopted on 21 June 2017; and
 - b. Asset Capitalisation policy adopted on 21 June 2017.
2. Adopt the following revised policies attached to this report:
 - a. Asset Management policy; and
 - b. Asset Capitalisation policy.

Background

Council is required by legislation to have in place a long-term strategy for the provision of the resources ('Resourcing strategy') needed for Council to perform its functions and achieve the objectives and activities set out in its Business Activity Strategic Plan and Delivery Program.¹

Asset Management Planning is one component of a council's Resourcing Strategy² and must include an adopted Asset Management policy, Asset Management Strategy, and Asset Management Plan(s).

A new Asset Management Strategy was endorsed for public exhibition by Council on 11 May 2022 as part of the draft Integrated Planning and Reporting Framework.

The Asset Capitalisation policy has been reviewed following the 2021/22 Water Infrastructure revaluation process.

Proposed changes:

1. Asset Management Policy

The Asset Management policy has been updated to include clear asset management objectives and lists the principles by which the objectives will be achieved. The policy now identifies key stakeholders and details their responsibilities. The update aligns the policy with the new asset management strategy and plans.

2. Asset Capitalisation Policy

The Asset Capitalisation policy determines the asset classes which groups assets of a similar nature together and sets a monetary threshold value by asset class for the capitalisation of non-current assets. Each asset class consists of a number of sub classes that sets out an asset useful life range.

The policy has been revised to include a definition for 'new assets' which was recommended by NSW Audit Office through the annual audit process. The definition is as follows:

'Capital new – is expenditure that creates a new asset that provides a service that does not currently exist.'

¹ [Section 403 Local Government Act 1993 \(NSW\)](#)

² See Office of Local Government '[Integrated Planning and Reporting Guidelines](#)' issued pursuant to [section 406 Local Government Act 1993 \(NSW\)](#)

Additionally, several asset class useful life changes have been made to reflect the recent Water Infrastructure revaluation determinations.

The table below identifies the change in useful lives of assets by asset level:

Asset	Asset level	New	Existing
Other assets - fencing	Fence	30-50 yrs.	40-50 yrs.
Water network	Pipe	80-120 yrs.	20-160 yrs.
	Pit/access point	60-80 yrs.	75 yrs.
	Dams/reservoirs	80-120 yrs.	80-190 yrs.
	Bores	30-50 yrs.	20-50 yrs.
	Meters	10-15 yrs.	10 yrs.
Flood mitigation	Pipe	80-100 yrs.	20-160 yrs.
	Canal/Drain/Outlet – concrete	100 yrs.	20-160 yrs.
	Levees - concrete	100 yrs.	20-160 yrs.
	Lifting gear	10-30 yrs.	-
	Floodgates	10-20 yrs.	10-15 yrs.

Finance

Adopting the revised policies does not impose on Council any additional financial commitment per se, however the policies do influence future asset renewal schedules and therefore may impact on the long-term financial plan. The initial assessment on the impact of the change in capitalisation rates is immaterial to the long term financial plan.

Legal

Contained in the body of the report.

Consultation

Revision of the Asset Management policy and Asset Capitalisation policy was undertaken in consultation with the Asset Management Systems Officer, Planning and Development Engineer and Finance Manager.

Conclusion

The adoption of the revised Asset Capitalisation policy and Asset Management policy will satisfy the regulatory and audit requirements and reflect Council's asset management objectives.

Attachment

1. Asset Management policy dated 21 June 2017 (**for revocation**) via website: <https://www.rous.nsw.gov.au/page.asp?f=RES-BCR-58-43-24>
2. Asset Capitalisation policy dated 21 June 2017 (**for revocation**) via website: <https://www.rous.nsw.gov.au/page.asp?f=RES-EDL-70-64-45>
3. Revised Asset Management policy (**for adoption**)
4. Revised Capitalisation policy (**for adoption**)



Policy

Asset Management

Approved by Council: 00/00/0000

Principles for implementing asset management processes that meet agreed service levels in a sustainable and cost-effective manner.

Safety

Teamwork

Accountability

Respect

Background

Asset management practices impact directly on the core business of Council. Appropriate asset management assists Council to meet Community expectations and achieve its strategic objectives thereby having a positive impact on:

- Council's capacity to deliver a sustainable level of service and infrastructure
- Community wellbeing and confidence in Council
- Council's financial sustainability
- The political environment in which Council operates
- The legal liabilities of Council

This policy establishes the (1) objectives, (2) principles, and (3) responsibilities for asset management activities and decision-making at Council and is one component of a suite of documents that form Council's asset management system (see 'Related Documents').

Application

This policy applies to all physical assets of Council. Asset classes covered include:

- *Water*: infrastructure assets that provide bulk and retail water supply and related services
- *Flood*: flood mitigation assets currently listed within our asset register
- *Land and Buildings*: all land and buildings controlled by Council, including furniture and fixtures
- *Fleet*: all fleet, plant and equipment controlled by Council
- *ICT*: all information and communication assets including intangible assets
- *Other*: all other assets controlled by Council, not recognised in a class above

Policy Statement

1. Objectives

Council's asset management objectives are:

1.1 Council's asset management mission is to:

- 1.1.1. Deliver affordable, quality services while safeguarding assets for the future,
- 1.1.2. Grow internal awareness and capability, and
- 1.1.3. Have transparent and accountable processes aligned with industry best practice

- 1.2 Council will achieve this by delivering:
 - 1.2.1. A reliable, quality service to meet demand now and in the future
 - 1.2.2. Notification and responsive action to minimise interruption of services
 - 1.2.3. Sustainable whole of life value through proactive, prioritised actions
 - 1.2.4. The resources to meet strategic long-term outcomes from assets
 - 1.2.5. Evidence of outcomes and the condition of assets

2. Principles

Council will achieve its asset management objectives by applying the following principles:

- 2.1 Ensure organisational objectives and legislative requirements are met by implementing appropriate asset management strategies and financial resources;
- 2.2 Ensure responsibility for asset management is allocated;
- 2.3 Ensure resources and operational capabilities are identified with asset management planning and funding models extending a minimum of 10 years into the future;
- 2.4 Allocate adequate resources for development and delivery of asset management functions in accordance with the asset management strategy, asset management plans, service level documents and Council strategies;
- 2.5 Ensure that Council's services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to the community that balance the current and future environmental, economic, cultural, and social outcomes to achieve best value;
- 2.6 Manage the impact of growth through demand management and infrastructure investment;
- 2.7 Take a lifecycle approach to develop cost-effective management strategies for the long-term that meet the defined level of service with asset planning decisions based on an evaluation of alternatives that consider the whole of life of an asset through acquisition, operation, maintenance, renewal and disposal;
- 2.8 Ensure assets are only acquired or created after due consideration has been given to the service and the operating needs of Council, and consideration given to whether an asset solution is the most effective method of meeting service and operating needs of Council;
- 2.9 Implement clear and transparent processes that align with demonstrated best practice to ensure an integrated approach across all of Council in asset management
- 2.10 Create awareness amongst employees and elected members of their responsibilities in asset management;
- 2.11 Ensure all relevant employees are appropriately trained in asset and financial management principles, practices and processes;
- 2.12 Provide systems and knowledge necessary to achieve asset management and implement sound data governance and data quality management;
- 2.13 Ensure asset and asset management performance is monitored; and
- 2.14 Ensure that asset management practice reviews are undertaken to achieve best practice and continuous improvement.

3. Responsibilities

Responsibility for asset management is as follows:

3.1 Council and Leadership team:

- 1.2.6. To adopt strategic direction for Council in relation to Asset Management;
- 1.2.7. Provide professional advice to Council to enable informed asset management decisions;
- 1.2.8. Promotion of asset management across the organisation;
- 1.2.9. To ensure consultation occurs between staff, Council and the community as required;
- 1.2.10. Monitor progress and performance in the implementation of asset management plans;
- 1.2.11. To allocate appropriate resources to achieve asset management objectives; and
- 1.2.12. Ensure outcomes support Council's Business Activity Strategic Plan.

3.2 Asset Management Steering Committee:

- 1.2.13. Maintain a broad membership providing a whole of organisation view to ensure assets are managed in a systemic, efficient and coordinated manner;
- 1.2.14. Provide leadership to set direction and priorities for development of asset management capabilities;
- 1.2.15. Implement, monitor and report on the corporate approach to asset management;
- 1.2.16. Ensure responsibility for all asset management activities are assigned within the organisation and skill levels are sufficient to achieve desired results;
- 1.2.17. Endorse and review asset management policy, objectives, strategy, plans and documented processes;
- 1.2.18. Provide input and direction in identifying priorities for asset management improvements and overview the implementation of these improvements; and
- 1.2.19. Ensure information flow for financial/capital/operational planning and reporting is in place.

3.3 Planning and Delivery:

- 1.2.20. Develop and implement asset management policies and strategies;
- 1.2.21. Develop and implement asset management plans;
- 1.2.22. Establish current levels of service for infrastructure assets, compare to benchmarks, assess against community needs and identify gaps or challenges;
- 1.2.23. Manage asset systems and develop procedures to ensure compliance with standards, legislation and ensure consistent decision making;
- 1.2.24. Ensure communication between staff and the Leadership Team;
- 1.2.25. Effectively and efficiently manage funds allocated for capital upgrades, renewal and maintenance;
- 1.2.26. Develop forward operational programs in accordance with the long-term financial plan; and
- 1.2.27. Promote and raise awareness of asset management in the organisation and the community.

3.4 Finance:

- 1.2.28. To report accurately on the status of Council's infrastructure assets in line with standards and statutory requirements;
- 1.2.29. Coordinating asset accounting deliverables and initiatives across Council; and
- 1.2.30. Working with staff across Council to establish best practice procedures for the delivery and reporting on asset service delivery.

3.5 Operations:

- 1.2.31. Effectively and efficiently manage funds allocated for capital upgrades, renewal and maintenance;
- 1.2.32. Develop forward operational programs in accordance with the long-term financial plan;
- 1.2.33. Consider the impacts to the life of the asset and delivery of service when considering procedural changes and when planning operational activities; and
- 1.2.34. Communicate with the asset management team to ensure that operational procedures and administration align and support asset management objectives.

3.6 All Staff:

- 1.2.35. Collect all required asset information and ensure that all asset information is entered into the relevant Council system(s).

Definitions

Asset management: a systematic process to guide the planning, acquisition, operation and maintenance, renewal and disposal of assets.

Asset: a resource controlled by Council as a result of past events and from which future economic benefits are expected to flow to Council and these benefits can be measured reliably. Assets include physical assets which provide future economic benefits for more than 12 months. Any item which has a life of less than 12 months is expensed under a maintenance or operational budget and cannot be classed as an Asset.

Minor assets: items acquired for a cost less than the asset capitalisation threshold. The acquisition of minor assets is treated as an expense. Minor assets with a cost between \$250 and \$1,000 are recorded in an *Attractive Assets Register* and are subject to audit.

Asset Management Plan: a plan developed for the management of one or more infrastructure assets that combines multi-disciplinary management techniques (including technical and financial) over the lifecycle of the assets in the most cost-effective manner to provide a specified level of service. A significant component of the plan is long-term cash flow projection of the activities

Asset classes: a grouping of assets having common characteristics that distinguish those assets as a group or type.

Contact officer

Group Manager Planning and Delivery

Related documents**Strategies and Plans**

Asset Management Strategy

Asset Management Plan – Water

Asset Management Plan – Flood

Procedures

Asset Capitalisation Procedure

Asset Addition and Disposal Procedure

Legislation*Local Government Act 1993 (NSW).*

<i>Office use only</i>	File no.: D22/2521	Next review date: 2024	
Version	Purpose and description	Date adopted by Council	Resolution no.
2.0	To set guidelines for implementing asset management processes that allow Council to meet agreed service levels in a sustainable and cost effective manner.	21/06/2017	54/17
3.0	Update policy objectives, principles and responsibilities to align with Asset Management Strategy 2022/25	00/00/00	00/00



Policy

Asset capitalisation

Approved by Council: xx/xx/2022

To set appropriate thresholds for the capitalisation (recognition) of assets.

Safety

Teamwork

Accountability

Respect

Background

Accounting standards (particularly AASB 116 – Property, Plant and Equipment) require a distinction to be made between expenditure that is consumed immediately in operations and expenditure on physical assets that will provide service over more than one financial year.

The recording of capital expenditure means that it is recognised in Council's balance sheet as an asset. This process is referred to as capitalisation.

Importantly, capital expenditure is divided between that which is renewing or replacing an existing asset and the creation of a new additional asset. This distinction provides information on whether Council is maintaining or running down its asset 'stock' and the extent to which services can be maintained over the long term.

Definitions

Asset - An asset is a resource controlled by the entity as a result of past events and from which future economic benefits are expected to flow to the entity and these benefits can be measured reliably. Assets include physical assets which provide future economic benefits for more than 12 months. Any item which has a life of less than 12 months is expensed under a maintenance or operational budget and cannot be classed as an Asset.

Capital expenditure - Capital expenditure is relatively large (material) expenditure, which has benefits (service potential), expected to last for more than 12 months. In addition to new assets capital expenditure includes renewal/replacement and expansion/upgrade of existing assets.

Capital new – is expenditure that creates a new asset that provides a service that does not currently exist.

Capital renewal/replacement - is expenditure on an existing asset, which restores the service potential and extends the life of the asset beyond that which it had originally.

Capital upgrade/expansion - is expenditure, which enhances an existing asset to provide a higher level of service. It will increase operating and maintenance expenditure, particularly depreciation, in the future because of the increase in the Council's asset base, e.g., replacing water pipes with pipes of a greater capacity, building extension etc.

Fair value - the price that would be received to sell an asset in an orderly transaction between market participants at the measurement date.

Operating expenditure - is recurrent expenditure such as power, fuel, telephone, employee costs, materials, cleaning, minor equipment, overheads, maintenance and depreciation. These costs are the day to day expenses associated with providing the service during a year of operations. When compared to the income over the same period a surplus or deficit can be calculated.

Factors for asset determination**Measurement at recognition**

In accordance with AASB 116, the cost of an item of property, plant and equipment is recognized as an asset if, and only if:

1. It is probable that future economic benefits associated with the item will flow to the entity; and
2. The cost of the item can be measured reliably.

Recognition cost

AASB 116 defines the cost an item of property, plant and equipment as comprising:

1. Its purchase price, including import duties and non-refundable purchase taxes, after deducting trade discounts and rebates;
2. Any costs directly attributable to bring the assets to the location and condition necessary for it to be capable of operating in the manner intended by management.
3. The initial estimate of the costs of dismantling and removing the item and restoring the site on which it is located, the obligation for which an entity incurred either when the item is acquired or as a consequence of having used the item during a particular period for purposes other than to produce inventories during that period.

Activities associated with the acquisition/creation of new assets are detailed in the table below:

Activity	Recurrent expenditure	Capital expenditure
All activities prior to decision made to proceed with investment including: <ul style="list-style-type: none"> • Strategic planning reports • Project scoping and investigation, valuation reports, planning approvals 	X	
All activities following decision made to proceed with investment including: <ul style="list-style-type: none"> • Survey and design; Professional fees • Site preparation; Construction; Contract payments • Council direct costs, wages, salaries, plant hire, materials, on-costs • Overheads • Supervision • Transport, installation, assembly and testing • Project Management <ul style="list-style-type: none"> • Future dismantling and removing item and site restoration (where applicable) 		X

Materiality

Information is material if its omission or misstatement could influence the decisions of users made on the basis of the financial statements.

In the context of materiality it is not necessary to recognise every non-current asset in the balance sheet. For example, a calculator may have a useful life greater than 12 months but its value is small and does not warrant the cost of recording in the asset register, so it is simpler to expense it.

Setting the threshold levels is to provide the greatest balance between efficiency in administrative effort associated with maintaining records and the need to 'expense' items, through depreciation, against more than one financial year so that revenues and expenses are matched appropriately.

Asset revaluation

AASB 116 requires assets to be regularly revalued at their fair value, less any subsequent accumulated depreciation and impairment losses. If an item of property, plant and equipment is revalued, the entire class of property, plant and equipment to which that asset belongs is revalued.

Council revalues all infrastructure, land and building assets on a five year cycle. Asset values are indexed annually between each revaluation.

Useful lives

Asset useful lives are reviewed annually and subject to periodic independent review. Assets are recognised at the maximum indicated useful life.

Policy statement

This policy applies to all physical assets of Rous County Council but does not apply to cash or inventory.

Minor assets

Minor assets are those items acquired for a cost less than the threshold for that applicable category. The acquisition of minor assets is treated as an expense. Minor assets with a cost greater than \$200 but less than \$1,000 are recorded in an Attractive Assets Register and are subject to audit.

Capital expenditure thresholds

Council's capital expenditure thresholds for assets are outlined as follows:

Buildings and other structures

Componentisation of buildings and useful lives comprise:

- Roof (useful life – 20-60yrs)
- Fire services (such as sprinkler systems) (useful life 30-65yrs)
- Transportation services (such as lifts and escalators) (useful life 25yrs)
- Mechanical services (such as air-conditioning, HWS) (useful life 10-30yrs)
- Floor coverings (such as carpets, tiles, etc) (useful life 10-30yrs)
- Structural shell of the building (useful life 65-100yrs)

Work activity			
Operations	Maintenance and repair	Capital renewal	Capital new
<ul style="list-style-type: none"> • Service delivery and property management including condition assessment, defect inspection and facility management systems operations • Utility service costs • Cleaning 	<ul style="list-style-type: none"> • Reactive maintenance and repair • Programmed maintenance (painting, structural repairs, replacing windows, fencing, guttering, drains, etc) • Component replacement (floors, roof, carpets, air/conditioning plant , etc) <\$1,000 	<ul style="list-style-type: none"> • Replacement of whole building asset with same standard • Component renewal/replace (floors, roof, air conditioning, rewiring, fit out etc) • >\$1,000 	<ul style="list-style-type: none"> • New assets • Fit out • Upgrade assets and extensions (providing a higher level of service) • >\$1,000

Notes on capital renewal

Building renewal/replacement (complete asset) is recognised as a renewed asset and the old asset retired from the asset stock.

Building component renewal (partial asset) is recognised by adding the component replacement cost (if > \$1,000) to the existing asset value and reviewing the remaining/useful life of the renewed asset to recognise any restored economic benefits to the entity. The Building as a whole asset will be revalued every 5 years in conjunction with all other building assets.

Other assets - fencing assets

Fencing assets are recognised at the following component level (each property):

- Fence by type (useful life 30-50 yrs)

Work activity			
Operations	Maintenance and repair	Capital renewal	Capital new
<ul style="list-style-type: none"> • Service delivery management including condition assessment, defect inspections and management systems 	<ul style="list-style-type: none"> • Reactive maintenance to fencing assets (fence repair, gate repair) • Programmed Maintenance (painting, etc) • Partial replacement • <\$1,000 	<ul style="list-style-type: none"> • Replacement of fence asset length with same standard • >\$1,000 	<ul style="list-style-type: none"> • New assets • Upgrade asset • >\$1,000

Fencing renewal (complete asset) is recognised as a new asset and the old asset retired from the asset stock.

Land

Land assets are recognised at the following component level (each property):

Work activity			
Operations	Maintenance and repair	Capital renewal	Capital new
<ul style="list-style-type: none"> • Service delivery management including condition assessment, defect inspection • Landscaping maintenance (inc. mowing, slashing, shrub clearing, etc.) 	<ul style="list-style-type: none"> • Reactive maintenance and repair (cleaning) • Programmed maintenance (cleaning, mowing, etc) 	N/A	<ul style="list-style-type: none"> • New assets >\$1,000

Water network and dam assets

Water network assets are recognised at the following asset level:

- Pipe length (pipe reach between pits/access points) (useful life 80-120 yrs)
- Pit/access point (useful life 60-80 yrs)
- Drainage structure (useful life 45 yrs)
- Dams/reservoirs (useful life 80-120 yrs)
- Bores (useful life 30-50 yrs)
- Pumps/telemetry (useful life 15-50 yrs)
- Meters (useful life 10-15 yrs)
- Facilities and other structures (individual assessment)

Work activity			
Operations	Maintenance and repair	Capital renewal	Capital new
<ul style="list-style-type: none"> • Service delivery management (including condition assessment, defect inspection and drainage management system) • Supervision • Clearing drains and pits • Street (kerb and gutter) sweeping • Utility costs 	<ul style="list-style-type: none"> • Reactive maintenance to drainage assets (pipe repair, pit repair and pit component replacement, drainage structure repair) • Reactive maintenance to wetlands assets (repair, component replacement, structural repair) • Programmed maintenance (painting) • Replacement of partial pipe length <\$5,000 • Partial renewal/replacement of lined and open drains, wetlands and flood control dams <\$5,000 • Partial renewal of other asset • Desilting dams 	<ul style="list-style-type: none"> • Replacement of asset length of drainage pipeline at same standard • Renewal/relining of asset length of drainage pipeline at same standard • Replacement of complete pit/structure/ pump • Replacement of partial pipe length • Partial renewal/ replacement of lined and open drains, wetlands and flood control dams • >\$5,000 	<ul style="list-style-type: none"> • New assets • Upgrade asset • Replacement with higher standard • >\$5,000

Pit/access point/structure/ wetlands, pumps, bores, pipeline renewal (complete asset) is recognised as a new asset and the old asset retired from the asset stock.

Pipeline low cost renewal (relining, etc) (complete asset) is recognised by adding the renewal cost to the existing asset and reviewing the remaining/ useful life of the renewed asset to recognise the restored economic benefits to the entity.

Pipeline renewal (partial asset >\$5,000) is recognised as a new asset and the old asset dimensions modified and revalued to recognise the partial renewal.

Partial renewal/replacement (>\$5,000) of water and dam assets (component renewal) is recognised by adding the renewal/replacement cost to the existing asset value and reviewing the remaining/useful life of the renewed asset to recognise the restored economic benefits to the entity.

Flood mitigation infrastructure

Drainage assets are recognised at the following asset level:

- Pipe length (pipe reach between pits/access points) (useful life 80-100 yrs)
- Canal/Drain/Outlet - Concrete (useful life 100 yrs)
- Canal/Drain/Outlet - Earth (infinite)
- Levees – Concrete (useful life 100 yrs)
- Pumps (useful life 15-50 yrs)
- Lifting Gear (useful life 30 yrs)
- Floodgates (useful life 20 yrs)

Work activity			
Operations	Maintenance and repair	Capital renewal	Capital new
<ul style="list-style-type: none"> • Service delivery management (including condition assessment, defect inspection and drainage management system) • Supervision • Clearing drains and pits • Utility costs 	<ul style="list-style-type: none"> • Reactive maintenance to drainage assets (pipe repair, pit repair and pit component replacement, drainage structure repair) • Reactive maintenance to wetlands assets (repair, component replacement, structural repair) • Programmed maintenance (painting) • Replacement of partial pipe length <\$1,000 • Partial renewal/ replacement of lined and open drains, canals, wetlands and flood control assets <\$1,000 • Partial renewal of other asset 	<ul style="list-style-type: none"> • Replacement of asset length of drainage pipeline at same standard • Renewal/relining of asset length of drainage pipeline at same standard • Replacement of complete pit/structure/pump • Replacement of partial pipe length >\$1,000 • Partial renewal/ replacement of lined and open drains, wetlands and flood control assets >\$1,000 	<ul style="list-style-type: none"> • New assets • Upgrade asset • Replacement with higher standard • >\$1,000

Drainage pit/access point/structure/ wetlands, pumps, pipeline renewal (complete asset) is recognised as a new asset and the old asset retired from the asset stock.

Partial renewal/replacement (>\$1,000) of open drains, wetlands and flood control assets (component renewal) is recognised by adding the renewal/replacement cost to the existing asset value and reviewing the remaining/useful life of the renewed asset to recognise the restored economic benefits to the entity.

Buffer zones, parks and recreation assets, playgrounds

Parks and recreation assets are recognised at the following level:

- Grassed area (useful life 5 yrs)
- Landscaped area/garden (useful life 20-40 yrs)
- Playground unit (useful life 40 yrs)
- Buffer zones (useful life – infinite)
- Road, footpath, kerb and gutter, drainage assets are recognised under their respective asset class.

Work activity			
Operations	Maintenance and repair	Capital renewal	Capital new
<ul style="list-style-type: none"> • Service delivery management including condition assessment, defect inspection and management systems • Supervision • Park mowing, cleaning, tree/shrub trimming, gardening, weed control, litter control, leaf control, etc • Utility costs 	<ul style="list-style-type: none"> • Reactive maintenance to parks and recreation assets (repairs to facilities and structures) • Programmed maintenance (replanting garden beds, painting seating, facilities and structures) • Replacing facilities and structures • Partial replacement of playgrounds • <\$1,000 	<ul style="list-style-type: none"> • Replacement of whole playground • Replacement of whole surface • >\$1,000 	<ul style="list-style-type: none"> • New assets • Upgrade assets • >\$1,000

New grassed/landscaped areas are recognised and depreciated over 5 years and not revalued. All replacements and renewals are expensed.

Playground renewal (complete asset) is recognised as a new asset and the old asset retired from the asset stock.

Buffer zones include natural assets in catchment areas that are valued at replacement cost at the seedling stage of growth.

Plant and equipment and furniture and fittings assets

Plant and equipment and furniture and fittings assets are recognised at the following level (each plant item):

- Office equipment (useful life 2-10 yrs)
- Office furniture (useful life 10-20 yrs)
- Motor vehicles (useful life 2-5 yrs)
- Other plant and equipment (useful life 5-15 yrs)
- Fixtures and fittings (useful life 10-20 yrs)

Work activity			
Operations	Maintenance and repair	Capital renewal	Capital new
<ul style="list-style-type: none"> • Service delivery management including condition assessment and management systems • Supervision • Fuel and operator costs 	<ul style="list-style-type: none"> • Reactive maintenance to plant and equipment assets • Programmed servicing of plant and equipment • Replacement of major components (engine, transmission, etc) • Upgrade asset (adding air conditioning, etc) • Replacement of furniture and fittings • Purchase and replacement of items • <\$1,000 	<ul style="list-style-type: none"> • Replacement of plant and equipment item with same standard • >\$1,000 	<ul style="list-style-type: none"> • New assets • >\$1,000

Plant and equipment renewal (complete asset) is recognised as a new asset and the old asset retired from the asset stock.

Plant items with acquisition cost greater than \$200 but less than \$1,000 are expensed on acquisition and recorded in an Attractive Items Register.

The General Manager and managers have responsibility for ensuring that acquisition and capitalisation of all assets is in accordance with legislation, accounting standards and Council policies.

The Responsible Accounting Officer is responsible for implementing the 'Asset capitalisation' policy and ensuring that asset acquisitions are conducted in accordance with the policy.

Contact officer

Finance Manager

Related documents

Policies

Asset Management Policy

Procurement Policy

Procedures

Asset Management Plan

Asset Management Process – Asset Addition & Disposals

Asset Addition & Disposal – Planning SOP

Asset Addition & Disposal – Finance SOP

Legislation

Local Government Act 1993 (NSW).

Office use only	File no.: 172/13	Next review date: June 2025	
Version	Purpose and description	Date adopted by Council	Resolution no.
1.0	To set appropriate thresholds for the capitalisation (recognition) of assets.	21 June 2017	55/17

Payment of expenses and provision of facilities policy

Responsible Officer: Group Manager People and Performance (Helen McNeil)

Recommendation

That Council publicly exhibit the revised 'Councillor fees, expenses and facilities' policy (**Attachment 3**) for a period of 28 days, and:

1. Should no public submission be received, the following policies be revoked and the revised 'Councillor fees, expenses and facilities' policy is adopted:
 - (a) 'Chairperson and member fees' policy dated 21 December 2016; and
 - (b) 'Payment of expenses and provision of facilities for chairperson and councillors' policy dated 19 April 2017,and any policies revived as a result of the revocation.
2. Should any public submission be received, those submissions be considered by Council at its next meeting in conjunction with consideration of revoking the above policies and adopting a revised 'Councillor fees, expenses and facilities' policy.

Background

Council is required by legislation to adopt a policy for the payment of expenses or the provision of facilities to councillors within the first 12 months of each term of council.¹

Council's existing 'Payment of expenses and provision of facilities for chairperson and councillors' policy dated 19 April 2017 is now due for review and the revised policy required to be adopted prior to 4 December 2022.

All amendments to the revised 'Councillor fees, expenses and facilities' policy attached to this report have been made as a 'tracked change' for ease of reference.

Summary of key changes

1. Payment of annual fees:

The 'Chairperson and member fees' policy dated 21 December 2016 provides for the fixing of the annual fee payable to the Chairperson and Councillors at the maximum of the Remuneration Tribunal's annual determination.²

This policy position has been consolidated into the revised 'Councillor fees, expenses and facilities' policy as it complements the new provisions relating to the payment of superannuation contributions to councillors and there is no legislative requirement that Council maintain a separate policy for the payment of the annual fee.

2. Superannuation contributions:

The amendments to the *Local Government Act 1993* ('LG Act') relating to the payment of superannuation contributions to councillors was reported to Council at its meeting on 15 June 2022 (Attachment 4).

¹ [Division 5, Part 2, Chapter 9](#) *Local Government Act 1993* (NSW)

² See sections [248](#) and [249](#) *ibid*.

At that meeting, a majority of those present voted, in open session, in favour (4:2) of making these payments from 1 July 2022. This resolution has now been captured in the revised 'Councillor fees, expenses and facilities' policy and reflects the requirements of the LG Act.

Finance

Council's Long-Term Financial Plan has dedicated budget funding allocated for both the payment of Councillor fees and Councillor superannuation contributions and is in a position to meet these required payments from a financial sustainability perspective.

Legal

Discussion and adoption of a policy for the payment of expenses and the provision of facilities to councillors must be made in open council and cannot be closed to the public.³

Staff are satisfied that the proposed policy meets the requirements of the *LG Act 1993* and the *Local Government (General) Regulation 2021*.

If council does not 'fix' the annual fee, the applicable fee is the minimum determined by the Remuneration Tribunal (section 248 *Local Government Act 1993*).

Council is not permitted to make a superannuation contribution payment to a Councillor who has agreed in writing to forgo or reduce the payment.⁴ Council has received written notice from Cr Big Rob and Cr Andrew Gordon advising of their intention to forgo payment of a superannuation contribution.

Consultation

Council is required to invite public submissions for a period of 28 days on its proposed policy for the payment of expenses and the provision of facilities to councillors prior to adopting or amending the policy.⁵

Conclusion

The revised 'Councillor fees, expenses and facilities' policy has been reviewed and drafted to meet legislative requirements and is recommended for adoption subject to the public notice/exhibit requirements and receipt of any public submissions.

Attachment

1. 'Chairperson and member fees' policy dated 21 December 2016 (**for revocation**) via website: <https://www.rous.nsw.gov.au/page.asp?f=RES-SYW-55-40-21>
2. 'Payment of expenses and provision of facilities for chairperson and councillors' policy dated 19 April 2017 (**for revocation**) via website: <https://www.rous.nsw.gov.au/page.asp?f=RES-WQC-76-61-32>
3. Revised 'Councillor fees, expenses and facilities' policy (**for adoption**);
4. Copy council report – Payment of superannuation for councillors

³ [Section 254](#) Ibid.

⁴ [Section 254B\(4\)\(c\)](#) Ibid.

⁵ [Section 253](#) Ibid.



Policy

Payment of fees, expenses and provision of facilities for chairperson and councillors

Approved by Council: ##/##/2022

To fix the annual fee for the Chairperson and councillors and outline the expenses that can be incurred and facilities provided to councillors to assist in the discharge their civic duties as members of the governing body of Rous County Council.

Safety

Teamwork

Accountability

Respect

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Background

The provision of expenses and facilities enables councillors to fulfil their civic duties as the elected representatives of Council. Similarly, the payment of an annual fee to the Chairperson and Councillors recognises the commitment and high ethical and professional standard expected of elected representatives in discharging their civic duties.

The community is entitled to know the extent of these fees and expenses, as well as the facilities provided. To ensure accountability and transparency is maintained, this policy establishes:

- The annual fee payable to the Chairperson and Councillors
- The expenses that can be incurred and reimbursed (including dollar limits) and facilities available to Councillors
- the process for application, approval, reconciliation and reimbursement (where applicable).

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.

Policy statement

1. Key policy principles

1.1 Accessibility

In accordance with the principles of equity and inclusion, councillors with accessibility needs will be provided with the aids, equipment and assistive technology they require to effectively perform their civic duties.

1.2 No general expense allowance

In accordance with the requirements of the *Local Government (General) Regulation 2005* Council does not provide councillors with a general expense allowance. A general expense allowance is a sum of money paid by Council to a councillor to expend on an item or service that is not required to be receipted and/or otherwise reconciled accorded to a set procedure and within a specified timeframe.

