



BUSINESS PAPER

Ordinary Council Meeting

20 April 2021

ETHICAL DECISION MAKING & CONFLICT OF INTEREST

A Guiding Checklist for Councillors, Officers & Community Committees

ETHICAL DECISION MAKING

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of Interest?
- Could your possible conflict of interest lead to private gain or loss at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

CONFLICT OF INTEREST

A Conflict of Interest is a clash between private interests and public duty. There are two types of conflict: Pecuniary – regulated by the Local Government Act and Department of Local Government and, Non-pecuniary – regulated by Codes of Conduct, ICAC, Ombudsman, Department of Local Government (advice only).

THE TEST FOR CONFLICT OF INTEREST

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

IDENTIFYING PROBLEMS

- 1 Do I have private interest affected by a matter I am officially involved in?
- 2 Is my official role one of influence or perceived influence over the matter?
- 3 Do my private interests conflict with my official role?

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

AGENCY ADVICE

Officers of the following agencies are available during Office Hours to discuss the obligations placed on Councillors, Officers and Community Committee members by various pieces of legislation, regulation and codes.

<u>Contact</u>	<u>Phone</u>	<u>Email</u>
Narrandera Shire Council	02-6959 5510	council@narrandera.nsw.gov.au
ICAC	02-8281 5999	icac@icac.nsw.gov.au
Toll Free	1800 463 909	
Department of Local Government	02-4428 4100	olg@olg.nsw.gov.au
NSW Ombudsman	02-8286 1000	nswombo@ombo.nsw.gov.au
Toll Free	1800 451 524	

COMMUNITY STRATEGIC PLAN

Themes

Agenda Section 16 ~ Our Community

- 1.1 To live in a healthy community and one that demonstrates a positive attitude
- 1.2 To advocate for quality educational and cultural opportunities
- 1.3 To live in an inclusive and tolerant community
- 1.4 To feel connected and safe

Agenda Section 17 ~ Our Environment

- 2.1 To value, care for and protect our natural environment
- 2.2 To effectively manage and beautify our public spaces
- 2.3 To live in a community where there are sustainable practices

Agenda Section 18 ~ Our Economy

- 3.1 To encourage new business and industry that can be sustained
- 3.2 To support local business and industry to grow and prosper
- 3.3 To strongly promote our Shire and to improve its attractiveness
- 3.4 To grow our population

Agenda Section 19 ~ Our Infrastructure

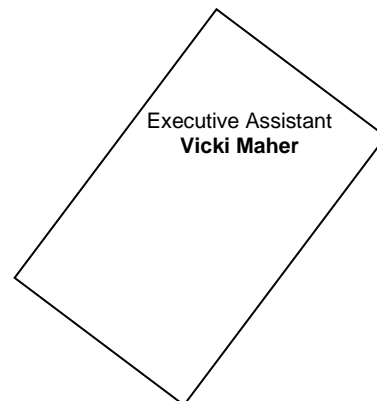
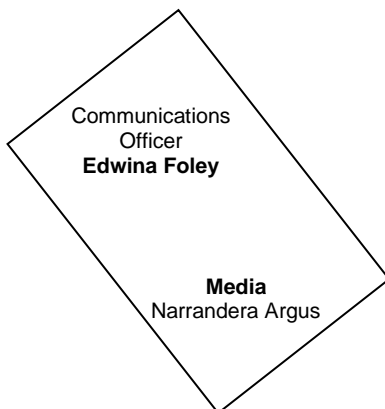
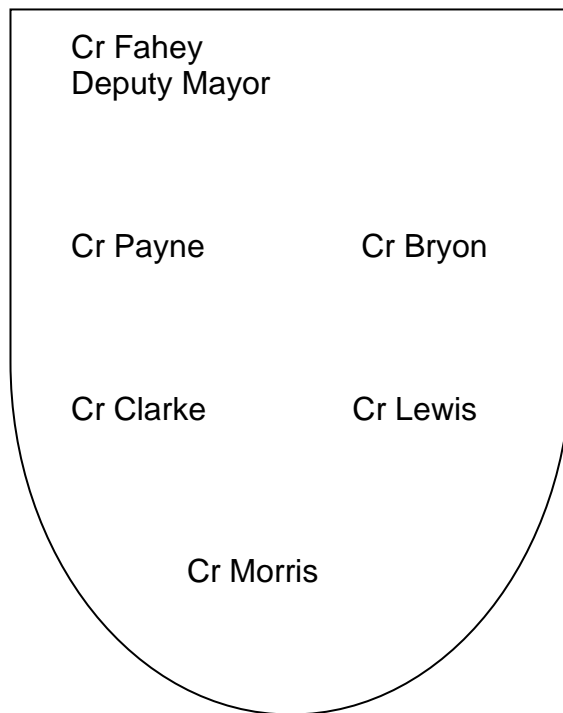
- 4.1 To have an improved and adequately maintained road network
- 4.2 To improve, maintain and value-add to our public and recreational infrastructure
- 4.3 To improve and enhance our water and sewer networks
- 4.4 To have a say when planning for new facilities or refurbishing existing facilities

Agenda Section 20 ~ Our Civic Leadership

- 5.1 To have a Council that demonstrates effective management consistently
- 5.2 To have a progressive Council that communicates and engages well with all of the community and is a role model for inclusivity
- 5.3 To have a community and a Council that works collaboratively with harmony, respect and understanding

SEATING

General Manager George Cowan	MAYOR Cr Kschenka	Deputy General Manager Infrastructure Shane Wilson	Deputy General Manager Corporate & Community Martin Hiscox
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**Notice is hereby given that the Ordinary Meeting of the Narrandera
Shire Council will be held in the Council Chambers on:
Tuesday 20 April 2021 at 2pm**

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- 1 **ACKNOWLEDGEMENT OF COUNTRY**
- 2 **HOUSE KEEPING**
- 3 **DISCLOSURE OF POLITICAL DONATIONS**
- 4 **PRESENT**
- 5 **APOLOGIES**
- 6 **DECLARATIONS OF INTEREST**
- 7 **CONFIRMATION OF MINUTES**

Ordinary Council Meeting - 16 March 2021



MINUTES

Ordinary Council Meeting

16 March 2021

UnConfirmed

**MINUTES OF NARRANDERA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON TUESDAY, 16 MARCH 2021 AT 2PM**

The Mayor declared the meeting opened at **2pm** and welcomed the Councillors, Staff, Media and Members of the Gallery.

1 ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Wiradjuri people who are the Traditional Custodians of the Land. I would also like to pay respect to their people both past and present and extend that respect to other Aboriginal Australians who are present

2 HOUSE KEEPING

Advice provided of Council's Work, Health and Safety (WHS) Evacuation Plan and location of the Amenities.

3 DISCLOSURE OF POLITICAL DONATIONS

Advice provided to those present, of the legislative requirement for Disclosure of Political Donations:

The Environmental Planning and Assessment Act 1979, Section 147 requires a person submitting planning applications or submissions regarding a planning application, to disclose any reportable political donation and/or gifts to any local Councillor or employee of Council. Reportable political donations include those of, or above, \$1,000. The Disclosure Statement forms are available on Councils website or from the Customer Service Centre and must be lodged in accordance with the Act.

There were no Disclosure of Political Donations received by the Chairperson.

4 PRESENT

Cr Neville Kschenka, Cr David Fahey OAM, Cr Narelle Payne, Cr Jenny Clarke OAM, Cr Kevin Morris, Cr Tracey Lewis

In Attendance

George Cowan (General Manager), Shane Wilson (Deputy General Manager Infrastructure), Martin Hiscox (Deputy General Manager Corporate & Community), Vicki Maher (Minute Taker)

5 APOLOGIES

RESOLUTION 21/033

Moved: Cr Tracey Lewis

Seconded: Cr David Fahey OAM

That apologies from Cr Barbara Bryon be received and accepted.

CARRIED

6 DECLARATIONS OF INTEREST

7 CONFIRMATION OF MINUTES

RESOLUTION 21/034

Moved: Cr Narelle Payne

Seconded: Cr Kevin Morris

That the minutes of the Ordinary Council Meeting held on 16 February 2021 be confirmed.

CARRIED

8 MAYORAL REPORT

8.1 MAYORAL REPORT FEBRUARY / MARCH 2021

RESOLUTION 21/035

Moved: Cr Neville Kschenka

Seconded: Cr Tracey Lewis

That Council:

1. Receives and notes the Mayoral Report for February / March 2021.

CARRIED

9 QUESTION WITH NOTICE

Nil

10 NOTICES OF RESCISSION

Nil

11 NOTICES OF MOTION

Nil

12 COUNCILLOR REPORTS

Nil

13 COMMITTEE REPORTS**13.1 MINUTES - YOUTH ADVISORY COUNCIL - 8 FEBRUARY 2021****RESOLUTION 21/036**

Moved: Cr Tracey Lewis

Seconded: Cr Jenny Clarke OAM

That Council:

1. Receives and notes the Minutes of the Youth Advisory Council held on Monday 8 February 2021.
2. Receive and note the update on the Food Trailer Project.
3. Receive and note the update on the Youth Strategy.

CARRIED**13.2 MINUTES - AUSTRALIA DAY PLANNING COMMITTEE - 22 FEBRUARY 2021****RESOLUTION 21/037**

Moved: Cr Narelle Payne

Seconded: Cr Tracey Lewis

1. That the Minutes of the Australia Day Planning Committee held on Monday 22 February 2021 be received and noted.

CARRIED**13.3 MINUTES - RAILWAY STATION MANAGEMENT COMMITTEE - 24 FEBRUARY 2021****RESOLUTION 21/038**

Moved: Cr Narelle Payne

Seconded: Cr David Fahey OAM

That Council:

1. Receives and notes the Minutes of the Railway Station Management Committee held on Wednesday 24 February 2021.
2. Notes the committee recommendation regarding Fees and Charges for the 2021-2022 financial year for full day hire of the Railway Station meeting room to be increased to \$55.00 and half day hire increased to \$27.00.

CARRIED

13.4 MINUTES - PARKS AND GARDENS ADVISORY COMMITTEE - 1 MARCH 2021**RESOLUTION 21/039**

Moved: Cr Jenny Clarke OAM

Seconded: Cr Narelle Payne

1. That the Minutes of the Parks and Gardens Advisory Committee held on Monday 1 March 2021 be received and noted.

CARRIED

13.5 MINUTES - ECONOMIC TASKFORCE COMMITTEE (OPEN) - 2 MARCH 2021**RESOLUTION 21/040**

Moved: Cr Jenny Clarke OAM

Seconded: Cr David Fahey OAM

That Council:

1. Receive and note the Minutes of the Economic Taskforce Committee meeting held 2 March 2021, together with the updated Economic Development Strategy (non-confidential).

CARRIED

13.6 MINUTES - AUDIT, RISK AND IMPROVEMENT COMMITTEE - 3 MARCH 2021**RESOLUTION 21/041**

Moved: Cr Narelle Payne

Seconded: Cr David Fahey OAM

That Council:

1. Receives and notes the Minutes of the Audit, Risk and Improvement Committee held on Wednesday 3 March 2021.

CARRIED

13.7 MINUTES - NARRANDERA FLOODPLAIN RISK MANAGEMENT COMMITTEE - 9 MARCH 2021

RESOLUTION 21/042

Moved: Cr Tracey Lewis

Seconded: Cr Kevin Morris

1. That the Minutes of the Narrandera Floodplain Risk Management Committee held on Tuesday 9 March 2021 be received and noted.

CARRIED

13.8 MINUTES - YOUTH ADVISORY COUNCIL - 8 MARCH 2021

RESOLUTION 21/043

Moved: Cr Tracey Lewis

Seconded: Cr Narelle Payne

1. That the Minutes of the Youth Advisory Council held on Monday 8 March 2021 be received and noted.
2. That the update on the Youth Advisory Council Food Trailer Project be received and noted.

CARRIED

14 OUR COMMUNITY

14.1 DRAFT NARRANDERA SHIRE CULTURAL PLAN 2021-2031

RESOLUTION 21/044

Moved: Cr David Fahey OAM

Seconded: Cr Tracey Lewis

That Council:

1. Reviews and endorses the draft Narrandera Shire Council Cultural Plan 2021-2031 as presented for the purpose of public exhibition seeking community comment for a period of 28 days.
2. Deems the draft Narrandera Shire Council Cultural Plan 2021-2031 as adopted should no submissions be received from the community at the conclusion of the exhibition period.

CARRIED

15 OUR ENVIRONMENT**15.1 MURRAY DARLING ASSOCIATION - CHANGE OF NAME****RESOLUTION 21/045**

Moved: Cr Jenny Clarke OAM

Seconded: Cr Narelle Payne

That Council:

1. Supports the proposal by the Murray Darling Association (MDA) to change its name to Murray-Darling Local Government Association.
2. Advises the Executive Officer and Chairman of MDA Region 9 of the decision.

CARRIED

15.2 DRAFT NARRANDERA WASTE FACILITY LONG TERM PLAN OF MANAGEMENT**RESOLUTION 21/046**

Moved: Cr David Fahey OAM

Seconded: Cr Narelle Payne

That Council:

1. Adopts the Draft Narrandera Waste Facility Long Term Plan of Management.

CARRIED

16 OUR ECONOMY**16.1 POLICY REVIEW - POL048 SALE OF INDUSTRIAL LAND RED HILL ESTATE****RESOLUTION 21/047**

Moved: Cr Narelle Payne

Seconded: Cr Tracey Lewis

That Council:

1. Reviews and endorses policy POL048 Sale of Industrial Land Red Hill Estate Policy as presented for the purpose of public exhibition seeking community comment for a period of 28 days.
2. Deems the Policy POL048 as adopted should no submissions be received from the community at the conclusion of the exhibition period.

CARRIED

17 OUR INFRASTRUCTURE**17.1 FUTURE PROJECT NOMINATIONS****RESOLUTION 21/048**

Moved: Cr Tracey Lewis

Seconded: Cr Narelle Payne

That Council;

1. Reviews the community projects within Tables 1 and 2 of the report and, following endorsement, authorises staff to include those in any future funding opportunities.
2. In Public Art, remove words No More Murals and change to Limited or Murals may be Considered and to review other forms of public art.

CARRIED

17.2 T-20-21-8 PINE HILL RESERVOIR CONSTRUCTION**RESOLUTION 21/049**

Moved: Cr Narelle Payne

Seconded: Cr David Fahey OAM

That Council:

1. Endorses the recommendation that Quay Civil be approved as the preferred tenderer for the price of \$910,883.82 GST inclusive in accordance with Section 55 of the Local Government Act 1993.
2. Approves an increase of the total project budget by \$200,000 to be funded from Water Reserve.