1.3 Access to and use of expenses and facilities – only incidental and private benefit allowed

Council resources (for example, property, official services and facilities) must be used ethically, efficiently and carefully. They must not be used for private benefit or gain or personal interest including but not limited to: a councillor's re-election, a political party event or activity. Councillors must avoid any action or situation that could create the appearance that council resources are being used inappropriately.

Councillors must not obtain more than an incidental private benefit under this policy. Incidental private benefit is not subject to compensatory payment back to Council.

Benefits received under consumer loyalty programs or other incentive bonus schemes (such as 'frequent flyer' schemes), where the rewards are convertible directly or indirectly to money, are considered to be a non-incidental private benefit. Where any non-incidental private benefit occurs, reimbursement to Council to the estimated value of the private benefit is required. This is calculated at the estimated private use percentage versus business use percentage.

1.4 Giving of gifts and benefits – only token value

Where it is appropriate for a councillor to give a gift or benefit while on official business of Council (for example, on a Council business related trip or when receiving visitors), these gifts and benefits must be of token value only (refer to Council's Code of Conduct for definition of 'token value').

2. Annual fees

2.1 The *Local Government Act 1993* provides that a council must pay each councillor an annual fee. The chairperson must also be paid an annual fee in addition to the fee paid to the chairperson as a councillor.

2.2 In both instances council may fix the annual fee and, if it does, it must fix the annual fee in accordance with the appropriate determination of the Local Government Remuneration Tribunal. The Tribunal is required to make a determination by no later than 1 May each year.

2.3 Council has fixed the annual fee payable to the chairperson and councillors at 100% of the maximum determined by the Local Government Remuneration Tribunal.

3. Superannuation

- 3.1 Council will make a superannuation contribution payment to the superannuation account nominated by the Councillor with, and at the same intervals as, the annual fee that is payable to the Councillor.
- 3.2 The amount of the superannuation contribution payment will be the amount Council would have been required to contribute under the Commonwealth Superannuation legislation if the Councillor were classed as an employee (**Note:** A Councillor is not to be taken as an employee of Council because they receive a superannuation contribution payment).
- 3.3 Council will not make a superannuation contribution payment –
 - a) unless the council has previously passed a resolution at an open meeting to make superannuation contribution payments to its councillors, or
 - b) if the councillor does not nominate a superannuation account for the payment before the end of the month to which the payment relates, or
 - c) to the extent the councillor has agreed in writing to forgo or reduce the payment.

4. Monetary limits – expenses

Expense - description	Monetary limits	Who can approve the expense?	What will be provided?
Carer	\$1,000 (excl. GST) per councillor, per financial year.	General Manager.	<p>Reimbursement for reasonable care arrangements to allow the councillor to attend official business of Council.</p> <p>Includes reimbursement up to one hour before and after the scheduled start and conclusion of the official business of Council.</p> <p>Reimbursement may be provided for childcare expenses (of the councillor’s children up to and including the age of 16 years), care of the elderly, disabled and/or sick immediate family members for whom the councillor has carer responsibilities.</p>
Legal	Level 1: ≤ \$5,000 (excl. GST) per councillor, per financial year.	General Manager.	<p>Council may provide reimbursement or indemnify a councillor for reasonable costs properly incurred:</p> <ul style="list-style-type: none"> • For legal proceedings being taken against them in defending an action arising from: <ul style="list-style-type: none"> - The performance of good faith of a function of a county councillor; or - Defending an action in defamation. • For an inquiry, investigation or hearing into a councillor’s conduct by an investigative or review body, including: <ul style="list-style-type: none"> - Local Government Pecuniary Interest and Disciplinary Tribunal - Independent Commission Against Corruption - NSW Ombudsman - Office of Local Government - NSW Police Force - Director of Public Prosecutions - Council’s Conduct Review Committee/Reviewer,
	Level 2: > \$5,000 (excl. GST) per councillor, per financial year.	Council’s indemnity protection provider (in consultation with the General Manager).	

Expense - description	Monetary limits	Who can approve the expense?	What will be provided?
			<p>provided that:</p> <ul style="list-style-type: none"> (i) The inquiry/hearing arises from the performance of good faith or a councillor's functions and the matter has proceeded to a formal investigation or review. (ii) Code of Conduct complaints: only available where the General Manager has referred the matter to a Conduct Reviewer/Conduct Review Committee to make formal inquiries into a matter in accordance with the procedures in the Code of Conduct. (iii) Pecuniary interest or misbehaviour matters: only available where a formal investigation has been commenced by the Office of Local Government. (iv) Where the investigative or review body makes a finding that is not substantially unfavourable to the councillor (eg. does not proceed to a finding, an inadvertent minor technical breach).
Official business of Council – excluding professional development	Level 1: ≤ \$500 (excl. GST) per councillor, per financial year.	General Manager.	<p>The councillor's direct expenses to attend, including (where applicable):</p> <ul style="list-style-type: none"> • ticket/registration • travel • accommodation • meals • incidentals.
	Level 2: > \$500 (excl. GST) per councillor, per financial year.	Resolution of Council (as a consequence of an appointment to a council committee for the term of the appointment (for attendance at committee meetings, etc.).)	
	Level 3: > \$500 (excl. GST) per councillor, per financial year.	Resolution of Council.	

Expense - description	Monetary limits	Who can approve the expense?	What will be provided?
Official business of Council – professional development	Level 1: ≤ \$2,500 (excl. GST) or less per councillor, per financial year.	General Manager.	The councillor's direct expenses to attend, including (where applicable): <ul style="list-style-type: none"> • ticket/registration • travel • accommodation • meals • incidentals.
	Level 2: > \$2,500 (excl. GST) per councillor, per financial year.	Resolution of Council.	

NOTE: Councillors may only receive reimbursement for expenses and access and use facilities as set out in this policy.

5. Provision of facilities

The Chairperson will be provided access to a Council office (equipped with a telephone, photocopier, facsimile machine and secretarial/administrative support services).

Councillors may access printing and secretarial/administrative support services on request, where it can be demonstrated that it is related directly to official business of Council.

6. Procedures

6.1 General rules

All bookings for official business of Council will, wherever possible, be paid for or reimbursed in accordance with relevant limits. These limits include:

- Any monetary limits listed in part 2 of this policy
- kilometre allowance under the Local Government (State) Award or airfare rate, whichever is the lower
- ATO 'Reasonable Travel and Meal Allowance Expenses' Determination applicable for the date of travel.

6.2 Pre-purchasing

Bookings and payments for tickets/registration, accommodation and travel relating to official business of Council must, wherever possible, be coordinated through the Executive Secretary or Executive Support Officers.

All requests to attend official business of Council must be made using the 'Councillor request for attendance at official business of Council' form.

6.3 Advance payment

Advance payment for meals and incidentals is available by EFT provided that a completed 'Vendor payment request form' has been lodged with sufficient notice to allow for the preparation of the advance (minimum two weeks).

6.4 Reimbursement

Reimbursement will only be made:

- (a) in accordance with the general rules listed at part 4.1 of this policy;
- (b) on lodgement of a completed 'Request for reimbursement' form within three months of the cost or expense being incurred (unless otherwise required by this policy) and accompanied by:
 - i. itemised account of the expenditure; and
 - ii. valid GST receipts.

For periods of less than a full year, for example, after a local government election, the reimbursement per councillor will be calculated on a pro rata basis.

6.4.1 Meals

Meals that are not included in the official business of Council will be reimbursed subject to the conditions outlined at part 4.1 of this policy and the production of a signed statutory declaration outlining the expenses (where valid GST receipts are unavailable).

6.4.2 Incidentals

Reasonable out of pocket expenses or incidental travel expenses incurred (such as telephone calls, facsimile calls, internet charges, taxi fares, parking fees, tolls etc.) will be reimbursed subject to the conditions outlined at part 4.1 of this policy and the production of a signed statutory declaration outlining the expenses (where valid GST receipts are unavailable).

6.4.3 Use of private vehicles

Travel to official business of Council in a private vehicle will be reimbursed in accordance with part 4.1 of this policy.

Note 1: *All travel relating to official business of Council must be undertaken using the most direct route and most practicable and economic mode of transport, subject to any personal and medical considerations.*

Note 2: *If travelling to official business of Council, every attempt should be made to car pool with other councillors or Council staff.*

Note 3: *The driver is personally responsible for all traffic or parking fines incurred while travelling in private or Council vehicles.*

6.4.4 Carer

Reimbursement for carer expenses may be provided on completion of the 'Request for reimbursement' form and statutory declaration. The following information is to be included in the statutory declaration:

- (a) official business of Council attended
- (b) individual requiring care
- (c) duration care was provided, and cost.

7. Dispute resolution

Should a dispute arise under this policy including the dispute regarding the approval or rejection of a claim, then the dispute should be reviewed by the chairperson. A report regarding the review and outcome must be put to the next full Council meeting.

8. Reporting

8.1 Councillor reports

Where a Council staff member does not attend the official business of Council, the councillor must prepare a report for Council detailing highlights, particularly noting aspects relevant to Council business and/or the community. This report is to be included in the next Council business paper following attendance at the official business of Council.

8.2 Quarterly budget review statement report

Any expenses provided to a councillor will be reported in the quarterly budget review statement report to Council.

8.3 Annual report

The General Manager will provide a summary of all expenses and facilities provided under this policy in Council's Annual Report.

Definitions

ATO means Australian Taxation Office.

Commonwealth Superannuation legislation means the *Superannuation Guarantee (Administration) Act 1992* (Cth)

Constituent council means Ballina Shire Council, Byron Shire Council, Lismore City Council and Richmond Valley Council

Council means Rous County Council

Expenses means payment or reimbursement by Council for reasonable costs or charges associated with the performance of a councillor's civic duties. Expenses are separate and in addition to annual fees.

Facilities means equipment or services provided by Council to councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their role as councillors.

Official business of Council means functions that the chairperson or councillor are required, invited, or requested to attend to fulfil their obligations as Council representatives and/or have a direct benefit to Council including but not limited to:

- (a) Council meetings and Council committee meetings
- (b) meetings of committees facilitated by Council (for example, section 355 committees)
- (c) meetings, functions, workshops and other events to which attendance by a councillor has been requested or approved
- (d) receptions hosted or supported by Council (for example, Council's Christmas celebration or equivalent functions; charitable functions formally supported by Council)
- (e) professional development.

Professional development means a seminar, conference, training course or other development opportunity relevant to the role of the chairperson or councillor.

Valid GST receipt means an original tax invoice or receipt for an expense that meets the requirements of *A New Tax System (Goods and Services) Tax Act 1999*.

Contact officer

General Manager.

Related documents

Policies

Not applicable.

Procedures

Not applicable.

Legislation

Local Government Act 1993.

Other

Code of Conduct.

Code of Conduct Procedures.

Councillor Induction and Professional Development Guide (2012).

Guidelines for the payment of expenses and provision of facilities for mayors and Councillors in NSW, Office of Local Government (October 2009).

Local Government (State) Award.

No excuse for misuse: Preventing the misuse of council resources, Guidelines: 2, Independent Commission Against Corruption (November 2002).
Office of Local Government Circulars and Guidelines.

Office use only	File no.: 172/13	Next review date: 4 years.	
Version	Purpose and description	Date adopted by Council	Resolution no.
10.0	New layout; revised provisions relating to professional development.	19/04/2017	31/17
11.0	Reviewed and updated to include the fixing of the annual fee and payment of superannuation to Councillors	17/08/2022	TBD

Payment of superannuation for councillors

Responsible Officer: Group Manager Corporate and Commercial (Guy Bezrouchko)

Recommendation

That Council determines its position on the payment of a *superannuation contribution payment* in accordance with section 254B of the *Local Government Act 1993*:

- a) Yes, effective date 1 July 2022; or
- b) No

Background

The *Local Government Act 1993* now has a provision that Council may make a payment as a contribution to a superannuation account nominated by a councillor.

The relevant section of the Act is:

LOCAL GOVERNMENT ACT 1993 - SECT 254B

Payment for superannuation contributions for councillors

254B Payment for superannuation contributions for councillors

- (1) A council may make a payment (a "superannuation contribution payment") as a contribution to a superannuation account nominated by a councillor, starting from the financial year commencing 1 July 2022.
- (2) The amount of a superannuation contribution payment is the amount the council would have been required to contribute under the Commonwealth superannuation legislation as superannuation if the councillor were an employee of the council.
- (3) A superannuation contribution payment is payable with, and at the same intervals as, the annual fee is payable to the councillor.
- (4) A council is not permitted to make a superannuation contribution payment-
 - (a) unless the council has previously passed a resolution at an open meeting to make superannuation contribution payments to its councillors,
 - or
 - (b) if the councillor does not nominate a superannuation account for the payment before the end of the month to which the payment relates,
 - or
 - (c) to the extent the councillor has agreed in writing to forgo or reduce the payment.
- (5) The Remuneration Tribunal may not take superannuation contribution payments into account in determining annual fees or other remuneration payable to a mayor or other councillor.

- (6) A person is not, for the purposes of any Act, taken to be an employee of a council and is not disqualified from holding civic office merely because the person is paid a superannuation contribution payment.
- (7) A superannuation contribution payment does not constitute salary for the purposes of any Act.
- (8) Sections 248A and 254A apply in relation to a superannuation contribution payment in the same way as they apply in relation to an annual fee.
- (9) In this section--

"Commonwealth superannuation legislation" means the Superannuation Guarantee (Administration) Act 1992 of the Commonwealth.

"superannuation account" means an account for superannuation or retirement benefits from a scheme or fund to which the Commonwealth superannuation legislation applies.

Governance

The *Local Government Act 1993* was amended in 2021 to enable the payment of superannuation contributions starting 1 July 2022 for councillors. This is conditional on various requirements being met, including council resolving in an open meeting in favour of making such payments. Individual councillors may opt out of payments or choose to reduce the amount of payments. It should be noted that there are various circumstances where councillors are not entitled to receive a payment, for example, during any period in which they are not entitled to receive their fee, for example due to absence or suspension from civic office.

Finance

Superannuation contribution payments will be paid in line with monthly councillor fees. The superannuation guarantee rate applicable from 1 July 2022 is 10.5%. This rate will increase by half a percent each year until 1 July 2025 when it reaches 12%. The estimated cost is \$10,500 for the 2022/23 financial year and has been included in the draft Budget.

Legal

It is proposed to include the outcome of Council's decision on this matter in Council's *'Payment of expenses and provision of facilities for chairperson and councillors'* policy in due course.

Consultation

Not applicable.

Conclusion

Council is required to resolve whether to (or not) make superannuation contribution payments from 1 July 2022.

Privacy policy (revised)

Responsible Officer: Group Manager People and Performance (Helen McNeil)

Recommendation

That Council:

1. Revoke the Privacy Management policy adopted on 14 June 2015 and any policies revived as a result of the revocation.
2. Adopt the proposed Privacy policy attached to this report.
3. Note that, subject to the adoption of the proposed policy that a Privacy Management Plan be developed, approved by the General Manager and made available as open access information.

Background

To comply with the requirements of the *Privacy and Personal Information Protection Act 1998* (PIIP Act) and the *Health Records and Information Privacy Act 2002* (HRIP Act) Rous County Council must have a privacy management plan. The purpose of the plan is to explain and set out how an organisation will manage personal and health information. The plan must include content covering:

- (a) devising of policies and practices to ensure compliance with the PIIP Act and HRIP Act,
- (b) dissemination of policies and practices to persons within the agency,
- (c) procedures that the agency proposes to provide in relation to internal review.

Rous currently has a Privacy Management policy, which has the dual function of a 'privacy policy' and a 'privacy management plan' (Attachment 1). It was made in June 2015 prior to the combining of Rous County Council, Far North Coast County Council and Richmond River County Council.

It is mandatory to have a privacy management plan but not a privacy policy.

A review of the current Privacy Management policy has been completed. A key change is recommended:

- 1. Separate policy and privacy management plan – both open access information – policy adopted by the governing body and privacy management plan approved by the General Manager**

Staff recommend an approach whereby Rous has a Privacy policy, adopted by the governing body, and a privacy management plan approved by the General Manager. The merit of this approach is that the governing body sets its overarching commitment to privacy through policy, including its position on privacy breach management. The implementation of that policy position is achieved through and governed by an operational privacy management plan approved by the General Manager.

Both the policy and the privacy management plan would be 'open access information':

- (a) Attachment 2 – Proposed Privacy policy, for adoption.
- (b) Attachment 3 – DRAFT Privacy Management Plan, for information.

Finance

Not applicable.

Legal

The proposed approach is compliant with the applicable legislative requirements. The Information and Privacy Commission (IPC) New South Wales 'Privacy Management Plan Assessment Checklist' (Checklist) has been used to inform the review process. The IPC is the agency responsible for overseeing the PPIP Act and HRIP Act.

Since 2015 various amendments have been made to the PPIP Act and HRIP Act with respect to, among other things, expanded exemptions to the privacy principles. For example, exemptions relating to:

- (a) Information exchanges between public sector agencies
- (b) Emergency situations.

In addition, the review will include various minor and administrative changes such as the update of obsolete policy, procedure and position references and the revision of applicable forms used by members of the public.

Consultation

Not applicable.

Conclusion

A review of the current Privacy management policy has been completed and a new policy and Privacy management plan have been developed.

Attachments

1. Current Privacy Management policy adopted by Rous County Council on 14 June 2015 and Richmond River County Council and Far North Coast County Council on 22 June 2015 (for **revocation**) via website: <https://www.rous.nsw.gov.au/page.asp?f=RES-XRL-37-22-83>
2. Proposed Privacy policy (for **adoption**).
3. DRAFT Privacy Management Plan.



Policy

Privacy

Approved by Council: xx/xx/2022

To outline Council's commitment to the protection of personal information and the privacy of individuals.

Safety

Teamwork

Accountability

Respect

Background

Council handles a broad range of information including personal information. The collection, storage, use and disclosure of personal information is regulated under various legislation. A Privacy Management Plan is in place governing the practices and procedures designed to ensure compliance with the 'principles' of information management and protection.

Policy statement

Council collects personal and health information to enable it to operate and perform its functions. It is committed to managing that information in accordance with its legal obligations.

Personal and health information will be used and disclosed for the purpose it is collected or a directly related purpose, unless consent for another use or disclosure is provided or otherwise required or legally authorised. A person may access their personal information, without excessive delay or expense, and may also request the correction of that information in certain circumstances.

Data breaches will be reported to the Information and Privacy Commission NSW under its voluntary data breach reporting scheme, Council's Audit Risk and Improvement Committee, and such other agencies as required by law.

Contact officer

Information Management Business Analyst

Related documents

Policies

Code of Conduct and Procedures

Cybersecurity

Legislation

- General Data Protection Regulation.
- *Government Information (Public Access) Act 2009* (NSW).
- *Health Records and Information Privacy Act 2002* (NSW).
- *Local Government Act 1993* (NSW).
- *Privacy and Personal Information Protection Act 1998* (NSW).
- Privacy Code of Practice for Local Government.
- *State Records Act 1998* (NSW).

Other

- Application Form: Information about personal information held; Access to own information; Alteration of personal information.
- Feedback Form.
- General Retention and Disposal Authorities (GA39).
- [Information Access Guideline 1 – For Local Councils on the disclosure of information \(returns disclosing the interests of councillors and designated persons\)](#)
- Model Privacy Management Plan for Local Government.
- Privacy Management Plan.
- Statutory Guidelines issued by the Information and Privacy Commission NSW:
 - o Use or Disclosure of Health Information for Research Purposes.
 - o Use or Disclosure of Health Information for the Management of Health Services.
 - o Use or Disclosure of Health Information for Training Purposes.
 - o Use or Disclosure of Information from a Third Party.
 - o Guidance: Transborder Disclosure Principle
 - o Research.

Office use only	File no.: F20/324-01	Next review date: 2024	
Version	Purpose and description	Date adopted by Council	Resolution no.
1.0	Review of 3 x Privacy Management Policies, dated June 2015, of former Counties and creation of new Policy and separate Privacy management plan (approved by General Manager).	TBC	TBC



Privacy Management Plan

Practices and procedures governing
the handling of personal information
and privacy complaints
management

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Related documents

- Privacy Complaint: Internal Review application form [available here](#)
- GIPA application form: [available here](#)
- Privacy policy: [available here](#)

Need more information?

To contact Rous County Council's Privacy Contact Officer:

Phone: (02) 6623 3800
 Email: council@rous.nsw.gov.au
 Website: www.rous.nsw.gov.au
 Post:
 PO Box 230, LISMORE NSW 2480

To contact the Information and Privacy Commission:

Phone: 1800 472 679
 Email: ipcinfo@ipc.nsw.gov.au
 Website: www.ipc.nsw.gov.au
 Post:
 GPO Box 7011, SYDNEY NSW 2001

To contact the New South Wales Civil and Administrative Tribunal:

Phone: 1300 006 228 (select option 3 for Administrative and Equal Opportunity Division enquiries)
 Interpreter Service (TIS): 13 14 50
 National Relay Service: 1300 555 727
 Email: aeod@ncat.nsw.gov.au
 Website: www.ncat.nsw.gov.au
 Post:
 NSW Civil & Administrative Tribunal
 Administrative and Equal Opportunity Divisions
 PO Box K1026 Haymarket NSW 1240
 DX 11539 SYDNEY DOWNTOWN

Review frequency: 4 years.		
Version	Purpose and description	Approved by General Manager (incl. date)
1.0	Review of the Privacy Management policy (2015 – for the three Counties) resulted in the creation of a Privacy policy and separate Privacy management plan.	DRAFT

Definitions

GIPA Act	means the Government Information (Public Access) Act 2009 (NSW).
HPP	means 'Health Privacy Principle'.
HRIP Act	means the Health Records and Information Privacy Act 2002 (NSW).
IPP	means 'Information Protection Principle'.
LG Act	means Local Government Act 1993 (NSW).
PPIP Act	means Privacy and Personal Information Protection Act 1998 (NSW).
Privacy Code	means Privacy Code of Practice for Local Government .

DRAFT

Part 1 – Introduction

Rous County Council is a ‘public sector agency’ as defined in the PPIP Act. This means we are required to have a Privacy Management Plan (PMP) setting our commitment to respecting the privacy rights of various individuals. This PMP is made pursuant to section 33 of the PPIP Act and should be read in conjunction with the Privacy policy. The preparation of the PMP has been informed by and based on the Model Privacy Management Plan for Local Government prepared by the NSW State Government. The objectives of the PMP are to:

- Establish governance arrangements that aim to protect an individual’s personal and health information; and
- Inform the community about how their personal and health information will be used, stored and disclosed in the course of our operations.

The PMP applies to:

- Councillors;
- Council employees;
- Consultants and contractors of Council;
- Council owned businesses; and
- Council Committees, including those established under the LG Act and extends to community members of such committees.

We consider the requirements of the PPIP Act and HRIP Act during the review and preparation of all policy, procedure and forms to ensure that we are satisfying our privacy obligations.

Part 2 – What is personal and health information?

2.1 What is ‘personal information’? See section 4 of the [PPIP Act](#).

Information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. It includes things like an individual’s fingerprints, retina prints, body samples or genetic characteristics.

2.2. What is not ‘personal information’? See section 4 of the [PPIP Act](#).

The PPIP Act outlines many examples of what is not personal information. One example is information about an individual that is contained in a publicly available publication. Once personal information is contained in a publicly available publication, it ceases to be covered by the PPIP Act.

Examples of publicly available publications:

- An advertisement containing personal information in a local, city or national newspaper;
- Personal information on the internet including a website and social media platforms;
- Books or magazines that are printed and distributed broadly to the general public;
- Council Business Papers or that part that is available to the public; and
- Personal information that may be part of a public display on view to the general public.

Where an individual requests access to information that has already been published, we will rely on the provisions of the relevant Act that authorises Council to hold that information and not the PPIP Act (for example, an informal request under the GIPA Act).

2.3. What is 'health information'? See section 6 of the [HRIP Act](#).

- (a) Information or an opinion about:
 - (i) The physical or mental health or a disability (at any time) of an individual, or
 - (ii) The individual's express wishes about the future provision of health services to him or her, or
 - (iii) A health service provided, or to be provided, to an individual, or
- (b) Other personal information collected to provide, or in providing, a health service, or
- (c) Other personal information about an individual collected in connection with the donation, or intended donation, of an individual's body parts, organs or body substances, or
- (d) Other personal information that is genetic information about an individual arising from a health service provided to the individual in a form that is or could be predictive of the health (at any time) of the individual or of a genetic relative of the individual, or
- (e) Healthcare identifiers.

2.4. What is not 'health information'? See section 6 of the [HRIP Act](#).

Health information, or a class of health information or health information contained in a class of documents, that is prescribed as exempt health information for the purposes of the HRIP Act generally or for the purposes of specified provisions of the HRIP Act.

2.5. Personal and health information held

We perform various functions associated with bulk water supply, weed biosecurity and flood mitigation including water testing. This means we collect a range of personal and health information directly related and incidental to the performance of day-to-day activities. For example, handling enquiries and complaints, managing and supporting our workforce including recruitment, performing various financial administrative functions associated with the engagement, management and payment of third parties.

For employees, it includes:

- Recruitment material
- Leave and payroll data
- Personal contact information
- Performance management plans and disciplinary information
- Returns of interests (designated persons)
- Wage and salary entitlements
- Information collected in accordance with Council's Workplace Surveillance policy
- Drug and alcohol testing information
- Health monitoring information
- Injury management and return to work plans
- Union membership
- Site attendance or check-in information (e.g COVID Safe Check-in or similar)
- Health information (i.e. pre-employment medical information, health monitoring information, medical certificates and workers' compensation claims).

For Councillors, includes:

- Personal contact information
- Complaints and disciplinary matters
- Returns of interests
- Site attendance or check-in information (e.g COVIDSafe Check-in or similar).

For other people, includes:

- Site attendance or check-in information (e.g COVIDSafe Check-in or similar)
- Rates records
- Bank details
- Personal contact information
- Concession information
- Various types of health information incl. information voluntarily disclosed through public consultation processes.

2.6 Information held when exercising functions on behalf of third parties

We may, from time to time, exercise functions under delegation or by agreement for other organisations including local councils, NSW government agencies and non-government entities. This may involve the collection and storage of personal and/or health information. When exercising such functions, we are responsible for complying with privacy obligations in terms of the personal information that is collected, stored and processed on behalf of that third party, including ensuring data security and data quality. We can share information we obtain with the third party, without separately requesting consent from the owner of the information.

When exercising functions for a third party we will only handle personal and health information in accordance with any relevant instrument of delegation or agreement. Third parties for whom we are exercising functions may specify matters such as the applicable retention periods, security requirements and contents of privacy collection notices.

Part 3 – What responsibilities do people have?

3.1. General Manager and Leadership Team

- Ensure the effective implementation of the Privacy policy and PMP within areas of responsibility.
- Ensure adequate controls are implemented and maintained to safeguard information.
- Ensure that there are adequate resources for training of Privacy Contact Officers and staff.

3.2. Employees, contractors and service providers

- Ensure own compliance with information handling and management requirements, including preventing the unauthorised disclosure of personal or health information to whom the policy applies;
- Report any instances of known or suspected unauthorised disclosure;
- Ensure appropriate security and access controls are in place to ensure confidentiality of information.

3.3. Managers and supervisors

In addition to their responsibilities as employees, managers and supervisors are responsible for ensuring awareness of, and compliance with, the Privacy policy and PMP.

3.4. Privacy Contact Officer

- Ensuring the PMP is up to date
- Socialising the PMP
- Communicating changes to the PMP

- Primary contact for members of the public and the Information and Privacy Commission with respect to privacy and personal information related matters;
- Primary contact within and internal advisor on all matters related to privacy and personal information;
- Handle and respond to privacy complaints; and
- Perform compliance assurance checks and report results on privacy incidents, complaints and other relevant metrics.

3.5. Governance and Risk

The Governance Risk team is responsible for managing our privacy management functions, including internal privacy reviews.

3.6 IT Team

In addition to their responsibilities as employees, the IT team are responsible for the maintenance and security of our IT systems, including ensuring that the security and access controls are appropriate and effective.

3.7 Misuse of information

A public official who intentionally discloses personal or health information to which the official has or had access to in the exercise of their functions is guilty of an offence (see PPIP Act and HRIP Act). Additionally, any person attempting to induce a public sector official to disclose personal or health information is also guilty of an offence.

The PPIP Act and HRIP Act also make it an offence to offer to supply personal or health information that the person knows, or reasonably ought to have known has been disclosed in contravention of PPIP Act or HRIP Act.

Penalties include fines and imprisonment.

Part 4 – How do the privacy principles apply?

4.1. Exemptions

We will comply with the IPPs and HPPs, unless an exemption applies. It is important to note that the PMP does not cover all exemptions or situations and should be used as a guide only.

REF	IPP Exemptions	Notes
A	Relating to law enforcement and related matters.	Section 23 of the PIPP Act
AA	Relating to ASIO.	Section 23A of the PIPP Act
B	The information is reasonably necessary in order to enable Council to exercise its complaint handling functions or any of its investigative functions.	Section 24 of the PPIP Act
C	Where non-compliance is lawfully authorised or required.	Section 25 of the PPIP Act.
D	Where non-compliance would benefit the individual concerned.	Section 26 of the PPIP Act.

REF	IPP Exemptions	Notes
E	Relating to information exchanges between public sector agencies.	Section 27A of the PPIP Act.
F	Relating to research.	Section 27B of the PPIP Act.
G	Relating to emergency situations.	Section 27D of the PPIP Act.
H	The disclosure is made to a public sector agency under the administration of the Minister for Local Government or a public sector agency under the administration of the Premier for the purpose of informing the Minister or Premier about any matter within their respective jurisdictions.	Section 28 of the PPIP Act.
I	The disclosure of personal information for research purposes is in accordance with any applicable direction made by the Privacy Commissioner or any Research Code of Practice made by the Attorney General.	Section 41 of the PPIP Act.
J	Relating to the disclosure of personal information for Council's lawful and proper function/s.	Section 8 of the PPIP Act.
K	If collection is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be conferred upon the person to whom the information relates.	IPP2, IPP3 in Privacy Code.
L	Relating to the disclosure of personal information to other public sector agencies or public utilities	IPP11 in Privacy Code.
M	Relating to the disclosure of personal information to potential employers.	IPP11, IPP12 in Privacy Code.

REF	HPP Exemptions	Notes
1	Relating to the management of health services.	Schedule 1 of the HRIP Act and the Statutory Guidelines on the Use or Disclosure of Health Information for the Management of Health Services.
2	For training purposes.	Schedule 1 of the HRIP Act and the Statutory Guidelines on the Use or Disclosure of Health Information for Training Purposes.
3	For research purposes.	Schedule 1 of the HRIP Act and the Statutory Guidelines on the Disclosure of Health Information for Research Purposes.
4	Relating to the collection of health information from a third party.	Schedule 1 of the HRIP Act and the Statutory Guidelines on the Use or Disclosure of Information from a Third Party.

Relevant legislation permitting non-compliance with IPPs or HPPs

- *Crimes Act 1900*
- *Data Sharing (Government Sector) Act 2015*
- *General Data Protection Regulation*
- *GIPA Act*
- *Government Information (Information Commissioner) Act 2009*
- *Independent Commission Against Corruption Act 1988*
- *Local Government Act 1993*
- *Public Interest Disclosures Act 1994*
- *State Records Act 1998*

Relevant Codes of Practice or public interest directions

- Privacy Code of Practice for Local Government
- Statutory Guidelines on the Use or Disclosure of Health Information for the Management of Health Services (HRIP Act)
- Statutory Guidelines on the Use or Disclosure of Health Information for Training Purposes (HRIP Act)
- Statutory Guidelines on the Disclosure of Health Information for Research Purposes (HRIP Act)
- Statutory Guidelines on the Use or Disclosure of Information from a Third Party (HRIP Act)

4.2. IPP 1 and HPP 1 – Collection of personal and health information for lawful purposes

We will:

- only collect personal and health information for a lawful purpose that directly relates to our functions;
- use a variety of methods to notify individuals that their information is being collected including:
 - verbally,
 - via forms completed by individuals,
 - by correspondence (both electronically and in physical form).

We will not:

- collect personal or health information by any unlawful means.
- collect any more personal or health information than is reasonably necessary to fulfil our proper functions.

Exemptions

Nil.

4.3. IPP 2 and HPP 3 – Collection of personal and health information from the individual to whom the information relates

We will:

- collect information only from the individual to whom the information relates unless the individual has authorised collection from someone else or the information has been provided by a parent or guardian of a person under the age of 16 years.
- only collect health information directly from the individual that the information concerns unless it is unreasonable or impractical for us to do so.
- collect this information:
 - verbally,
 - via forms completed by individuals,
 - by correspondence (both electronically and in physical form).

Exemptions

A, B, C, D, E, G, K.