CARRIED

18 OUR CIVIC LEADERSHIP**18.1 POLICY REVIEW - POL032 (PREVIOUSLY ES100) VERBAL ADVICE****RESOLUTION 21/050**

Moved: Cr Narelle Payne

Seconded: Cr David Fahey OAM

That Council:

1. Reviews and endorses Policy POL032 Verbal Advice as presented for the purpose of public exhibition for a period of 28 days seeking community comment.
2. Should no submissions be received from the community at the conclusion of the exhibition, POL032 Verbal Advice as presented be deemed as adopted.

CARRIED**18.2 POLICY REVIEW - POL037 (PREVIOUSLY ES150) PUBLIC INTEREST DISCLOSURES INTERNAL REPORTING****RESOLUTION 21/051**

Moved: Cr Narelle Payne

Seconded: Cr David Fahey OAM

That Council:

1. Reviews and endorses Policy POL037 Public Interest Disclosures Internal Reporting as presented for the purpose of public exhibition for a period of 28 days seeking community comment.
2. Should no submissions be received from the community at the conclusion of the exhibition, Policy POL037 Public Interest Disclosures Internal Reporting as presented be deemed as adopted.

CARRIED**18.3 POLICY REVIEW - POL039 (PREVIOUSLY ES170) CIVIC RECEPTION****RESOLUTION 21/052**

Moved: Cr Narelle Payne

Seconded: Cr David Fahey OAM

That Council:

1. Reviews and endorses Policy POL039 Civic Reception as presented for the purpose of public exhibition for a period of 28 days seeking community comment.
2. Should no submissions be received from the community at the conclusion of the exhibition, POL039 Civic Reception as presented be deemed as adopted.

CARRIED

18.4 POLICY REVIEW - POL049 (PREVIOUSLY ES280) OBTAINING LEGAL ADVICE**RESOLUTION 21/053**

Moved: Cr Narelle Payne

Seconded: Cr David Fahey OAM

That Council:

1. Reviews and endorses Policy POL049 (previously ES280) Obtaining Legal Advice as presented for the purpose of public exhibition for a period of 28 days seeking community comment.
2. Should no submissions be received from the community at the conclusion of the exhibition, POL049 Obtaining Legal Advice as presented be deemed as adopted.

CARRIED

18.5 PROPOSED NEW LICENCE AGREEMENT WITH NARRANDERA IMPERIAL FOOTBALL & NETBALL CLUB INCORPORATED**RESOLUTION 21/054**

Moved: Cr Tracey Lewis

Seconded: Cr Narelle Payne

That Council:

1. Acknowledges the valuable comments within each of the submissions received during the community consultation process; and
2. Acknowledges the partnership and commitment of both the Narrandera Rugby League Football Club Incorporated and the Narrandera Imperial Football & Netball Club Incorporated to develop and agree to a Memorandum of Understanding for use of the new facility; and
3. Agrees to include within the final licence agreement more definitive wording for the term 'Clubhouse Event' and that the phrase 'not unreasonably withhold use' be expanded to provide clarity of intention, also that a minimum timeframe be provided for notification to Council of a planned event; and
4. Resolves to formally endorse the intention to enter into a licence agreement with the Narrandera Imperial Football & Netball Club Incorporated for parts of the new Clubhouse and Change Rooms Structure at the Narrandera Sportsground with the final licence agreement to be presented to a future meeting of Council for adoption, followed by execution of the document by both parties soon after.

CARRIED

19 STATUTORY AND COMPULSORY REPORTING – DEVELOPMENT SERVICES REPORTS

19.1 FEBRUARY 2021 DEVELOPMENT SERVICES ACTIVITIES

RESOLUTION 21/055

Moved: Cr Narelle Payne
 Seconded: Cr Tracey Lewis

That Council:

1. Receives and notes the Development Services Activities Report for February 2021.

CARRIED

20 STATUTORY AND COMPULSORY REPORTING – FINANCIAL / AUDIT REPORTS

20.1 FEBRUARY INCOME STATEMENT

RESOLUTION 21/056

Moved: Cr Narelle Payne
 Seconded: Cr Tracey Lewis

That Council:

1. Receives and notes the information contained in the Income Statement report for the period ending 28 February 2021.

CARRIED

20.2 FEBRUARY STATEMENT OF INVESTMENTS

RESOLUTION 21/057

Moved: Cr Narelle Payne
 Seconded: Cr Jenny Clarke OAM

That Council:

1. Receives and notes the information contained in the Statement of Investments report as at 28 February 2021.

CARRIED

20.3 FEBRUARY STATEMENT OF RATES AND RECEIPTS

RESOLUTION 21/058

Moved: Cr Narelle Payne

Seconded: Cr Kevin Morris

That Council:

1. Receives and notes the information contained in the Statement of Rates and Receipts report as at 01 March 2021.

CARRIED

20.4 FEBRUARY STATEMENT OF BANK BALANCES

RESOLUTION 21/059

Moved: Cr David Fahey OAM

Seconded: Cr Narelle Payne

That Council:

1. Receives and notes the information contained in the Statement of Bank Balances report as of 28 February 2021.

CARRIED

20.5 FEBRUARY CAPITAL WORKS PROGRAM

RESOLUTION 21/060

Moved: Cr Narelle Payne

Seconded: Cr Jenny Clarke OAM

That Council:

1. Receives and notes the information contained in the Capital Works report as of 28 February 2021.

CARRIED

21 STATUTORY AND COMPULSORY REPORTING – OTHER REPORTS

Nil

22 CONFIDENTIAL BUSINESS PAPER REPORTS

RESOLUTION 21/061

Moved: Cr David Fahey OAM
 Seconded: Cr Narelle Payne

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the *Local Government Act 1993*:

22.1 Economic Development Strategy at 3 March 2021

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

CARRIED

22.1 ECONOMIC DEVELOPMENT STRATEGY AT 3 MARCH 2021

RESOLUTION 21/062

Moved: Cr David Fahey OAM
 Seconded: Cr Kevin Morris

1. That Council receives and note the Economic Development Strategy (confidential version) containing updates following the Economic Taskforce Committee meeting held 2 March 2021.

CARRIED

23 OPEN COUNCIL

RESOLUTION 21/063

Moved: Cr David Fahey OAM
 Seconded: Cr Tracey Lewis

That Council moves out of Closed Council into Open Council and the Mayor advise of the resolutions endorsed in Closed Session.

CARRIED

The Meeting closed at 2.33pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 20 April 2021.

.....
GENERAL MANAGER

.....
CHAIRPERSON

UnConfirmed

8 MAYORAL REPORT

8.1 MAYORAL REPORT MARCH / APRIL 2021

Document ID: 545285

Author: Mayor

Theme: Our Civic Leadership

Attachments: Nil

RECOMMENDATION

That Council:

1. Receives and notes the Mayoral Report for March / April 2021.

BACKGROUND

Since submitting my last Mayor's Report that was presented to the Ordinary Council meeting of 16 March 2021, I have had the privilege to attend the following on behalf of our Council:

Meetings with General Manager

Attended regular Monday, and unscheduled, meetings with the General Manager George Cowan to discuss various matters. Deputy Mayor also attends these meetings.

All Councillors and I attend a weekly Zoom meeting whenever possible with the General Manager.

Media Interviews

I have had media interviews with Triple M Wagga, The Daily Advertiser and our local Community Radio Station during the monthly segment covering recent topics of interest and/or concern.

MARCH 2021

Tuesday 9

Together with the General Manager George Cowan and Deputy General Manager Shane Wilson, I met with our Local Member for Cootamundra Steph Cooke MP for the announcement of funding for the electorate from the Fixing Country Bridges program. We travelled out to the Sommerset Park Bridge which is one of the two bridges to receive upgrading from this round of funding. The other bridge to receive an upgrade from this round of funding is Molly's Bridge. There are other bridges within the Shire that need upgrades and application will be made for them in future



rounds of the Fixing Country Bridges program.



Images: General Manager George Cowan, Steph Cooke MP and Mayor Kschenka

Tuesday 9

Together with fellow committee members, I attended the Narrandera Floodplain Risk Management Committee meeting. Minutes of the meeting were presented to Council's March Ordinary meeting.

Saturday 13

After accepting an invitation from Instructing Captain Craig Day from the Air League, I had an interesting afternoon meeting some of the Air League Cadets and inspecting the upgrades at the Air League Training Facility at the Airport.

Joining me on this occasion were Crs Payne and Clarke.



Image above: Cadet Gunn tests the simulator with Cadets Biggs and Smith watching on.



Image left: Captain Bob Manning, Cr Narelle Payne, Cr Jenny Clarke, Cadet Smith, Cadet Biggs, Instructing

Officer Craig Day and Mayor Neville Kschenka.

Tuesday 16

I chaired the monthly Councillors Briefing Session and Ordinary Council Meeting. Unconfirmed Minutes of the Council Meeting are submitted for Council's endorsement.

Wednesday 17

Together with the General Manager I enjoyed another segment on the local Community Radio, 91.1 Spirit FM, where GM George Cowan and I advise the listeners on outcomes of agenda items from the monthly council meeting as well as providing any updates on current projects. Positive comments continue regarding this segment held monthly at 8:30am, usually the Thursday following the monthly Council meeting.

Thursday 31

Together with the General Manager George Cowan, I joined in a RAMJO Zoom on Murray and Murrumbidgee Regional Water Strategies.

The strategies along with the NSW State Water Strategy are under development and will be exhibited for public comment later on in 2021.

The regional water strategies will discuss options across a range of measures including regulation or how the water is shared, and the system operates, infrastructure including water storage, how people industries and communities use water and implementation.

Thursday 31

Following an invitation from Group Captain Chris Ellison Senior Australian Defence Force Officer, I had the pleasure of attending the Royal Australian Airforce 100th Birthday Gala Dinner. This was a very enjoyable evening. My assigned host, Personnel Officer Steve Weiderman greeted me and ensured I was familiar with facilities and accompanied me at my table during the evening. Various personnel provided information on the history of the Wagga Wagga RAAF Base and the Narrandera Training School (Number 8 EFTS) which played an important role in pilot training during World War II. Speakers included new recruits through to senior officers. Also in attendance were Deputy Prime Minister Michael McCormack, Senator Wes Fang, Member for Wagga Dr Joseph McGirr MP, Mayor of Wagga Wagga City Council Cr Greg Conkey OAM.



Image above: Mayor Neville Kschenka with Personnel Officer Steve Weiderman.

APRIL 2021

Thursday 1

Interview with a Journalist from The Daily Advertiser which involved discussing Health Services in Narrandera.

Sunday 4

At the Narrandera Rod Run “Show N Shine” event I was invited to provide a short speech thanking the organisers of the event and congratulating them on a great weekend especially with the COVID regulations and restrictions.

My congratulations to Steven and Ray Alldrick and their team and Narrandera Council staff including the Infrastructure and Economic Development teams, and Edwina Foley for managing this event under difficult circumstances and making the 2021 Rod Run event a very memorable one.

Wednesday 7

The General Manager, relevant Council staff and I met with Steven and Kathleen Alldrick for a debrief discussion about the Easter weekend event. The organisers were thrilled with the outcome and very pleased with the efforts of all involved including the business community and Council in ensuring a successful event.

I extend my gratitude and thanks to those Councillors who have attended various meetings throughout the past month, either on my behalf, or as elected committee members.

Until next time, Mayor Kschenka

RECOMMENDATION

That Council:

- 1.Receives and notes the Mayoral Report for March / April 2021.

9 QUESTION WITH NOTICE

Nil

10 NOTICES OF RESCISSION

Nil

11 NOTICES OF MOTION**11.1 NOTICE OF MOTION - KOALA RESEARCH CENTRE**

Document ID: 549996
Author: Cr David Fahey
Theme: Our Environment
Attachments: Nil

I, Councillor David Fahey, hereby submit the following Notice of Motion to the Narrandera Shire Council's Ordinary Meeting of Council be held on 20 April 2021.

MOTION

1. That Narrandera Shire Council lobby Member for Cootamundra, Steph Cooke and the NSW Parks and Wildlife Service to set up a Koala Research Centre in Narrandera.

BACKGROUND**Grounds for the Motion**

1. To research and protect the koala population in the Narrandera LGA.
2. To create a tourism opportunity for Narrandera.
3. To create employment in the Narrandera LGA.
4. To protect the disease-free status of the Narrandera koala population.

Financial Implications

There are no long-term financial implications to NSC apart from staff time to write letters. It is envisaged that the centre, if built, would be run by NSW Parks and Wildlife.

Background Information

The recent review of SEPP 44 – Koala Habitat Protection is an example of the need to protect the Narrandera koala population.

The principles of the Koala SEPP 2021 are to:

- Help reverse the decline of koala populations by ensuring koala habitat is properly considered during the development assessment process.
- Provide a process for councils to strategically manage koala habitat through the development of koala plans of management. (NSW Government SEPP 44).

In New South Wales, koalas are special – but they are also under threat. Habitat loss, urban expansion, bush fires, car strikes, dog attacks and disease are all serious threats facing our koalas.

Koalas in New South Wales are also some of the most genetically diverse in the country. They may be critical to the future survival of the species.

While they can be hard to find, there may be around 20,000 to 30,000 wild koalas still living in New South Wales. (NSW Government, 2021)

The koala has suffered a dramatic decline in numbers and distribution since the arrival of Europeans. Surveys in NSW indicate that since 1949, populations of koalas have been lost from many localities. Most populations in NSW now survive in fragmented and isolated habitat and many of the areas in which koalas are most abundant are subject to intense and ongoing pressures.

The koala is listed as 'vulnerable to extinction' under the *Biodiversity Conservation Act 2016* because of declining numbers and the ongoing pressure of threats. Such listing gives the species more protection and attention and means proposals for development that will affect koala habitat are rigorously assessed. (NSW Government, 2021)

The building of a Koala Research Centre may help to protect and study the local Narrandera koala population; it could create employment and be a tourist attraction; it could double as a rehabilitation area to treat injured koalas.

It has been estimated that koalas benefit the Australian economy by creating over 9,000 jobs and contribute between \$1.1 billion and \$2.5 billion per year to tourism in Australia. (NSW Government, 2021) (Pre-COVID 19 figures).

References

- NSW Government, Availability <https://koala.nsw.gov.au> [Accessed 23 March 2021]
- NSW Government, Availability <https://www.environment.nsw.gov.au/topics/animals-and-plants/native-animals/native-animal-facts/koala> [Accessed 23 March 2021]
- State Environmental Planning Policy (Koala Habitat Protection) 2021, Availability <https://legacy.legislation.nsw.gov.au/EPIs/2021-115.pdf> [Accessed 23 March 2021]

RELEVANCE TO COMMUNITY STRATEGIC PLAN AND OTHER STRATEGIES / MASTERPLANS / STUDIES

Theme

Our Environment

Strategy

2.1 - To value, care for and protect our natural environment

Action

2.1.1 - Encourage and promote environmental awareness

RECOMMENDATION

1. That Narrandera Shire Council lobby Member for Cootamundra, Steph Cooke and the NSW Parks and Wildlife Service to set up a Koala Research Centre in Narrandera.

12 COUNCILLOR REPORTS

Nil

13 COMMITTEE REPORTS**13.1 MINUTES - PARKSIDE COTTAGE MUSEUM COMMITTEE - 8 MARCH 2021****Document ID: 549567****Author: Senior Customer Service Administration Officer****Authoriser: Deputy General Manager Corporate and Community****Attachments: 1. Parkside Cottage Museum Committee Minutes - 8 March 2021****RECOMMENDATION**

That Council:

1. Receives and notes the Minutes of the Parkside Cottage Museum Committee held on Monday 8 March 2021; and
2. Considers the recommendation to extend the trial 'donation for entry' for an additional 12 months with this to be reviewed in preparation for the 2022-2023 budget process. Inconclusive data was unable to be gathered due to the facility being closed because of COVID-19 and renovations since April 2020.

**MINUTES OF NARRANDERA SHIRE COUNCIL
PARKSIDE COTTAGE MUSEUM COMMITTEE
HELD AT THE YOUTH SPACE - LIBRARY
ON MONDAY, 8 MARCH 2021 AT 1:00PM**

1 PRESENT

Chairperson Steve Wicker, Members Mrs Josie Middleton, Ms Lynette Burrell, Mr Bob Bennett, Mrs Nerelle Daly, Mrs Lesley Bailey, Cr Barbara Bryon, Observers CDM Sue Killham, Kim Biggs, Minute Taker Mel Gilmour

2 APOLOGIES

Nil

3 DECLARATIONS OF PECUNIARY INTEREST

Nil

4 CONFIRMATION OF PREVIOUS MEETING MINUTES

COMMITTEE RESOLUTION

Moved: Ms Lynette Burrell

Seconded: Mr Bob Bennett

That the minutes of the Parkside Cottage Museum Committee held on 1 October 2020 be confirmed.

CARRIED

5 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

6 REPORTS

6.1 2021-2022 DRAFT FEES AND CHARGES

COMMITTEE RESOLUTION

Moved: Cr Barbara Bryon

Seconded: Mrs Lesley Bailey

The Committee:

1. Review and discuss the 2021-2022 Draft Fees and Charges.
2. Recommend an extension for the trial “donation for entry” for an additional 12 months with this to be reviewed in the 2022-2023 Budget. Inconclusive data was unable to be gathered due to the facility being closed because of COVID-19 and renovations since April 2020.

CARRIED

6.2 MUSUEM ADVISOR REPORT

COMMITTEE RESOLUTION

Moved: Mr Bob Bennett

Seconded: Mrs Josie Middleton

The Committee

1. Receive and note the report from Museum Advisor Kim Biggs.

CARRIED

6.3 REVENUE & EXPENDITURE BUDGET 2020-21

COMMITTEE RESOLUTION

Moved: Ms Lynette Burrell

Seconded: Mrs Nerelle Daly

The Committee:

1. Receive and note the Budget & Expenditure reports as of March 2021.

CARRIED

8 NEXT MEETING

Monday 7 June 2021 at 1:30pm

9 MEETING CLOSE

The Meeting closed at 1:30pm.

The minutes of this meeting were confirmed at the Parkside Cottage Museum Committee held on .

.....
CHAIRPERSON

13.2 MINUTES - GRONG GRONG COMMUNITY COMMITTEE - 10 MARCH 2021**Document ID: 549570****Author: Senior Customer Service Administration Officer****Authoriser: Deputy General Manager Corporate and Community****Attachments: 1. Grong Grong Community Committee Minutes - 10 March 2021****RECOMMENDATION**

That Council:

1. Receives and note the Minutes of the Grong Grong Community Committee held on Wednesday 10 March 2021; and
2. Considers the recommendation from the Committee to include the following usage fees for the Grong Grong Sportsground in the annual schedule of fees and charges:
 - Commercial use \$200 per day
 - Community use \$20 per day
 - Loss or damage to the Grong Grong Sportsground or any property associated with the Sportsground be full cost recovery; and
3. Considers the recommendation from the Committee to include a new line item that loss or damage to the Grong Grong Hall or any property associated with the Hall be full cost recovery.



MINUTES

Grong Grong Community Committee Meeting

10 March 2021

**MINUTES OF NARRANDERA SHIRE COUNCIL
GRONG GRONG COMMUNITY COMMITTEE MEETING
HELD AT THE GRONG GRONG HALL
ON WEDNESDAY, 10 MARCH 2021 AT 7:00PM**

1 PRESENT

Chairperson Bob Manning, Member Jean Batchelor, Member Reiner Meier, Member John Foley, Member Julie Marwood, Member Leonard O'Reilly, Observers David Marwood, CDM Sue Killham, DGMCC Martin Hiscox, Minute Taker Mel Gilmour

2 APOLOGIES

COMMITTEE RESOLUTION

Moved: Member Jean Batchelor

Seconded: Member Reiner Meier

That apologies from Cr Barbara Bryon, Member Gemma Purcell, Member Graeme Missen and Member Peter Skarlis be received and accepted.

CARRIED

3 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

4 CONFIRMATION OF PREVIOUS MEETING MINUTES

COMMITTEE RESOLUTION

Moved: Member John Foley

Seconded: Member Leonard O'Reilly

That the minutes of the Grong Grong Community Committee Meeting held on 21 October 2020 be confirmed.

CARRIED

5 REPORTS

5.1 REVENUE & EXPENDITURE BUDGET 2020-21

COMMITTEE RESOLUTION

Moved: Member Julie Marwood

Seconded: Member Jean Batchelor

The Committee:

1. Receive and note the Budget & Expenditure reports as of March 2021.

CARRIED

5.2 ACTION LIST / KEY REGISTER

COMMITTEE RESOLUTION

Moved: Member Reiner Meier

Seconded: Member Julie Marwood

The Committee:

1. Review and update the action list and key register.

CARRIED

5.3 GRONG GRONG HALL AND SPORTSGROUND PROJECTS UPDATE

COMMITTEE RESOLUTION

Moved: Member Leonard O'Reilly

Seconded: Member Jean Batchelor

The Committee:

1. Receive and note an update on pending and completed projects relating to the Grong Grong Hall and Sportsground.

CARRIED

5.4 2021-2022 DRAFT FEES & CHARGES

COMMITTEE RESOLUTION

Moved: Member Reiner Meier

Seconded: Member Julie Marwood

The Committee:

1. Receive and note the information contained in the draft Fees and Charges for the 2021/2022 Financial year relating to the Grong Grong Hall.
2. Recommends adding the following usage fees for the Grong Grong Sportsground,
 - Commercial rate \$200 per day
 - Community rate \$20 per day
 - Loss or damage full cost recovery
3. Recommends that Loss or damage of Grong Grong Hall property full cost recovery.

CARRIED

6 NEXT MEETING

Thursday 10 June 2021 at 7:10pm Ordinary Meeting with AGM 7:00pm

7 MEETING CLOSE

Meeting Closed at 7:45pm

13.3 MINUTES - NARRANDERA DOMESTIC VIOLENCE ADVISORY COMMITTEE - 25 MARCH 2021

Document ID: 551067

Author: Community Support Manager

Authoriser: Deputy General Manager Corporate and Community

Attachments: 1. Narrandera Domestic Violence Advisory Committee Minutes - 25 March 2021

RECOMMENDATION

That Council:

1. Receives and notes the Minutes of the Narrandera Domestic Violence Advisory Committee held on Thursday 25 March 2021.

**MINUTES OF NARRANDERA SHIRE COUNCIL
DOMESTIC VIOLENCE COMMITTEE
HELD AT THE INTERVIEW ROOM
ON THURSDAY, 25 MARCH 2021 AT 3:30PM**

1 PRESENT

Chairperson Trevor Murphy, Members Sue Ruffles, Tiffany Thornton, Cr Tracey Lewis, Observers Alternate Barbara Bryon, CSM Stacie Mohr,

2 APOLOGIES

COMMITTEE RESOLUTION

Moved: Cr Tracey Lewis

Seconded: Member Sue Ruffles

That apologies from Member Leigh Mathieson and Member Kristy McDuff be received and accepted.

CARRIED

3 DECLARATIONS OF PECUNIARY INTEREST

Nil

4 CONFIRMATION OF PREVIOUS MEETING MINUTES

COMMITTEE RESOLUTION

Moved: Member Tiffany Thornton

Seconded: Cr Tracey Lewis

That the minutes of the Domestic Violence Committee held on 14 December 2020 be confirmed.

CARRIED

5 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

6 REPORTS

6.1 DOMESTIC VIOLENCE BANNERS

COMMITTEE RESOLUTION

Moved: Member Sue Ruffles

Seconded: Cr Tracey Lewis

Domestic Violence Committee:

1. Request for funds from the Domestic Violence Committee budget to hang the banners in East Street at the cost of \$833.30.
2. Recommend that two banners be hung at Gillenbah and four banners be hung in East Street.
3. CSM Stacie Mohr make application for the hanging of the banners at Gillenbah and in East Street for the last two weeks in May and the first two weeks in June 2021.

CARRIED

6.2 SUBMISSIONS TO THE JOINT SELECT COMMITTEE ON COERCIVE CONTROL

COMMITTEE RESOLUTION

Moved: Member Trevor Murphy

Seconded: Cr Tracey Lewis

The Domestic Violence Committee

1. Receive and note updates from the Committee Chairperson on the submission made by Member for Cootamundra Steph Cooke, to the Joint Select Committee on Coercive Control
2. Endorse the proposed Joint Selection Committee hearing on Coercive Control to be held in Narrandera at the CRC Church on 22 April 2021

CARRIED

7 NEXT MEETING

17 June 2021 at 3.30pm

8 MEETING CLOSE

The Meeting closed at 4.18pm

The minutes of this meeting were confirmed at the Domestic Violence Committee held on .

.....
CHAIRPERSON

13.4 MINUTES - LAKE TALBOT ENVIRONS ADVISORY COMMITTEE - 11 MARCH 2021**Document ID: 551175****Author: Administration Officer****Authoriser: Deputy General Manager Infrastructure****Attachments: 1. Lake Talbot Environs Advisory Committee Minutes - 11 March 2021****RECOMMENDATION**

That Council:

1. Receives and notes the Minutes of the Lake Talbot Environs Advisory Committee held on Thursday 11 March 2021.



MINUTES

Lake Talbot Environs Advisory Committee Meeting

11 March 2021

**MINUTES OF NARRANDERA SHIRE COUNCIL
LAKE TALBOT ENVIRONS ADVISORY COMMITTEE MEETING
HELD AT THE NARRANDERA EX-SERVICEMENS CLUB
ON THURSDAY, 11 MARCH 2021 AT 6.35PM**

1 PRESENT

Cr Neville Kschenka, Cr Narelle Payne, Chairperson Mr Rex Evans, Mr Peter Beal, Mr Jeff Kirk, Mr Ken Murphy, Mr Shane Wilson DGMI – Observer, Cameron Lander – Observer

2 APOLOGIES

COMMITTEE RECOMMENDATION

Moved: Chairperson Rex Evans

Seconded: Mr Peter Beal

That apologies from Mr Darren Knagge and Ms Helen McDermott be received and accepted.

3 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

4 CONFIRMATION OF PREVIOUS MEETING MINUTES

COMMITTEE RECOMMENDATION

Moved: Cr Neville Kschenka

Seconded: Mr Peter Beal

That the minutes of the Lake Talbot Environs Advisory Committee Meeting held on 28 October 2020 be confirmed.

5 REPORTS

5.1 LAKE TALBOT DEEPENING PROJECT

COMMITTEE RESOLUTION

Moved: Mr Peter Beal

Seconded: Cr Narelle Payne

That the Committee:

1. Discuss the Deepening Project for Lake Talbot.

DGMI provided an update on the process needed to move the project forward.

2. That Council actively explore funding opportunities from Crownlands, Better Boating, and other suitable agencies for the preparation of the studies required for the Environmental Impact Statement and other approvals.

CARRIED

5.2 MATTERS RAISED BY COMMITTEE MEMBER REX EVANS

RECOMMENDATION

That the Committee discuss the items below as received from member Rex Evans.

- Relocation of the existing pontoon to Rocky Water Holes, with assistance from the fishing club.
- Information on a new pontoon to be provided by Rex Evans at a future meeting.
- Working bee to be planned to replace damaged sandbags, with advise to be provided to DGMI on the number and size of sand bags needed.

5.3 MATTERS RAISED BY COMMITTEE MEMBER KEN MURPHY

RECOMMENDATION

That the Committee discuss the item below as received from member Ken Murphy.

- DGMI provided an update on the status of upgrade work that Murrumbidgee Irrigation was doing on the canal/lake embankment.

5.4 MATTERS RAISED BY COMMITTEE MEMBER PETER BEAL

RECOMMENDATION

That the Committee discuss the item below as received from member Peter Beal.

- Discussion on the current condition and potential upgrading of the Rotary Lookout. DGMI to inspect and determine the priority of works, with the Rotary Club to be consulted prior to any major works.

5.5 MATTERS RAISED BY COMMITTEE MEMBER CR NARELLE PAYNE

RECOMMENDATION

That the Committee discuss the items below as received from member Cr Narelle Payne. Discussion was held on:

- Guest speaker Nella Smith to be invited to attend the next meeting.
- Future improvement around Lake Talbot, seating BBQ's, and ski jump. Additional back rail needed on some of the seating.
- Possibility of an access path and additional entrance to the pool. DGMI advised that this could cause problems with additional gate attendants required.
- Signage at the boat ramp area and the need for some attractive promotional signage.
- Broader usage opportunities at the Lake (canoes and boat hire etc)

5.6 MATTERS RAISED BY COMMITTEE MEMBER JEFFERY KIRK

RECOMMENDATION

That the Committee discuss the item below as received from member Jeffery Kirk.

- Removal of a dangerous small gum tree from the lake bank. DGMI advised that this had already been completed.

6 GENERAL BUSINESS

Peter Beal – Grass near boat ramp picnic area heavily worn and would like a treatment considered to protect the area. DGMI advised there could be an option to place reinforcement under the turf as this was done in the caravan park.

Peter Beal – Landcare undertook a Clean-Up Australia day event at the boat ramp area, with some rubbish still requiring collection onsite.