4.4. IPP 3 and HPP 4 – Requirements when collecting personal and health information

We will:

- inform individuals that their personal and health information is being collected, why it is being collected, who will be storing and using the information, the name and address of the agency that has collected the information, and the agency that is to hold the information.
- inform individuals of how they can view and correct their information, if the information is to be provided on a voluntary or mandatory basis and any consequences the individual may face if they do not provide the information.
- where we collect personal and health information indirectly from someone else in respect of any one of our statutory functions, advise those individuals that we have collected their personal information (e.g information collected from Land and Property Information about ownership details when a land is transferred from one owner to the next).

Exemptions

A, B, C, D, E, F, G, I, K.

4.5. IPP 4 and HPP 2 – Other requirements relating to the collection of personal and health information

We will:

- take reasonable steps to ensure that personal and health information collected:
 - o is relevant to our functions, is not excessive, and is accurate, up to date and complete; and
 - o does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates by ensuring that it is only collected directly from the individual concerned.
- ensure that all forms used by us comply with IPP 4 and HPP 2.

Exemptions

Nil.

4.6. IPP 5 and HPP 5 – Retention and security of personal and health information

We will:

- store and dispose of personal and health information in accordance with the [General Retention and Disposal Authorities for Local Government \(GA39\)](#)
- protect information from unauthorised access, use or disclosure through access controls applied in our electronic information systems.
- hold information for only as long as is required by law.
- ensure that if it is necessary for information to be furnished in the provision of a service to us (i.e. through consultants and contractors), everything reasonably will be done to prevent unauthorised use or disclosure of the information including requiring the third party to dispose of information.

Exemptions

I, F.

4.7. IPP 6 and HPP 6 – Information about personal and health information held

An individual can find out if we hold personal or health information about them, by contacting us (see contact information on page 4).

We will:

- take all reasonable steps to enable an individual to determine whether we hold personal and/or health information about them and upon such request, we will advise of:
 - o the nature of the information;
 - o the main purpose for which the information is held; and
 - o the individual's right to access the information.

A request made under IPP 6 or HPP 6 will be subject to the conditions or limitations contained in the GIPA Act. Members of the public can also apply to access information held by us under the GIPA Act.

Any person can make an application to access information held by us by completing and submitting a [GIPA application form](#).

The owner of any personal information requested under the GIPA Act will be consulted prior to any information being released and the owner of the information has the right to object to its disclosure. If we determine that there is a public interest against disclosure of the information, that information will not be released. If the owner of the information has objected and we determine that it is in the public interest to disclose the information, the owner has the right to apply for a review of our decision. Any review must be conducted prior to the release of the information.

Exemptions

A, AA, C.

4.8. IPP 7 and HPP 7 – Access to own information

An individual seeking to access their personal information can do so by contacting us (see contact information on page 4). We will provide individuals access to their own personal and health information without unreasonable delay or expense.

Employees wishing to access their personal information should contact the People and Culture Manager.

Exemptions

A, AA, C.

4.9. IPP 8 and HPP 8 – Correction or alteration of own personal and health information

Any individual who is concerned with the accuracy of their personal or health information kept by us may request for amendments to be made to that information. Any changes to personal or health information will require appropriate supporting evidence.

If we are not prepared to amend the personal or health information in accordance with the request, we may attach a statement provided by the individual to the information in question.

Should we agree to do so, the statement must be attached in such a manner that is capable of being read.

If the personal or health information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have the recipients of that information notified of the amendments made by us.

Exemptions

A, C.

4.10. IPP 9 and HPP 9 – Accuracy of personal and health information before use of information

We will:

- prior to use or disclosure of personal or health information, take reasonable steps to ensure that the personal information is relevant, accurate, up-to-date, complete and not misleading. In doing so, we will have regard to the purpose for which the information was collected and the purpose for which it is proposed to be used.

Exemptions

Nil.

4.11. IPP 10 and HPP 10 – Limits on use of personal and health information

We will not:

- use personal or health information for a purpose other than that for which it was collected unless:
 - o the individual was told at the time of collection that the information would be disclosed;
 - o the individual has consented to the use of the information for that other purpose;
 - o the purpose for disclosure directly relates to the purpose for which it was collected; or
 - o the use of the information for another purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom the information relates or of another person.

Employee information held by us may need to be used for purposes related to employee management and associated activities including safety, health and wellbeing.

Exemptions

A, B, C, E, F, G, H, J, K.
1, 2, 3.

4.12. IPP 11 and HPP 11 – Limits on disclosure of personal and health information

We will not disclose personal information unless:

- the disclosure is directly related to the purpose for which the information was collected and there is no reason to believe the individual concerned would object to the disclosure;
- the individual has been made aware that this kind of information is usually disclosed; or;
- we believe on reasonable grounds that disclosure is necessary to prevent or lessen a serious or imminent threat to the life of the individual concerned or another person.

We will only disclose health information under the following circumstances:

- with the consent of the individual to whom the information relates; or
- for the purpose for which the health information was collected or a directly related purpose that the individual to whom it related would expect; or
- if an exemption applies.

Exemptions

A, AA, B, C, D, E, F, G, H, I, K, L, M.
1, 2, 3.

4.13. IPP 12 – Special limits on disclosure of personal information

Unless disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person, we will not disclose personal information relating to an individual's:

- ethnic or racial origin;
- political opinions;
- religious or philosophical beliefs;
- trade union membership; or
- health or sexual activities.

We will not disclose this information to an individual or body outside New South Wales or to a Commonwealth agency unless:

- a relevant privacy law that applies to personal information concerned is in force in that jurisdiction or applies to that Commonwealth agency; or
- the disclosure is permitted under a Privacy Code of Practice.

Exemptions

A, AA, C, D, E, F, H, I, M.

4.14. HPP 12 – Unique identifiers

We will only assign identifiers* to individuals if the assignment of identifiers is reasonably necessary to enable Council to carry out its functions.

**usually a number that is assigned to an individual in conjunction with or in relation to the individual's health information for the purpose of identifying that individual. It should not include the individual's name.*

4.15. HPP 13 – Anonymity

We commit to ensure that wherever it is lawful and practicable, individuals must be given the opportunity to not identify themselves when entering into transactions with us.

Exemptions

Nil.

4.16. HPP 14 – Transfer of data flow

Health information will only be transferred outside New South Wales or to a Commonwealth agency if we reasonably believe:

- That the recipient of the information is subject to laws or obligations substantially similar to those imposed by the HRIP Act;

- The individual consents to the transfer;
- The transfer is under a contract between us and the individual;
- The transfer will benefit the individual, it is impracticable to obtain the consent of the individual and if it were practicable to obtain such consent, the individual would be likely to give it;
- The transfer is to lessen a serious threat to an individual's health and welfare or a serious threat to public health or public safety;
- Steps have been taken to ensure that the information will not be handled inconsistently with the HRIP Act; or
- The transfer is permitted or required under any other law.

Exemptions

Nil.

4.17. HPP 15 – Cross-organisational linkages

We will seek the express consent of individuals before participating in any system that links health records across more than one organisation before it will be included in the system.

Exemptions

Nil.

Part 5 – Registers

5.1. Definition

Public register examples:

- Land register (section 53 of the LG Act)
- Contract registers (GIPA Act)
- Disclosure logs (GIPA Act)
- Register of returns disclosing the interest of councillors and designated persons (section 440AAB of the LG Act)
- Register of investments (GIPA Act)
- Register of delegations (GIPA Act)

We may also keep other registers or databases that are not public registers. The IPPs, HPPs, the Privacy policy, this PMP, the Privacy Code and the PPIP Act apply to those registers.

5.2. Disclosure of personal information contained in registers

Where we are responsible for keeping a public register, the register must not disclose any personal information unless we are satisfied that it is to be used for a purpose relating to the purpose of the register or in accordance with the Act under which the register is kept.

If a secondary use or disclosure of information in a register is contemplated, consent must be sought and obtained.

5.3 Application to suppress information (not public registers) - section 739 of the LG Act

A person may make an application to suppress certain material that is available for public inspection where the material discloses or may disclose the person's place of residence if the person considers that the disclosure would place their safety or their family safety at risk. An application must outline the risk and be verified by a statutory declaration (refer to section 739(4) of the LG Act).

5.4 Application to suppress information (public registers)

A person about whom personal information is contained (or proposed to be contained) in a public register, may make a request to have the information removed from, or not placed on the register.

If we are satisfied that the safety or wellbeing of the person would be adversely affected by not suppressing the information, we will suppress the information in accordance with the request. However, we will not suppress the information if we are of the opinion that the public interest in disclosing the information outweighs the individual interest of suppression.

Any information suppressed may still be used in the exercise of our functions, but it cannot be disclosed to other parties.

Part 6 – Privacy complaints and review options

The complaints process is in three stages:

1. General complaint;
2. Internal review; and
3. External review.

6.1 General complaint process

If you have a complaint about the way your personal or health information has been handled or disagree with the outcome of your application to access and/or amend your personal and health information, we encourage you first to discuss any concerns with the staff member or dealing with your information.

There are no external review rights to NSW Civil and Administrative Tribunal (NCAT) at the conclusion of a general complaint.

6.2. Internal review process - click [here](#) to access the application form

If you are not satisfied with the outcome of your general complaint, then you may apply for an internal review. Internal review is the process by which we manage formal, written privacy complaints about how we have dealt with personal information.

Click [here](#) to access the internal review application form. Although we encourage you to use the form, it is not compulsory.

You have six months from first becoming aware of the relevant conduct to apply for an internal review. Council may decline to deal with an application for internal review received after that period. Late applications will be considered on a case-by-case basis and may

agree to a late application where there is evidence of hardship or another barrier preventing the application from being lodged within the legislated six-month period.

Your application will be acknowledged in writing and the acknowledgement will include an expected completion date.

We will determine whether the internal review should be handled by us alone or in consultation with another agency.

The internal review will be conducted by the Privacy Contact Officer, or by another person who:

- was not involved in the conduct which is the subject of the complaint; and
- is our employee or officer; and
- is qualified to deal with the subject matter of the complaint.

The internal review will be completed within 60 days of receiving your application and we will inform you of the outcome of the review within 14 days of completing it. If the review is not completed within this time, you have the right to seek external review at the NSW Civil and Administrative Tribunal (NCAT).

We will follow the Privacy Commissioner's Internal Review Checklist (available at ipc.nsw.gov.au) and consider any relevant material submitted by you and/or the Privacy Commissioner.

A copy of the written complaint will be provided to the Privacy Commissioner.

The Privacy Commissioner may make submissions to us as part of the internal review process.

In making a decision, we may:

- take appropriate remedial action
- make a formal apology to you
- implement administrative measures to prevent the conduct occurring again
- undertake to you that the conduct will not occur again, or
- take no further action on the matter.

You will be informed of the outcome as soon as practical following the completion of the review and within 14 days of the internal review being decided, including:

- the findings of the review
- the reasons for those findings
- the action we propose to take
- the reasons for the proposed action (or no action), and
- your entitlement to have the findings and the reasons for the findings reviewed by NCAT

Council must, as soon as practicable, inform the Privacy Commissioner of the internal review application, keep them informed of the progress and update them of the outcome. When we receive your application, we will provide a copy to the Privacy Commissioner.

The Privacy Commissioner must be provided the opportunity to make a submission in relation to the internal review report. This submission may be provided to the applicant. The Privacy Commissioner should receive a final copy of the Report.

6.3. External review process

If you are dissatisfied with the findings of the internal review they may apply to the Administrative and Equal Opportunity Divisions of the NSW Civil and Administrative Tribunal ('NCAT') for an external review. An application must be lodged with NCAT within 28 days of receiving the report advising of the outcome of the internal review.

For more information about the external review process click [here](#).

6.4. Other options

For more information about other options for making a privacy complaint click [here](#).

Part 7 – Other information

7.1 Training

Employees

Training on privacy related issues will be provided to staff on induction, with refresher training provided to all staff as required.

Public

A copy of the Privacy policy, PMP and support forms are available on our website. They can also be provided in hardcopy on request. In addition, you will see information about privacy contained in all forms and documents used by us to collect personal and health information.

7.2 Unsolicited information

Where unsolicited personal or health information is received, it will be deemed not to have been 'collected' for the purposes of IPP 1 or section 10 of the HRIP Act. However, the retention, access, use and disclosure principles will apply to such information (IPPs 5-12 and HPPs 5-15).

7.3. Public consultation processes

In accordance with the GIPA Act, when undertaking any process of public consultation where public submissions are invited by us, we will advise individuals that their submission, including any personal information in the submission, may be made publicly available. We may keep this personal information confidential on request.

Related Party Disclosure policy review

Responsible Officer: Group Manager Corporate and Commercial (Guy Bezrouchko)

Recommendation

That Council:

1. Revoke the Related Party Disclosure policy dated 17 May 2017, and
2. Approve the revised Related Party Disclosure policy (Attachment 2).

Background

From 1 July 2016, the Australian accounting standards board determined that AASB 124 related party disclosures would apply to government entities, inclusive of local governments.

AASB 124 requires local governments to disclose in the general purpose financial statements particular related party relationships and transactions, including information about the transactions.

Council initially developed, adopted and implemented the Related Parties Disclosures Policy in May 2017. A review of the policy has been undertaken and is presented to Council for adoption.

Proposed changes

The policy is fundamentally effective for managing related party disclosures, in accordance with AASB 124, however two minor changes are proposed.

1. The requirement to review the policy annually has been removed and will now align with the term of Council. Council's business operations are eminently stable and consistent from year to year.
2. The need to submit a second disclosure form in November of each year has been removed. It is considered sufficient to submit one form annually unless there are changes to an individual's circumstances. Note, under the policy, Councillors are responsible for providing updated disclosures should their circumstances change.

Finance

The related party disclosure policy aims to assist council in complying with the disclosure requirements concerning key management personnel which are impressed upon council by the Australian Accounting Standard 124.

Legal

Contained in the body of the report.

Consultation

Not applicable

Conclusion

The adoption of the revised Related Party Disclosure Policy satisfies the regulatory and audit requirements.

Attachment

1. Related Party Disclosure policy dated 17 May 2017 (**for revocation**)
2. Revised Related Party Disclosure policy (**for adoption**)

Policy



Related party disclosure

Approved by Council: 17 May 2017

The purpose of this policy is to define the parameters for related party relations and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB 124 – Related Party Disclosures.

Safety

Teamwork

Accountability

Respect

Background

This policy has been developed to provide guidance in complying with the *Local Government Act*, section 413(3), which requires Council to prepare its General Purpose Financial Statements in compliance with Australian Accounting Standards. The relevant standard for the purpose of this policy is *AASB 124 Related Party Disclosures*, July 2015 (AASB 124).

The Australian Accounting Standards Board (AASB) determined in AASB 124 that from 1 July 2016 related party disclosures will apply to government entities, including local governments (councils).

AASB 124 provides that council must disclose the following financial information in its financial statements for each financial year period:

- (a) disclosure of any related party relationships
- (b) key management personnel (KMP) compensation disclosures.

Council in complying with disclosure requirements in AASB 124, will:

- (a) identify related party relationships and relevant transactions
- (b) identify information about the related party transactions for disclosure
- (c) establish systems to capture and record the related party transactions and information about those transactions
- (d) identify the circumstances in which disclosure of the items in subparagraphs (1) and (2) are required; and
- (e) determine the disclosures to be made about those items in the general purpose financial statements.

The policy will be reviewed when any of the following occur:

- (a) a change of councillors, chief executive officer or other KMP;
- (b) as a result of changes to the OLG Local Government Code of Accounting Practice and Financial Reporting;
- (c) annually from date of adoption.

Definitions

- **Arm's length transaction** - A transaction between two related parties that is conducted as if they were unrelated, so that there is no question of conflict of interest.
- **Close family members or close members of the family** - In relation to a KMP, family members who may be expected to influence, or be influenced by that KMP in their dealings with Council will include:
 - (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.

For the purpose of AASB 124, close family members could include extended members of a family (such as, without limitation, parents, siblings, grandparents, uncles/aunts or cousins) *if* they could be expected to influence, or be influenced by, the KMP in their dealings with Council.

- **KMP** - Person(s) having authority and responsibility for planning, directing and controlling the activities of Council.
- **Material** - The assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis of an entity's financial statements.
- **Ordinary citizen transactions** - Transactions that an ordinary citizen would undertake with Council, which is undertaken on arm's length terms and in the ordinary course of carrying out Council's functions and activities.
- **Related party** - Is any person or entity that is related to the entity that is preparing its financial statements.
- **Related party transaction** - A transfer of resources, services or obligations between the Council and a related party, regardless of whether a price is charged. Examples of related party transactions are:

Policy statement

Related party relationships are a normal feature of commerce and business.

A related party relationship could influence the normal business operations of Council even if related party transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the Council with other parties.

For these reasons, knowledge of Council's transactions and outstanding balances (including commitments and relationships with related parties) may affect assessments of Council's operations.

Key management personnel

For Council purposes KMP include:

- (a) Councillors
- (b) General Manager.

Related parties

For the purposes of this policy, related parties of Council are:

- (a) entities related to Council
- (b) KMP of Council
- (c) close family members of KMP
- (d) possible close family members of KMP's, and
- (e) entities or persons that are controlled or jointly controlled by KMP, or their close family members, or their possible close family members.

Also a person or entity is a related party of Council if any of the following apply:

- (a) they are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others)
- (b) they are an associate or belong to a joint venture of which Council is part of
- (c) they and Council are joint ventures of the same third party
- (d) they are part of a joint venture of a third party and council is an associate of the third party
- (e) they are a post-employment benefit plan for the benefit of employees of either Council or an entity related to Council
- (f) they are controlled or jointly controlled by close members of the family of a person
- (g) they are identified as a close or possibly close member of the family of a person with significant influence over Council or a close or possibly close member of the family of a person who is a KMP of Council; or
- (h) they or any member of a group of which they are a part, provide KMP services to Council.

Related party transactions

Related party transactions are required to be disclosed, regardless of whether a price is charged. Examples of related party transactions are:

- (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 (example: 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.

Disclosures

To comply with AASB 124, Council will disclose all material and significant Related Party Transactions in its General Purpose Financial Statements by aggregate or general description and include the following detail:

- (a) the nature of the related party relationship
- (b) the amount of the transactions
- (c) the amount of outstanding balances, including commitments; and

- (d) their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in settlement; and
- (e) details of any guarantees given or received
- (f) provisions for doubtful debts related to the amount of outstanding balances; and
- (g) the expense recognised during the period in respect of bad or doubtful debts due from related parties.

For the purposes of this policy any transaction where the aggregate amount involved exceeds \$10,000 in any financial year will be disclosed in the annual financial statements.

KMP must complete a 'Related party disclosure' form, notifying any existing or potential related party transactions between Council and either themselves, their close family members or entities controlled or jointly controlled by them or any of their close family members, to the Manager Corporate and Commercial by no later than the following periods during a financial year:

- (a) 30 days after the commencement of the application of this policy
- (b) 30 days after a KMP commences their term or employment with Council
- (c) 30 November each year
- (d) 30 June each year.

At least 30 days before a specified notification period, the Manager Corporate and Commercial will provide KMP with a 'Related party disclosure' form and a 'Privacy collection notice'.

Identifying related party relationships and transactions

The method for identifying the close family members and associated entities of KMP will be by KMP self-assessment. KMP have an ongoing responsibility to advise Council immediately of any related party transactions.

The preferred method of reporting is for KMP to provide details of related parties and related party transactions to the Responsible Accounting Officer.

Information provided will be reviewed in accordance with the Council's operational requirements and held on a centralised system.

The Finance Coordinator is responsible for identifying and extracting related party transaction in Council's business systems for the purpose of recording the related party transactions and associated information in a register of related party transactions.

The contents of the register of related party transactions must detail for each related party transaction:

- (a) the description of the related party transaction
- (b) the name of the related party
- (c) the nature of the related party's relationship with Council
- (d) whether the notified related party transaction is existing or potential
- (e) a description of the transactional documents the subject of the related party transaction
- (f) the amount of the transactions
- (g) the amount of outstanding balances, including commitments, and
- (h) their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in settlement; and
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Information privacy

Collection and storage of personal information is governed by Council’s Privacy Management Plan, the Privacy and Personal Information Protection Act 1988 and the Government Information Public Access Act 2009. Information provided by Council’s KMP and other related parties shall be held for the purpose of compliance with Council’s legal obligations and shall be disclosed where required for compliance or legal reasons only.

Contact officer

Finance Coordinator

Related documents

Policies

Code of Conduct

‘Payment of expenses and provision of facilities for chairperson and councillors’ policy

Privacy Management Plan

Legislation

Local Government Act 1993 and Local Government (General) Regulation 2005,

Accounting Standard AASB 124 July 2015 Related Party Disclosures

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Other

Declarations of Interest

For revocation

Office use only	File: 172/13	Next review date: May 2019
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Version	Purpose and description	Date adopted by Council	Resolution no.
1.0	To define the parameters for related party relations and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB 124 – Related Party Disclosures.	17 May 2017	44/17

For revocation

Policy



ROUS
COUNTY COUNCIL

Related party disclosure

Approved by Council: XX XXX 2022

The purpose of this policy is to define the parameters for related party relations and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB 124 – Related Party Disclosures.

Safety

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Background

This policy has been developed to provide guidance in complying with the *Local Government Act*, section 413(3), which requires Council to prepare its General Purpose Financial Statements in compliance with Australian Accounting Standards. The relevant standard for the purpose of this policy is *AASB 124 Related Party Disclosures*, July 2015 (AASB 124).

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- (c) they and Council are joint ventures of the same third party
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Contact officer

Finance Manager

Related documents

Policies

Code of Conduct

'Payment of expenses and provision of facilities for chairperson and councillors' policy

Privacy Management Plan

Legislation

Local Government Act 1993 and Local Government (General) Regulation 2005,

Accounting Standard AASB 124 July 2015 Related Party Disclosures

Privacy and Personal Information Protection Act 1998 [PPIPA]

Government Information (Public Access) Act 2009 [GIPAA].

Other

Declarations of Interest

Office use only	File: 172/13	Next review date: June 2025	
Version	Purpose and description	Date adopted by Council	Resolution no.
1.0	To define the parameters for related party relations and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB 124 – Related Party Disclosures.	17 May 2017	44/17

Information reports

Responsible Officers: General Manager and Group Managers

Recommendation

That the following information reports be received and noted:

1. Investments - July 2022
2. Debt writ-off information summary
3. Water consumption – June 2022
4. Delivery program progress update: January to June 2022
5. Audit Risk and Improvement Committee: meeting update including the Committee Performance report for the period 2021 - 2022.
6. Reports/actions pending

Background

Copies of the abovementioned reports are attached for information.

Consultation

The reports have been prepared in consultation with the General Manager, relevant Group Managers and staff.

Conclusion

Copies of the reports listed are attached for information.

Attachment

1. Information reports 1-6

Investments - July 2022

Responsible Officer: Group Manager Corporate and Commercial (Guy Bezrouchko)

Recommendation

That Council receive and note the Investments for July 2022.

Background

Clause 212 of the *Local Government (General) Regulation 2021* and Council's 'Investments' policy require that a report detailing Council's investments be provided. This report has been prepared as at 31 July 2022.

Finance

RBA cash rate

At the RBA's July 2022 meeting, it was decided to increase the cash rate to 1.35%. The Board decided the increase in interest rates is a further step in the withdrawal of the extraordinary monetary support that was put in place to help insure the Australian economy against the worst possible effects of the pandemic. The 90-day average bank bill swap rate (BBSW) has increased to 2.07%.

Total funds invested as at 31 July 2022 = \$39,080,010

Return for July 2022 = 1.48%

The weighted average return on funds invested for the month of July 2022 was 1.48%. This represents an increase of 43 basis point compared to the May 2022 result (1.05%) and is 59 basis points below Council's benchmark (the average 90-day BBSW rate of 2.07%) (Refer: Graph D2 - Attachment D).

Interest earned for July 2022 = \$49,948

Interest earned compared to the original budget is \$38,440 above the pro-rata budget (Refer: Attachment A). It is now clear that the underlying assumptions used in developing the budget have changed and inflation is seeing rates climb quite quickly in the market. Finance staff will review the interest earned forecast and report any variations through the Quarterly Budget Review Statements throughout the year.

Cheque account balance as at 31 July 2022 = \$258,643

Ethical holdings represent 33.50% of the total portfolio

Current holdings in Ethical Financial Institutions equals \$13,000,000. The assessment of Ethical Financial Institutions is undertaken using www.marketforces.org.au which is an affiliate project of the Friends of the Earth Australia (Refer: Graph D4 - Attachment D).

Legal

All investments are in accordance with section 625 of the *Local Government Act 1993*, clause 212 of the *Local Government (General) Regulation 2021* and Council's 'Investments' policy.

Conclusion

A report on investments is required to be submitted to Council. As at 31 July 2022, investments total \$39,080,010 and the average rate of return is estimated at 1.48%.

Attachments

- A. Investment analysis
- B. Investment by type
- C. Investment by Institution
- D. Total funds invested - comparisons
- E. Summary of indebtedness

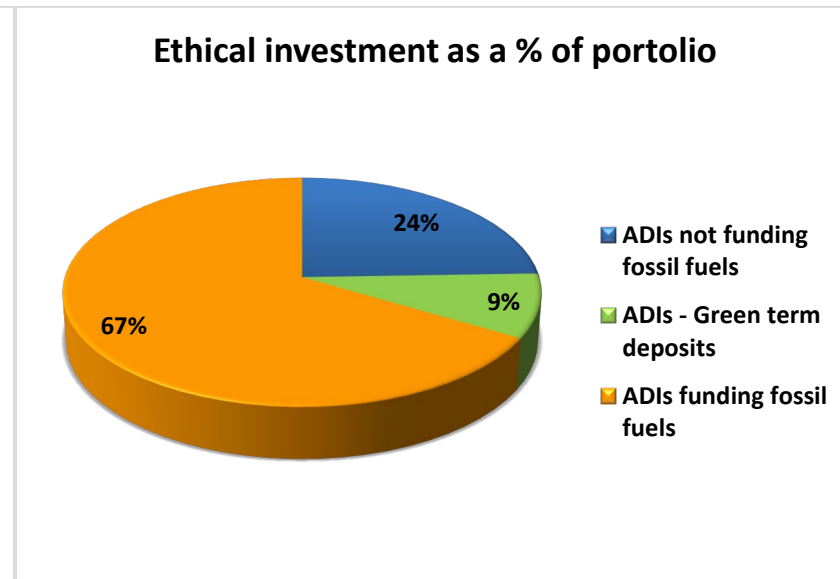
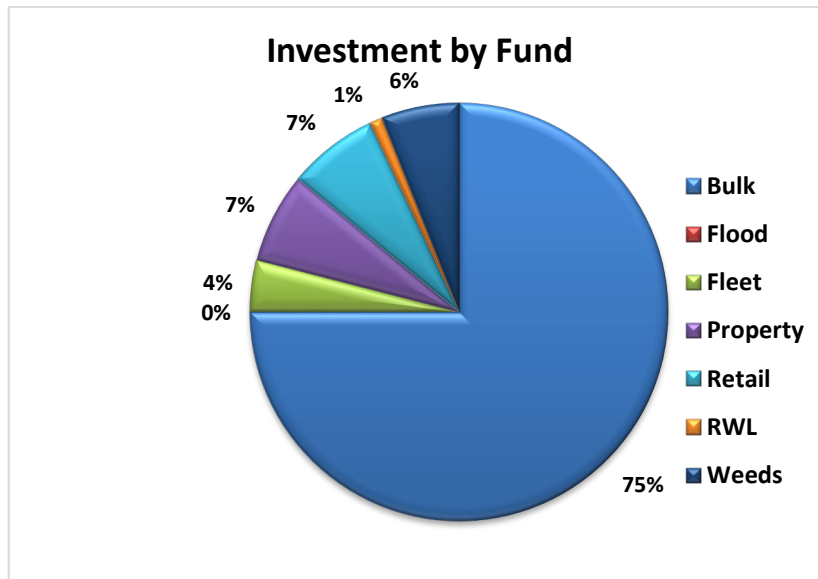
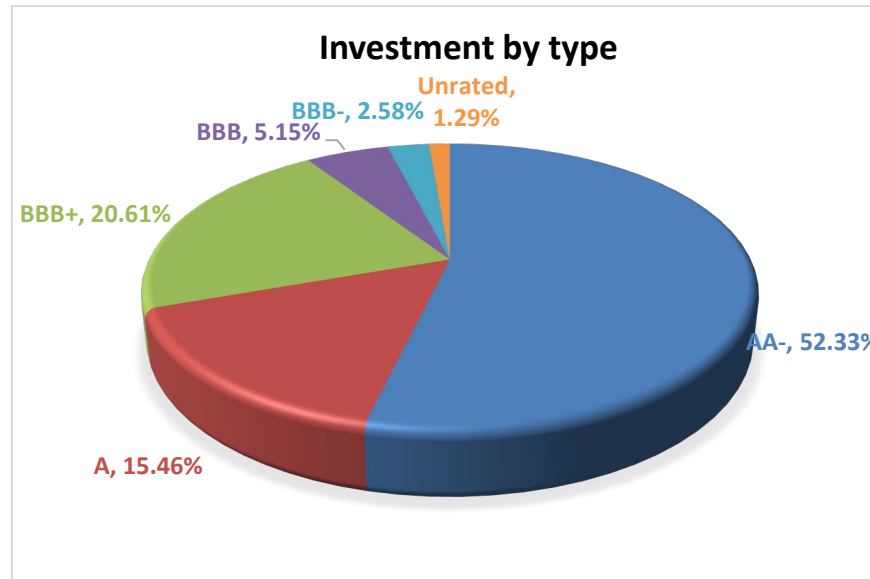
Investment analysis report 31 May 2022

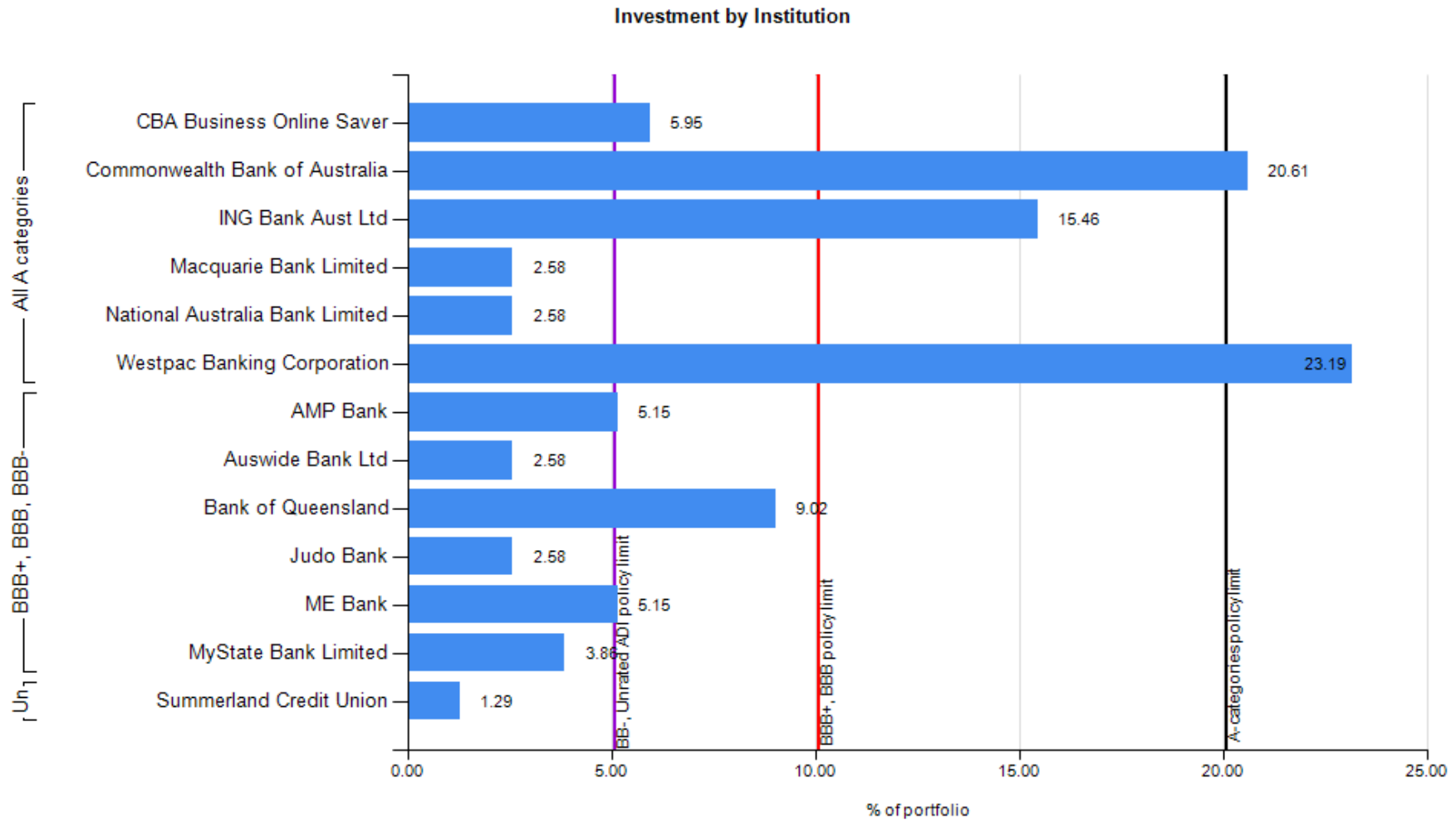
Attachment A

Funds Invested With	S & P Local Long Term Rating	Product Name	Ethical ADIs	Lodgement Date	Maturity Date	% of Portfolio	31 Jul 22 Balance	Rate of Return	Monthly Interest	Year-to-Date Interest
CBA Business Online Saver	AA-	CBA-BOS	No	At call		6.60	2,580,010.04	1.45	3,233.64	3,233.64
Bank of Queensland	BBB+	TD	Yes	20/10/2020	18/10/2022	1.28	500,000.00	0.80	339.73	339.73
Bank of Queensland	BBB+	TD	Yes	24/8/2021	23/8/2022	1.28	500,000.00	0.45	191.10	191.10
Bank of Queensland	BBB+	TD	Yes	31/8/2021	2/8/2022	1.28	500,000.00	0.43	182.60	182.60
AMP Bank	BBB	TD	No	14/9/2021	13/9/2022	1.28	500,000.00	0.45	191.10	191.10
ME Bank	BBB+	TD	No	21/9/2021	20/9/2022	2.56	1,000,000.00	0.40	339.73	339.73
MyState Bank Limited	BBB+	TD	Yes	28/9/2021	27/9/2022	1.28	500,000.00	0.45	191.10	191.10
Commonwealth Bank of Australia	AA-	TD	No	5/10/2021	4/10/2022	2.56	1,000,000.00	0.36	305.75	305.75
Westpac Banking Corporation	AA-	TD	No	12/10/2021	11/10/2022	1.28	500,000.00	0.40	169.86	169.86
Westpac Banking Corporation	AA-	TD	N/A	19/10/2021	18/10/2022	2.56	1,000,000.00	0.46	390.68	390.68
Westpac Banking Corporation	AA-	TD	No	26/10/2021	25/10/2022	1.28	500,000.00	0.49	208.08	208.08
Judo Bank	BBB-	TD	Yes	2/11/2021	1/11/2022	1.28	500,000.00	1.01	428.90	428.90
Summerland Credit Union	UNRATED	TD	Yes	9/11/2021	6/12/2022	1.28	500,000.00	0.65	276.03	276.03
AMP Bank	BBB	TD	No	16/11/2021	8/11/2022	1.28	500,000.00	1.00	424.66	424.66
AMP Bank	BBB	TD	No	16/11/2021	15/11/2022	1.28	500,000.00	1.00	424.66	424.66
ME Bank	BBB+	TD	No	23/11/2021	22/11/2022	2.56	1,000,000.00	0.65	552.05	552.05
Auswide Bank Ltd	BBB+	TD	Yes	30/11/2021	29/11/2022	2.56	1,000,000.00	0.80	679.45	679.45
Judo Bank	BBB-	TD	Yes	30/11/2021	22/11/2022	1.28	500,000.00	1.10	467.12	467.12
AMP Bank	BBB	TD	No	30/11/2021	29/11/2022	1.28	500,000.00	1.00	424.66	424.66
Westpac Banking Corporation	AA-	TD	No	7/12/2021	6/12/2022	2.56	1,000,000.00	0.58	492.60	492.60
ING Bank Aust Ltd	A	TD	No	7/12/2021	13/12/2022	2.56	1,000,000.00	0.60	509.59	509.59
Westpac Banking Corporation	AA-	TD	No	4/1/2022	4/1/2023	1.28	500,000.00	0.68	288.77	288.77
National Australia Bank Limited	AA-	TD	No	11/1/2022	10/1/2023	2.56	1,000,000.00	0.65	552.05	552.05
Commonwealth Bank of Australia	AA-	TD	N/A	18/1/2022	18/1/2023	2.56	1,000,000.00	0.50	424.66	424.66
Commonwealth Bank of Australia	AA-	TD	N/A	8/2/2022	8/8/2022	2.56	1,000,000.00	0.40	339.73	339.73
Westpac Banking Corporation	AA-	TD	No	16/2/2022	16/2/2023	2.56	1,000,000.00	0.95	806.85	806.85
Westpac Banking Corporation	AA-	TD	Yes	22/2/2022	22/2/2023	2.56	1,000,000.00	0.88	747.40	747.40
Westpac Banking Corporation	AA-	TD	Yes	23/2/2022	7/3/2023	2.56	1,000,000.00	0.94	798.36	798.36
Westpac Banking Corporation	AA-	TD	Yes	23/2/2022	14/3/2023	2.56	1,000,000.00	0.94	798.36	798.36

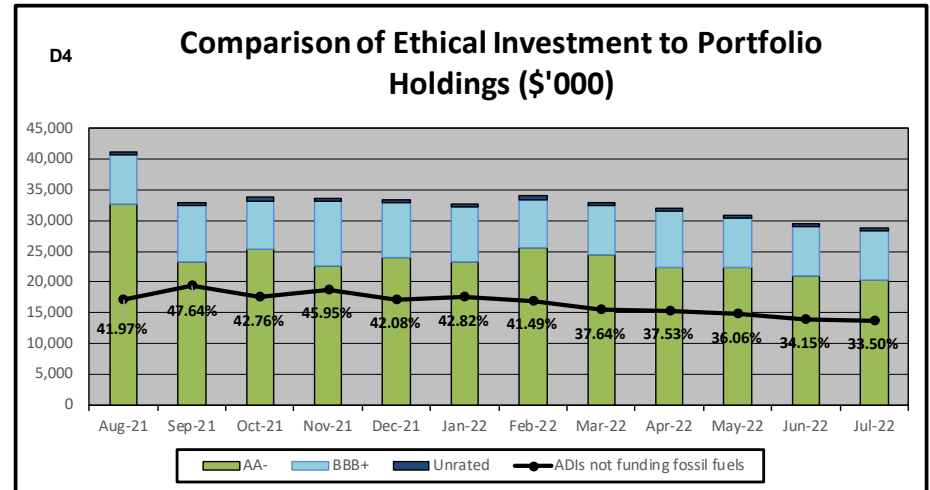
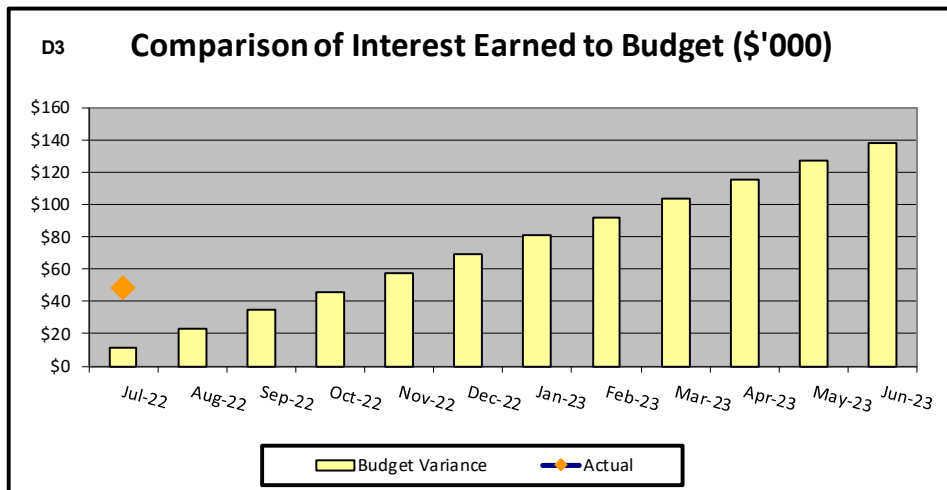
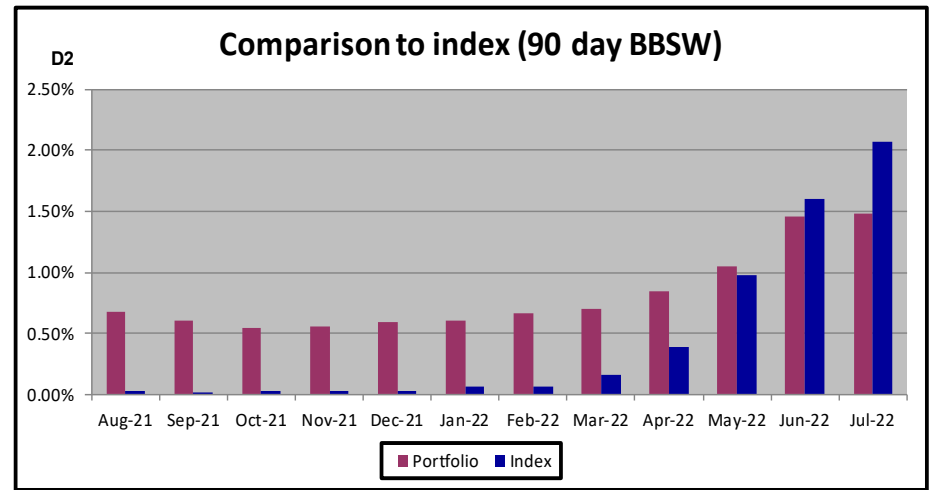
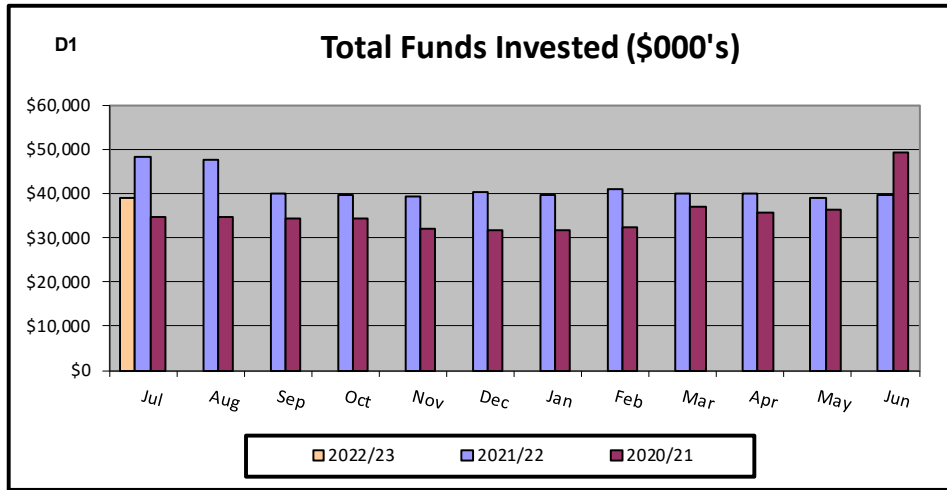
Funds Invested With	S & P Local Long Term Rating	Product Name	Ethical ADIs	Lodgement Date	Maturity Date	% of Portfolio	31 July 22 Balance	Rate of Return	Monthly Interest	Year-to-Date Interest
ING Bank Aust Ltd	A	TD	No	1/3/2022	28/2/2023	1.28	1,000,000.00	0.80	679.45	679.45
Westpac Banking Corporation	AA-	TD	No	8/3/2022	8/3/2023	2.56	1,000,000.00	1.00	849.32	849.32
Macquarie Bank Limited	A+	TD	No	23/3/2022	20/9/2022	2.56	1,000,000.00	0.85	721.92	721.92
ING Bank Aust Ltd	A	TD	No	5/4/2022	4/4/2023	2.56	1,000,000.00	1.68	1,426.85	1,426.85
Bank of Queensland	BBB+	TD	Yes	19/4/2022	19/4/2023	2.56	1,000,000.00	1.90	1,613.70	1,613.70
MyState Bank Limited	BBB+	TD	No	29/4/2022	2/5/2023	2.56	1,000,000.00	2.60	2,208.22	2,208.22
Commonwealth Bank of Australia	AA-	TD	No	29/4/2022	2/5/2023	2.56	1,000,000.00	2.72	2,310.14	2,310.14
Commonwealth Bank of Australia	AA-	TD	No	3/5/2022	2/5/2023	2.56	1,000,000.00	2.74	2,327.12	2,327.12
Commonwealth Bank of Australia	AA-	TD	No	10/5/2022	10/5/2023	2.56	1,000,000.00	3.01	2,556.44	2,556.44
Bank Of Queensland	BBB+	TD	Yes	31/5/2022	6/6/2023	2.56	1,000,000.00	3.20	2,717.81	2,717.81
Commonwealth Bank of Australia	AA-	TD	No	14/6/2022	13/6/2023	2.56	1,000,000.00	3.89	3,303.84	3,303.84
Commonwealth Bank of Australia	AA-	TD	N/A	28/6/2022	28/6/2023	2.56	1,000,000.00	3.95	3,354.79	3,354.79
ING Bank Aust Ltd	A	TD	N/A	30/6/2022	30/6/2023	2.56	1,500,000.00	4.05	5,159.59	5,159.59
ING Bank Aust Ltd	A	TD	N/A	29/6/2022	4/7/2023	3.84	1,500,000.00	4.00	5,095.89	5,095.89
MATURED TDs									44.93	44.93
						100.00	39,080,010.04	1.48	49,948.43	49,948.43

Total Investment Holdings**100.00 39,080,010.04****49,948.43 49,948.43**Total YTD Interest **49,948.43**Budget Interest @ 31 July 2022 **11,508.33**Budget variance **38,440.10**





Note: Institutions shown with "*" and in red are in breach of council policy.



Summary of indebtedness as at 31 July 2022

Information	Loan #1	Loan #2	Loan #3	Loan #4	Loan #5	Loan #6	Loan #7	Total
Institution	CBA	CBA	CBA	Dexia	NAB	NAB	Tcorp	
Principal Borrowed	\$ 2,000,000	\$ 3,000,000	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000	\$ 13,500,000	\$ 58,500,000
Date Obtained	9-Jun-04	31-May-05	31-May-06	21-Feb-07	31-May-07	25-Sep-07	7-Jun-21	
Term (Years)	20	20	20	20	20	20	20	
Interest Rate	6.82%	6.25%	6.37%	6.40%	6.74%	6.85%	2.68%	
Date Due	10-Jun-24	31-May-25	31-May-26	21-Feb-27	31-May-27	25-Sep-27	7-Jun-41	
Annual Commitment	\$ 184,785	\$ 264,921	\$ 891,595	\$ 893,507	\$ 917,390	\$ 925,933	\$ 876,390	\$ 4,954,520
Principal Repaid LTD	\$ 1,659,984	\$ 2,285,450	\$ 6,894,998	\$ 6,555,091	\$ 6,145,783	\$ 5,809,053	\$ 518,038	\$ 29,868,395
Interest Incurred LTD	\$ 1,666,148	\$ 2,218,202	\$ 7,370,525	\$ 7,296,608	\$ 7,615,062	\$ 7,616,970	\$ 358,352	\$ 34,141,867
Principal Outstanding	\$ 340,016	\$ 714,550	\$ 3,105,002	\$ 3,444,909	\$ 3,854,217	\$ 4,190,948	\$ 12,981,962	\$ 28,631,605
Interest Outstanding	\$ 29,554	\$ 80,212	\$ 461,378	\$ 576,552	\$ 753,428	\$ 913,572	\$ 3,669,452	\$ 6,484,148

Debt write-off information summary

Responsible Officer: Group Manager Corporate and Commercial (Guy Bezrouchko)

Recommendation

That Council receive and note the debt write-off information summary with debts written-off totalling \$1,458.73 for the period 1 July 2021 to 30 June 2022.

Background

Council's 'Debt Management and Financial Hardship' policy requires an information summary report be submitted to Council on a bi-annual basis.

• Delegations

All debts above \$1,000.00 (ex-GST) may be written off only by Resolution of Council.

Council has delegated to the General Manager the power to write-off debts equal to or below the \$1,000.00 threshold.

The General Manager has provided delegated authority to write-off debts equal to or below:

- \$500.00 to the Group Manager Corporate and Commercial
- \$250.00 to the Finance Manager

• Debts written off equal to or below \$1,000

Debts approved for write-off by Council staff were done so under delegation and in accordance with clauses 131 or 213 of the *Local Government (General) Regulation 2005*.

Debts approved for write-off during the period 1 July 2021 to 31 December 2021 totalled \$699.80 and were included in the Debt write-off information summary report at the Council meeting held 16 February 2022.

Debts approved for write-off during the period 1 January 2022 to 30 June 2022, totalling \$758.93, are tabled below:

Table 1

Customer type	Ref. number	Write-off amount	Background	Reason	Approved by
Retail water account	11913-12000-9	\$5.57	The water meter and cyble unit were not collecting the same data, resulting in incorrect data be transmitted to the itron.	Debt not lawfully recoverable	FM
Retail water account	10597-10000-6	\$306.66	Owner advising that meter read was much higher than the last read on 2/11/21 averaging roughly 7 kL litre a day. They confirmed that they had performed multiple leak checks and the red dials was not moving. Investigation determined that the base read on the physical meter may not have been zero, which would contribute to the discrepancy between the physical meter and the cyble unit.	Debt not lawfully recoverable	GMCC

Customer type	Ref. number	Write-off amount	Background	Reason	Approved by
Retail water account	11018-10000-5	\$446.70	Customer contacted Rous on 10/2/22 due to high consumption and advised that they have been away for 6 weeks and had turned the tap off at the meter prior to their departure. Investigation found that Rous' passing tap was leaking, contributing to the extra water consumption.	Debt not lawfully recoverable	GMCC
	Total	\$758.93			

- **Debts written off above \$1,000**

Debts approved for write-off by Council resolution are done so in accordance with clauses 131 or 213 of the *Local Government (General) Regulation 2005*.

No debts above \$1,000 were approved for write-off by Council during the period 1 July 2021 to 30 June 2022.

Finance

Council has an existing approved recurrent budget for debt write-off of \$10,000. Charges written off during the period 1 July 2021 and 30 June 2022 total \$1,458.73 and this amount will be included in Council's Annual Report.

Legal

Clause 131(6) of the *Local Government (General) Regulation 2005* requires the General Manager to inform Council of any amounts written off under delegated authority.

Conclusion

Charges totalling \$1,458.73 were written-off under Council resolution and delegated authority pursuant to clauses 131 or 213 of the *Local Government (General) Regulation 2005*. The next debt write-off information summary report will be included in the February 2023 business paper.

Water consumption - July 2022

Responsible Officer: Group Manager Operations (Adam Nesbitt)

Recommendation

That the report be received and noted.

Background

The table below is the July 2022 bulk water sales to the constituent councils in kilolitres compared to the corresponding July sales for 2021 and 2020.

Council	Jul 2020 (kL)	Jul 2021 (kL)	Jul 2022 (kL)	% of Total Sales
Ballina Shire Council	278,123	291,977	280,661	38.83%
Byron Shire Council	197,798	171,109	178,812	24.74%
Lismore City Council	234,988	245,070	222,022	30.72%
Richmond Valley Council	41,394	50,189	41,241	5.71%
TOTAL MONTHLY CONSUMPTION BY CONSTITUENT COUNCILS	752,303	758,345	722,736	

Water usage - all constituent councils

Figure 1 shows the combined monthly bulk water consumption and rainfall at Rocky Creek Dam for the previous two years.

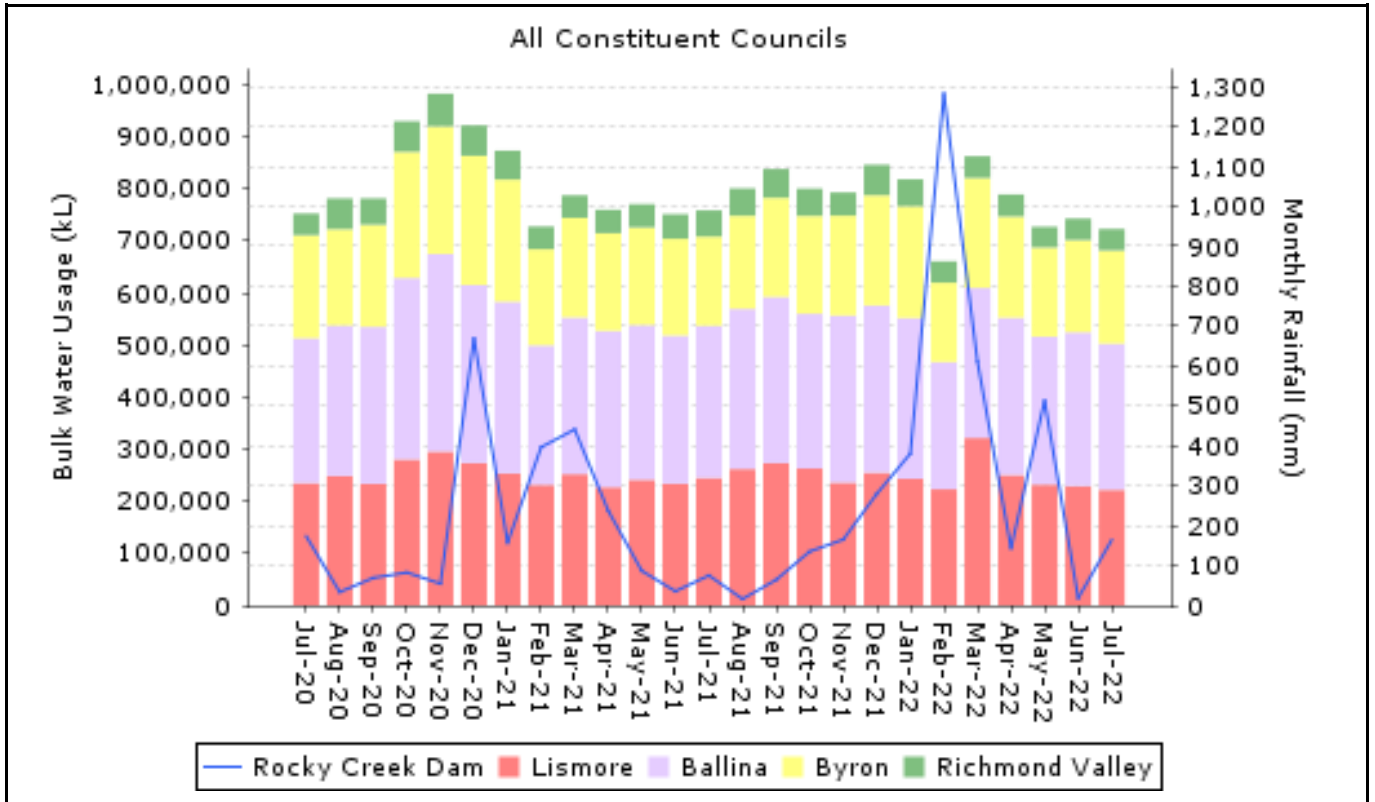


Figure 1: Total monthly consumption by constituent council and rainfall.

Figure 2 shows the total bulk water sales for the financial year to date compared with the previous two years.

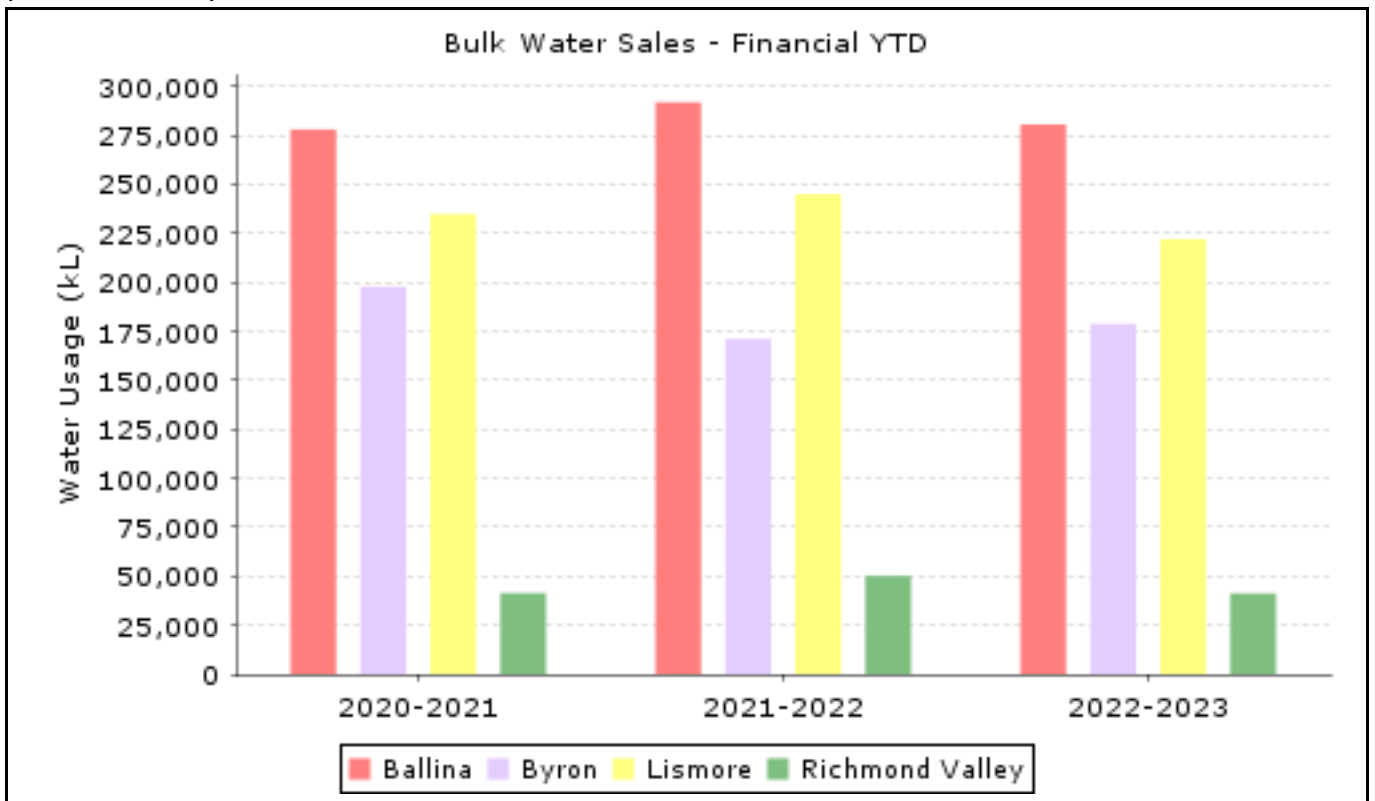


Figure 2: Bulk water sales by constituent council - 1 July to 31 July

Figure 3 and 4 shows the total usage of individual commercial water fill stations for the financial year to date compared with the previous two years.

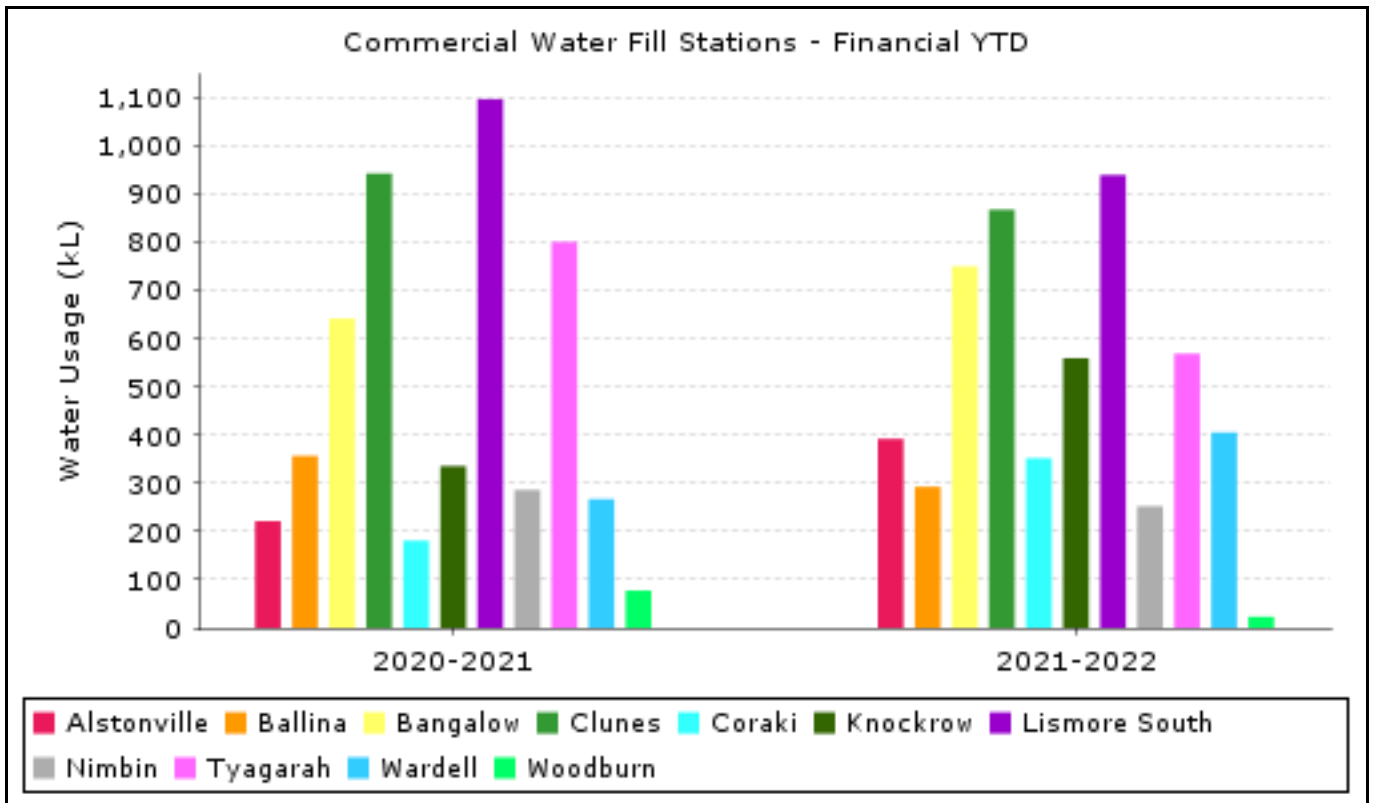


Figure 3: Comparison of commercial water fill stations total consumption - 1 July to 31 July

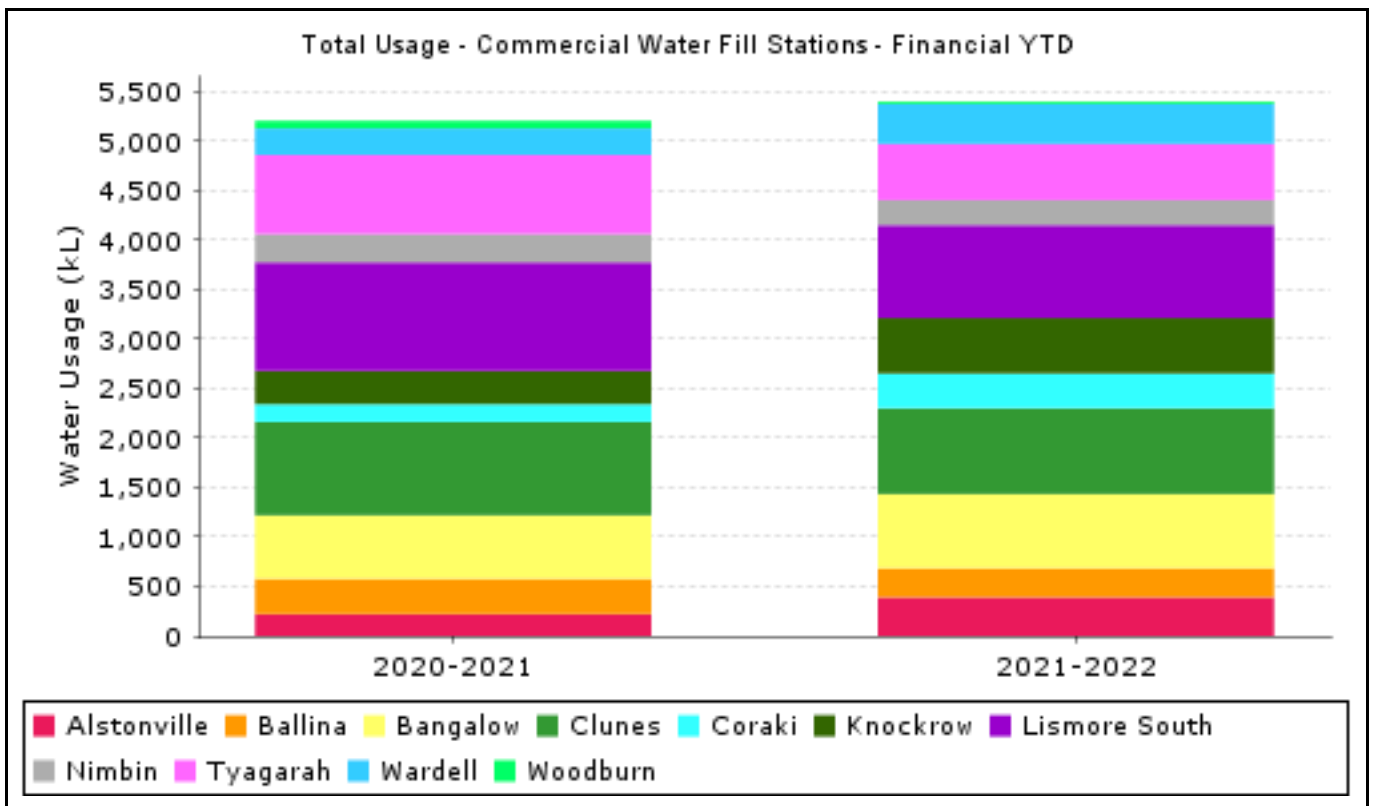


Figure 4: Total usage of commercial water fill stations - 1 July to 31 July

Figure 5 shows the combined water fill station monthly consumption for the previous two years. Rainfall data is from the rain gauge at Rocky Creek Dam.