Peter Beal – Large Privet bush and some Box Thorn left of boat ramp, requests that Council investigates and removes.

Cr Neville Kschenka – Rotary lookout walkway (North side of Lake) is in poor condition and asks that improvements be investigated. Designs have been previously undertaken for the area.

7 NEXT MEETING

10 June 2021 (TBC)

8 MEETING CLOSE

Meeting Closed at 7:32pm

13.5 MINUTES - SPORTS FACILITIES ADVISORY COMMITTEE - 11 MARCH 2021

Document ID: 551177

Author: Administration Officer

Authoriser: Deputy General Manager Infrastructure

Attachments: 1. Sports Facilities Advisory Committee Minutes - 11 March 2021

RECOMMENDATION

That Council:

1. Receives and notes the Minutes of the Sports Facilities Advisory Committee held on Thursday 11 March 2021.

**MINUTES OF NARRANDERA SHIRE COUNCIL
AGM - SPORTS FACILITIES ADVISORY COMMITTEE
HELD AT THE NARRANDERA SPORTSGROUND
ON THURSDAY, 11 MARCH 2021 AT 5.00PM**

1 PRESENT

Mr Gavin Sullivan, Mr Shane Longmore, Member Lee Longford, Cr Narelle Payne, Cr Jenny Clarke OAM, Mr Graham Flynn, Mrs Gayle Murphy – Observer. Shane Wilson DGMI – Observer.

2 APOLOGIES

COMMITTEE RESOLUTION

Moved: Mr Graham Flynn

Seconded: Member Lee Longford

That apologies from Mr Ron Absolom and Mr Brent Lawrence be received and accepted.

CARRIED

3 REPORTS

3.1 ELECTION OF COMMITTEE CHAIRPERSON

COMMITTEE RESOLUTION

Moved: Mr Graham Flynn

Seconded: Member Lee Longford

The Committee:

1. Elect a Chairperson for the upcoming 12 months.
Gavin Sullivan nominated by Mr Graham Flynn
No other nominations received.
Gavin Sullivan accepted nomination.
Gavin Sullivan elected as Committee Chairperson for the next 12 months.

CARRIED

3.2 REVIEW TERMS OF REFERENCE

COMMITTEE RESOLUTION

Moved: Mr Graham Flynn

Seconded: Cr Narelle Payne

That the Committee:

1. Review Terms of Reference for the Sports Facilities Advisory Committee.
2. Add dot point in No 3 Objective:
 - Assist with Narrandera Sportsperson nominations.

CARRIED

The AGM Meeting closed at 5.15pm.

**MINUTES OF NARRANDERA SHIRE COUNCIL
SPORTS FACILITIES ADVISORY COMMITTEE
HELD AT THE NARRANDERA SPORTSGROUND
ON THURSDAY, 11 MARCH 2021 AT 5.15PM**

1 PRESENT

Mr Gavin Sullivan, Mr Shane Longmore, Member Lee Longford, Cr Narelle Payne, Cr Jenny Clarke OAM, Mr Graham Flynn, Mrs Gayle Murphy – Observer. Shane Wilson DGMI – Observer.

2 APOLOGIES

COMMITTEE RESOLUTION

Moved: Mr Graham Flynn

Seconded: Member Lee Longford

That apologies from Mr Ron Absolom and Mr Brent Lawrence be received and accepted.

CARRIED

3 DECLARATIONS OF PECUNIARY INTEREST

Nil

4 CONFIRMATION OF PREVIOUS MEETING MINUTES

COMMITTEE RESOLUTION

Moved: Cr Jenny Clarke OAM

Seconded: Mr Gavin Sullivan

That the minutes of the Sports Facilities Advisory Committee held on 9 December 2019 be confirmed.

CARRIED

5 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

6.1 COMMITTEE NOMINATION - GAYLE MURPHY

COMMITTEE RESOLUTION

Moved: Member Lee Longford

Seconded: Mr Shane Longmore

The Committee

1. Consider and endorse the committee nomination for Mrs Gayle Murphy.
2. The Committee endorsed the nomination for Mrs Gayle Murphy.

CARRIED

6.2 PROJECTS AND IMPROVEMENTS

RECOMMENDATION

That the Committee:

1. Receive and note the Projects and Improvements report update from Deputy General Manager Infrastructure on Henry Mathieson Oval and the Narrandera Sportsground projects.

6.3 MATTERS RAISED BY COMMITTEE MEMBER CR NARELLE PAYNE

RECOMMENDATION

That the Committee discussed the items received from member Cr Narelle Payne.

1. That the Committee receive and note items raised with no actions recommended.
2. It was discussed to invite the marketing/tourism staff to the next meeting to discuss usage opportunities.

6.4 MATTERS RAISED BY COMMITTEE MEMBER GAVIN SULLIVAN**RECOMMENDATION**

That the Committee discuss the item received from member Gavin Sullivan.

1. That the Committee receive and note the item raised with no actions recommended.

6.5 MATTERS RAISED BY COMMITTEE MEMBER SHANE LONGMORE**RECOMMENDATION**

That the Committee discuss the item received from member Shane Longmore.

1. That the Committee receive and note the item raised with no actions recommended.

7 GENERAL BUSINESS

1. Member Shane Longmore enquired about the north west pocket and paspalum grass area which is unsafe.
2. Member Gayle Murphy complimented Lee Longford on running of the stadium.
3. Member Gayle Murphy – Stadium Masterplan, placement of sportsground things need to be planned together.
4. Cr Narelle Payne enquired about the club house and sports team numbers which are good at present.

8 CORRESPONDENCE

Nil

9 NEXT MEETING

To be advised

10 MEETING CLOSE

The Meeting closed at 5.55pm.

The minutes of this meeting were confirmed at the Sports Facilities Advisory Committee held on .

.....
CHAIRPERSON

**13.6 MINUTES - LOCAL EMERGENCY MANAGEMENT COMMITTEE - 9
FEBRUARY 2021****Document ID: 551178****Author: Administration Officer****Authoriser: Deputy General Manager Infrastructure****Attachments: 1. Local Emergency Management Committee Minutes - 9
February 2021****RECOMMENDATION**

That Council:

1. Receives and notes the Minutes of the Local Emergency Management Committee held on Tuesday 9 February 2021.

**MINUTES OF NARRANDERA SHIRE COUNCIL
LOCAL EMERGENCY MANAGEMENT COMMITTEE
HELD AT THE EMERGENCY OPERATION CENTRE 17-19 TWYNAM ST
NARRANDERA
ON TUESDAY, 9 FEBRUARY 2021 AT 9:24AM**

1 PRESENT

Chair Shane Wilson, Mr Owen Plowman, Mr Chris Quiring, Mr Wayne Heidtman, Mr Justin Langley, Mr Alastair Macdonald, Mr Lance Quinn, Mr Nicholas Beattie, Mr Matt van Buuren.

2 APOLOGIES

LEMO Fred Hammer, Cr Neville Kschenka, Cr Tracey Lewis, Mr Paul Billingham, Mr Craig McIntyre, Mr Jason Wall, Ms Lexi Hone, Mr Neal Tait and Mr Michael Van Den Bout

3 DECLARATIONS OF PECUNIARY INTEREST

4 CONFIRMATION OF PREVIOUS MEETING MINUTES

RECOMMENDATION

That the minutes of the Local Emergency Management Committee held on 9 February 2021 be confirmed.

5 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil.

6 GENERAL BUSINESS

6.1 – AGENCY REPORTS

6.1.1 – REMO – Refer to regional emergency management officers report attachment

6.1.2 – Fire & Rescue NSW – 31 Incidents being 25 fires and 6 ambulance assists. Safety visits program being undertaken to check smoke detectors and encourages agencies to put any occupants in touch with the local station. F&R are still available to undertake joint inspection with Council if requested.

6.1.3 – VRA – membership numbers are good, with two new members. New \$380k truck delivered to the unit at the end of 2020. Region 5 training was held in Narrandera at the end of 2020. VRA are working well with Fire & Rescue NSW at incidents.

6.1.4 – NSW Rural Fire Service – Normal type of fire season to date. Attendance to a number of Motor vehicle accidents. There has been a number of small fires, except for 5 units which attended a large fire in the Cowabbie area. New paging system now operational in Narrandera. This season has seen the early use of aircraft, which has assist

the fires to be contained until ground crews arrive. Several grants have been applied for and received by many brigades.

6.1.6 – Essential Energy – Nothing of concern to report, business as usual.

6.1.7 – NSW Police – This are going well in the area with a full complement of staff. Direct contact via work mobile phones has been working well.

6.1.8 – Narrandera Airport – Update on completed upgrades provided, lighting, security fencing. No airport incidents to report.

6.1.10 – LEMO – Nothing of concern to report.

It was discussed and agreed that the Local Emergency Management Committee should start at 9am and immediately followed by the Narrandera Local Rescue Committee. This will allow for agency members not required for the Recue meeting with the opportunity to leave at the end of the LEMC meeting.

7 CORRESPONDENCE

Agency reports provided for the meeting.

Attachments

- 1 20210209 - LEMC - Feb 2021 - Rural Fire Service MIA District report.pdf
- 2 20210209 - LEMC - 9 Feb 2021 Riverina Murray REMO Report .pdf
- 3 20210209 - LEMC - 9 Feb 2021 - Transport for NSW report Quarter 1 2020.docx
- 4 20210209 - LEMC - 9 Feb 2021 - Fire and Rescue report .docx
- 5 20210209 - LEMC - 9 Feb 2021 - Red Cross report .pdf

8 NEXT MEETING

8 June 2021

9 MEETING CLOSE

The Meeting closed at 10:10am

The minutes of this meeting were confirmed at the Local Emergency Management Committee held on 9 February 2021.

.....
CHAIRPERSON

13.7 MINUTES - TRAFFIC COMMITTEE - 17 MARCH 2021

Document ID: 551179

Author: Traffic Airport Engineer

Authoriser: Deputy General Manager Infrastructure

Attachments: 1. Traffic Committee Minutes - 17 March 2021

RECOMMENDATION

That Council:

1. Receives and notes the Minutes of the Traffic Committee held on Wednesday 17 March 2021.

**MINUTES OF NARRANDERA SHIRE COUNCIL
TRAFFIC
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 17 MARCH 2021 AT 1.30PM**

1 PRESENT

Mr Greg Minehan Transport for NSW Representative, Mrs Morna Knight Member for Cootamundra Representative, DGMI Shane Wilson (Chairperson), WM Barry Heins (observer) Minute Taker Andrew Pearson (observer)

2 APOLOGIES

A/Sgt Brett Jameson NSW Police, Mrs Zoe Turner Transport for NSW Representative

(The chairperson advised those present that the NSW Police had provided comment on the report prior to the meeting and that these comments would be incorporated into the minutes).

3 DECLARATIONS OF PECUNIARY INTEREST

Nil

4 CONFIRMATION OF PREVIOUS MEETING MINUTES

Actions from the previous meeting were confirmed.

4.1 MINUTES - TRAFFIC COMMITTEE - 7 SEPTEMBER 2017

RECOMMENDATION

That Council:

Receives and notes the Minutes of the Traffic Committee meeting held 7 September 2017.

5 BUSINESS ARISING FROM PREVIOUS MINUTES

It was confirmed that all actions from the previous meeting were implemented.

6 REPORTS

6.1 AUDLEY STREET - NO STOPPING AND PARALLEL PARKING

RECOMMENDATION

That Council note the Traffic Committee's approval to amend the following parking conditions in Audley Street, Narrandera as follows:

1. That parking on the southern side of Audley Street in the vicinity of the Liberty Fuel Service Station be formalised via installation of No Stopping (R5-400 pointing west) sign approximately 10m from the kerb line on Cadell Street and installation of 45 degrees untimed angle parking (R5-10 arrow pointing east).
2. That the existing Parallel Parking on the northern side of Audley Street in the vicinity of 41 Cadell Street be formalised with the installation of a Parallel Parking sign (arrow pointing east) from the commencement of the No Stopping zone location to an existing location mid-block where parallel parking signage currently exists.

The chairperson outlined that it was an opportune time to review and formalise parking arrangements at the intersection of Cadell Street and Audley Street with the opening of the Liberty Fuel Service Station. It was envisaged that there will be an increase of through traffic in Audley Street and increased traffic turning off Cadell Street wanting to access the fuel service station.

It is proposed to formalise the southern side of Audley Street via installation of No Stopping (R5-400) sign approximately 10m from the kerb line in Cadell Street and installation of 45-degree untimed angle parking (R5-10).

However, it was pointed out that the northern side of Audley Street is more complex given the limited parking available on the Cadell Street frontage of 41 Cadell Street and variation in kerb and gutter alignment.

Two options were considered being:

1. Extend the existing No Stopping zone on the northern side of Audley Street to a position at or slightly east of the existing large London Plane tree. This proposed extension of the No Stopping zone would allow a clearer turning path particular for larger vehicles turning into Audley Street from Cadell Street. However, this would further limit available on street parking for the residents of 41 Cadell Street.
2. Retain the existing location of the No Stopping / Parallel Parking on the northern side of Audley Street (Cadell Street – East Street) at the property 41 Cadell Street.

After consideration it was agreed to retain the existing location of the No Stopping / Parallel Parking on the northern side of Audley Street.

6.2 BOLTON STREET NARRANDERA - TAXI RANK

RECOMMENDATION

That Council note the Traffic Committee's approval to:

1. Remove the existing Taxi Rank located on the southern side of Bolton Street (East Street – Charles Street).
2. That this location reverts to time limited one-hour forty-five-degree parking.
3. That this location be reconsidered as a suitable site for the re-establishment of a taxi rank in the future should the need arise.

This report was tabled to seek Traffic Committee endorsement to remove the existing taxi rank located in Bolton Street (East Street – Charles Street) and revert this location to one-hour time limited forty-five-degree parking.

The chairperson advised that the existing taxi rank and canopy was established at its current location in the early 2000s. However there has not been a licensed taxi company operating from Narrandera for nearly two years and as such this area has been unavailable for 'normal' parking in what is considered a high demand area for parking within the CBD.

The unavailability of forty-five-degree parking was further highlighted when a point-to-point operator (not formal licensed taxi operator) commenced operating where the public is able to be picked up / dropped off. However, the operator is unable to utilise the existing taxi rank not being a formal licensed taxi operator.

As there is no formal taxi operating in Narrandera, it is proposed to remove the existing taxi rank and convert this location to time limited one-hour forty-five-degree parking.

This will then enable the general public to utilise this area for short term time limited parking within the CBD area in what is considered a high demand area for parking.

The Traffic Committee supported this proposal and agreed that should in the future a formal taxi operator recommence it is recommended that Council reconsider this location as a suitable site for the re-establishment of a taxi rank.