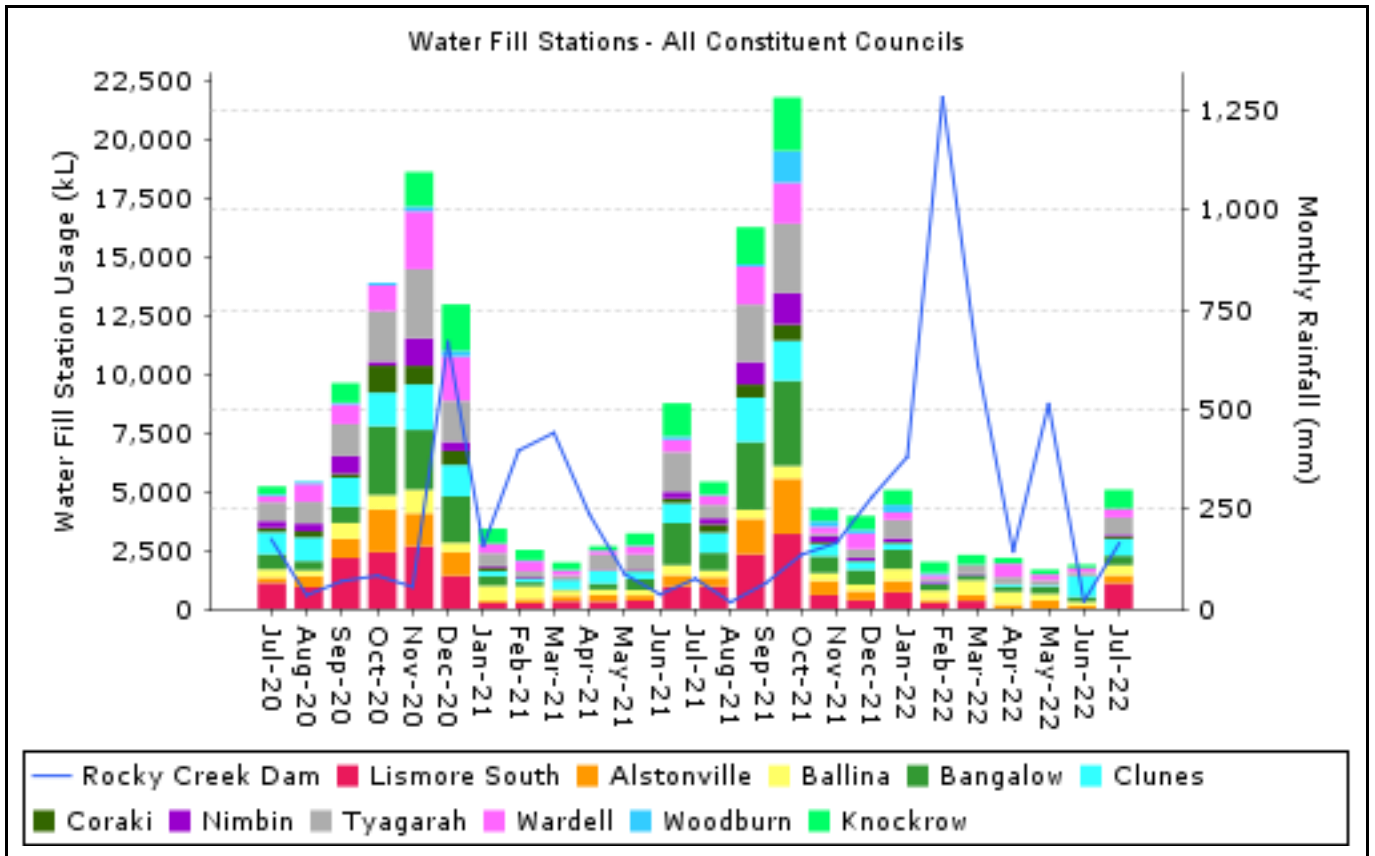


Figure 5: Total monthly consumption for commercial water fill stations and rainfall.

Source Contribution

Rocky Creek Dam capacity as of 31 July 2022 was 100.2%

Emigrant Creek Dam capacity as of 31 July 2022 was 102.3%

Source	July 2022 (kL)		Cumulative total 2022-2023 (kL)	
	Value	Percentage	Value	Percentage
Rocky Creek Dam	814,996	100.00%	814,996	100.00%
Wilson River	1	0.00%	1	0.00%
Emigrant Creek Dam	17	0.00%	17	0.00%
Alstonville Plateau Bores	0	0.00%	0	0.00%
Coastal Sands	0	0.00%	0	0.00%
	815,014		815,014	

Rocky Creek Dam

Figure 6 show Rocky Creek dam current water level and compares to previous years when levels reached lowest recorded dam level. Rainfall data is for the current financial year only.

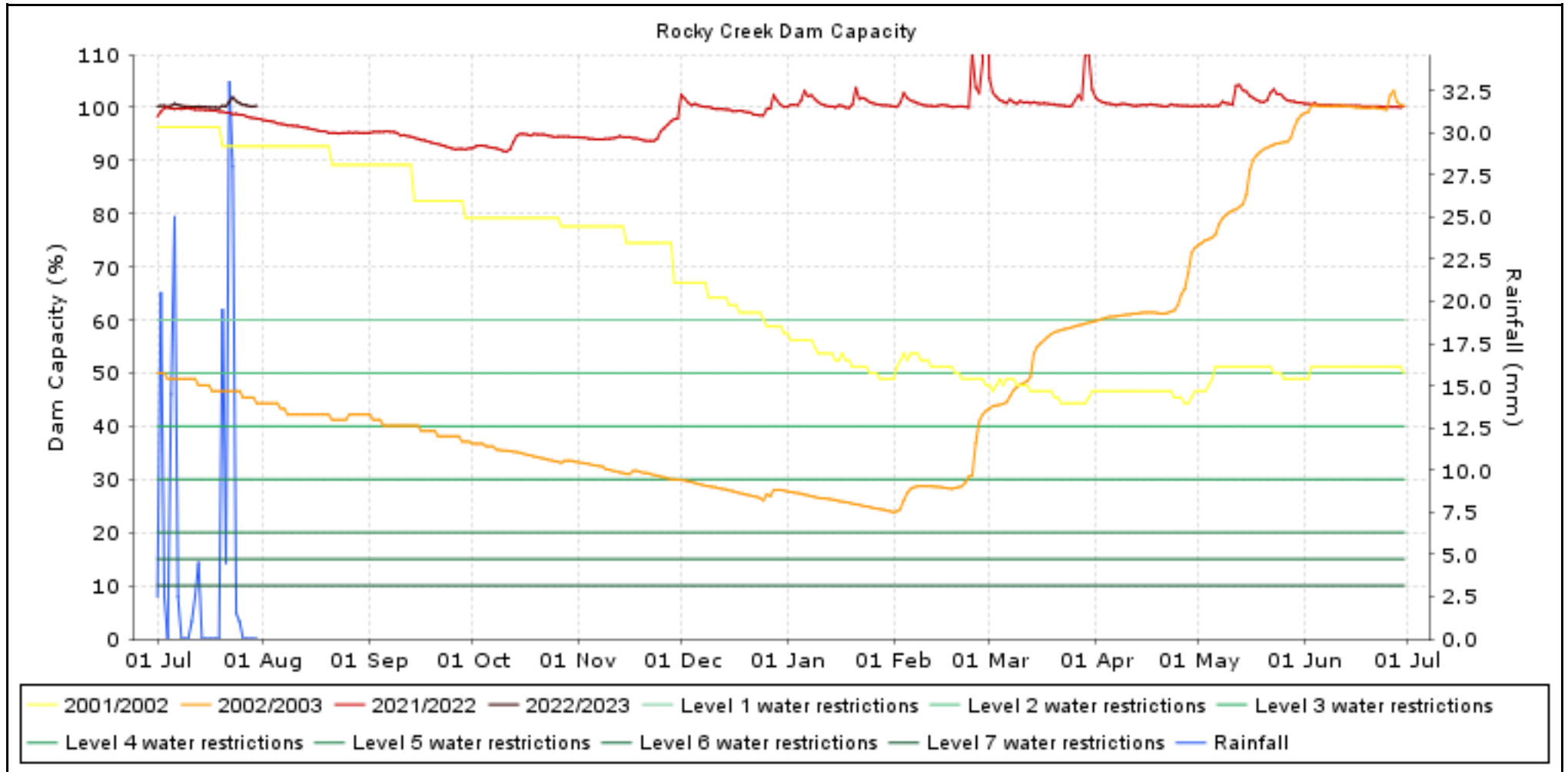


Figure 6: Rocky Creek Dam capacity and rainfall

Emigrant Creek Dam

Figure 7 show Emigrant Creek dam current water level and compares to previous two years. Rainfall data is for the current financial year only.

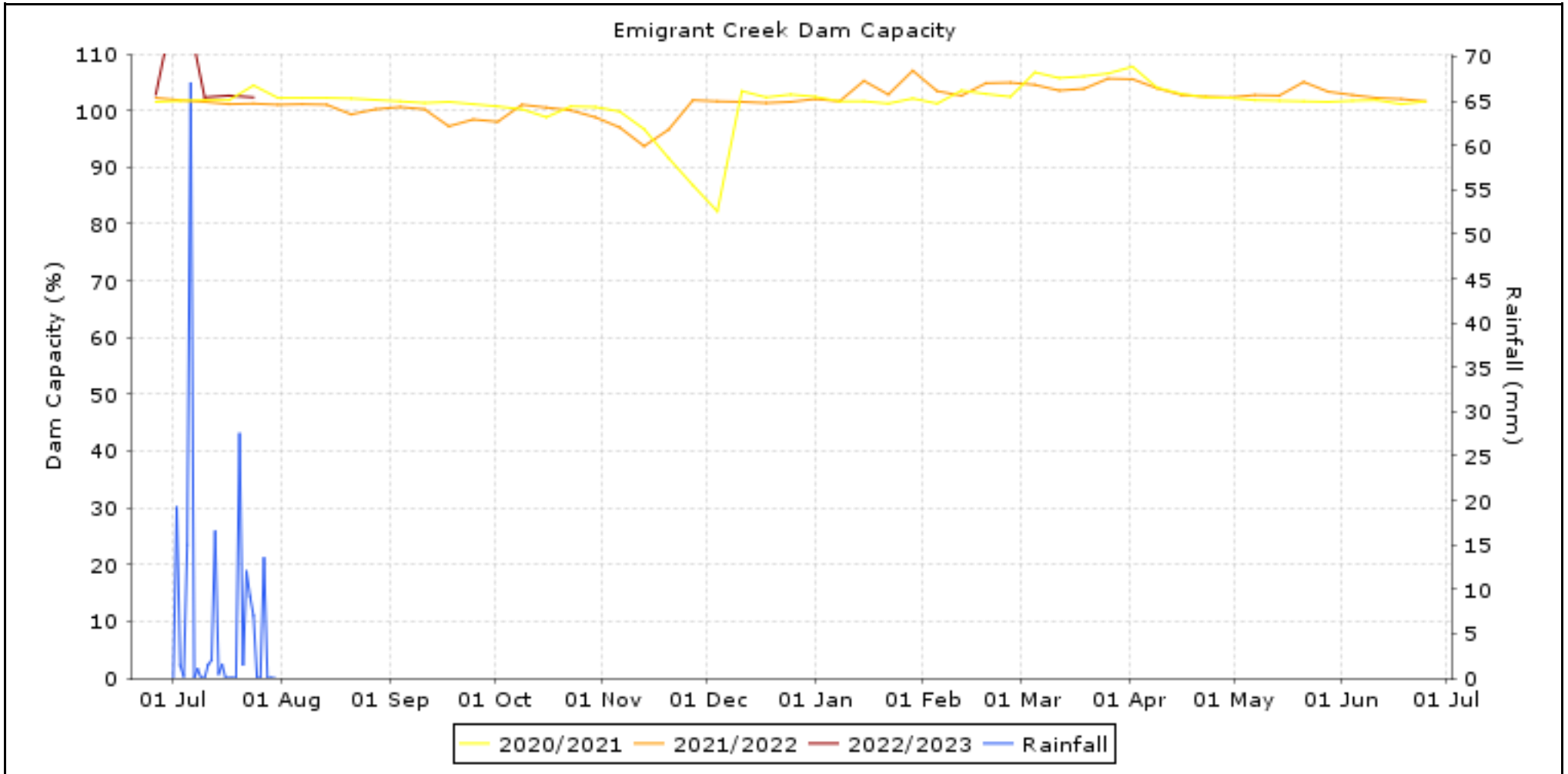


Figure 7: Emigrant Creek Dam capacity and rainfall

Monthly consumption by constituents - Ballina Shire Council

Figure 8 shows the monthly consumption for Ballina Shire Council area for the previous two years. Rainfall data is from the Bureau of Meteorology rainfall station Ballina Airport.

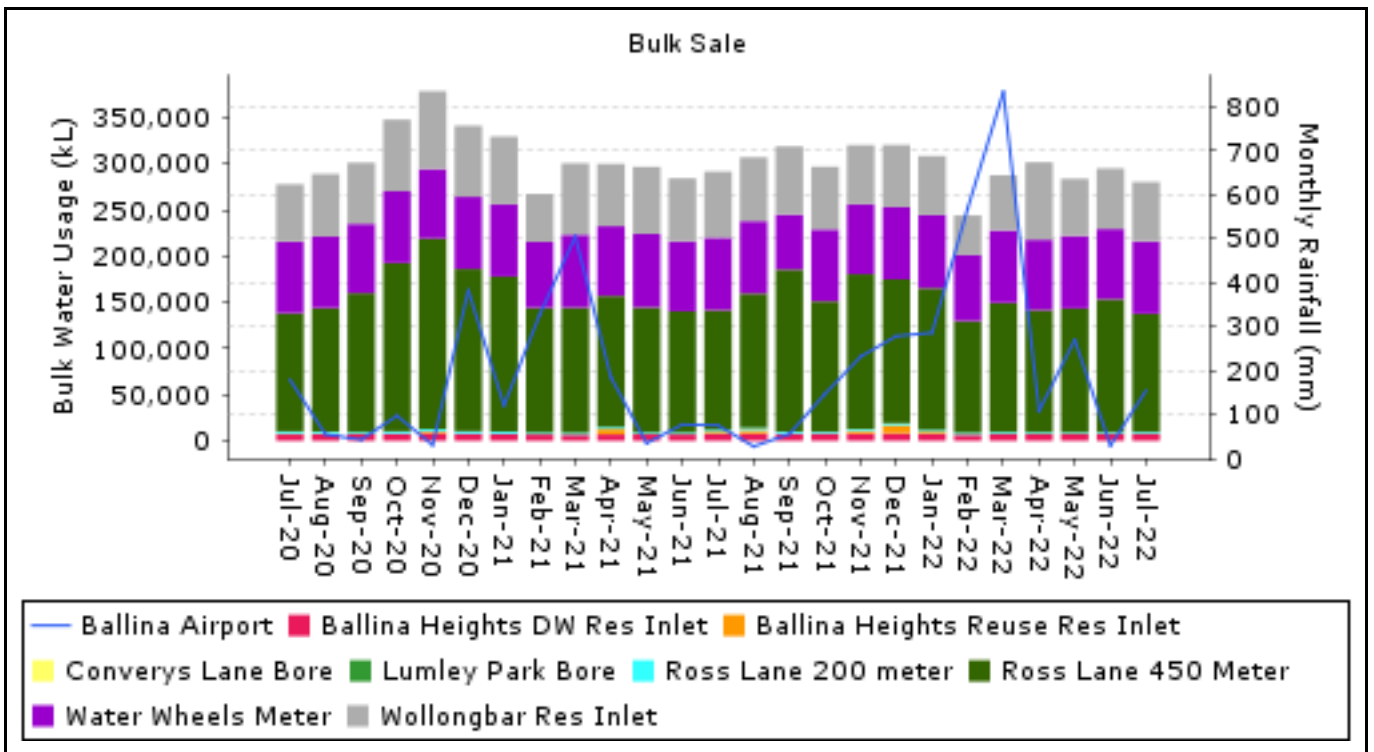


Figure 8: Monthly consumption and rainfall - Ballina Shire Council.

Figure 9 shows the monthly consumption for water fill stations for Ballina Shire Council and the rainfall for the previous two years.

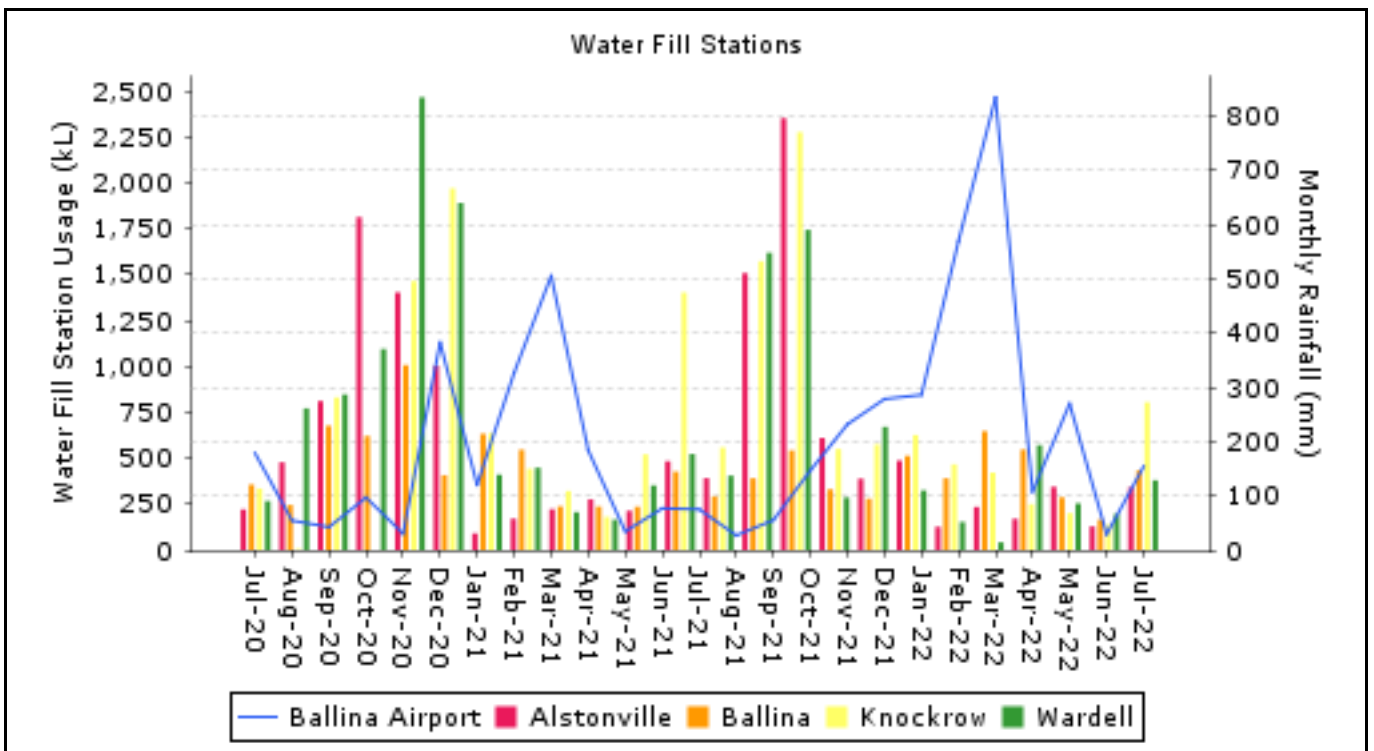


Figure 9: Monthly consumption commercial water fill station and rainfall.

Figure 10 shows the total usage of individual commercial water fill stations for the financial year to date compared with the previous two years.

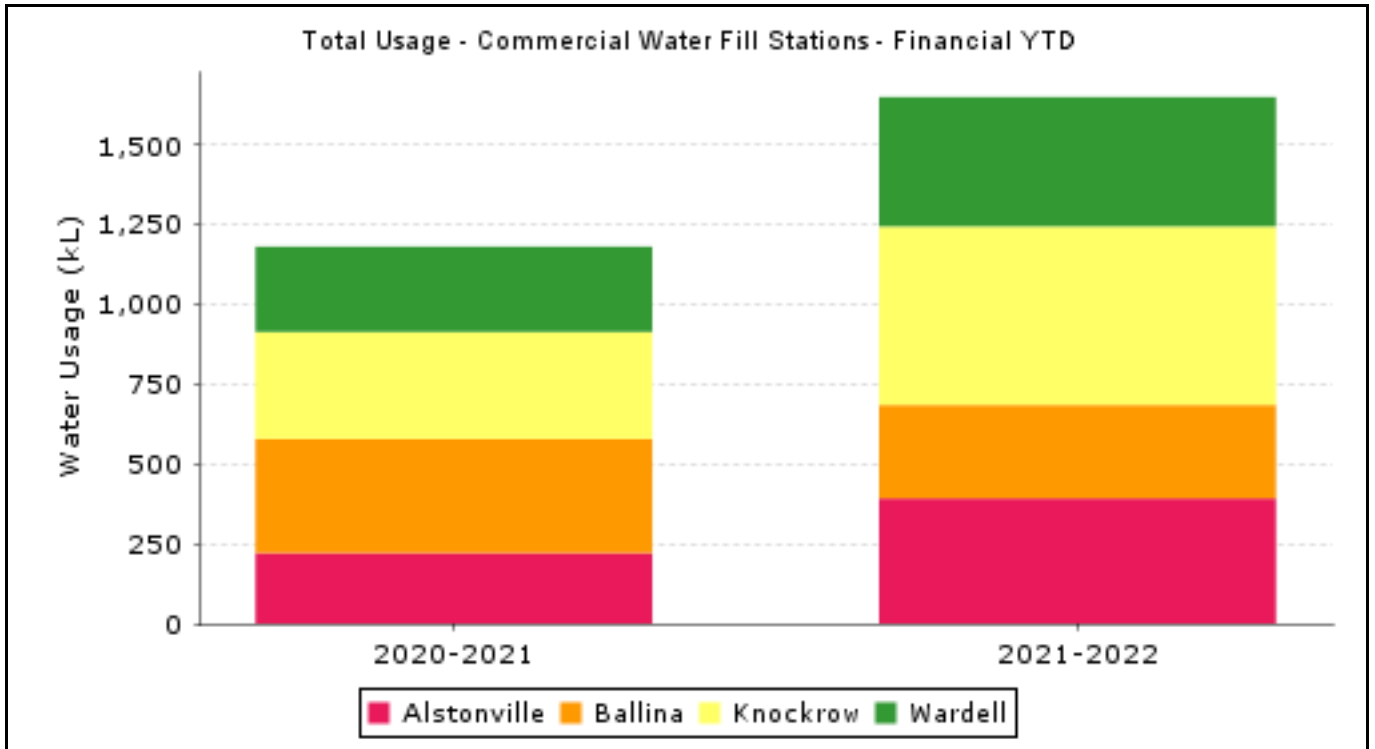


Figure 10: Total usage of commercial water fill stations. 1 July to 31 July

Monthly consumption by constituents - Byron Shire Council

Figure 11 shows the monthly consumption for Byron Shire Council area for the previous two years. Rainfall data is from the Bureau of Meteorology rainfall station Cape Byron.

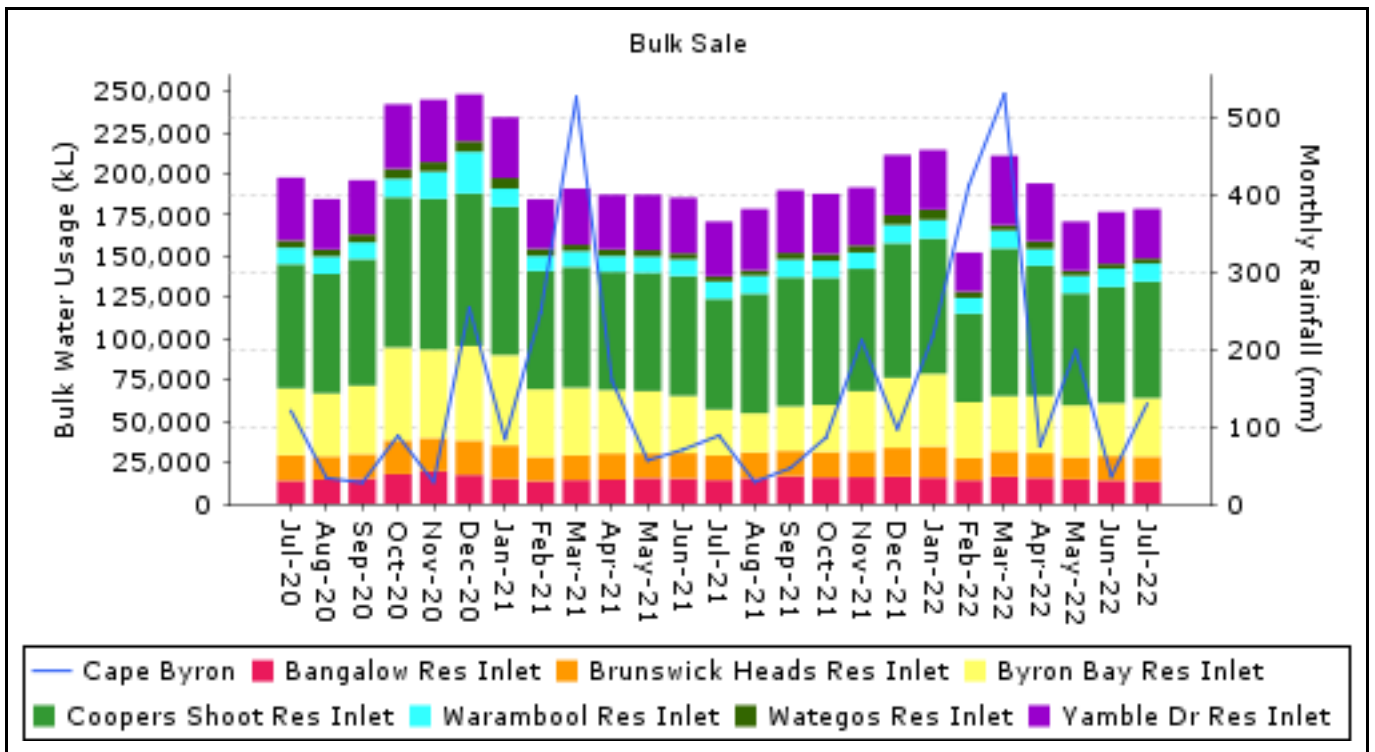


Figure 11: Monthly consumption and rainfall - Byron Shire Council.

Figure 12 shows the monthly consumption for water fill stations for Byron Shire Council and the rainfall for the previous two years.

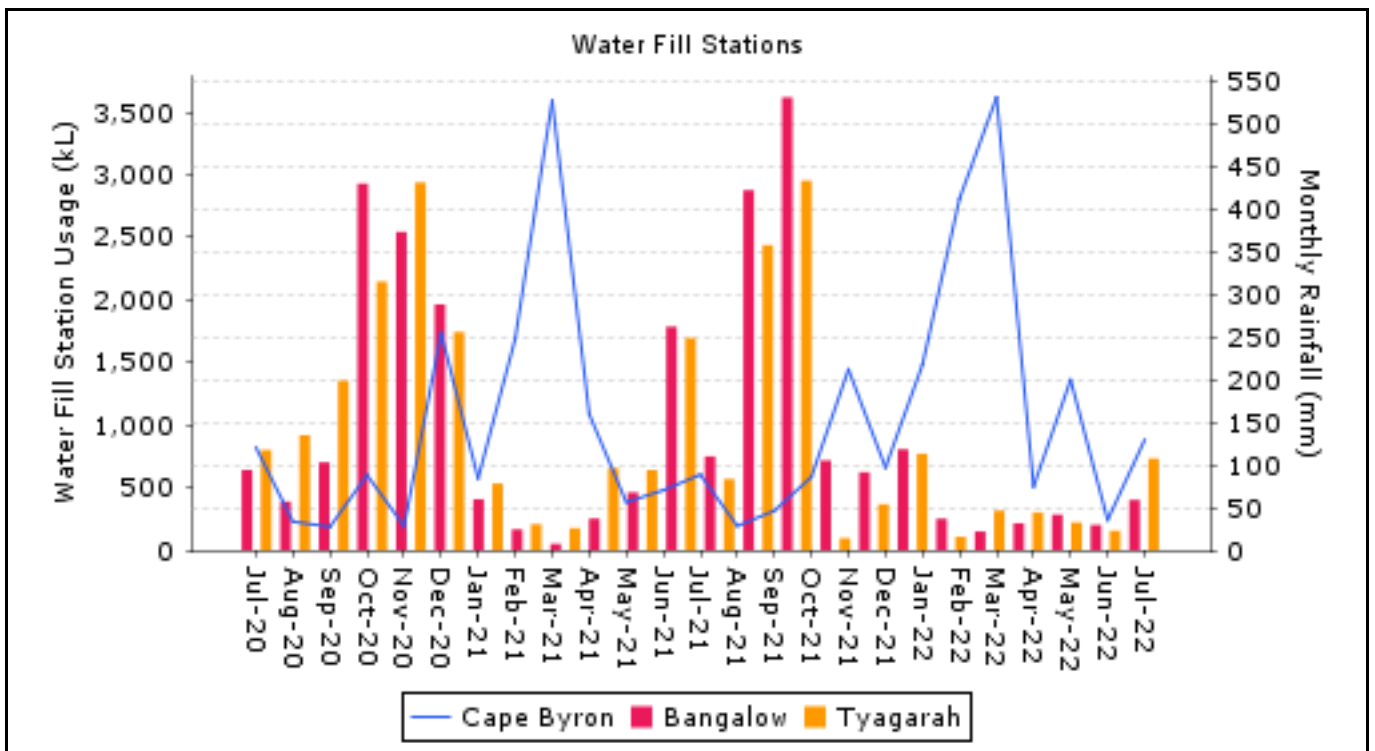


Figure 12: Monthly consumption commercial water fill station and rainfall.

Figure 13 shows the total usage of individual commercial water fill stations for the financial year to date compared with the previous two years.

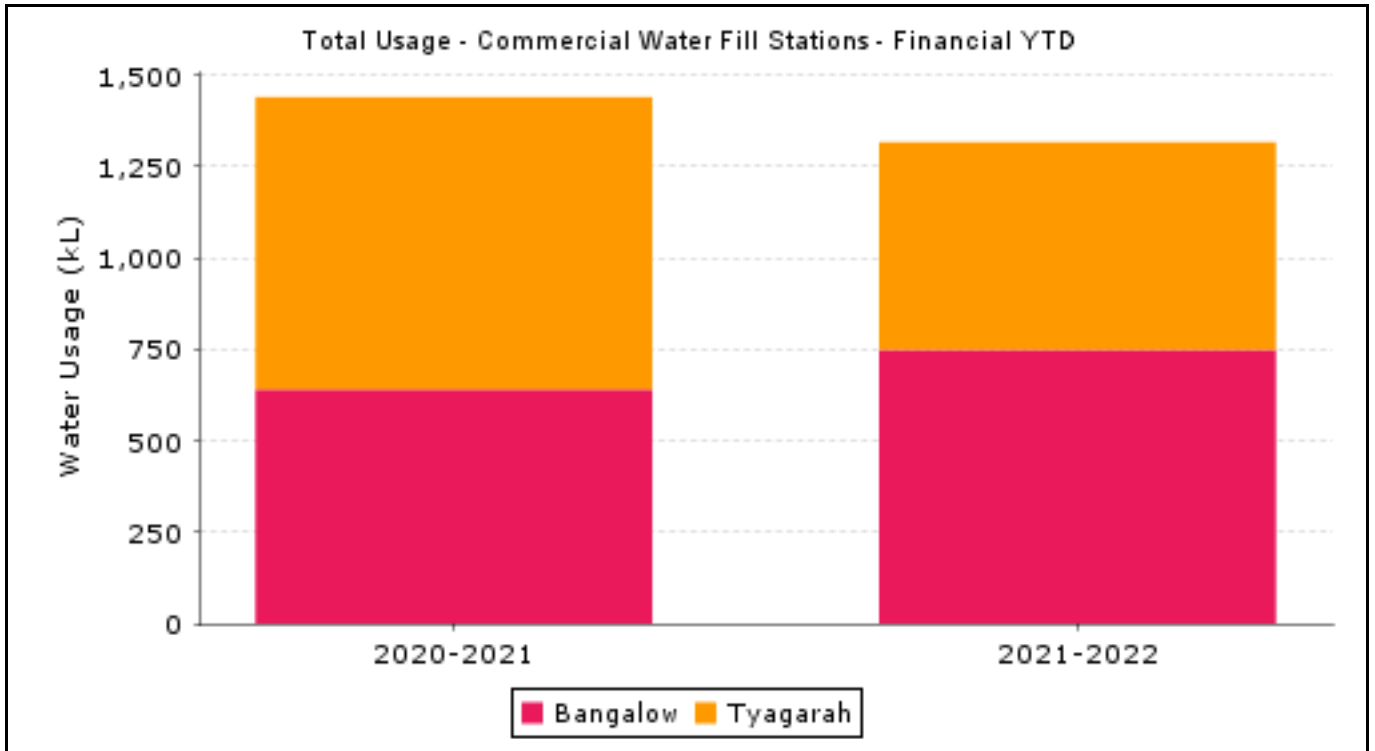


Figure 13: Total usage of commercial water fill stations. 1 July to 31 July

Monthly consumption by constituents - Lismore City Council

Figure 14 shows the monthly consumption for Lismore City Council area for the previous two years. Rainfall data is from the Bureau of Meteorology rainfall station Lismore Airport.

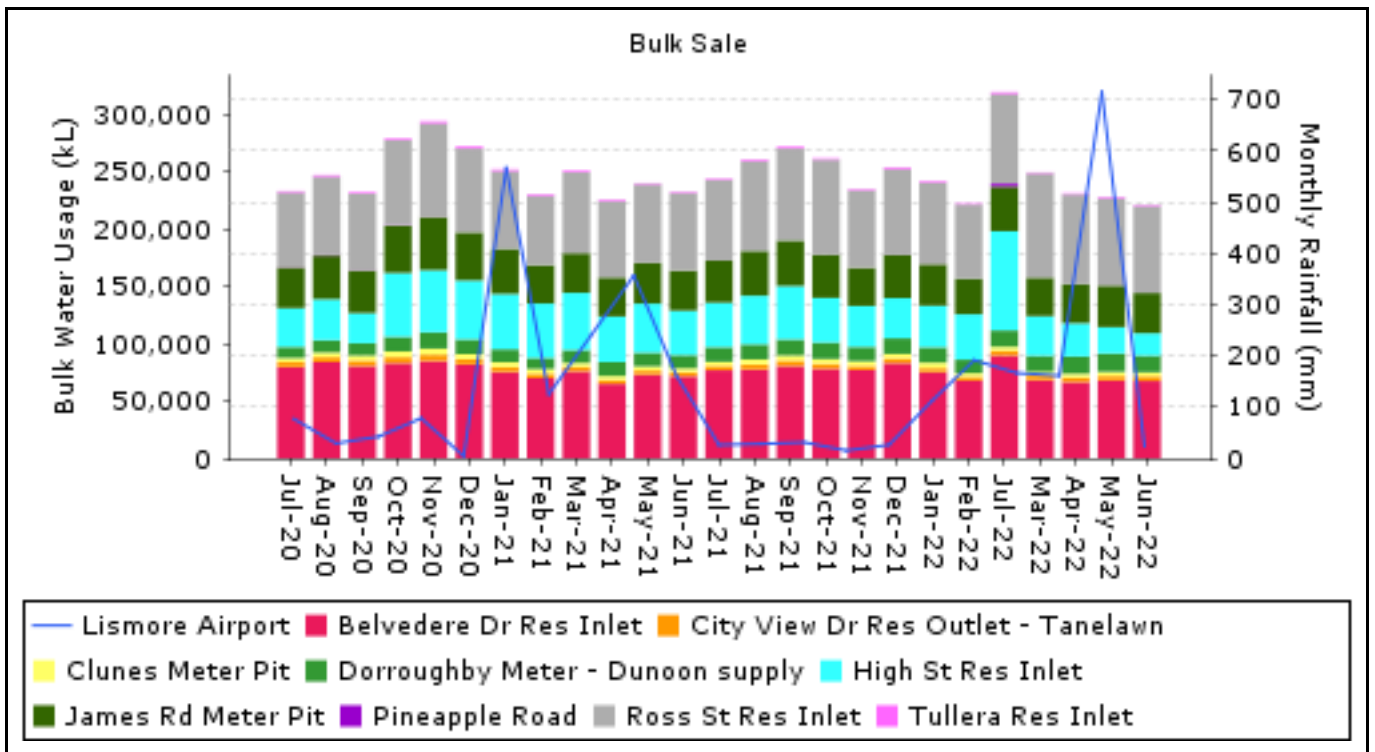


Figure 14: Monthly consumption and rainfall - Lismore City Council.

Figure 15 shows the monthly consumption for water fill stations for Lismore City Council and the rainfall for the previous two years.

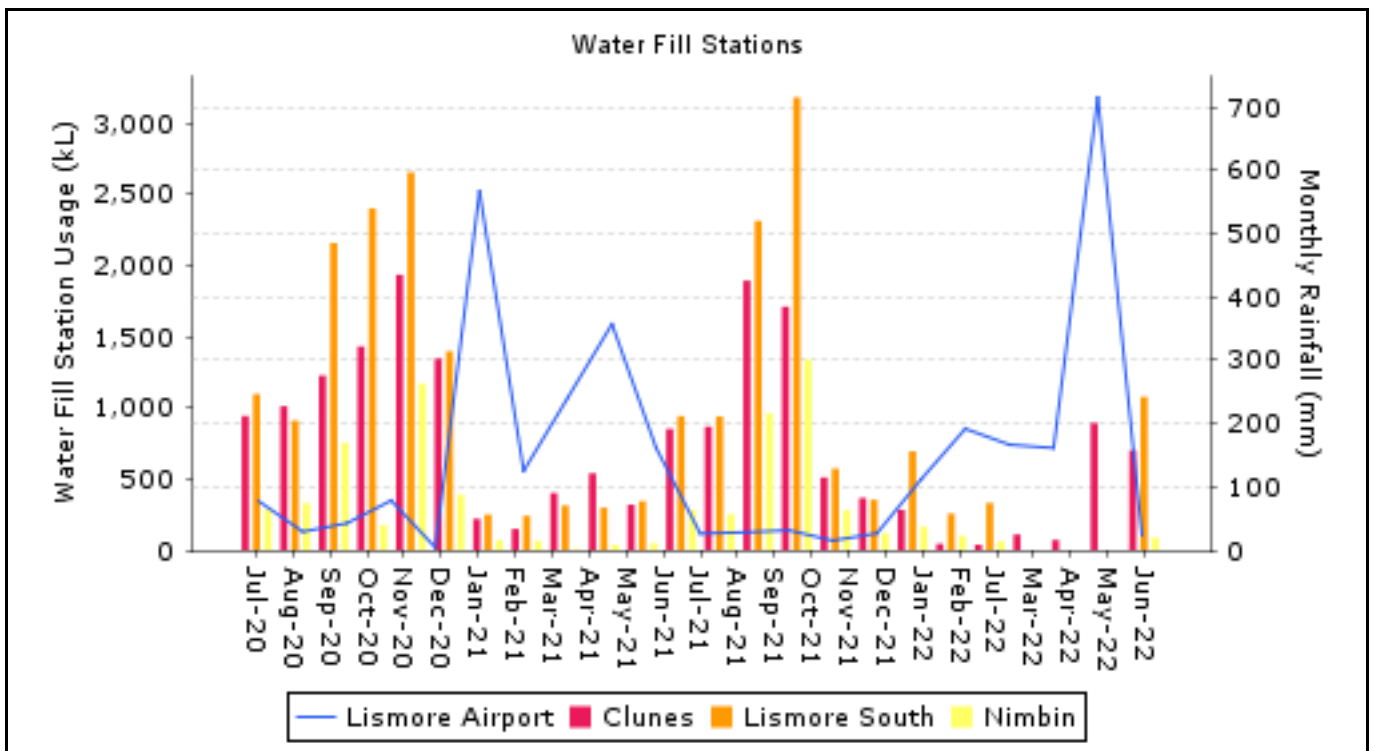


Figure 15: Monthly consumption commercial water fill station and rainfall.

Figure 16 shows the total usage of individual commercial water fill stations for the financial year to date compared with the previous two years.

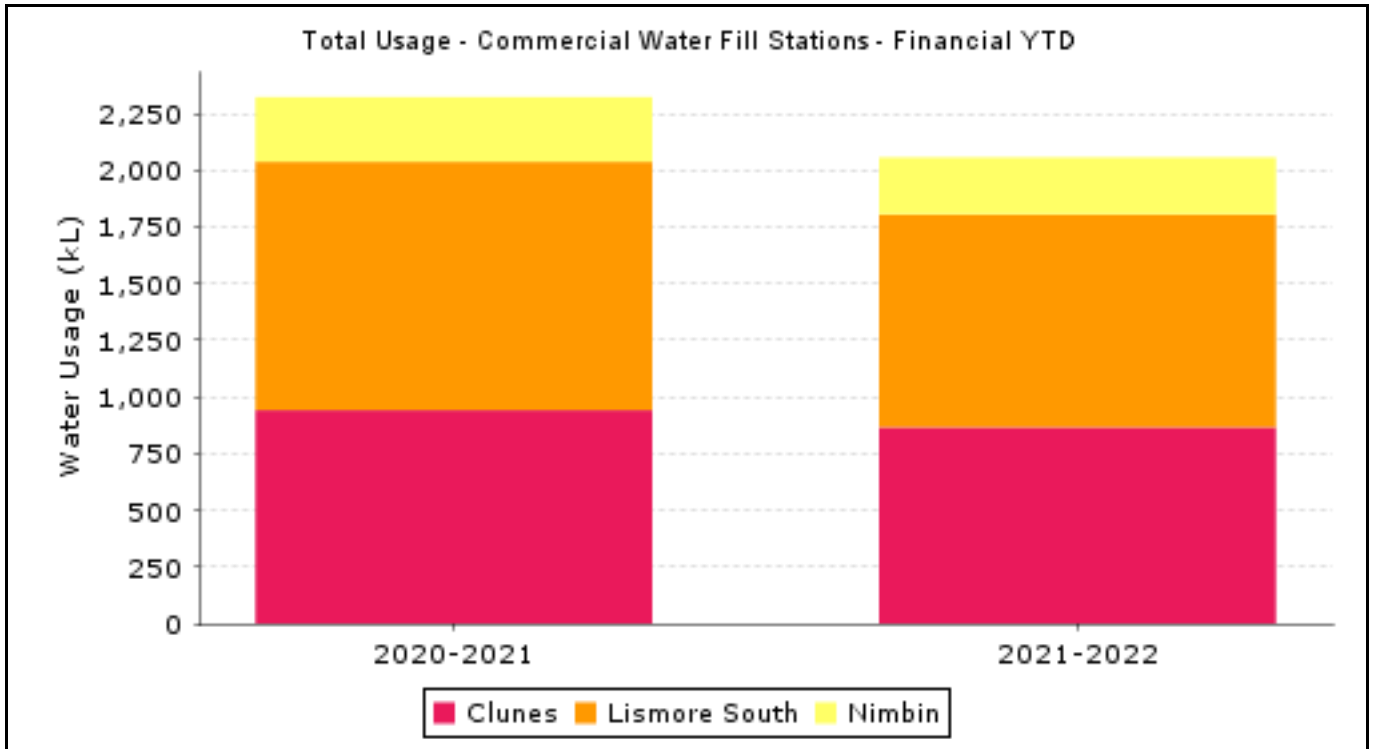


Figure 16: Total usage of commercial water fill stations. 1 July to 31 July

Monthly consumption by constituents - Richmond Valley Council

Figure 17 shows the monthly consumption for Richmond Valley Council area for the previous two years. Rainfall data is from the Bureau of Meteorology rainfall station Evans Head.

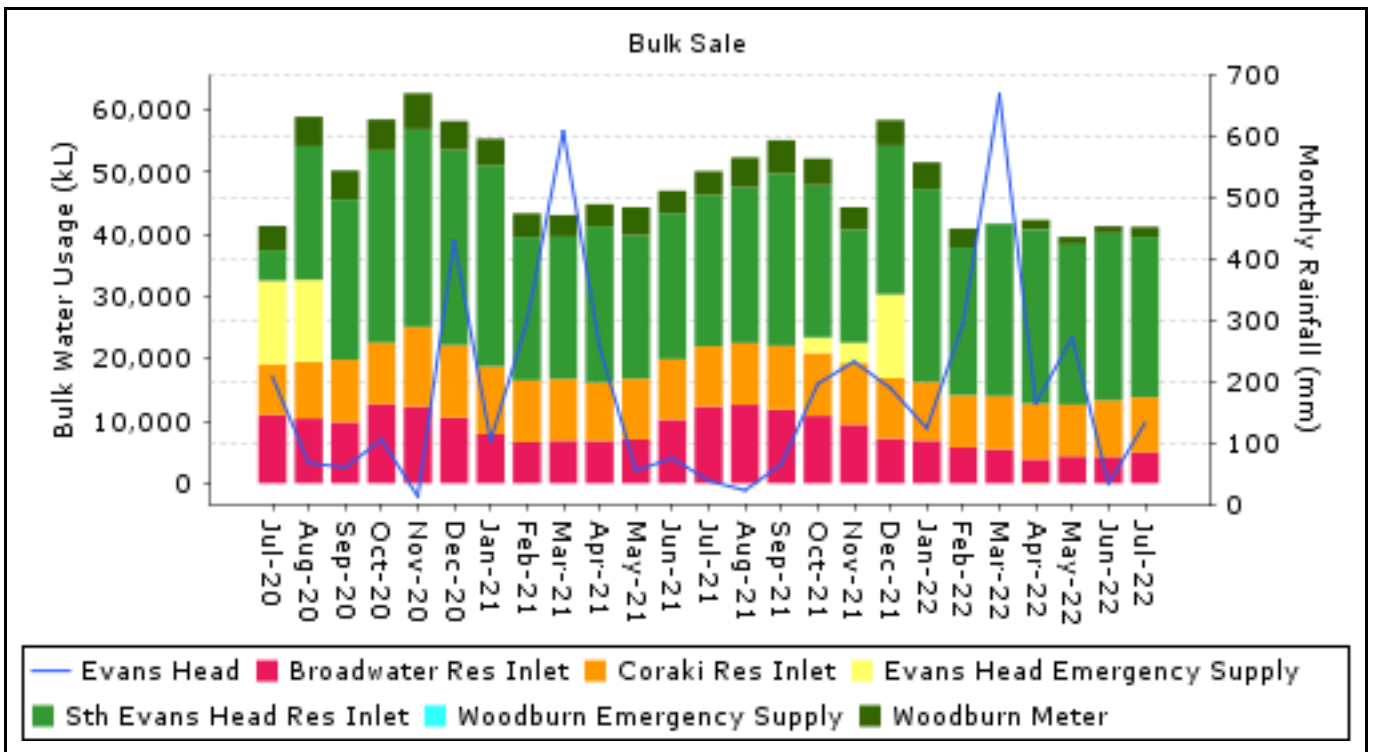


Figure 17: Monthly consumption and rainfall - Richmond Valley Council.

Figure 18 shows the monthly consumption for water fill stations for Richmond Valley Council and the rainfall for the previous two years.

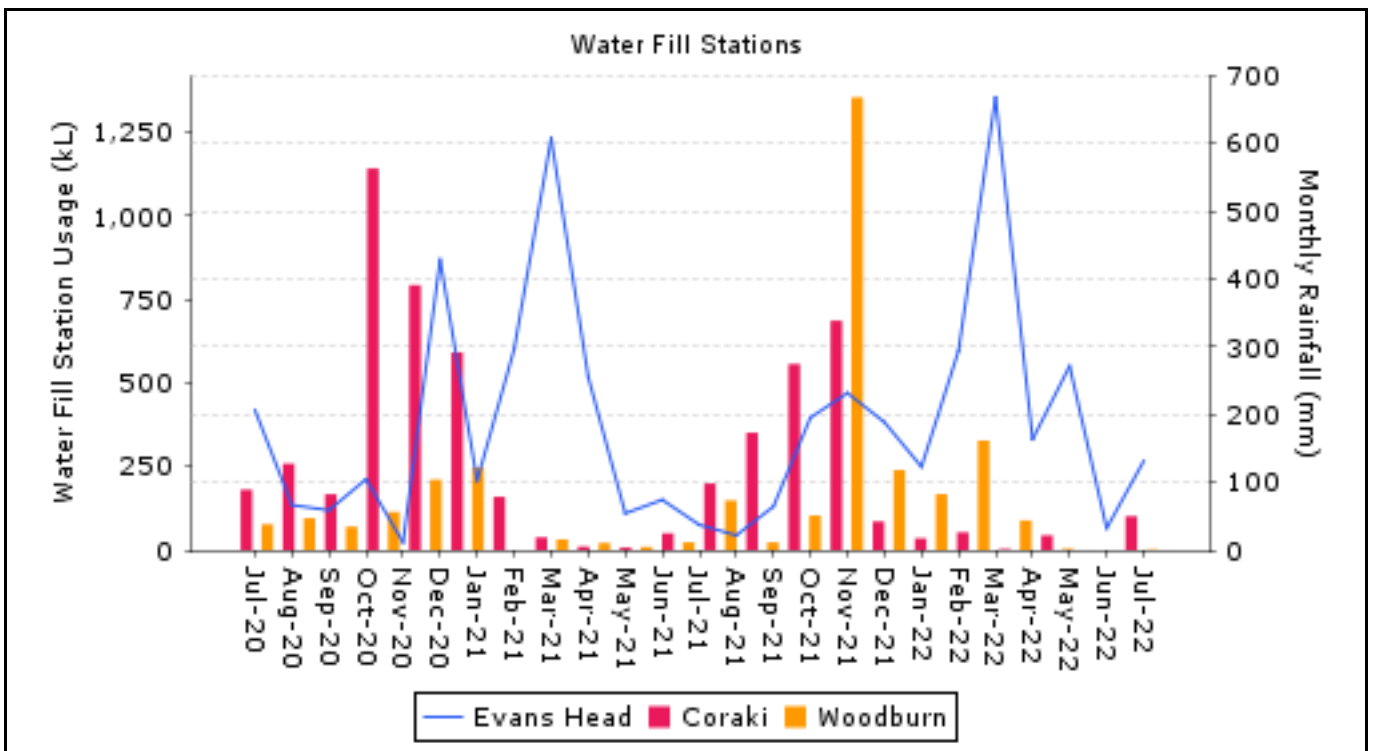


Figure 18: Monthly consumption commercial water fill station and rainfall.

Figure 19 shows the total usage of individual commercial water fill stations for the financial year to date compared with the previous two years.

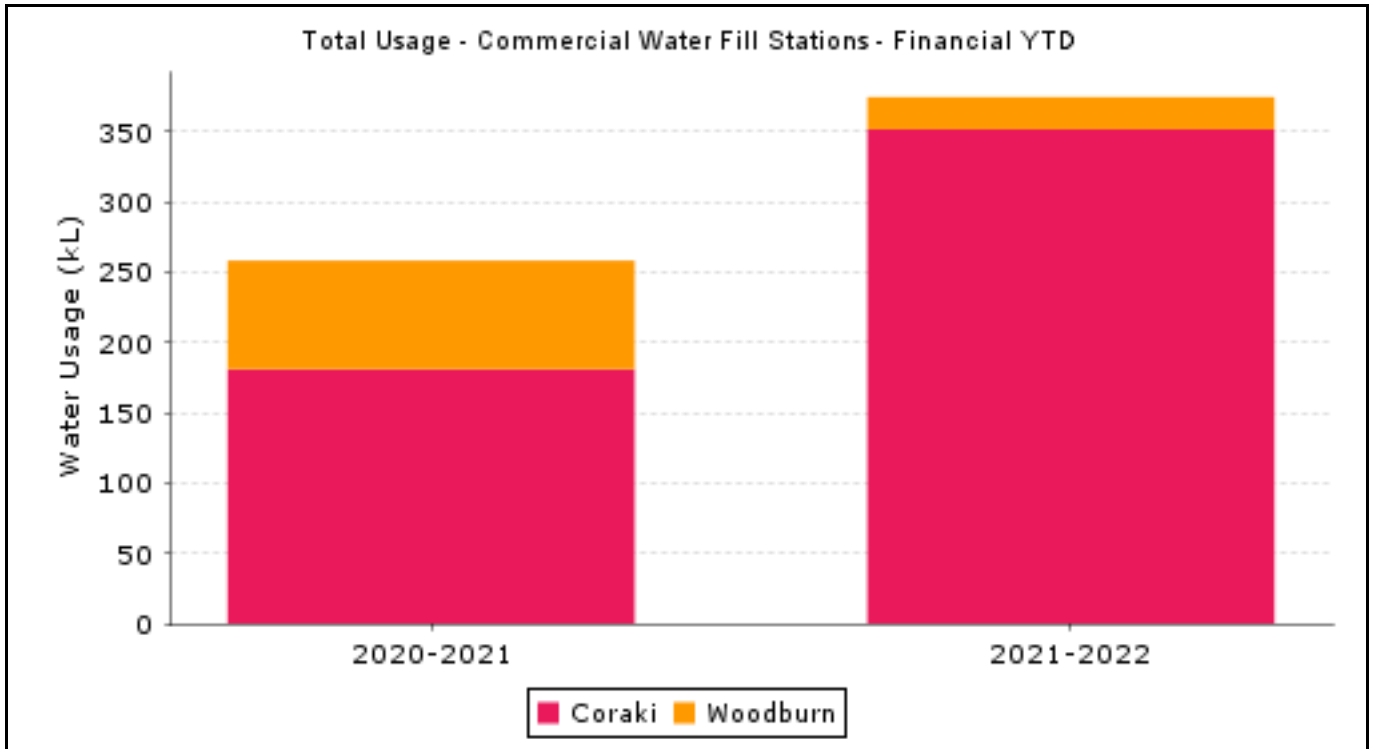


Figure 19: Total usage of commercial water fill stations. 1 July to 31 July

Delivery program progress update 1 January 2022 to 30 June 2022

Responsible Officer: General Manager (Phillip Rudd)

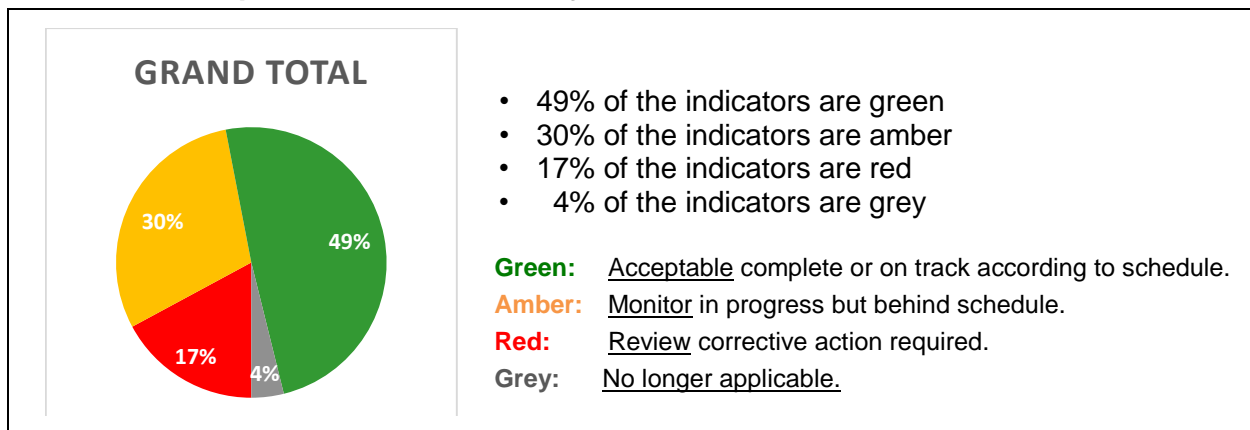
Recommendation

That Council receive and note this report and attachment regarding performance against delivery of the actions for Year 5 of the combined Delivery program / Operational plan for the period 1 January 2022 to 30 June 2022

Background

This report relates to and provides information about Council's achievement of the performance targets in the Integrated Planning and Reporting Delivery program / Operational plan for Y5.

- **Overview of performance – 1 January 2022 to 30 June 2022**



Refer to the Attachment for a traffic light indicator performance report based on exception reporting.

Legal

In accordance with the *Local Government Act 1993*, the General Manager must ensure that regular reports (at least every six months) are provided to Council outlining progress against delivery of the activities detailed in the Delivery program.

Consultation

This report and the information in the attachment has been compiled in consultation with management and staff.

Conclusion

This report provides an update on the status of the actions delivered between 1 January 2022 to 30 June 2022 as set out in the combined Delivery program / Operational plan.

Attachment:

1. Performance against delivery of actions 1 January 2022 to 30 June 2022

IP&R Delivery program / Operational plan

Reporting period: 1 January 2022 to 30 June 2022

LEADERSHIP

Our goal: 1. Values-based leadership and culture.

What achieving our goal will look like:

1.1 Leaders are visible at all levels of the organisation and are supported to effectively lead and drive performance.

1.2 Leaders are responsible for their actions and proactive in building an accountability culture.

Activity	How we will measure our performance	Links to*	Comment	STATU	Responsibility
1.1.1.1 Implement leadership program for the Leadership Team.	Improvement in leadership and management skills (assessed before, during and after undertaking the program).	WFMP		●	GM
1.1.1.2 Leader in Me ReCharge Program to support continued development and culture change (with LiMe participants).	Improvement in results against defined development objectives (measured quarterly).	WFMP		●	PCM
	Overall good / very good ReCharge program feedback from participants (measured quarterly).	WFMP		●	PCM
	At least monthly LiMe ReCharge communications to Rous (from LiMe Champion / participants).	WFMP	Monthly communications were not achieved however formal communication with the organisation was issued at the completion of the program.	●	GMCC
	Staff recognition initiative.	WFMP		●	GM
1.1.1.3 Leader in Me (LiMe) program.	Review effectiveness of the LiMe program to determine impact / contribution to cultural change and barriers in participation.	WFMP		●	PCM
1.1.1.4 Innovative action through a pilot purified recycled water scheme.	Progress pilot purified recycled water scheme for Perradenya Estate.	FWS	Recommend changes to approach to pilot plant following internal review of proposed pilot scheme and consultation with NSW DPE. Current scheme unlikely to be approved. Presentation to Council planned for July 2022.	●	FWPT
	Work with relevant stakeholders to design a long-term public education campaign to increase awareness and acceptance of direct potable reuse (DPR) [Council resolution 61/20].	FWS	Brief for stakeholder communication and engagement across all FWP activities being developed. Expect to develop the plan in Q1 22/23 with ongoing implementation.	●	FWPT
	Further investigate indirect potable reuse (IPR) as outlined in the Future Water Project 2060, including future options for public education.	FWS	Tender to undertake further investigation of purified recycled water scheme options has been put out to the market. Expect work to commence Q2 22/23. Will take at least 12 months to complete.	●	FWPT
1.1.1.5 Lobby and drive support for regional projects through the Northern Rivers Joint Organisation of Councils.	Lobby for support and funding for the Northern Rivers Watershed Initiative.	CZMP		●	GM
	Support and participate in regional Greenhouse Gas Abatement Strategy projects.	GGAS		●	GM
1.1.1.6 Identify opportunities for constituent councils to participate in projects that deliver Rous' Mission and Vision (Mission: Partner with our constituent councils to provide quality services that support a sustainable and productive region. Vision: Thrive and evolve as a valued regional service provider).	Evidence of proactive attempts to deliver Rous' Mission and Vision through projects such as smart metering.	DMP	An Expression of Interest for Smart Water Meters has been issued, as a precursor to a shortlist tendering process later in 2022. Engagement with constituent councils has occurred to find common ground on an approach. Each Council is at a different stage in their use or preparedness for Smart Water Meters, and without an understanding of costs, it is difficult for Councils to commit at this time. Rous will continue to engage with Councils & seek opportunities to partner where possible.	●	GMPD
1.2.1.1 Performance planning and management processes include discussion of individual staff member alignment with Council Values.	Individual Mission, Vision and Values discussion held with all staff members at least 6-monthly.	WFMP		●	PCM
	Record of discussion made by the supervisor and reported to manager upon completion.	WFMP		●	PCM
1.2.1.2 Review and update Code of Conduct.	Code of Conduct adopted by Council by 31 August 2022.	BAU		●	GRM

Legend:

Green: Acceptable. Complete or on track according to schedule.

Amber: Monitor. In progress but behind schedule.

Red: Review. Corrective action required.

Grey: Not required however, comment included.

NO 'COMMENTS' REQUIRED IF GREEN

What we will do in Y3: 2019/20

	Panel of conduct reviewers established for new term.	BAU	Joint procurement activity being undertaken by Northern Rivers councils to re-establish a regional panel of conduct reviewers. Activity is being coordinated by Tweed Shire Council, however a procedural omission has delayed the appointment of the panel. The proposed regional panel is expected to be presented to the August 2022 meeting of the Northern Rivers Joint Organisation for adoption.	●	GRM
1.2.1.3	Review and update Code of Meeting Practice.	Code of Meeting Practice adopted by Council by 31 August 2022.	BAU	●	GRM
1.2.1.4	Develop Councillor induction package.	Councillor induction package completed by 31 August 2021.	BAU	●	GMPP

STRATEGY AND PLANNING

Our goal: 2. Align strategic direction to core functions and sustainability.