6.3 OLD BREWERY ROAD AND OAKBANK STREET SPEED LIMITS

RECOMMENDATION

That Council note the Traffic Committee's support to request TFNSW review the existing speed zoning at the following locations:

1. Old Brewery Road (Newell Highway to Oakbank Street).
2. Oakbank Street (Old Brewery Road to Lake Talbot Bridge).

The purpose of this report is to seek Traffic Committee support to review the existing speed zoning on Old Brewery Road and Oakbank Street Narrandera.

It is proposed to request TfNSW undertake a speed zone review of both roads with a possible solution as follows:

Old Brewery Road (Newell Highway to Oakbank Street) –
Sign posted 50km/h a distance of 200m.

Oakbank Street (Old Brewery Road to Lake Talbot Bridge) –

It is suggested that two possible options be considered being as follows:

A posted 50km/h speed limit from Old Brewery Road to Lake Talbot Bridge.

Alternatively, signage similar to “No Advisory Speed Drive to Conditions” be installed at each end of Oakbank Street.

The Transport for NSW representative advised that speed zoning is not a delegated authority of the Traffic Committee and as such should not be minuted in the adopted minutes of the meeting.

The approval for speed zoning is the responsibility of Transport for NSW and the role of the Traffic Committee is to assess roads and recommend its findings to TfNSW. In making a final determination TfNSW will consider both the comments offered by Council and the local Traffic Committee.

The Transport for NSW representative gave an undertaking that he would review and assess both roads and suggested that the Traffic Committee reconvene at a later date once the reviews had been undertaken to consider the findings.

6.4 DRISCOLL ROAD - SPEED LIMITS

RECOMMENDATION

That Council note the Traffic Committee’s support to request TfNSW review and comment on existing speed zoning at the following locations:

1. Driscoll Road and adjoining roads within the industrial estate.
2. Main Road 7608 in the vicinity of Driscoll Road and Red Hill Road intersections.

The purpose of this report is to seek Traffic Committee comment on a proposal to consider a reduction in speed limit on Driscoll Road from the existing 70km/h to 50km/h.

Research within Council archives confirm that a similar request to the current was considered by the Traffic Committee at a meeting held 20 July 2010. At that time, the Traffic Committee provided the following advice to Council:

“That Driscoll Road and all future roads to be constructed within the industrial estate are speed limited at 70km/h and painting of 70km/h speed limit patches on the bitumen at strategic locations along Driscoll Road is undertaken to reinforce the posted speed limit”.

Council subsequently adopted a recommendation from the Traffic Committee that the existing 70km/h posted speed limit on Driscoll Road be retained.

In order to get an indication of the current compliance with the existing 70km/h posted limit a traffic classifier was placed on Driscoll Road from 6 February 2021 to 1 March 2021 with a summary of the results as follows:

- Existing Posted Speed Limit 70 km/h
- 85% Speed 66.2 km/h
- 95% Speed 72.7 km/h
- Median Speed 53.6 km/h

As a comparison the previous count undertaken at this location 25 June 2014 to 9 July 2014 produced the following results:

- Existing Posted Speed Limit 70 km/h
- 85% Speed 76.7 km/h
- 95% Speed 86.4 km/h
- Median Speed 62.3 km/h

Council has also requested as part of the Driscoll Road proposed speed limit review that TfNSW review and comment on the adequacy of the existing 100km/h posted speed limit of Main Road 7608 (Barellan Road) at this location.

With increased heavy vehicle traffic accessing Driscoll Road and Red Hill Road due to the "Return and Earn" recycle facility located at the Waste Disposal Depot comment has been made within Council is the existing 100km/h posted speed limit of Main Road 7608 adequate at this location.

Whilst any proposed 80km/h posted speed limit and or a transition from 100km/h, 80km/h, 50km/h leading into Narrandera may cause conflict and may not be consistent with TfNSW policy. It is felt that this is an opportune time to consider the adequacy of existing speed zoning at these locations.

The Transport for NSW representative gave an undertaking that he would review and assess both roads and suggested that the Traffic Committee reconvene at a later date once the assessment had been undertaken to consider the findings.

6.5 REQUESTS FOR ACCESSIBLE PARKING SPACES VARIOUS LOCATIONS

RECOMMENDATION

That Council note the Traffic Committee's concurrence to install, and modify where required, accessible parking spaces at the following locations:

1. Grong Grong Commemoration Hall
2. Narrandera Parkside Cottage Museum
3. Victoria Square Council Chambers

The purpose of this report is to seek Traffic Committee concurrence for the installation of accessible parking spaces and or modifications to ensure compliance with standards at the following locations:

Grong Grong Commemoration Hall

Recent improvements to the Hall have included provision of accessible access from the Binya Street frontage. It is proposed to install one (1) accessible parking space and an

additional ramp (as per AS2890.5 2020) on the Balaro Street frontage which will enable almost direct access to the newly constructed ramps on the side entrance of the hall.

Narrandera Parkside Cottage Museum

It is proposed to formalise one (1) accessible parking space on the southern side of Twynam Street outside the Museum (as per AS 2890.5 2020). This will complement the recently constructed blister arrangements at the intersection of Cadell Street and Twynam Street. Consideration was given to installing the parking space on the Cadell Street side however it is a known area for short term truck parallel parking.

Victoria Square Council Chambers

It is proposed to install two (2) ramps (as per AS 2890.5 2020) either side of the existing accessible parking space along the southern side of the Memorial Gardens from the Council Chambers to the One Stop Shop (Community Transport) facility.

In conjunction with this project, it is proposed to install dashed lines or similar to prevent parking in front of the London Plane trees outside the Pathology Collection Centre and to make this area compliant with current standards.

6.6 GENERAL BUSINESS

RECOMMENDATION

That this item is received, and the information noted.

The purpose of this report is to update the Traffic Committee on various minor items that have occurred in recent times and give Traffic Committee members an opportunity to comment on any aspects they may want Council to investigate.

The chairperson advised that the western approach to Grong Grong from the Newell Highway was altered from 50km/h to 80 km/h during August 2020 this change has met with favourable comment from the travelling public. The chairperson thanked the Transport for NSW representative for his support.

Comment was raised about the pending Anzac Day annual march and contingencies that may require implementation to comply with existing health orders due to COVID.

The chairperson advised that an enquiry had been received regarding reviewing the current signage control at this location from Give Way to Stop. The Transport for NSW representative commented that the warrants for a Stop sign were 65m sight distance in either direction and he gave an undertaking to inspect the intersection and advise further.

The chairperson raised the issue of the urgent need for TfNSW to reinstate the Stop line at the intersection of Cadell Street and Audley Street. He went on to comment that he had witnessed near misses and referenced that Council had raised this matter previously with TfNSW through the RMCC contract. The TfNSW representative gave an undertaking to investigate this matter further and advise which section of TfNSW would attend to the identified works.

7 GENERAL BUSINESS

Nil

8 CORRESPONDENCE

Nil

9 NEXT MEETING

A decision was made to schedule two meeting per year, in a aim that this may ensure that all agencies are available. Dates are to be advised with meetings to be schedules for March and September each year, additional meetings to be scheduled as required.

10 MEETING CLOSE

The Meeting closed at 2.04pm Wednesday 17 March 2021.

The minutes of this meeting were confirmed at the Traffic Committee meeting held on.

.....
CHAIRPERSON

14 OUR COMMUNITY

14.1 2021-2022 COUNCIL FINANCIAL ASSISTANCE PROGRAM FOR COMMUNITY ORGANISATIONS

Document ID: 545076

Author: Senior Customer Service Administration Officer

Authoriser: Deputy General Manager Corporate and Community

Theme: Our Civic Leadership

- Attachments:**
1. **Policy CS20 Financial Assistance Program (under separate cover)** [⇒](#)
 2. **2021-2022 Financial Applications - Redacted (under separate cover)** [⇒](#)
 3. **2021-2022 Financial Assistance Grants Summary Matrix (under separate cover)** [⇒](#)

RECOMMENDATION

That Council

1. Endorse the proposed distribution of 2021-2022 financial assistance as follows:

Barellan & District Netball Association	\$ 2,000
Kamarah Hall Committee	\$ 250
Narrandera Shed for Men	\$ 2,000
Barellan Amateur Swimming Club	\$ 2,000
Barellan Show Society	\$ 453
Kids Konnect for the Kommunity	\$ <u>2,000</u>
Sub-total	\$ 8,703
Groups listed as per policy CS20 such as Schools	\$ 2,960
Mayor & General Manager fund	\$ 8,337
TOTAL	\$ 20,000

PURPOSE

The purpose of this report is to provide details of the applications received for the 2021-2022 Financial Assistance Program and for Council to endorse the proposed recommendation for the distribution of funds.

SUMMARY

Council’s Financial Assistance Program recognises that there are many groups within the community that assist to improve the quality of life for residents, workers and visitors. For the 2021-2022 financial year, it is anticipated that funds totalling \$20,000 will again be made available under Section 356 of the *Local Government Act 1993*.

A total of 17 applications were received requesting \$29,282. Copies of individual applications are available as a separate confidential attachment.

Some groups not requiring an application to be submitted are listed for consideration as per Council policy CS20 Financial Assistance Program. These groups include Fusion and schools across the Shire with their allocation totalling \$2,960. A copy of Policy CS20 and the scoring matrix is attached to this report.

BACKGROUND

A range of applications for 2021-2022 funding was received, with nominated projects ranging from the purchase of an inflatable aquatic volleyball net and high-pressure blower, purchase of sand for a sandpit and toys, assistance to an emerging sporting group to purchase portable shelters and the purchase of tapware to complete a project.

Of the 17 applications received: five meet 90% of the criteria established by the policy. Of these five applications, one has received funding from the Mayor and General Manager funding allocation and is therefore not eligible for the 2021-2022 program.

The projects recommended for funding have strong goals and strategic outcomes including support for sporting activities, the enhancement of community facilities, as well as providing equipment for community programs. Projects recommended to be endorsed met the assessment criteria ranging from 80% to 90% or required a small amount of funding to complete a project.

Other requests have not been recommended as Council has either allocated funds within other areas of the 2021-2022 budget to assist with expenses such as traffic management costs, or Council has identified that the applicant is able to source funding for the project through other agency or funding source.

RELEVANCE TO COMMUNITY STRATEGIC PLAN AND OTHER STRATEGIES / MASTERPLANS / STUDIES

Theme

Our Civic Leadership

Strategy

5.1 - To have a Council that demonstrates effective management consistently, also a Council that communicates and engages well with the community and works collaboratively

Action

5.1.1 - Accountable, transparent and ensure open communication between the community and Council

ISSUES AND IMPLICATIONS

Policy

- CS20 Financial Assistance Program

Financial

- The proposed financial assistance budget allocation for the 2021-2022 financial year remains at the 2021-2022 funding level of \$20,000.

Legal / Statutory

- Section 356 of the *Local Government Act 1993* provides for Council to contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.
- Should Council seek to allocate funds outside of the current policy guidelines, then a review of the current policy should be sought.

Community Engagement / Communication

- Hardcopy application forms and a copy of policy CS20 Financial Assistance Program were sent to numerous organisations during December 2020 with the funding process advertised within the print local media, promoted on Council’s website and social media pages during December 2020 and January 2021. The closing date for applications was Friday 5 February 2021.

Human Resources / Industrial Relations (if applicable)

- Nil

RISKS

The allocation of Council funding has been based on an assessment of the application in accordance with Councils adopted Financial Assistance Program.

OPTIONS

Options available to Council:

1. Approve the schedule of applications as presented for financial assistance for the 2021-2022 financial year; or
2. Amend the schedule of applications as presented for financial assistance for the 2021-2022 financial years.

CONCLUSION

Following the assessment of all applications received against the criteria established by CS20 Financial Assistance Program Policy and a determination that some applications could access funding from other funding sources, eight applications are recommended for funding for 2021-2022.

RECOMMENDATION

That Council

1. Endorse the proposed distribution of 2021-2022 financial assistance as follows:

Barellan & District Netball Association	\$ 2,000
Kamarah Hall Committee	\$ 250
Narrandera Shed for Men	\$ 2,000
Barellan Amateur Swimming Club	\$ 2,000
Barellan Show Society	\$ 453
Kids Konnect for the Kommunity	\$ <u>2,000</u>
Sub-total	\$ 8,703
Groups listed as per policy CS20 such as Schools	\$ 2,960
Mayor & General Manager fund	\$ 8,337
TOTAL	\$ 20,000

15 OUR ENVIRONMENT

Nil

16 OUR ECONOMY

Nil

17 OUR INFRASTRUCTURE

17.1 FIXING COUNTRY BRIDGES PROGRAM

Document ID: 551487

Author: Deputy General Manager Infrastructure

Authoriser: Deputy General Manager Infrastructure

Theme: Our Infrastructure

Attachments: Nil

RECOMMENDATION

That Council:

1. Accepts the Fixing Country Bridges offer for the replacement of Molly's Bridge and Somerset Park Bridge.
2. Endorse the execution of the Deed as undertaken by the General Manager.

PURPOSE

The purpose of this report is to inform Council of the success of the Fixing Country Bridges Program application and provide details of the funding deeds.

SUMMARY

Council was advised in mid-March that it had been successful in securing funding under the NSW Government Fixing Country Bridges (FCB) program for two of the three bridges which Council applied for under the program.

- Molly's Bridge, Molly's Lagoon Road, Euroley \$ 505,982
- Somerset Park Bridge, Back Yamma Road, Corobimilla \$ 577,550

BACKGROUND

More than 400 timber bridges across the state will be replaced through the NSW Government's \$500 million Fixing Country Bridges program to improve resilience to natural disaster and better connect hundreds of regional communities.

Deputy Premier John Barilaro said the NSW Government is meeting its election commitment to replace ageing structures with safer, modern bridges that will better withstand events like floods and bushfires, easing the burden of maintenance for local councils and ratepayers and building a safer, stronger regional NSW.

In late 2020, Council applied under the Fixing Country Bridges to replace three partially timber bridges which were considered in poor condition:

- Bassetts Bridge
- Somerset Bridge
- Molly's Bridge

All of these bridges had timber components which were at risk of failure due to flood or bushfire.

Council was advised in mid-March that it had been successful in securing funding under the Fixing Country Bridges (FCB) program for two of the bridges:

- Molly's Bridge, Molly's Lagoon Road, Euroley \$ 505,982
- Somerset Park Bridge, Back Yamma Road, Corobimilla \$ 577,550

Transport for NSW (TfNSW) has undertaken extensive consultation with councils regarding a proposed collaborative delivery model. This requires Council as part of the funding deed to enter into a Memorandum of Understanding (MoU) with other councils within our regional group for the procurement of other suitable arrangements. This was further clarified at a meeting between TfNSW and the regional councils on 8 March 2021 and Narrandera Shire Council staff are now satisfied that the MoU will not prevent the use of local contractors or the proposed construction methodology.