What achieving our goal will look like:

2.1 Being responsive to the impact of population growth on our core functions.

2.2 Strategic partnerships/relationships supportive of our mission and vision.

2.3 Business activity contributes to local and regional growth and optimal environmental outcomes.

2.4 Converting strategy into action plans that anticipate and accommodate change and allocate accountability.

Activity	How we will measure our performance	Links to*	Comment	STATU	Responsibility
2.1.2.1 Develop new Integrated Planning and Reporting framework.	Integrated Planning and Reporting framework adopted (including Resourcing Strategy consisting of Asset Management strategy and plan, Long-term Financial Plan and Workforce Management Plan).	AMP; LTFP; WFMP		●	GMPP
2.1.5.4 Undertake hydraulic capacity assessment of water distribution network to develop augmentation capital works plan.	Hydraulic capacity assessment completed and works plan included in 30-year capital works plan.	AMP	The hydraulic capacity assessment work is currently in progress with implementation in Q4 21/22 and completion in 22/23. There were delays in finalising the future peak daily demand assessment for each constituent council which required constituent council input.	●	SPE
2.1.6.1 Partner with Ballina Shire Council in developing a long-term solution for integrating Marom Creek Water Treatment Plant (WTP) and Alstonville Groundwater into the regional water supply.	Subject to a decision on the arrangements at Marom Creek WTP, planning and design for augmentation works commences.	FWP	Ballina Shire Council resolved not to support the Marom Creek WTP transfer to RCC. Work has been completed on preferred site selection for a new water treatment plant in the Alstonville area. A preferred site will be determined following the outcome of the Converys Lane bore development.	●	FWPT
	Planning for upgrade to Rous-owned Converys Lane groundwater bore continues.	FWP		●	FWPT
	Contingency planning for incorporation of Rous-owned Converys Lane groundwater bore into regional water continues.	FWP	Will commence when outcome of the new Converys Lane bore has been determined. This is now expected in Q1 22/23 (refer Activity 2.1.6.1.b).	●	FWPT
2.1.7.1 Continue planning for a groundwater scheme at Tyagarah.	Concept planning commenced for new groundwater source at Tyagarah.	FWP	Due to delays in other projects and internal resourcing, work has not yet commenced on further planning and investigations for this groundwater scheme. Project planning and resourcing has been revised to commence this work in Q1 22/23.	●	GMPD
2.2.1.1 Progress implementation of the Coastal Zone Management Plan for the Richmond River catchment through the Coastal Zone Management Plan Implementation Committee.	Facilitate meetings of the Coastal Zone Management Plan Implementation Committee.	CZMP		●	NRMPC
2.2.2.1 Partner with stakeholders for the ongoing development of Flood Management plans for the Richmond River catchment.	Support and contribute to the next phase of the Tuckean Swamp Project through maintaining membership of the Project Steering Committee.	BAU		●	FLO
	Support and contribute to Lismore City Council's update to the Lismore Floodplain Risk Management Plan.	BAU		●	GMPD
	Support and contribute to Richmond Valley Council's update to the mid-Richmond River Flood Plan, including updated hydrology for the Tuckombil Canal and surrounds.	BAU		●	GMPD
	Review Lismore Levee Memorandum of Understanding and arrangements.	MOU		●	APE
	Pursue shared funding and grant arrangements to implement completed Keith Hall Drainage Options Study outcomes.	BAU		●	FLO

What we will do in Y3: 2019/20

2.2.3.1 Understand and evaluate our role as the Flood Mitigation Authority with each of our constituent councils within the Richmond River catchment.	Undertake individual workshops with senior staff and management of Lismore City, Ballina Shire and Richmond Valley councils.	BAU	Roles and responsibilities of our role as the Flood Mitigation Authority has been assessed internally, which led to the review of our Service level agreements (SLAs) with constituent councils within the Richmond River catchment. These SLAs were workshopped with senior staff of the constituent councils.	●	SPE
	Outcomes of workshop considered within proclamation context, Long-term Financial Plan implications and Council position.	BAU	This work cannot commence until further consideration of our position is undertaken.	●	SPE
	Development of future strategy for the flood mitigation function and undertake necessary investigations for the development thereof.	BAU	A preliminary draft strategic framework has been developed for internal discussion. Progress has been slow due to complexity of the issues and competing priorities.	●	SPE
2.3.1.1 Implement 'Innovate' Reconciliation Action Plan.	Actions for 2021/22 completed.	RAP	Implementation of actions was impacted by Covid and floods however substantial progress was achieved consistent with the Innovate RAP 2021-23	●	GMCC
2.3.1.2 Complete the Reconciliation Action Plan Impact Measurement Report.	Report to Reconciliation Australia annually on performance against key Reconciliation Action Plan targets to track and measure the broader impact of the Reconciliation Action Plan program.	RAP		●	GMCC
2.3.2.1 Develop a new Reconciliation Action Plan.	Reconciliation Action Plan endorsed by Reconciliation Australia.	RAP		●	GMCC
2.3.4.1 Implement Greenhouse Gas Abatement Strategy.	Provide a status report to Council on the progress of implementation of the Greenhouse Gas Abatement Strategy, including revolving fund status.	GGAS		●	DM / FM
	Install solar photovoltaic panels on Administration building.	GGAS	Molesworth St Administration building was investigated for installation of solar PV. However, due to not owning the building, complications around its installation and maintenance, and the decision during the FY to relocate to Ballina, this site has been removed as an option for solar PV. The focus turned to the solar PV at Nightcap WTP. An order was issued in early June 2022 for the installation of 100kW.	●	DM

What we will do in Y3: 2019/20

2.3.5.1 Implement enhanced Demand Management Plan actions.	Provide an end of year performance report to Council on the progress of the implementation of the Regional Demand Management Plan.	DMP		●	WSO
	Actively promote the Sustainable Water Partnership Program to targeted customers.	DMP		●	WSO
	Implement three water-saving projects identified in the water saving plans.	DMP		●	WSO
	65 residential rainwater tank rebates per annum.	DMP		●	WSO
	Implement a communication and engagement program targeting high residential water users to support the 160 Litre Challenge.	DMP	The February floods have impacted the progress of planned engagement activities. The planning and production of a water conservation social media campaign is complete. However, the launch of this campaign was delayed due to the floods and the impacts in our community. The revised timeline is to launch coinciding with National Water Week, October 2022.	●	WSO
2.3.7.1 Strategic review of options for integrated lots and water reclamation at Perradenya.	Outcome of reviews report to Council.	LTFP	Project delayed and rescheduled for 2022/23	●	GMCC
2.3.8.1 Undertake a desktop review of suitable drainage systems where further investigation is warranted to bring about improvements.	Prioritised list of drainage systems where landholders agree change is possible and change is affordable.	BAU		●	FLO
2.4.2.1 Implement Capital Works Plan.	Project Management Framework monthly reports completed on time (within 10 days of the end of the calendar month).	BAU	Reporting through the PMF remains inconsistent. A revised PMF document to improve usability for Project Managers, and ultimately achieve better project outcomes and reporting, is ready for launch in the new FY.	●	GMPD
	Key project delivered: Stage 1 - St Helena 600 pipeline.	CWP		●	GMO
	Key project: Stage 2 - St Helena 600 pipeline - 50% completion.	CWP		●	GMO
	Key project delivered: St Helena Reservoir roof replacement.	CWP	Design documentation prepared for refurbishment of St Helena reservoir roof and access platform. Insufficient available funds to complete project with current design. Further review of design to be considered.	●	APE
	Key project: Perradenya Release 7 (commence construction).	CWP	Project delayed and rescheduled for 2022/23	●	GMCC
	Key project delivered: Upgrade of Broadwater 150 pipeline.	CWP	Project construction was unable to commence in 2021/22 due to inclement weather and poor ground conditions. Consideration is being given to deferring the project. Part of the pipeline is in poor condition and there may be some additional costs resulting from the decision to defer this project associated with potential water main breaks. A Building Better Regions Grant application is pending for this project with an outcome due in August 2022.	●	APE
	Key project commenced: Byron 200 pipeline renewal - investigation and design.	CWP	Design plans completed. Consultation and Review of Environmental Factors (REF) underway.	●	APE
	Key project delivered: Renewal of more than 1km of reticulation pipeline at Richmond Hill, Lismore.	CWP	The construction tender has been advertised and award planned in 2023 FY pending budget availability.	●	APE
	Key project delivered: Renewal of Rocky Creek Dam destratification system.	CWP	Due to internal resourcing limitations, this project has been deferred until P&D positions are all filled, or external resources become available to support its delivery.	●	DM
	Key project delivered: Renewal of Biologically Activated Carbon (BAC) media and internal painting of BAC tank at Emigrant Creek Water Treatment Plant.	CWP	Project unable to be completed due to delays in contractors and consultants being able to attend site due to COVID restrictions and high demand.	●	APE
2.4.4.1 Review Disability Inclusion Action Plan.	Plan reviewed in conjunction with the development of the new Integrated Planning and Reporting framework	AMP, LTFP, WFMP	Not achieved. The review of the Plan is listed as an action in the new Integrated Planning and Reporting Framework.	●	GMPP
2.4.6.1 Complete Rous' operational readiness actions as identified in the Drought Management Plan.	Review and finalise drought management plan templates, guidelines and resources for non-residential customers	DMP	Further work needed on the draft drought management plan template before issuing to constituent councils for feedback.	●	WSO
	Prepare a funding submission for constituent council consideration for a future temporary staff member within Rous County Council to manage water restrictions and exemption enquiries consistently.	DMP		●	GMPD
	Review and update Drought Management Plan (version adopted in August 2016).	DMP	Development of the updated Regional Drought Management Plan has been deferred until ongoing water sources within the Future Water Project 2060 are identified.	●	GMPD

What we will do in Y3: 2019/20

	Planning and design of upgrade works to allow use of existing bore at Woodburn as a regional source of water during drought.	DMP	Preliminary infrastructure requirements have been identified. Grant application made to Building Better Regions Fund however announcement of funding has not been made.	●	GMPD
	Planning and design of works for new bores at Woodburn.	FWP		●	FWPM
2.4.9.1 Undertake workforce planning activities.	Workforce planning sessions undertaken per annum (including forecasting, assessment, review, monitor and succession planning).	WFMP		●	PCM
	Workforce planning reports and metrics provided to the Leadership Team quarterly.	WFMP		●	PCM
	Development of strategic Workforce Management Plan completed.	WFMP	Completed by 30/06/2022	●	PCM
2.4.10.1 Review and formal adoption of Asset Management strategic documents.	Adoption by the Leadership Team of Asset Management Plan and Maintenance Management Strategy.	AMP	Documents adopted June 2022	●	AMSO
2.4.10.2 Undertake strategic review of Nightcap Water Treatment Plant to develop 20-year master plan of renewals and upgrades.	Finalisation of Strategic Review of Nightcap Water Treatment Plant and reported to the Leadership Team and Council.	AMP		●	SPE
2.4.11.1 Develop ICT Strategic Plan 2022-25.	Adopted by the Leadership Team.	ICTSP	Project is well advanced but not adopted. Adjusted date September 2022	●	ICTM
2.4.13.1 Council-owned areas of buffer zones / catchment lands are managed to meet identified objectives for water quality management purposes through ongoing maintenance effort.	Work progresses on Council-owned buffer zone lands in line with the Maintenance Management Plan, as evidenced by end of year status report.	BRMMP		●	WBBRM
2.4.13.2 Prepare Rocky Creek Dam multi-year Master Plan.	Finalisation of Master Plan and endorsed by Council.	AMS	This project has been deferred to 2026, due to uncertainty of Proposed Dunoon Dam. Scope and tender documents are prepared for use in the future. A preliminary study on the value of tourism and recreational services provided by Rocky Creek Dam has been completed.	●	SPE
2.4.13.3 Deliver Catchment Management Plan actions.	Ref. A1: Implement catchment landholder education and awareness through promotion, concerning the impact of catchment activities on drinking water quality and the role of catchment stakeholders in protecting catchments.	AMS	The focus of activities under this action during 2021/22 has been on targeted social media releases, co-hosting of a field day at RCD and on education and engagement initiatives at the Rous Cultural Environmental and Information Centre. Overall opportunities for field day and engagement activities across 2021/22 were scaled back, with COVID limiting direct engagement opportunities, and landholder capacity significantly impacted following flood-related impacts.	●	NRMPC
	Ref. A5: Comprehensive review of catchment water quality data.	CaMP	In progress - completion scheduled for Q1 2022/23.	●	NRMPC
	Ref. A7: Completion of intensive pesticide monitoring program in each catchment.	CaMP	Deferred to 23/24 due to lack of NSW Health funding to support this program.	●	NRMPC
	Ref. A8: Investigation to determine the presence of potentially harmful contaminants in source water.	CaMP	Deferred to 23/24 to run concurrently with intensive pesticide monitoring program.	●	NRMPC
	Ref. WR16: Implement extension of Wilsons River Reach Plan extension.	CaMP	Commencement delayed due to COVID/flood-related delays in completion of planning process in partnership with landholders for Wilsons River Reach Plan (Boatharbour to Eltham). Discussions with landholders has commenced, with implementation to commence in 2022/23.	●	NRMPC
	Ref. EC20: Implement extension of Emigrant Creek Reach Plan extension.	CaMP	Commencement delayed due to COVID/flood-related delays in completion of planning process in partnership with landholders for Emigrant Creek River Reach Plan. Discussions with landholders has commenced, with implementation to commence in 2022/23.	●	NRMPC
2.4.14.1 Develop floodgate management plans / protocols for Rous County Council's critical infrastructure sites as identified in the Rous County Council service level agreements (CZMP 4b).	A further 12 Active Floodgate Management plans reviewed and updated, with 25 plans remaining to be reviewed and updated.	CZMP	Landowners and properties involved with the program have been significantly impacted by the flood. Program will reengage landowners when they are ready.	●	FLO
	All landowner volunteer floodgate operators are trained, and their activities managed and reported every six months to the Audit, Risk and Improvement Committee, and annually to Council.	CZMP	Landowners and properties involved with the program have been significantly impacted by the flood. Program will reengage landowners when they are ready.	●	FLO
	Undertake any surveys or investigations required to review and implement Active Floodgate Management plans.	CZMP		●	FLO
2.4.14.2 Rehabilitate very high/high priority riparian restoration sites (CZMP 6a).	Implement riparian improvement works on 1 ha.	CZMP	Agreement reached with stakeholders on scope and methodology for this Coraki-based project. Formal agreements have been drafted for formalisation prior to commencement in Q1 2022/23.	●	NRMPC

What we will do in Y3: 2019/20

2.4.14.3 Continue the development of a Coastal Management Program (CoMP) for the Richmond River estuary.	Stage 1: Scoping study completed and adopted by partners.	CoMP	At final draft stage. Delays experienced as the Department of Planning and Environment effectively placed the project on hold pending further advice regarding a legal opinion that DPE sought on various matters relating to the scope of CMPs (yet to be resolved). Additional comments from DPE currently being reviewed.	●	NRMPC
2.4.14.4 Richmond River water quality monitoring data loggers remain operational.	Data loggers operating and providing publicly accessible data.	Grant	All loggers were installed and fully operational prior to the February/March 2022 floods. Year 1 data report has been prepared. Loggers have suffered extensive damage and require major repair/replacement (to the value of approximately \$100K). SCU has installed lower-specification temporary dataloggers as an interim step whilst replacement is being considered as part of insurance claim.	●	NRMPC
2.4.15.1 Strategic plan for exit from Dunoon Dam as a future water project.	Preparation of a plan (including revocation of zoning entitlements and disposal of land held for the purpose of Dunoon Dam) commenced.	BAU	ON HOLD - pending direction of the Future Water Project 2060. Note Council resolution in Feb 2022 approving additional studies into cultural heritage and biodiversity. Scope of work expected to be completed in Q1 22/23.	●	GMPP
2.4.18.1 Develop strategic business plan for Richmond Water Laboratories.	Plan approved by the Leadership Team and workshop to Council.	RWLSP	RWL Business Plan impacted by flood relocation. Further report due in Q1 of FY 2022/23.	●	RWLM
2.4.20.1 Review Drought Management Plan.	Drought Management Plan reviewed and updated in consultation with constituent councils.	DMP	Development of the updated Regional Drought Management Plan has been deferred until ongoing water sources within the Future Water Project 2060 are identified.	●	WSO
2.4.22.1 Engage internal audit partner.	Market tested and new internal audit partner engaged.	BASP		●	GRM
2.4.22.2 Internal Audit Strategy 2022/26.	2022/26 Internal Audit Strategy developed to govern next 4-year internal audit cycle.	BASP		●	GRM
2.4.24.1 Implement actions contained in the Department of Primary Industries / Local Land Services Weeds Action Plan (WAP).	Complete all actions and activities identified in the WAP.	WAP	Due to recent events with COVID and Flood some of the engagement activities have not been able to be completed. Carry over to next years targets when engagement activities are expected to begin again	●	WBBRM
2.4.25.1 Progress actions from 'Procure to Pay' audit relating to procurement.	Progress reports to the Audit, Risk and Improvement Committee.	BAU		●	GRM
2.4.25.2 Undertake review and gap analysis of fleet.	Progress reports to the Leadership Team.	BAU	Strategic review was completed by external consultant with 25 recommendations received. Recommendations are being reviewed and turned into an Action Plan for LT to endorse. Due by 30 September 2022.	●	FM
2.4.26.1 Implement improvement actions identified in Maintenance Strategy.	Maintenance activities not captured within Confirm identified and management process developed.	AMS/MMS		●	AMSO
	Critical and non-critical maintenance identified with management process within Confirm.	AMS/MMS	Review of the maintenance program to be completed before this activity will begin.	●	AMSO
	Defect capture within Confirm improved to include failure modes.	AMS/MMS		●	AMSO
	Options for improved maintenance cost capture investigated.	AMS/MMS	Current software systems do not support this. Further work will be undertaken at the completion of the ICT strategy.	●	GMO
	Agreed timeframes for attending to service requests and defects reviewed and documented.	AMS/MMS	Timeframes for service requests reviewed and updated in Confirm. Timeframes for defects yet to be developed.	●	GMO
	Condition assessment program for asset classes developed.	AMS/MMS		●	OEM
	Review of planned maintenance activities for asset classes completed.	AMS/MMS		●	DTEM/OEM
	Standard activities for addressing common defect types developed.	AMS		●	AMSO
	Review process for Confirm maintenance program developed and implemented.	AMS	Process developed and documented. Initial review to be undertaken in July/August 2022.	●	APE
2.4.27.1 Development Servicing Plan revised and updated in accordance with current Developer Charges Guidelines for Water Supply and direction for the Future Water Project.	Development Servicing Plan reviewed and updated in accordance with current Developer Charges Guidelines for Water Supply and Integrated Water Cycle Management Strategy.	DSP		●	APE
	Developer Servicing Plan adopted by Council.	DSP	Will not be completed this financial year. Aiming for October 2022 Council meeting for adoption.	●	APE
2.4.28.1 Review and update the Regional Demand Management Plan and strategies in partnership with constituent councils.	Regional Demand Management Plan reviewed and updated in consultation with constituent councils.	RDMP		●	WSO
	Regional Demand Management Plan adopted by Council.	RDMP		●	WSO
2.4.29.1 Commence roll out of the 2-year smart metering and backflow prevention program where necessary, to Council's retail water customers.	50% of Council's retail customers have smart metering installed and operational, including backflow where required.	IWCM	An Expression of Interest for Smart Water Meters has been issued, as a precursor to a shortlist tendering process later in 2022. Installation planned to commence in Q3/4 FY 22/23.	●	DM

What we will do in Y3: 2019/20

2.4.30.1 Partner with Richmond Valley Council to provide smart metering to Broadwater to inform planned bulk water main augmentation.	Agreement reached between Council and Richmond Valley Council on arrangements for the installation of smart metering and the management of customer usage data.	IWCM	An Expression of Interest for Smart Water Meters has been issued, as a precursor to a shortlist tendering process later in 2022. Without costing information, discussions with RVC have been unable to proceed.	●	GMPD
	Subject to agreement, installation of smart metering for Richmond Valley Council customers in Broadwater commenced.	IWCM	An Expression of Interest for Smart Water Meters has been issued, as a precursor to a shortlist tendering process later in 2022. Without costing information, discussions with RVC have been unable to proceed.	●	DM
2.4.31.1 Commence implementation of Council's 4-year Water Loss Management Plan (WLMP).	Review and update existing water main network hydraulic model to allow evaluation of proposed WLMP actions.	WLMP		●	SPE
	Verify suitability and prioritise installation of bulk meters for St Helena and flow meters for Ewingsdale, Tintenbar, Newrybar, Richmond Hill.	WLMP		●	APE
	Evaluate locations for and viability of a trunk main leak detection trial.	WLMP	This project will be informed by the work performed in the hydraulic capacity assessment and modelling of the bulk water network system, which is underway.	●	APE
2.4.32.1 Implement improvement actions in the Confirm Development Plan.	Suitability of Confirm to meet Council's ongoing requirements against alternatives on the market reviewed.	AMS/CDP	Initial functional requirements developed. This action is dependent on outcome of the Business systems review underway by IT.	●	AMSO
	Process of raising monthly maintenance activities reviewed and optimised.	AMS/CDP	Delayed due to resourcing and will be undertaken after Confirm review completed.	●	AMSO
	Process and workflow for asset related enquiries reviewed and documented.	AMS/CDP		●	AMSO
	Training with teams using Confirm completed.	AMS/CDP		●	AMSO
	Potential use of Confirm Web reviewed.	AMS/CDP		●	AMSO
	Roll out Confirm Connect to remaining teams.	AMS/CDP		●	AMSO
2.4.33.1 Implement improvement actions identified in Asset Management Strategy.	Major asset management processes documented (including asset addition / disposal, asset handover, useful life review, asset valuation).	AMS		●	AMSO
	Review of current asset information system, including asset data completeness and quality.	AMS	Initial comparison of data in Confirm and MapInfo completed which identified approx 1500 assets that were not mapped. Process underway to map these. Expected completion September 2022.	●	AMSO
	Asset information governance document developed.	AMS	Not completed in 2022. Reprioritised in the Asset Management Improvement Action Plan to be performed in future years.	●	AMSO
	Process for review of asset management documents, including scope, frequency and responsibility developed.	AMS		●	AMSO
	Schedule of asset management documents created to track review process.	AMS		●	AMSO
	An electronic asset management manual accessible to all staff developed with links to processes added as developed.	AMS		●	AMSO
2.4.34.1 Revaluation of water infrastructure assets.	External audit sign off and upload of revaluation of water infrastructure assets into asset register.	AMP		●	APE

INFORMATION AND KNOWLEDGE

Our goal: 3. Create value through applying knowledge.

What achieving our goal will look like:

3.1 We will better utilise the knowledge and expertise of our people and the knowledge embedded in our organisational systems to inform decision-making and enhance transparency, business continuity and resilience.

Activity	How we will measure our performance	Links to*	Comment	STATU	Responsibility
3.1.1.1 Implement improvement actions identified in GIS Development Plan.	Asset data reviewed.	AMS	Initial comparison of data in Confirm and MapInfo completed which identified approx 1500 assets that were not mapped. Process underway to map these. Expected completion September 2022.	●	AMSO
	Confirm and MapInfo integration reviewed.	AMS	Will be started once review of Confirm completed.	●	AMSO
	Document links within MapInfo updated.	AMS	Deferred until new drawing records (redeye) software implemented as any work completed now would need to be duplicated once that project is completed.	●	AMSO
	Spacial datasets converted to GDA2020 projection.	AMS	Delayed until 22/23. Budget submission made to engage consultant.	●	AMSO
3.1.2.1 Review the Emergency Management Manual, including Emergency Response plans and supporting appendices to ensure currency.	Achieved.	ERP	This activity has been stalled due to the vacancy in the ERC role between August 2021 - May 2022. As a result, this activity has been carried over into Council's Operational Plan 2022/23.	●	ERC
3.1.3.3 Perform security-focused external review of a key Information Technology system.	Review result reported to Leadership Team (including actions arising).	BAU	ICTM has engaged 3rd parties for external penetration testing. Scoping sessions have been conducted and work to commence quarter 1 financial year 22/23.	●	ICTM
3.1.4.1 Identify and provide opportunities for employees to cross skill and knowledge share in other areas of the organisation.	Performance planning and management processes include discussions of individual skills and interests.	BAU		●	PCM
	Organisation skills and interests inventory developed.	BAU	Competing priorities have resulted in this action not being progressed. It will be carried forward for consideration in the new financial year.	●	PCM
3.1.5.1 Embed Risk and Assurance activities across Council operations.	Continue implementation of 2021 Risk Management Plan to agreed schedule.	BAU	This activity has stalled due to the vacancy in the Enterprise Risk Coordinator role between August 2021 - May 2022. As a result, this activity has been carried over into Council's Operational Plan 2022/23.	●	ERC
	Monitor quarterly risk register reviews by teams in each business group and the Leadership Team (for the strategic risk register) and implement control testing.	BAU		●	ERC
	Present revised risk reporting to each Audit Risk and Improvement Committee meeting.	BAU		●	ERC
	Develop, roll out and report completion rates of Risk Management Training Module.	BAU		●	ERC
	Review and update Council Risk Management policy and plan by 1 March 2022.	BAU		●	ERC
3.1.5.2 Implementation of further functionality of WHS management tool (Vault).	Test further functional options of Vault system and implement if best practice and appropriate for Council.	WHSMS	Limited progress due to competing priorities and the impact of COVID19 and the February/March 2022 floods. Functionality investigated for: electronic risk assessment, information availability (ie. registers).	●	HSEC
3.1.6.1 Review of policies and procedures for suitability and currency.	Continue statistical reporting to Audit, Risk and Improvement Committee on status of Council's policies and procedures.	BAU		●	GRM

PEOPLE

Our goal: 4. Organisational capability through our people.

What achieving our goal will look like:

4.1 A high performing team enriched through diversity.

4.2 A workplace where safety and wellbeing come first.

Our goal: 3. Create value through applying knowledge.	How we will measure our performance	Links to*	Comment	STATU	Responsibility
4.1.1.1 Conduct employee surveys.	Engagement survey initiatives achieved.	WFMP	Not progressed due to competing priorities, specifically the organisation resourcing and structure review in August 2021 (planning and implementation of actions arising).	●	PCM
4.1.2.1 Identify and provide opportunities for employees to acquire a wider skill set.	Corporate in-house core training package developed; tailored to managers, supervisors and staff.	BAU	Key modules and topics identified, roll out delayed pending implementation of the 'Learning' module in the Human Resources Information System (ELMO).	●	PCM
4.1.3.1 Develop a promotional video for Employee Value Proposition and organisation (overall).	Digital analytics showing number of views and number of links to video clicked.	WFMP		●	CCM
4.2.1.1 WHS management reporting.	Officers (Leadership Team) informed of WHS performance and accountable for continuous improvement in workplace safety.	WHSMS		●	HSEC
4.2.1.2 Employee participation in in-house WHS training activities and national safe work month (October).	Program of safety, health and wellbeing-related awareness raising activities undertaken.	WHSMS		●	HSEC
	All allocated training completed.	WHSMS	86% of assigned training completed. Training not issued as per schedule due to COVID19 and February/March 2022 floods.	●	HSEC
	More than 50% of workforce actively participate in a national safe work month activity.	WHSMS	Activities for National safe work month were not held in 2021 due to COVID19.	●	HSEC
4.2.3.1 Progress action plan following WHS Self-Assessment Audit.	Actions prioritised and progress against implementation reported to the Audit, Risk and Improvement Committee.	BAU/ WHSMS		●	HSEC

CUSTOMERS AND STAKEHOLDERS

Our goal: 5. Proactive management of relationships with member councils and key stakeholders.

What achieving our goal will look like:

5.1 Mutual understanding of needs, priorities, expectations, functions, operations, service standards, span of control and influence.

Activity	How we will measure our performance	Links to*	Comment	STATU	Responsibility
5.1.1.1 Provide regular flow of information to key stakeholders promoting Council activity and raising brand value and awareness.	Active social media streams.	CESP		●	CCM
	Regular review of the function and effectiveness of feedback mechanisms.	CESP		●	CCM
	Active events calendar to identify appropriate events for stakeholder engagement.	CESP		●	CCM
5.1.2.1 Participation in NSW Audit Office performance audit reviews.	Achieved.	CSP		●	FM
5.1.3.1 Participation in the Northern Rivers Joint Organisation as an associate member.	General Manager performing the role of representative on the Natural Resources Management sub-committee and reporting back to the General Managers' Group on the sub-committee's operations.	BAU		●	GM
5.1.4.1 Establish service standards for key business processes to optimise attraction and retention.	Vacancies are filled within 90 business days of approval to recruit.	WFMP		●	PCM
	Less than or equal to 5% turnover for new employees within first 18 months post probation.	WFMP		●	PCM
	Recruitment and selection activities promote and comply with Equal Employment Opportunity principles.	WFMP		●	PCM
	As measured through employee pulse surveys, at least 90% of new employees are satisfied with the induction process.	WFMP		●	PCM

PROCESS MANAGEMENT, IMPROVEMENT AND INNOVATION

Our goal: 6. Continuous improvement through process management and innovative thinking.

What achieving our goal will look like:

6.1 Recognising and being open to opportunities for improvement through innovation.

Activity	How we will measure our performance	Links to*	Comment	STATU	Responsibility
6.1.1.1 Implement electronic Business Paper Agenda and Minute system.	Technology solution implementation phase commenced.	BAU		●	GM
6.1.2.1 Plan for staged digitisation of paper records.	Implementation of plan commenced.	BAU	3rd Party engaged, discovery and scoping phase underway for quotation purposes. Commencement date TBC.	●	ICTM
6.1.8.1 Review and document Customer Service processes.	Commence implementation of endorsed recommendations from the Customer Service review.	BAU	Transitioning recommendation from GMCC to C&CM	●	GMCC
6.1.8.2 Document key governance processes to achieve consistency and continuity of service into the future.	Review and document key governance processes for whole-of-Council use.	BAU		●	GRM
6.1.9.1 Implement Human Resources Information Management System (end to end technology solution) to reduce risk and optimise efficiencies.	Streamline recruitment, onboarding and performance review processes through the use of digital platforms.	WFMP		●	PCM
6.1.10.1 Review compliance with the Development Servicing Plan for the calculation of Equivalent Tenements (ETs) and the collection of developer charges by constituent councils for the Rous Bulk Water Supply area.	A report to the Leadership Team to inform the development of the new Development Servicing Plan.	LTFP		●	GMPD
6.1.11.4 Reassess and redetermine business requirements for a Customer Relationship Management System and opportunities to utilise existing technology systems.	Report to Leadership Team by 30 November 2021.	BAU	Not achieved by specific due date. Customer Relationship Management System being considered as part of the procurement of a replacement telephony system.	●	GMCC / GMPP
6.1.11.7 Implement Corporate Action 10 - Project Management System.	Technology solution implementation phase commenced.	BAU	Project delayed. Led by GMPD, additional formatting / functionality to existing internally developed PMF document implemented.	●	ICTM

What we will do in Y3: 2019/20

6.1.11.8 Implement Stage 2 of Content Manager roll out.	Progress Stage 2 actions to optimise digital key corporate workflows and information sharing.	BAU	Project delayed. Solution Consultant was engaged to undertake on-site review of system implementation in March 2022. Delayed to account for flood impact. To be completed in 2022/23	●	ICTM
6.1.12.1 Undertake a review of the process by which Council is advised of development occurring in our operational area and which affects our functions.	Engagement with constituent councils has occurred.	BAU	Work delayed as impact of new NSW Government Planning Portal system is evaluated. Feb 22 floods have also delayed engagement opportunities with Councils.	●	PD
	Position provided to Council on any proposed changes, including fee structure, by 31 January 2022.	BAU	Work delayed as impact of new NSW Government Planning Portal system is evaluated. Feb 22 floods have also delayed engagement opportunities with Councils.	●	PD
6.1.13.1 Review and develop Council's standard contracts.	Council's Engagement Agreement and Standard Terms and Conditions updated and current.	BAU		●	GRM

RESULTS AND SUSTAINABLE PERFORMANCE

Our goal: 7. Sustainable performance.

What achieving our goal will look like:

7.1 We are recognised as a valued regional service provider and reliable cost effective deliverer of our core functions and operations.

7.2 Levels of service align with agreed priorities, financial and asset capability and long-term financial plans.

Activity	How we will measure our performance	Links to*	Comment	STATU	Responsibility
7.1.1.1 Performance report issued to Service Level Agreement parties in relation to delivery of services subject to the agreement.	Copy of performance report issued with Delivery Program report.	DP	New SLAs with revised reporting have not been adopted by Councils (except Richmond Valley). Reports are currently being prepared based on new SLAs and will be provided to constituents/councillors by September 2022	●	GMO
7.1.1.2 Performance report issued to Councillors in relation to delivery of services subject to Service Level Agreements as part of communications with general managers.	Copy of performance report issued with Delivery Program report.	DP	New SLAs with revised reporting have not been adopted by Councils (except Richmond Valley). Reports are currently being prepared based on new SLAs and will be provided to constituents/councillors by September 2022	●	GMO
7.1.1.3 Identified buffer zone areas that are privately owned or on school land reach 'maintenance standard', and are handed back to their owners.	Work has been carried out to bring affected land to the required standard and buffer zone areas are handed back to landowners for ongoing management.	BRMMP		●	NRMPC
7.1.1.4 Investigate an active floodgate in Swan Bay to manage nutrient build up.	Investigate long-term solution implemented for weed reduction in Swan Bay.	DP		●	GMO
7.1.2.1 Achieve or exceed adopted financial budget forecast in net profit (Richmond Water Laboratories).	Current financial year.	LTFP	Not achieved. Financial result was heavily impacted by the February flood. Significant disruption to business, loss of equipment and stock requiring relocation and outsourcing of testing to maintain services.	●	RWLM
7.1.3.1 Deliver services according to service contracts in place (Richmond Water Laboratories).	Current financial year.	RWLSP	See above.	●	RWLM
7.1.6.1 Continue to progress design, cost and construction of Perradenya cycle path in negotiation with Lismore City Council.	Construction budget, timetable and way forward considered by Council.	BASP	Project delayed and rescheduled for 2022/23	●	GMCC
7.1.6.2 Complete construction and marketing strategy for Release 7 of Perradenya.	Consultation substantially completed and marketing strategy adopted by Council.	LTFP	Project delayed and rescheduled for 2022/23	●	GMCC
7.1.7.1 In accordance with NSW Dam Safety Act and Regulations, meet our obligations as an owner of dams.	Update the Operations and Maintenance plans and Dam Safety Emergency plans for Rocky Creek Dam and Emigrant Creek Dam.	DSMS	Reviews of completed plans are underway with document to be adopted by August 2022	●	DTEM
	Establish a Risk Management framework and perform a Risk Assessment on both dams, including identifying any further necessary investigations.	BAU		●	SPE
	Investigations targeting specific failure modes that are identified in the Risk Assessment (cost dependent on gap analysis of information undertaken in the Risk Assessment).	BAU		●	SPE
	Annual Report submitted.	DP		●	DTEM
7.2.1.1 Water quality monitoring reports completed for drinking water monitoring programs.	Drinking water management system annual report submitted to NSW Health.	DWMS		●	GMO
	Water quality summary report produced and uploaded to website.	DWMS		●	GMO
7.2.2.1 Report on progress of actions to mitigate risk of environmental harm from activities (environmental action list).	Provide an annual update report to Council until actions on the action list are closed out.	BAU		●	APE

Audit, Risk and Improvement Committee - meeting update

Responsible Officer: Group Manager People and Performance (Helen McNeil)

Recommendation

That Council receive and note the:

1. Attached minutes from the Audit, Risk and Improvement Committee meeting of 25 July 2022; and
2. Audit, Risk and Improvement Committee performance report for the period 2021-2022.