Council must commence the construction of the bridges within 12 months of the execution of the Deed, with the completion to be within 24 months.

The Deed has been reviewed and deemed to be satisfactory to ensure the protection of Council and to not unnecessarily burden the Council. It is recommended that the General Manager be authorised to accept the Fixing Country Bridges offer and execute the required Deed.

RELEVANCE TO COMMUNITY STRATEGIC PLAN AND OTHER STRATEGIES / MASTERPLANS / STUDIES

Theme

Our Infrastructure

Strategy

4.1 - To have an improved and adequately maintained road network

Action

4.1.1 - Through advocacy seek funding commitments for identified roadway projects and strategies

ISSUES AND IMPLICATIONS

Policy

- Nil

Financial

- Acceptance of the Fixing Country Bridges offer will result in a capital grant of \$1,083,532 being shown over the next two financial years.

Legal / Statutory

- The Deed is considered as a legal agreement between Council and TfNSW, with both parties having to comply with the requirements.

Community Engagement / Communication

- Initial media releases have been undertaken, with localised consultation and further media releases to occur throughout the projects.

RISKS

The risks associated with the Fixing Country Bridges offer and subsequent signing of the Deed are considered minimal, as the projects have been fully costed and planned.

OPTIONS

1. Accept the Fixing Country Bridges funding offer and execute the Deed, as per the proposed recommendation.
2. Decline the Fixing Country Bridges funding offer and advise TfNSW of such.

CONCLUSION

The Fixing Country Bridges funding offer will allow for the replacement of two bridges which would not have been possible with Council's own funding. Given the suitability of the Deed and associated requirements, it is recommended that the offer be accepted and the Deed executed.

RECOMMENDATION

That Council:

1. Accepts the Fixing Country Bridges offer for the replacement of Molly's Bridge and Somerset Park Bridge.
2. Endorse the execution of the Deed as undertaken by the General Manager.

17.2 T-20-21-7 SEWER RELINE PROGRAM**Document ID: 551621****Author: Water and Sewer Engineering Officer****Authoriser: Deputy General Manager Infrastructure****Theme: Our Infrastructure****Attachments: Nil****RECOMMENDATION**

That Council:

1. Approves Interflow Pty Ltd as the preferred tenderer for the Narrandera sewer main relining program in accordance with Section 55 of the Local Government Act 1993.

PURPOSE

The purpose of this report is to consider the tender for Sewer Main Reline Program.

SUMMARY

Tenders for the Sewer Reline Program were invited through VendorPanel on 3 February 2021 and closed on 3 March 2021.

A schedule of rates format was specified, and the Local Government Procurement approved contractors list for pipe relining contract LGP908-3 was utilised.

A total of one submission from Interflow Pty Ltd was received by the closing date.

BACKGROUND

Council has an ongoing sewer main relining program with \$2,000,000 worth of asset renewals planned over the next 10 years, and \$4,500,000 required over the next 30 years.

Approximately \$2,000,000 has already been spent on sewer main renewals in the past 10 years.

Sewer main relining is a cost-effective method of rehabilitating sewer main assets.

For this year and next year's programs, Local Government Procurement approved contractors from the LGP908-3 contract were invited to submit schedules of rates tenders.

Only one of the four approved contractors on the list responded by the closing date.

The value of relining work to be undertaken in this round is \$650,000, approximately 3.7km of sewer mains. It will include the works budgeted for the 2021/2022 financial year.

RELEVANCE TO COMMUNITY STRATEGIC PLAN AND OTHER STRATEGIES / MASTERPLANS / STUDIES**Theme**

Our Infrastructure

Strategy

4.2 - To improve, maintain and value-add to our essential public and recreational infrastructure

Action

4.2.3 - An ongoing program of capital works for both water and sewer operations of Council

ISSUES AND IMPLICATIONS**Policy**

- Nil

Financial

- \$375,000 allocated in the 2020/2021 budget
- \$350,000 to be allocated to the 2021/2022 budget.

Legal / Statutory

- The tender and subsequent assessment has been undertaken in accordance with Section 55 of the Local Government Act 1993 and subsequent Regulation.

Community Engagement / Communication

- A communications plan has been developed for the project, and notifications provided to residents prior to the start of work.

Human Resources / Industrial Relations (if applicable)

- Nil

RISKS

Council's sewer main assets are generally in very poor condition and contribute to high maintenance and operational costs in the sewer fund, as well as a high number of customer service interruptions. If relining is not undertaken, these problems will continue and get worse over time. Many sewer main assets are in use beyond their useful life and are overdue for rehabilitation.

OPTIONS

1. Endorse the recommendation that Interflow Pty Ltd be approved as the preferred tenderer.
2. Do not endorse the recommendation that Interflow Pty Ltd be approved as the preferred tenderer and re-tender.
3. Do not endorse the recommendation that Interflow Pty Ltd be approved as the preferred tenderer and do not re-tender.

CONCLUSION

Sewer main relining is undertaken almost annually and is the most important capital works program in the sewer area, ensuring a reduction in maintenance costs and improvement of levels of service for residents.

RECOMMENDATION

That Council:

1. Approves Interflow Pty Ltd as the preferred tenderer for the Narrandera sewer main relining program in accordance with Section 55 of the Local Government Act 1993.

18 OUR CIVIC LEADERSHIP

18.1 DRAFT 2021-2022 FINANCIAL YEAR STRATEGIC DOCUMENTS

Document ID: 547812

Author: Senior Finance Officer

Authoriser: Deputy General Manager Corporate and Community

Theme: Our Civic Leadership

- Attachments:**
1. **Unchanged Delivery Program 2018-2022 (under separate cover) [⇨](#)**
 2. **Draft Operational Plan 2021-2022 (under separate cover) [⇨](#)**
 3. **2021-2022 Budget Cash Summary (under separate cover) [⇨](#)**
 4. **2021-2022 General Fund Budget Summary (under separate cover) [⇨](#)**
 5. **2021-2031 Road Budgets (under separate cover) [⇨](#)**
 6. **2021-2025 DRAFT Capital Works Program (under separate cover) [⇨](#)**
 7. **2021-2022 DRAFT Revenue Policy (under separate cover) [⇨](#)**
 8. **2021-2022 DRAFT Fees and Charges (under separate cover) [⇨](#)**
 9. **2021-2022 Recommended General Fund (under separate cover) [⇨](#)**
 10. **2021-2022 Optimistic General Fund (under separate cover) [⇨](#)**
 11. **2021-2022 Pessimistic General Fund (under separate cover) [⇨](#)**
 12. **2021-2022 Recommended Water Fund (under separate cover) [⇨](#)**
 13. **2021-2022 Optimistic Water Fund (under separate cover) [⇨](#)**
 14. **2021-2022 Pessimistic Water Fund (under separate cover) [⇨](#)**
 15. **2021-2022 Recommended Sewer Fund (under separate cover) [⇨](#)**
 16. **2021-2022 Optimistic Sewer Fund (under separate cover) [⇨](#)**
 17. **2021-2022 Pessimistic Sewer Fund (under separate cover) [⇨](#)**
 18. **2021-2022 Recommended Consolidated (under separate cover) [⇨](#)**
 19. **Reserves Reconciliation 30-6-2021 (under separate cover) [⇨](#)**
 20. **FFTF 2021-22 (under separate cover) [⇨](#)**

RECOMMENDATION

That Council:

Adopts the following for the purpose of public exhibition for a period of 28 days:

1. The unchanged Delivery Program 2018-2022.
2. The draft Operational Plan 2021-2022 as presented.
3. The maximum 2.0% rate pegging limit increase for permissible yield for the 2021-2022 ordinary rate.
4. The maximum interest penalty rate for 2021-2022 when determined, and to be applied to overdue rates & charges.
5. The waste management charges for 2021-2022 as presented.

6. The water charges for 2021-2022 as presented for both potable and non-potable water service access and consumption.
7. The sewer charges for 2021-2022 as presented for sewer service access, sewer usage and liquid trade waste.
8. The stormwater management charges for 2021-2022 as presented.
9. The schedule of Fees and Charges for 2021-2022 as presented.
10. The 2021-2031 Long Term Financial Plan as presented.
11. The 2021-2025 schedule of Capital Works as presented.
12. The 2021-2022 Fit for The Future benchmarks.
13. At the conclusion of the 28-day public exhibition period that Council further considers the strategic documents in conjunction with any community comments or submissions received at an extraordinary meeting on 1 June 2021.

PURPOSE

The purpose of this report is for Council to adopt strategic documents for the 2021-2022 financial year, such as the draft Operational Plan 2021-2022, the draft Revenue Policy and the draft 2021-2022 Fees and Charges for the purpose of public exhibition for a period of 28 days commencing **Wednesday 21 April 2021** and concluding 18 May 2021.

SUMMARY

The Integrated Planning and Reporting Framework of the Local Government Act 1993 requires Council to have a Community Strategic Plan (CSP) for a period of at least 10 years, a Delivery Program (DP) for a period of four years and an Operational Plan (OP) for each financial year.

Supporting these documents are key annual documents such as the Revenue Policy, Fees and Charges, General Fund financial predictions and financial predictions for both the Water and Sewer Funds.

BACKGROUND

A & B – DELIVERY PROGRAM 2018-2022 & OPERATIONAL PLAN 2020-2021 (Attachments 1 & 2)

Council adopted its Community Strategic Plan 2017-2030 (CSP) at its meeting 20 June 2017 with the CSP being the highest level of strategic planning by Council. All other plans developed by Council must reflect the aspirations of the CSP and support the CSP outcomes.

The current Delivery Program (DP) was rewritten and adopted by Council at its 19 June 2018 meeting and details the principal activities that Council will undertake to achieve the objectives established in the CSP. The performance targets and measurables are reported to Council on a quarterly basis. Given that the Delivery Program was re-written and re-formatted for the 2019-2020 financial year and beyond and also that a new CSP is required to be adopted by 30 June 2022, it is not proposed to make any amendments to the program for 2021-2022.

The Operational Plan (OP) outlines the activities to be undertaken that year to achieve the commitments of the DP however there are no major amendments proposed.

Recommendation 1(a) & 1(b)

That Council adopts the unchanged Delivery Program 2018-2022 and also the draft Operational Plan 2021-2022 as presented, and they be approved for the purpose of public exhibition.

THE 2021-2022 FINANCIAL DOCUMENTS

Key elements of the General Fund budget:

Item	\$ positive/ (negative)
IPART Rate Cap 2.0% increase in general rate	\$ 95,132
Roads to Recovery Grant (balance of 2019-24 program)	\$ 3,336,872
Financial Assistance Grant indexation 1.5%	\$ 75,186
Removal of Emergency Services Levy Subsidy	\$ (90,000)

Parameters influencing the budget

Local Government Award increase from 1 July 2021	2.0%
Operating Income	\$ 15,840,942
Operating Expenditure	\$ 15,726,616
Operating Surplus (deficit)	\$ 114,326

Capital Expenditure Items

Roads (incl Ancillary Works)	\$ 2,943,383
Fixing Country Bridges	\$ 1,083,532
Fixing Country Roads (Sandigo / Kywong)	\$ 454,440
Plant purchases	\$ 1,728,072
Public Cemeteries	\$ 75,000
Recreation (Parks, Ovals, Pools, Library)	\$ 2,542,396
Playground on the Murrumbidgee	\$ 1,228,347
Buildings renewal	\$ 146,000
Other	\$ 850,000
TOTAL	<u>\$ 11,051,170</u>

Key assumptions to the 10-year Long Term Financial Plan:

- General Fund rates and annual charges have been indexed 2.0% for 2021-2022 and 2.0% for future years.
- Water Fund annual charges have been indexed by 2.0% for 2021-2022, 7.5% for 2022-2023 through to 2024/2025 and 2.0% for future years.
- Sewer Fund annual charges have been indexed 5% for 2021-2022 and 2.0% for future years.
- The Federal Assistance Grants has been indexed 1.5% for 2021-2022 and 2.0% for future years.
- Employee Costs and Other expenses have been indexed 2.0% for current and future years.
- Materials & Contracts for 2021-2022 and beyond have been indexed by 1.5%.

Attachment 3 2021-2022 General Fund Cash Budget Summary indicates the cash movements within the General Fund for operating income and expenses, transfers to and

from reserves, capital grant income and capital expenditure. After all items are considered the net cash result for 2021-2022 is a surplus of \$4,643

Attachment 4 General Fund Budget Summary 2021-2022 indicates the cash provided or (consumed) by each activity within the proposed 2021-2022 budget.

The following commentary is provided for items with material variations in the 2021-2022 budget:

Governance

Funds were restricted during the 2020-2021 budget for Council election and Integrated Planning management expenses (\$122,500), these funds have been transferred into the 2021-2022 budget.

An additional \$5,000 has been provided in the Contributions to Local Organisations budget to allow for community projects and financial hardship relief.

To increase community engagement the communications budget has been increased \$2,000.

Finance

Depreciation expenses for new and renewed assets have increased (\$210,000) with the potential to increase further once the building revaluation outcomes have been confirmed. The General Fund pessimistic scenario (Attachment 11) provides for an additional (\$650,000) increase in depreciation expense.

Interest on Investment revenue has been decreased by (\$90,000) from 2020-2021 and (\$186,050) from 2019-2020 to reflect actual anticipated income and current market rates.

The Federal Assistance Grant has been indexed 1.5% for 2021/22 increasing income by \$75,186.

IT

Software expenses have increased (\$16,200) to allow improved security, reliability and back up of Council's systems.

Engineering

Provision of (\$25,000) for Stage 3 of the Asset Management System to allow the realignment of transport road segments and staff training.

Community Transport

The inclusion of a salary structure review (\$20,000) will be grant funded and will allow for positions to be aligned with similar positions within the organisation structure.

Software expenses of (\$20,500) have been included in the budget to allow transitioning to a new user-friendly system for the volunteer drivers (\$18,500) as well as well as a lease module to account for vehicle leases under the new accounting standards (\$2,000).

Youth Services

The ongoing income (\$13,270) and expenses (\$8,565) generated from the youth food trailer have been included, with the first year of operation being grant funded.

Development control

Council is required to undertake a review of its Local Environmental plan every 5 years, the budget includes (\$30,000) for 2021-2022 and (\$30,000) for 2022-2023.

Open Space & Recreation

To meet service delivery requirements, an increase for water charges in cemetery (\$5,000) and playing fields (\$16,800) has been provided in the budget.

Total capital budget of \$2,522,500 includes Narrandera Cemetery management plans and furniture, Narrandera Sportsground drainages and soak, Marie Bashir Park oval grandstand upgrade, irrigation management system, playground upgrades, Lake Talbot deepening works (grant dependant) and boat purchase.

Roads

Total budgeted operational and capital expenditure for roads (including active transport program) has been increased by 2.5% from 2020-2021 as displayed in attachment 5.

Council has been successful in funding applications for Sandigo/Kywong school bus route sealing \$454,440 and Fixing Country Bridges \$1,083,532. These are included in the 2021-2022 capital program.

Active Transport Program

Budgeted expenditure of \$270,000 with \$100,000 revenue funded and \$170,000 Transport NSW grant.

Economic Development

Inclusion of (\$4,000) for the purchase of Christmas decorations to maintain a strong Christmas presence and support for the community to buy locally.

Buildings

An annual air conditioner servicing program (\$8,810) has been included to ensure units remain efficient and to maintain the operating life of the assets.

To reduce community risk for insect bites, a provision for a spider spraying program is included within the budget (\$21,930).

Plant Operation

Gross fleet replacements from the plant reserve are:

Light vehicles	\$ 462,509
Trucks & Trailers	\$ 517,600
Heavy Plant	\$ 492,963
Other Plant	\$ 20,000

Insurance

The budget provides for an expected increase of 15% (\$40,000) in insurance premiums due to Australian and world weather events and a hardening of the re-insurance market.

Emergency Services Levy

Significant increases were reported in 2019-2020 and 2020-2021 for the fire protection contribution expenses. Grant funding was received by Council to cover the increases for these financial years (2019-2020 \$37,429 and 2020-2021 \$92,157). A provision has not been made within 2021-2022 for the receipt of grant funding.

General Purpose Revenue

Rates increase at 2.0% less amount of \$7,000 from 2020-2021 yields a total of \$95,132.

Capital Works 2021-2025

Attachment 6 details the proposed capital works program for 2021-2025. Each line item indicates the proposed projects and the funding source for the draft four-year capital works schedule.

Proposed Borrowings

There are proposed external borrowings for the Barellan Sewer project \$1,370,000. Presented in the table below is the current and proposed loan liabilities, including interest expenses.

Internal Loans	Opening	21/22	22/23	23/24	24/25	25/26	Balance
Coaches Boxes	\$ 95,788	-\$ 16,975	-\$ 16,975	-\$ 16,975	-\$ 16,974	-\$ 16,974	\$ 10,915
Airport - Lighting	\$ 63,860	-\$ 11,276	-\$ 11,276	-\$ 11,277	-\$ 11,276	-\$ 11,276	\$ 7,479
Brln Sportsground Changeroo	\$ 36,887	-\$ 5,658	-\$ 5,659	-\$ 5,658	-\$ 5,658	-\$ 5,658	\$ 8,596
Festoon Lighting	\$ 44,264	-\$ 6,790	-\$ 6,790	-\$ 6,790	-\$ 6,790	-\$ 6,790	\$ 10,314
LT Pool Masterplan	\$ 1,455,761	-\$ 100,398	-\$ 100,397	-\$ 100,397	-\$ 100,398	-\$ 100,398	\$ 953,773

External Loans	Opening	21/22	22/23	23/24	24/25	25/26	Balance
LT Pool Masterplan	\$ 563,363	-\$ 59,301	-\$ 59,301	-\$ 59,301	-\$ 59,302	-\$ 59,302	\$ 266,856
Barellan Sewer	\$ 1,852,150	-\$ 123,476	-\$ 123,477	-\$ 123,477	-\$ 123,477	-\$ 123,477	\$ 1,234,766

Total	\$ 4,112,073	-\$ 323,874	-\$ 323,875	-\$ 323,875	-\$ 323,875	-\$ 323,875	\$ 2,492,699
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Key elements of the Water Fund budget

Asset renewals of \$7.905 million are included in the 10-year program with \$3,000,000 for reticulation mains replacements. The budget also provides for the design and construction of a water treatment plant at a cost of \$17 million over the years 2022-2024. This project will be 75% grant dependent and it is planned to lodge applications for funding once the IWCMP is adopted. The upgrade will result in improved water quality and increased operational costs for future years.

Key elements of the Sewer Fund budget

The Sewer Fund capital budget provides for \$3,490,000 in capital renewals over the 10-year period. Provision of sewer in the Barellan Village (\$6.5m over three years) and Narrandera West (\$2.5m over three years) is included in the Capital. The design for Barellan Sewer commenced in 2020-2021 with construction to commence in 2021-2022. Council’s 25% share of the project of \$1,620,000 is proposed to be borrowed externally with repayments over 15 years. The Narrandera West expansion is planned to commence 2024-2025.

Summary

The draft budget provides for the following results in the income statement before grants and contributions provided for capital purposes.

General Fund	\$ 114,326
Water Fund	\$ 207,635
Sewer Fund	<u>\$ 326,191</u>
Consolidated	\$ 648,152

The General Fund is forecast to have a positive unrestricted cash flows while the Water and Sewer Funds are forecasted to have static cash result.

General Fund	\$ 313,433
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Water Fund	\$	0
Sewer Fund	\$	<u>0</u>
Consolidated	\$	<u>313,433</u>

Revenue Policy

The following areas are addressed as part of the revenue policy for 2021-2022

- Proposed rates
- Statement of proposed pricing policy
- Proposed Charges
- Statement of unit rates for private works
- Statement of borrowings proposed
- Schedule of proposed fees and charges

C: Rating (Attachment 7)

Council has historically adopted the maximum rate increase available under rate pegging legislation to remain financially viable. However, in developing this draft budget, it has remained very apparent that the continued growth in the cost of operations and particularly compliance, and depreciation is placing growing pressure on Councils long term financial position.

The rate pegging limit for 2021-2022 has been set at 2.0%. Accordingly, the existing rate structure has been extended by 2.0% for the 2021-2022 ordinary rate yielding approximately \$95,132 in additional rate revenue which includes adjustments from previous financial years.

The yield from categories within the rating structure is consistent with previous years:

- Farmland 59%
- Residential 32%
- Business 9%

The Office of Local Government has released an exposure draft bill on Local Government rating reform and is proposing an adoption date of 1 July 2021. This will not influence Council’s rating structure for the upcoming 2021-2022 year.

Recommendation 1(c)

That Council adopts the maximum 2.0% rate pegging limit increase for permissible yield for the 2021-2022 ordinary rate and be approved for the purpose of public exhibition.

D: Extra charges on Unpaid Rates (Attachment 7)

Council has yet to be advised of the maximum interest rate to be levied on overdue rates and charges for 2021-2022. Historically Council has adopted the maximum rate to avoid an accumulation of arrears of rates and charges. The current rate prescribed until 30 June 2021 is 7%.

Recommendation 1(d)

That Council adopts the maximum interest rate prescribed when determined for 2021-2022 to be applied to overdue rates and charges.

E: Waste Management Charges (Attachment 7)

The Minister for Local Government does not set a limit on waste charges but requires Council to levy a charge to operate waste services without cross subsidy with the ordinary rate.

The draft budget proposes a 2.0% or \$1.00 increase in waste availability charges, a proposed 2.0% or \$4.40 increase for waste collection charges and a proposed 2.0% or \$1.60 for recycling services.

Recommendation 1(e)

That Council adopts the waste charges for Barellan, Grong Grong and Narrandera collection areas for 2021-2022 as presented and be approved for the purpose of public exhibition:

Domestic Waste Management

Waste Collection (per 240L bin unit collected)	\$ 221.80 pa
Recycling Collection (per 240L bin unit collected)	\$ 84.20 pa
Availability Charge (per assessment)	\$ 52.30 pa

Non-domestic Waste Management

Waste Collection (per 240L bin unit collected)	\$ 221.80 pa
Waste Collection bi-weekly (per 240L bin unit collected)	\$ 442.70 pa
Recycling Collection (per 240L bin unit collected)	\$ 84.20 pa
Availability Charge (per assessment)	\$ 52.30 pa

F: Water Fund (Attachment 7)

In accordance with direction from the Office of Local Government Council is continuing with 'best practice' water supply management, therefore it is proposed that access charges increase by 2.0% and that potable water consumption charges remain at \$1.16 per kilolitre for the first meter read and increase by 1.72% to \$1.18 for the second and third reads; increases are also proposed for the non-potable water supply.

Recommendation 1(f)

That Council adopts the water charges for 2021-2022 as presented for both potable and non-potable water service access and consumption charges and that they be approved for the purpose of public exhibition:

1. Levy \$1.16 per kilolitre of potable water measured as being consumed for the water consumption account payable 30 November 2021.
2. Increase the normal potable water consumption charge by 1.72% or 2 cents \$0.02 per kilolitre to \$1.18 cents per kilolitre of water measured as being consumed for the water consumption accounts payable 28 February 2022 and 31 May 2022.
3. Standard potable water access charges for 2021-2022 increased and charged as follows:

Water Access Charge 20mm	\$ 305.50
Water Access Charge 25mm	\$ 305.50

Water Access Charge 32mm	\$ 780.00
Water Access Charge 40mm	\$ 1,219.60
Water Access Charge 50mm	\$ 1,906.90
Water Access Charge 80mm	\$ 4,877.40
Water Access Charge 100mm	\$ 7,619.90
Water Access Charge Unmetered	\$ 305.50
Water Access Charge Strata	\$ 305.50

4. Increase the non-potable water charge by 3.7% or 1 cent to 28 cents \$0.28 per kilolitre of non-potable water measured as being consumed during off-peak periods and increase to 58 cents \$0.58 per kilolitre of non-potable water measured as being consumed during peak periods for the 2021-2022 financial year.

5. Standard non-potable water access charges for 2021-2022 increased and charged as follows:

Water Access Charge 20mm	\$ 135.90
Water Access Charge 25mm	\$ 135.90
Water Access Charge 32mm	\$ 348.00
Water Access Charge 40mm	\$ 543.40
Water Access Charge 50mm	\$ 849.80
Water Access Charge 80mm	\$ 1,224.00
Water Access Charge 100mm	\$ 1,530.00

G: Sewer Fund (Attachment 7)

In accordance with direction from the Office of Local Government, Council is continuing with the staged implementation of “best practice” sewer services management.

The financial position of the Fund has improved however it is still in an unsatisfactory financial position and therefore the budget has been framed so that it can return to a sustainable financial position over several years. It is therefore proposed that the sewer rate be increased by 5% for 2021-2022 and return to 2% for future years. If the rate is not increased there will be insufficient cash to fund its operation including the capital renewal program and the proposed capital works at Barellan and Narrandera West. With these increases the rate will remain substantially lower than the average for councils a similar size to Narrandera.

Recommendation 1(g)

That Council adopts the sewer charges for 2021-2022 as presented for sewer service access, sewer usage and liquid trade waste and that they be approved for the purpose of public exhibition:

1. The standard residential sewer access charge be increased by 5% or \$35.80 to \$752.50.
2. Residential multiple occupancies be levied the standard residential sewer access charge of \$752.50 multiplied by the number of separate occupancies.
3. Non-residential multiple occupancies be levied the minimum non-residential sewer access charge of \$752.50 multiplied by the number of separate occupancies.
4. Non-residential sewer access charges calculated and levied as per industry standard formula with base charges as follows:

Minimum charge	\$ 752.50
Unmetered premises	\$ 752.50
Sewer Access Charge 20mm water meter	\$ 545.40
Sewer Access Charge 25mm water meter	\$ 851.70
Sewer Access Charge 32mm water meter	\$ 1,396.00

Sewer Access Charge 40mm water meter	\$ 2,181.00
Sewer Access Charge 50mm water meter	\$ 3,407.90
Sewer Access Charge 80mm water meter	\$ 8,723.70
Sewer Access Charge 100mm water meter	\$13,634.00

5. The non-residential sewer usage charge be increased by 2.16% or \$0.03 to \$1.42 per kilolitre of estimated sewage discharged to the sewer.

Liquid Trade Waste Fees and Charges as follows: -

Annual Trade Waste Fee	\$ 167.10
Annual Trade Waste Inspection Fee	\$ 96.90
Annual Trade Waste Charge per KL x discharge factor	\$ 1.32
Trade Waste – new service	\$ 1,146.20
Trade Waste – existing service	\$ 1,146.20

H: Stormwater Management Levy (Attachment 7)

The stormwater levy is a statutory charge and is therefore not able to be altered.

Both the Narrandera and Barellan residential stormwater charge remain unchanged at \$25.00 for 2021-2022.

Both the Narrandera and Barellan non-residential stormwater charge for properties with an assessment area equal to or less than 350m² remains unchanged at \$25.00

Both the Narrandera and Barellan non-residential assessments with an area of greater than 350m² an amount of \$25.00 shall be charged for each 350m² or part thereof capped at a maximum charge of \$425.00, remaining unchanged from 2020-2021.

Recommendation 1(h)

That Council adopts the stormwater management charges for 2021-2022 as presented and that they be approved for the purpose of public exhibition:

Residential Stormwater Charge	\$25.00
Residential Strata Stormwater Charge	\$12.50
Non-residential Stormwater Charge	\$25.00 charged per 350m ² or part thereof of total assessment area with the maximum charge capped at \$425.00pa
Non-residential Strata Stormwater Charge	\$12.50 charge per 350m ² or part thereof of total assessment area with the maximum charge capped at \$212.50pa

I: Fees and Charges (Attachment 8)

Fees and charges are subject to regulations on pricing policy. The schedule for fees and charges provides for the following code references.

- Code A Regulatory charges fixed by legislation
- B Regulatory charges not fixed by legislation
- C Full cost recovery charges plus commercial mark up

- D Full cost recovery charges
- E Zero or partial cost recovery charges

Recommendation 1(i)

That Council adopts the schedule of fees and charges for 2021-2022 as presented and they be approved for the purpose of public exhibition.

J: Budget Component (Attachments 9 to 19)

The draft budget provides for the following results in the income statement before grants and contributions provided for capital purposes.

General Fund (Attachments 9, 10 & 11)	\$ 114,326
(Attachment 9 recommended)	
Water Fund (Attachments 12, 13 & 14)	\$ 207,635
(Attachment 12 recommended)	
Sewer Fund (Attachments 15, 16 & 17)	<u>\$ 326,191</u>
(Attachment 15 recommended)	
Consolidated (Attachment 18)	\$ 648,152

The General Fund is forecast to have positive unrestricted cash flows while the Water and Sewer Funds are forecasted to have nil cash result.

General Fund	\$ 313,433
Water Fund	\$ 0
Sewer Fund	<u>\$ 0</u>
Consolidated	<u>\$ 313,433</u>

Attachment 19 details the balances for internal and externally restricted cash, including the proposed budget transfers for 2021-2022. The table below provides details of the 2021-2022 transfers.