Background

The Audit, Risk and Improvement Committee ('Committee') met on 25 July 2022. A copy of the minutes of the meeting are provided at [Attachment 1](#).

Key messages

1. Chair's report – Committee Performance Review 2021-2022

The 2021-22 Committee Performance Report was endorsed by the Committee and is presented to Council by the Committee Chair - see [Attachment 2](#).

2. Risk and compliance

The committee was provided with a snapshot of Council's insurance claims profile over the period 2017-2022.

The Committee was also provided a status update on Council's current insurance claim for damage/loss suffered as a result of the February/March 2022 flood events and a verbal update on funding options available for infrastructure and assets not covered by insurance.

3. Governance

The status/currency of Council's 30 policies was reported to the Committee. Currently, two-thirds of Council's policies require review as part of the normal review cycle, which had stalled due to the February/March 2022 flood events and competing priorities. Several of these policies have now been reviewed and have been put forward for adoption by Council at this August 2022 meeting under cover of separate reports.

An update on the operation of Council's section 355 committee – the landowner volunteer floodgate operator program – was provided to the Committee.

The Committee was also provided an update on the requirement to make superannuation contributions to eligible Committee members in conjunction with the payment of their sitting fee. It was noted that the Councillor member on the Committee is not paid a sitting fee and is not eligible for superannuation contributions.

4. Audit

The Committee received a status update on the implementation of outstanding internal and external audit recommendations.

- Internal Audit:

Internal audit recommendations across several areas remain outstanding, including asset management, work, health and safety, and procurement. Resourcing and other challenges in progressing these actions were discussed. The Committee will have a particular focus on the nominated due dates of these actions going forward.

- External Audit:

Several recommendations made in the interim and final management letters issued between 2019-2022 by the NSW Audit Office remain outstanding.

One new recommendation in the interim management letter for the financial year ending 30 June 2022 was made and relates to requests for changes to Council's vendor/supplier masterfile in the finance/payment system.

5. Financial Management

The Committee received and noted the information presented in the Financial Management - July 2022 report regarding:

- The Draft Delivery program / Operational plan and 2022/23 Budget furnished to Council's June 2022 meeting applicable for 1 July 2022 to 30 June 2023.
- Interim audit - management letter.
- The presentation format of the draft Financial Statements for year ending 30 June 2022.
- Revaluations of water network infrastructure.
- The Investment report furnished to Council's June 2022 meeting applicable for the month of 31 May 2022.

6. Performance

A summary of statistics on Code of Conduct and Public Interest Disclosures received by Council and section 11 ICAC reports made for the preceding year was presented to the Committee. This information was previously reported to Council at its 20 October 2021 meeting.

This report was due to be presented to the March 2022 Committee meeting, being the first Committee meeting following the completion of Council's annual reporting requirements, however, was held over to a later meeting due to the cancellation of the March meeting following the floods.

7. ICT business plan – status update

The Committee received an update on the implementation status of the objectives outlined in the 2019-2021 ICT Business Plan ('Plan').

While progress had been made towards implementing some of the outstanding Plan objectives, it was noted that the February/March 2022 flood events had necessitated a change in priorities and reallocation of resources away from those outlined in the Plan. For example, a focus became rapidly bringing the new site at Gallans Road online in order to effectively operate as the redundancy location for other impacted sites, such as the Kyogle Street depot.

8. Other matters

A summary of the legislative changes forthcoming under the new *Public Interest Disclosures Act* and the key findings of the review by the NSW Auditor-General on compliance with the NSW Cyber Security Policy by certain NSW government agencies was presented to the Committee for its information.

An overview of the requirements of declared dam owners (i.e. Council) under the *Dam Safety Act 2015* and the *Dam Safety Regulation 2019*, including the status of Council's compliance with the same, was also provided to the Committee.

Consultation

This report was prepared in consultation with the Audit, Risk and Improvement Committee Chairperson.

Conclusion

This report provides a summary of the key messages from the 25 July 2022 Audit, Risk and Improvement Committee meeting.

Attachment

1. Audit, Risk and Improvement Committee meeting minutes 25 July 2022
2. Committee Performance Review - period 2021-2022

Rous County Council

Audit, Risk and Improvement Committee Minutes

Tuesday, 25 July 2022

Meeting held at Rous Admin Office and via 'Teams' link.

The Chair opened the meeting at 10.00am

In attendance:

Voting Committee

- Brian Wilkinson (Independent member / Chair)
- Andrew MacLeod (Independent member)
- Cr Big Rob (Council member)

Rous County Council staff

- Phil Rudd (General Manager)
- Helen McNeil (Group Manager People and Performance)
- Guy Bezrouchko (Group Manager Corporate and Commercial)
- Andrew Logan (Group Manager Planning and Delivery)
- Lauren Edwards (Governance and Risk Manager)
- Natalie Woodhead-Tiernan (Finance Manager)
- Jonathan Patino (Finance Business Partner)
- Joe Yeadon (ICT Manager)
- Aaron McBride (Enterprise Risk Manager)

Other attendees

- Richard Watkinson (Thomas, Noble & Russell)
- Ben Rogers (Thomas, Noble & Russell)

1. APOLOGIES

Gearoid Fitzgerald (NSW Audit Office)

2. ACKNOWLEDGEMENT OF COUNTRY

Council showed its respect and acknowledged the Traditional Custodians of the Land, of all Elders, on which this meeting took place.

3. MINUTES OF PREVIOUS MEETING

Minutes of the meeting held 26 April 2022 were noted as presented.

4. DISCLOSURE OF INTEREST

Cr Rob – non-pecuniary/non-significant interest in report 6.2 regarding Lismore Levee.

5. ARIC SCHEDULE OF REPORTING

ARIC Schedule of Reporting was noted.

6. REPORTS

6.1 Chair's report: Committee Performance Review 2021-2022

RECOMMENDATION (Wilkinson/Rob) that the Audit, Risk and Improvement Committee Performance Review – period 2021-2022 be received and endorsed.

6.2 Risk and Compliance

RECOMMENDATION (MacLeod/Rob) that the Audit, Risk and Improvement Committee receive and note the information presented in the report regarding enterprise risk management, insurance claims and legislative compliance.

6.3 Governance

RECOMMENDATION (MacLeod/Rob) that the Audit, Risk and Improvement Committee receive and note the information contained in this report.

6.4 Audit Report

RECOMMENDATION (Rob/MacLeod) that the Audit, Risk and Improvement Committee receive and note the information presented in this report on:

1. Progress against actions arising from internal audits.
2. Progress against actions arising from external audits.

6.5 Financial Management

RECOMMENDATION (Wilkinson/MacLeod) that the Audit, Risk and Improvement Committee receive and note the information presented in the Financial Management - July 2022 report regarding:

1. The Draft Delivery program / Operational plan and 2022/23 Budget furnished to Council's June 2022 meeting applicable for 1 July 2022 to 30 June 2023.
2. Interim audit - management letter.
3. The presentation format of the draft Financial Statements for year ending 30 June 2022.
4. Revaluations of water network infrastructure.
5. The Investment report furnished to Council's June 2022 meeting applicable for the month of 31 May 2022.

6.6 Performance and review initiatives

RECOMMENDATION (MacLeod/Rob) that the Audit, Risk and Improvement Committee receive and note the information presented in this report.

6.7 Implementation of Integrated Planning and Reporting: 1 July 2021-31 December 2021

RECOMMENDATION (Wilkinson/MacLeod) that the Audit, Risk and Improvement Committee receive and note the report and attachment regarding performance against delivery of the actions for Year 5 of the combined Delivery program/Operational plan for the period 1 July 2021 to 31 December 2021.

6.8 ICT Business Plan 2019-2021: Status update June 2022

RECOMMENDATION (Rob/MacLeod) that the Audit, Risk and Improvement Committee:

1. Receive and note the information presented in this report regarding the status of delivery of action items in the ICT Business Plan 2019-2021.
2. Receive a further report at the October 2022 meeting.

6.9 Other matters

RECOMMENDATION (Wilkinson/Rob) that the Audit Risk and Improvement Committee receive and note the information contained in the report.

7. CONFIRMATION OF MINTUES

i). Audit, Risk and Improvement Committee meeting minutes 25 July 2022

RECOMMENDATION (MacLeod/Rob) that the minutes of the Audit, Risk and Improvement Committee of 25 July 2022 be accepted as presented.

8. NEXT MEETING

17 October 2022 (Financial Statements and general business).

9. CLOSE OF BUSINESS

There being no further business the meeting closed at 11.22am

Committee Performance Review - period 2021-2022

PREPARED BY: BRIAN WILKINSON
(Independent Member – Chair, Audit, Risk and Improvement Committee)

Recommendation

That the Audit, Risk and Improvement Committee Performance Review – period 2021-2022 be received and endorsed.

Purpose

To provide information in relation to the performance and role/activities of the Audit, Risk and Improvement Committee.

Background

The Audit, Risk and Improvement Committee Charter provides as follows:

The chairperson of the Committee and General Manager will initiate a review of the performance of the Committee at least once every two years. The review will be conducted on a self-assessment basis (unless otherwise determined by the chairperson of the Committee or Council), with appropriate input from management and any other relevant stakeholders, as determined by the chairperson of the Committee.

A report on the Committee Performance Review (2020-2021) was submitted to the Audit, Risk and Improvement Committee on 26 July 2021. That report was subsequently reported to Council and included information on the Committees' activities up to 30 June 2021.

Over recent years the Office of Local Government NSW have been progressing Guidelines that will update and change the roles and reporting of Audit Risk and Improvement Committees. As part of the transition to those requirements an **annual report** has been prepared by the Committee in 2020 and 2021 to Council. This 2021 Committee Performance report has been prepared to progress towards what is anticipated to be future Committee Reporting requirements, to meet the provisions of the Committee's Charter and provide information on the role and activities of the Committee from July 2021 to June 2022.

Governance

The purpose, role and conduct of the Committee is guided by the Rous County Council Audit, Risk and Improvement Committee Charter and Internal Audit Charter.

The Rous County Council Audit, Risk and Improvement Committee Charter includes the following purpose for the Committee:

The role of the Committee is to report to Rous County Council and provide appropriate advice and recommendations on matters identified by this Charter. The Committee is independent and therefore operates independently of Council management.

The Committee has a legislated duty to keep under review the following aspects of Council's operations:

1. *Compliance*
2. *Risk management*
3. *Fraud control*
4. *Financial management*

5. *Governance*
6. *Implementation of the strategic plan, delivery program and strategies*
7. *Service reviews*
8. *Collection of performance measurement by Council*
9. *Any other matters prescribed by regulations made under the Local Government Act 1993.*

Over the past 12 months the Committee has been mindful and aware of the Local Government Legislation that is aimed at further defining and embedding the roles and responsibilities of Audit Risk and Improvement Committees as part of the operations and functions of Local Government in NSW.

During the period July 2021- June 2022 the Committee met four times. The Committee Members (Brian Wilkinson, Andrew McLeod, and Councillors Darlene Cook/ Big Rob) have attended all meetings either in person or via remote technology. In that regard the Committee appreciates the efforts and arrangements made by Council staff to ensure meetings continued on schedule.

The Committees' activities and governance processes has continued to be strongly supported by the Executive Team and staff at Rous County Council. It is acknowledged by the Committee that the Covid and Flood Event challenges have impacted on staff resourcing towards Committee activities; however, the Committee has been satisfied with the quantity and quality of reporting provided to the Committee during this reporting period.

During the reporting period a change in Internal Auditors occurred; this change was guided by external advertising and a structured assessment process (including input from the Committee). As a result of the process InConsult were appointed as Council Internal Auditors and participated in their initial meeting with the Committee on 26 April 2022.

To guide the various meeting agendas and content during the year, a "Schedule of Reporting" was adopted. This resulted in regular reporting on required items; in that regard the Committee was pleased with the content and presentation of reports. It was also appreciated that there was consistent attendance and involvement of staff at Committee Meetings.

The Internal and External Audit Programs of Council have had appropriate reporting and links to the Committee role and meeting agendas. The current Committee Charter and Internal Audit Charter are considered appropriate and supportive of the Committee role (but will need to be reviewed when the proposed new Guidelines are in place).

The following comments and information provide the views of the Committee in relation to the operations of Council:

Information and reporting has been provided to the Committee in respect of **Compliance** Monitoring and Reporting. e.g. the use of the NSW Office of Local Government calendar of compliance reporting, the policy and delegations reviews, the annual Code of Conduct Statistics, and information relating to Section 355 Committees (particularly in regard to the volunteer floodgate operator program).

Regular reporting has been provided on **Enterprise Risk Management**; this has included information on the Risk Register and actions being taken to mitigate risks. The Committee also received a presentation on the status and development of risk management in July 2021. Whilst the finalisation of a fully operative risk management framework is still progressing, the Committee is confident that there is increasing commitment to the utilisation of risk management in the organisation. Work Health and Safety has also been subject of reporting to the Committee. It has been noted that in the review of the staffing structure that emphasis is being placed on risk management and its associated processes.

Council has responded to External Audit reports and NSW Audit Office Reports in relation to Fraud Control. The Committee has received information on actions being taken by staff on **Fraud Control**, including checklists, awareness and improved business systems.

During the 2021-22 financial year the Committee has received reports and presentations relating to the **Financial Management** processes of Council. The External Auditors have engaged closely with the Committee in respect to annual financial statements, Management Letters and the Annual Audit Engagement Plan. In addition, the Committee have been kept informed via agenda items on budget preparation, quarterly budget reviews, and investment processes. As part of the External Audit Management Letters there are recommended actions to improve Councils' approach to various processes. The implementation of those actions is kept under review by the Committee.

As with all local government organisations, the **Governance** processes at Rous County Council are diverse and are subject to ongoing action. The Committee have received regular reports and information on governance practices and improvements, including: Policy, Procedure and delegation reviews/ Internal Audit Reports and Actions/ Section 355 Committees/Code of Conduct statistics/ and the development of the ICT Business Plan. During the 2020-21 financial year the Committee received reports and monitored progress on the following internal audit items: Work Health and Safety, Asset Management, Procure To Pay.

An integral part of Local Government operations is the Strategic Planning processes and the actions taken to implement strategies. **The Implementation of the Strategic Plan, Delivery Program and Strategies** at Rous County Council are supported by comprehensive and understandable documentation. The Committee have received reports and presentations relating to those processes.

During the reporting period the Committee received comprehensive information in relation to the **Service Review** relating to the Organisation Structure and Resourcing Review as well as the proposed "relocation". An Overview of the recent flood impact and response was also provided to the Committee.

The collection of performance management data by Council has been reported to the Committee (and the community) via the Annual Report and the Strategic Plan, Delivery Program and Operational Plan processes.

In addition to the above, the Committee have been kept informed of **Other Matters** relevant to the role of ARIC and Councils' operations. This has included the Annual Internal Audit Plan, Internal Audit reports, Reports and Publications from the Independent Commission Against Corruption, Information and Privacy Commission of NSW, Performance Audits and Local Government Reports from The Audit Office of NSW, **The Internal Audit Program** of Council is undertaken via a third party and is monitored closely by the Committee; in that respect the Committee has had input to the recently reviewed annual audit plan (based around identified risks of the Council and the Local Government industry), receives and considers reports from the internal auditor and also monitors progress made on recommendations in Internal Audit Reports. The scope of the Internal Audit Program can reach across the various operations of council i.e. Compliance, Governance, Financial Management, Fraud Control, Risk management and Strategic Planning. Reference has been made earlier in this report to the items covered through Internal Audit by the Committee. The Internal Audit Program of Council is considered appropriate at this time; however, it should be noted that going forward there will be pressures via the new Guidelines and ARIC responsibilities that will likely require increased internal audit resources/ funding.

Mention was made earlier in this report to the ICT Business Plan. The Committee notes that both the External Audit coverage and Internal Audit Plan have included items relating to ICT issues i.e. Cyber Security, ICT processes and controls, etc. Accordingly, the ongoing need for strong ICT processes and planning will continue to be a focus of the Committee.

The scope of the Committee activities identified in this Report supports the view that the Committee is undertaking its required functions in an appropriate manner.

As part of the preparation of this Performance Report consideration has been given to the content of the Charters that guide the role of the Committee. As Chairperson, I have been unable to identify any specific 'failings' of the Committee to meet their obligations and responsibilities. In addition, it is considered that there are no specific matters that need to be brought to the attention of the elected Council.

Financial

The Audit, Risk and Improvement Committee functions and associated actions are funded from existing budget and resource allocations.

Consultation

In providing this report for Committee consideration the opportunity was provided to Committee Members to review the draft Committee performance review and provide feedback and/or suggested amendments. In addition, the General Manager and staff were also requested to provide comments as part of the process of reporting the review to the Committee.

Conclusion

As Chairperson of the Rous County Council Audit, Risk and Improvement Committee I consider that, as outlined above, the Committee has satisfactorily and appropriately undertaken and performed its role during the 2021-2022 period.

Brian Wilkinson
Chair

Reports pending

Responsible Officer: General Manager (Phillip Rudd)

Recommendation

That the report be received and noted.

Background

Following is a list of pending resolutions with individual comments provided on current position and expected completion date.

Meeting	Resolution	Status
20/02/19	Confidential report: Development Servicing Plan for Bulk Water Supply 2016 – request for deferred payment arrangement	
	<p>RESOLVED [13/19] (Mustow/Cadwallader) that Council:</p> <ol style="list-style-type: none"> 1. Receive and note this report. 2. Approve the request for deferred payment arrangements as set out in the report. 3. Receive a subsequent report on policy options for deferred payment arrangements having regard to the Development Servicing Plan for Bulk Water Supply and the policy positions of constituent councils. 4. Reject any further consideration of similar requests until point 3. is complete and a policy position is determined. 	<p>Scheduled for review before the expiry of the current Development Servicing Plan in 2021.</p> <p>UPDATE: The scope of work for the development of the new Development Servicing Plan is complete and quotes are being called for the new Plan.</p> <p>UPDATE: A consultant was appointed in mid-March 2022 to prepare a new Development Servicing Plan. The new Plan is substantially progressed. A draft Plan will be presented to Council in October 2022.</p>
11/12/19	Information reports	
	<p>Perradenya cycleway: A future report be provided to Council.</p>	<p>IN PROGRESS: Workshop presented at September 2020 workshop. Report to Council scheduled for April 2021.</p> <p>DEFERRED: Deferred to new term of Council subject to adoption of the FWP2060 and incorporation into the Long-Term Financial Plan. Target December 2021 – June 2022.</p> <p>UPDATE: February 2022 – June 2022.</p> <p>Site visit and workshop scheduled for September 2022</p>
	<p>Richmond River Cane Growers' Association submission: <i>Review of Tuckombil Canal fixed weir.</i> (Letters 118585 / 53238)</p>	<p>IN PROGRESS: Staff engaged with RVC staff around their grant application for a Study to update their Richmond River Flood Model (2010). Their grant was successful, and they have commenced procurement of a modelling consultant. Rous has contributed \$10,000 towards the project. One secondary goal for their Study is to consolidate these models along the mid to lower Richmond, including the Evans River Model, the W2B Pacific Highway Upgrades and collect high resolution flood modelling</p>

Meeting	Resolution	Status
		<p>information around the Tuckombil Canal/ upstream.</p> <p>The updated model information will contribute to a future Rous led options study for the Tuckombil Canal. The Cane Growers' Association was advised in April 2020 of the intentions with regards to Richmond Valley Council, and will be updated during December 2020 with the latest information.</p> <p>UPDATE: The work by Richmond Valley Council to update their flood model is progressing well, with modelling expected to be completed within the first quarter of the 21/22 FY. RCC's requirements for the flood modelling around the Tuckombil Canal are expected to be met and reported back during the same period.</p> <p>UPDATE: Council staff received an update on the project from the consultants in early September 2021. The model development is nearing its conclusion and work will commence on modelling scenarios soon.</p> <p>UPDATE: Richmond Valley Council (RVC) staff have advised that the consultants have finalised the flood model and are now in the reporting phase. A draft Study report will go to RVC in the first quarter of 2022.</p> <p><u>When the flood model is finalised, Rous will be able to consider the results and how a review of the Tuckombil Canal fixed weir would be financed.</u></p> <p>UPDATE: The February 2022 floods since the last update have meant that the flood model finalisation and reporting to Richmond Valley Council (RVC) have been delayed. A new date for its finalisation is not yet available from RVC. Once the flood model is finalised, Rous will be able to consider the results and how a review of the Tuckombil Canal fixed weir would be financed.</p>

Confidential matters

Responsible Officer: General Manager (Phillip Rudd)

Recommendation

That Council move into Closed Council to consider the following matter and the meeting be closed to members of the public and press based on the grounds detailed below:

Report	Richmond Water Laboratories (RWL) strategic options
Grounds for closure	<p>Section 10A(2)(a) personnel matters concerning particular individuals (other than councillors).</p> <p>Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed:</p> <p>(ii). confer a commercial advantage on a competitor of the Council.</p>

Section 10A, Local Government Act, 1993:

A Council may close to the public only so much of its meeting as comprises the receipt or discussion of any of the following:

Section 10A(2):

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

Section 10A(4):

Council may allow members of the public to make representations to or at a meeting before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Document is Restricted

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Document is Restricted

Document is Restricted

Local Government NSW Annual Conference (Submission of Motions)

Responsible Officer: Group Manager People and Performance (Helen McNeil)

Recommendation

That Council support the proposed motions outlined in this report and their submission to Local Government NSW for consideration at its annual conference being held on 23-25 October 2022.

Background

Local Government NSW ('LGNSW') accepts motions each year from Member Organisations (made up of NSW councils and county councils) to be considered at its annual conference.

Where motions are endorsed, they become resolutions and amend the LGNSW Policy Platform. The LGNSW Policy Platform is the document on which the organisation lobbies the NSW State Government for changes to legislation and policy as it impacts the local government sector in NSW.

County councils, such as Rous, are often overlooked by State Government in legislative and policy decision-making. The three (3) motions outlined below are proposed to be submitted with a view to keeping these issues current and relevant during the decision-making process at the State Government level going forward.

Proposed Motions

Motion 1

That Local Government NSW lobby the NSW Government to activate s399 of the *Local Government Act 1993* which provides for the creation of a Regulation making provision for:

- (i) the purposes for which contributions may be made
- (ii) the circumstances in which contributions may be required
- (iii) the assessment of contributions
- (iv) the payment of contributions
- (v) the recovery of contributions.

Rationale:

- A. To improve consistency across the state in the making and purpose of contributions of Constituent Councils to County Councils and
- B. To improve eligibility for and access to favourable lending conditions when accessing T-Corp borrowing facility by providing certainty and security relating to financial contributions of Constituent Councils to County Councils.

Section 399 of the Local Government Act 1993 (NSW) states that the Regulations "may" address these matters, however, to date, s399 has not been activated. Given the scale and value of regional projects undertaken by County Councils, access to T-Corp funding by County Councils represents a value for money propositions to County Councils and by extension, the constituent Councils who benefit from the regional infrastructure.

Motion 2

That Local Government NSW:

- (i) Acknowledges the devastating impact of floods throughout NSW in 2022.
- (ii) Urges the NSW Government to increase its financial assistance provided to Local Government through its Floodplain Management Program to maintain existing flood mitigation infrastructure to account for Consumer Price Index (CPI) increases.
- (iii) Calls on the NSW Government to provide a long-term strategy for the state's flood mitigation infrastructure, previously constructed by the NSW Public Works Department that Local Councils have since inherited. The strategy must clearly define the purpose of the infrastructure, long term solutions for ongoing maintenance, including funding, and how the challenges of climate change and the infrastructure's environmental impact will be addressed.

Motion 3

That Local Government NSW:

- (i) Acknowledges the complexity involved with seeking approval from the NSW Government to maintain publicly funded flood mitigation infrastructure on coastal floodplains.
- (ii) Requests that the NSW Government amends the State Environmental Planning Policy for (Infrastructure) 2007 so that flood mitigation authorities do not have to seek regulatory approval from NSW Crown Lands or NSW Department of Primary Industries to undertake routine maintenance of its infrastructure. This acknowledges that any environmental impact can be addressed through the authority's responsibilities under the Environmental Planning and Assessment Act 1979.
- (iii) Lobbies the NSW Government to amend its Protection of the Environment Operations (Waste) Regulation 2014 Waste Management Guidelines so that public authorities can treat acid sulfate soils off-site and that treated acid sulfate soils can be reused both on and off site. This acknowledges that any environmental impact can be addressed through the authority's responsibilities under the Environmental Planning and Assessment Act 1979.

Governance

- **Integrated Planning and Reporting**

Ref	Strategic objectives	Strategies to get there	Measure	Target
2.3.6	Active collaboration across the region informs policy responses and innovative approaches to priority issues.	Lead or participate in efforts to drive collaboration and innovation to respond to current and emerging issues with key players, including: <ul style="list-style-type: none"> - Dept of Health - Dept of Planning and Environment - Dept of Regional NSW - relevant industry bodies. 	Number of instances where current and emerging priority issues are escalated to key players to help inform policy.	Upward trend (at least one occasion per annum).

LGNSW is a relevant industry body.

Finance

The motion addresses Council's future financial security through the certainty of financial contributions, so Council can continue to provide vital services to the community. There is no financial cost associated with submitting the motion.

Legal

The lack of consideration given to county council's by State Government in making legislative and policy decisions has caused several instances where the current legislative or policy position has hampered Rous' ability to pursue its functions with confidence and authority.

Consultation

A request for legislative amendment in relation to financial contributions by constituent councils to county councils (refer to Motion 1 above) was made to the Office of Local Government ('OLG') in 2021 (see Attachment 1), however the OLG declined to take the matter further (see Attachment 2).

Conclusion

Should the three (3) motions outlined above be endorsed and provided to the Minister for Local Government, with the support of LGNSW, it is envisaged that the outcome will be a better outcome in decision making which affects county councils.

Attachments:

1. Letter to the Office of Local Government dated 11 February 2021; and
2. Letter in reply from the Office of Local Government dated 10 March 2021.



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Our Ref: F21/95
Your Ref: A753422

11 February 2020

Melissa Gibbs
Director, Policy and Sector Development
NSW Office of Local Government
Locked Bag 3015
NOWRA NSW 2541
email: olg@olg.nsw.gov.au
David.Rolls@olg.nsw.gov.au

Dear Ms Gibbs

Proposed amendment of *Local Government (General) Regulation 2005 (NSW)*: an equivalent of clause 397L to apply to county councils

Thank you for your letter dated 21 January 2021 and your invitation to provide evidence of issues that would support the proposed amendment of the *Local Government (General) Regulation 2005 (NSW)* (the 'Regulation'), specifically to expand the operation of clause 397L to include county councils.

Basis of concerns

The basis of our concerns arose recently when lodging a credit application with T-Corp for a major capital works project - St Helena Trunk Main Augmentation.

As a county council, we have a higher risk profile (by comparison to a general-purpose council) from a financial institution's perspective; this affects our potential borrowing power. This is predominately due to the absence of an available legislated debt recovery capability.

As a result, in assessing the above mentioned credit application T-Corp advised that multiple non-standard conditions would be imposed should the application to proceed with the borrowing be progressed. The lack of the same debt recovery strength through legislation as a general purpose council or joint organisation was a key factor considered by T-Corp when assessing the credit application.

Evidence to support amendment to the Regulation

A. Misalignment of policy

By letter dated 13 January 2021 to Council from the Minister for Local Government the misalignment in policy position as between a chairperson of a joint organisation compared to that of a county council was highlighted. This correspondence indicated that equivalence for both county councils and joint organisations was prudent and desirable.

As set out herein, there occurs a further misalignment as between joint organisations and county councils being in the ability of each to recover contributions from constituent or member councils.

Section 400ZF was inserted in the *Local Government Act 1993* (NSW) (the 'Act') in 2017 and clause 397L inserted in the Regulation in 2018 (re: creation of Joint Organisations). If the Government identified the need and 'activated' section 400ZF through clause 397L for the joint organisations, there is a strong argument that the same should occur for county councils. The precedent has been set.

As highlighted by the second reading speech for the *Local Government Amendment (Regional Joint Organisations) Bill 2017*, it is important to provide a safeguard to clarify appropriate arrangements for financial contributions to be prescribed by regulation. It should be treated and progressed as non-controversial based on what is already in place for joint organisations.

B. Status quo

Currently county councils across NSW are all charging annual fees via different processes depending on their functions and their constituent councils. Where an issue around service and payment arises, the Office of Local Government currently does not have a uniform approach to handle the matter.

County councils are responsible for critical infrastructure projects within their region. This sometimes requires the ability to borrow funds to deliver regionally significant and beneficial projects.

We call on your support to amend the *Local Government (General) Regulation 2005* (NSW) whereby clause 397L applies to county councils in the same way as joint organisations.

Should you have any further questions or require clarification regarding this matter please contact Ms Jessekah Forrest, Governance Advisor – Projects, either by telephone on (0428) 471 918 or by email at: jessekah.forrest@rous.nsw.gov.au .

Yours faithfully



Phillip Rudd
General Manager

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Your Reference: F21/95
Contact: David Rolls
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10 March 2021

Mr Phillip Rudd
General Manager
Rous County Council
PO Box 230
LISMORE NSW 2480

By email: phillip.rudd@rous.nsw.gov.au

Dear Mr Rudd

Thank you for your letter of 11 February 2021 about Rous County Council's request that the *Local Government (General) Regulation 2005* be amended to include a similar provision to clause 397L requiring councils to make financial contributions to county councils in the same way that they are required to make financial contributions to joint organisations.

The information that you have provided in support of Council's request has been carefully considered. However, it is not considered that the information amounts to a compelling case to amend the Regulation.

As you may be aware, unlike joint organisations, county councils have the ability to make and levy special rates and charges under the *Local Government Act 1993*. As is the case for general purpose councils, this allows county councils to fund the costs of works, services, facilities or activities they provide or undertake in carrying out their functions and to recoup the costs of providing services such as water supply, sewerage and drainage.

Where special rates and charges remain unpaid, county councils have the same ability under Chapter 17 of the Act to recover those debts as do general purpose councils.

By contrast, joint organisations have no ability to raise income through the imposition of rates nor, except in very limited circumstances, charges. Consequently, an alternative means of funding joint organisations is effected by section 400ZF of the Act and clause 397L of the Regulation. Together, they authorise joint organisations to require their member councils to make financial contributions to the joint organisation.

In comparing the funding basis of county councils with that of joint organisations, care needs to be taken not to confuse the functions of the two entities. The principal functions of a joint organisation are to establish regional strategic priorities, provide regional leadership and identify and take up opportunities for inter-governmental co-operation on regional matters. These are not revenue generating functions for the joint organisation.



Conversely, county councils are established to undertake one or more functions of a constituent council within the county council's area of operations. Where this occurs, the functions are divested from the constituent council with the effect that the county council becomes responsible for the discharge of the functions. Various provisions of the Act provide the means by which councils fund the cost of undertaking of their functions and those means may be availed by whichever council or county council is responsible for the discharge of the functions.

In summary, clause 397L of the Regulation is reflective of the fact that, unlike county councils, most joint organisations have no independent sources of revenue and rely on financial contributions from their member councils to fund their operations.

I trust that this information is of assistance.

Yours sincerely

A handwritten signature in blue ink that reads "Grant Gleeson". The signature is fluid and cursive, with the first name "Grant" and last name "Gleeson" clearly legible.

Grant Gleeson
Director, Legal

Copy



Notice of Motion

Council meeting 17 August 2022

Subject: Future Water Project 2060 progress to secure additional water sources

I hereby move the following motion:

That Council:

Receive an update from staff on the progress towards securing additional sources of water as outlined in the Future Water Project 2060 Strategy, given the delays to works through the last 18 months of uncertainty and weather, and the approaching 2024 target where our forecasted demand is predicated to exceed supply.

Councillor Sharon Cadwallader

Date: 4 August 2022

A handwritten signature in cursive script, appearing to read "S. Cadwallader", written in black ink.

Signature

Staff comment

There are several concurrent activities currently underway to investigate additional sources of water as identified in the adopted Future Water Project 2060 strategy.

Staff are able to provide an update to Councillors on progress towards securing additional sources of water through a workshop in early December 2022. This update can also include alternative programs of works to understand the effects of focusing more efforts on particular parts of the FWP 2060 Strategy.