Description	Amount	Reserve	Type
Transfer from reserve for election exp	-122,500	Election & Integrated Planning Exp	Internal
Transfer to Reserve as per C/Res	20,000	Public Art & Festive Tree Maintenance.	Internal
Drainages & Soak	-95,000	Future Capital Works	Internal
Irrigation management system	-30,000	Future Capital Works	Internal
Solar	-100,000	Sale of Water Allocations	Internal
LED Street Lighting Replacement	-350,000	Sale of Water Allocations	Internal
Lake Talbot Pool Remediation Works	-136,000	Lake Talbot Pool Masterplan	Internal
LTWP Install new shade structure & seating	-60,000	Shire Property	Internal
Narrandera Park Oval Grandstand Upgrade	-11,804	Narrandera Park Landscape	Internal
Narrandera Playground Upgrades	-10,000	Narrandera Park Landscape	Internal
Building renewal and upgrades	-74,187	Building Renewal Works	Internal
Cemetery management plans	-20,000	Narrandera Cemetery – Perpetual Maintenance	Internal

Transfer to Reserve - rehab provision	15,000	Quarry Rehabilitation	Internal
Transfer income to reserve	450,000	Section 94A Developer Contributions	External
CCTV system for the Main Street	-1,000	Street Camera Replacement	Internal
CCTV system for the Main Street	-59,000	Section 94A Developer Contributions	External
Narrandera Landfill Operating	180,658	Narrandera Waste Depot	External
Barellan Landfill Improvement works	-87,000	Barellan Waste Depot	External
Lake Talbot Tourist Park Operating	81,760	Lake Talbot Tourist Park – Crown Res	External
Lake Talbot Tourist Park Capital	-20,000	Lake Talbot Tourist Park – Crown Res	External
Narrandera Stormwater Operating	63,525	Narrandera Stormwater	External
Narrandera Stormwater Capital	-88,000	Narrandera Stormwater	External
Barellan Stormwater Operating	8,850	Barellan Stormwater	External
Plant Operating	1,363,197	Plant Replacement	Internal
Plant Capital	-1,728,072	Plant Replacement	Internal
Water Operational	765,301	Water Fund	External
Water Capital Program	-1,135,000	Water Fund	External
Sewer Operational	650,241	Sewer Fund	External
Sewer Capital Program	-585,000	Sewer Fund	External
Community Transport Operational	84,398	Specific Purpose Unexpended Grants	External
Total	-1,029,633		

Recommendation 1(j)

That Council adopts the 2021-2031 Long Term Financial Plan as presented and be approved for the purpose of public exhibition.

K: Asset Replacement – Capital Works (Attachment 6)

Council's capital works for 2021-2025 continues to focus on roads with 28% of the capital works budget expended directly on roads and 15.7% on the replacement of plant items.

Major asset renewal programs for the Playground on the Murrumbidgee project along with general building renewals and renewals within the roads program - see Council projected building and infrastructure renewal ratio at 159% which is well above the 100% benchmark.

Council has included in the Capital Works Program Solar Panelling for the General \$100,000, Water \$95,000 and Sewer \$95,000 to be funded from reserves. This will provide energy efficiency and future savings in operational expenses.

Recommendation 1(k)

That Council adopts the 2021-2025 schedule of Capital Works as presented and be approved for the purpose of public exhibition.

L: Fit for the Future Action Plan and Benchmarks (Attachment 20)

Based on the draft budget proposals it is anticipated that Council will continue to meet or exceed the Fit for the Future Benchmarks established by TCorp. A full overview is provided within the attachment.

Recommendation 1(I)

That Council notes the 2021-2022 Fit for the Future benchmarks and approves for the purpose of public exhibition.

RELEVANCE TO COMMUNITY STRATEGIC PLAN AND OTHER STRATEGIES / MASTERPLANS / STUDIES**Theme**

Our Civic Leadership

Strategy

5.1 - To have a Council that demonstrates effective management consistently, also a Council that communicates and engages well with the community and works collaboratively

Action

5.1.1 - Accountable, transparent and ensure open communication between the community and Council

ISSUES AND IMPLICATIONS**Policy**

- Community Engagement Policy - ES310

Financial

- The Community Strategic Plan 2017-2030 and its supporting documents are significant drivers of human, financial and asset resources.

Legal / Statutory

- *Local Government Act 1993*
- Integrated Planning and Reporting Reform 2009

Community Engagement / Communication

- The existing Community Strategic Plan 2017-2030, the Delivery Program 2018-2022 and the proposed Operational Plan 2021-2022 have been developed to respond to the priorities and challenges identified through extensive community and organisational consultation during 2017.
- The strategic and financial documents subject to this report are to be placed on exhibition for community comment for 28 days. Any comments received or submissions made will be presented to Council at its June 2021 meeting for consideration.

Human Resources / Industrial Relations

- Council's suite of strategic documents is the drivers of human, financial and asset resources.

RISKS

That Council is not able to meet all of the expectations of the community.

OPTIONS

The options available to Council are:

1. Adopt the draft strategic and financial documents as presented prior to public exhibition for a period of 28 days; or
2. Require amendment(s) to be made prior to public exhibition for a period of 28 days.

CONCLUSION

The draft Operational Plan 2021-2022 as presented and the financial documents have been prepared in accordance with the *Local Government Act 1993*. Once these documents have been adopted by Council, they are to be publicly advertised for a period of 28 days for community comment.

Any submissions received will be considered at the June 2021 meeting of Council.

The recommendation will be for Council to adopt the draft Operational Plan 2021-2022 as presented along with the other financial documents for community comment.

RECOMMENDATION

That Council:

Adopts the following for the purpose of public exhibition for a period of 28 days:

1. The unchanged Delivery Program 2018-2022.
2. The draft Operational Plan 2021-2022 as presented.
3. The maximum 2.0% rate pegging limit increase for permissible yield for the 2021-2022 ordinary rate.
4. The maximum interest penalty rate for 2021-2022 when determined, and to be applied to overdue rates & charges.
5. The waste management charges for 2021-2022 as presented.
6. The water charges for 2021-2022 as presented for both potable and non-potable water service access and consumption.
7. The sewer charges for 2021-2022 as presented for sewer service access, sewer usage and liquid trade waste.
8. The stormwater management charges for 2021-2022 as presented.
9. The schedule of Fees and Charges for 2021-2022 as presented.
10. The 2021-2031 Long Term Financial Plan as presented.
11. The 2021-2025 schedule of Capital Works as presented.
12. The 2021-2022 Fit for The Future benchmarks.

At the conclusion of the 28-day public exhibition period that Council further considers the strategic documents in conjunction with any community comments or submissions received at an extraordinary meeting on 1 June 2021.

18.2 REMOTE ATTENDANCE BY COUNCILLORS AT COUNCIL MEETINGS**Document ID:** 549212**Author:** Deputy General Manager Corporate and Community**Authoriser:** Deputy General Manager Corporate and Community**Theme:** Our Civic Leadership**Attachments:** 1. **Consultation paper - Remote Attendance by Councillors at Council Meetings** [↓](#)**RECOMMENDATION**

That Council:

1. Supports the proposed amendments to the Model Code of Meeting Practice as drafted in the consultation paper issued by the Office of Local Government.

PURPOSE

The purpose of this report is to determine Council's view on a consultation paper issued by the Office of Local Government. Consultation concerns the proposed amendment of the Model Meeting Code to provide for Remote Attendance by Councillors at Council Meetings.

SUMMARY

The Office of Local Government (OLG) is proposing amendments to the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code). The amendments provide that remote attendance would be on a limited basis and not a mandatory provision of the code.

BACKGROUND

In response to the COVID-19 pandemic, temporary amendments were made to the Local Government Act 1993 (the Act) allowing Councillors to participate in meetings remotely by audio-visual link. These amendments are time limited and will expire on 25 March 2021.

While councils will be required to resume meeting in person from 26 March 2021, as an interim measure, the Local Government (General) Regulation 2005 will be amended to allow councils to permit individual (but not all) Councillors to attend meetings remotely until 31 December 2021 pending the changes to the Model Meeting Code.

The Government is proposing to amend the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) to include non-mandatory provisions that allow councils to permit Councillors to attend council and committee meetings remotely by audio-visual link in certain circumstances.

The grounds on which Councillors will be permitted to attend meetings by audio-visual link will be limited. Under the proposed new provisions, councils will only be able to give approval for individual Councillors to attend a meeting remotely by audio-visual link where the Councillor is prevented from attending the meeting because of ill health, disability, carer responsibilities, natural disaster or, on a limited number of occasions in each year, because they are absent from the local area due to a prior work commitment.

However, a Councillor will not be permitted to attend an ordinary or extraordinary meeting of the Council or a meeting of a committee of the Council by audio-visual link on these grounds on any more than three occasions in each year (inclusive of all ordinary, extraordinary and committee meetings attended by the Councillor by these means).

A Councillor must first give the General Manager at least five working days' notice that they will be seeking the council's or committee's approval to allow sufficient time for the necessary arrangements to be made. Where attending a meeting by audio-visual link, Councillors will be required to do so from a location within NSW or within 100km of the NSW border.

When attending meetings by audio-visual link, meeting rules and standards will apply to Councillors in the same way they would if the Councillor were attending the meeting in person.

The proposed new provisions will not be mandatory, and councils can choose whether to include them in their adopted codes of meeting practice.

"Audio-visual" link will be defined as "a facility that enables audio and visual communication between persons at different places".

The OLG has asked that respondents to the consultation paper consider the following:

- Do you support the proposed changes to the Model Meeting Code to allow Councillors to attend meetings remotely by audio-visual link?
- Do you have any concerns about the proposed changes? What are your concerns?
- Do you have any suggestions for how the proposed new provisions could be improved?

The aim of the amendments is to address some of the impediments that may be impacting current Councillors and provide greater flexibility for those who are elected in the September election.

Submissions to the consultation paper must with the Office of Local Government prior to close of business 3 May 2021.

RELEVANCE TO COMMUNITY STRATEGIC PLAN AND OTHER STRATEGIES / MASTERPLANS / STUDIES

Theme

Our Civic Leadership

Strategy

5.1 - To have a Council that demonstrates effective management consistently, also a Council that communicates and engages well with the community and works collaboratively

Action

5.1.1 - Accountable, transparent and ensure open communication between the community and Council

ISSUES AND IMPLICATIONS

Policy

- Should amendments be made to the Model Code, the provisions will not be mandatory allowing Council to set policy as to the implementation of the remote audio-visual participation.

Financial

- Integration of the remote audio-visual participation into the current live stream of Council meetings may require additional technical resources.

Legal / Statutory

- Local Government Act 1993
- Model Code of Meeting Practice for Local Councils in NSW

Community Engagement / Communication

- Community consultation is being conducted by the Office of Local Government.

Human Resources / Industrial Relations

- NA

RISKS

Conducting meetings with Councillors both present and remote via audio-visual does add to the tasks required of the chairperson in conducting the meeting in accordance with the Model Code.

OPTIONS

1. Council supports the proposed amendments to the Model Code of Meeting Practice as drafted in the consultation paper.
2. Council supports the proposed amendments to the Model Code of Meeting Practice as drafted in the consultation paper while expressing concern or proposing amendment to some provisions.
3. Council does not support the proposed amendments to the Model Code of Meeting Practice.

CONCLUSION

Council supports the proposed amendments to the Model Code of Meeting Practice as drafted in the consultation paper.

RECOMMENDATION

That Council:

Supports the proposed amendments to the Model Code of Meeting Practice as drafted in the consultation paper issued by the Office of Local Government.

Remote Attendance by Councillors at Council Meetings

Consultation Paper

March
2021



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Overview

Temporary amendments were made to the *Local Government Act 1993* (the Act) in March 2020 in response to the COVID-19 pandemic allowing councillors to participate in meetings remotely by audio-visual link. The amendments allowing remote attendance are time limited and will automatically expire on 25 March 2021.

Most councils have successfully implemented remote attendance by councillors at meetings by audio-visual link during the pandemic. Some councils have called for the option of remote attendance to be made available to them on an ongoing basis to encourage greater diversity of representation.

The Government agrees that allowing remote attendance by councillors at meetings may serve to remove some of the impediments that currently prevent underrepresented groups from serving on their local councils.

The Government is therefore proposing to amend the *Model Code of Meeting Practice for Local Councils in NSW* (Model Meeting Code) to include non-mandatory provisions that allow councils to permit councillors to attend council and committee meetings remotely by audio-visual link in certain circumstances.

While councils will be required to resume meeting in person from 26 March 2021, as an interim measure, the *Local Government (General) Regulation 2005* will be amended to allow councils to permit individual (but not all) councillors to attend meetings remotely until 31 December 2021 pending the changes to the Model Meeting Code.

While the Government strongly supports the objective of encouraging greater diversity of representation on councils, this should be counterbalanced by the need to ensure communities are effectively represented by

their elected councillors. The Government believes that to be effective local elected representatives, councillors need to live or work in the area and should exercise their duties diligently. Councillors should not, for example, be permitted to move interstate or overseas and attend every third meeting remotely to collect their fees. Councillors should also not be permitted to attend meetings while at work where their attention may be focussed on matters other than council business.

To ensure this does not occur, the grounds on which councillors will be permitted to attend meetings by audio-visual link will be limited. Under the proposed new provisions, councils will only be able to give approval for individual councillors to attend a meeting remotely by audio-visual link where the councillor is prevented from attending the meeting because of ill health, disability, carer responsibilities, natural disaster or, on a limited number of occasions in each year, because they are absent from the local area due to a prior work commitment.

The Government recognises that remote attendance by councillors at meetings by audio-visual link may not be supported by all councils or may pose insurmountable logistical and technological challenges for some councils. For this reason, the proposed new provisions will not be mandatory, and councils can choose whether to include them in their adopted codes of meeting practice.

What is being proposed?

➤ **The proposed amendments will allow councillors to attend meetings by audio-visual link with the approval of the council in certain circumstances.**

"Audio-visual" link will be defined as "a facility that enables audio and visual communication between persons at different places".

Under the proposed amendments, a councillor will be permitted to attend a meeting of the council or a committee of the council by audio-visual link with the prior approval of the council or the committee, or approval granted by the council or committee at the meeting concerned, where they are prevented from attending the meeting in person because of ill health, disability, carer responsibilities or natural disaster.

A councillor will also be permitted to attend a meeting of the council or a committee of the council by audio-visual link with the prior approval of the council or committee, or approval granted by the council or committee at the meeting concerned, where they are prevented from attending the meeting because they are absent from the local area due to a prior work commitment. However, a councillor will not be permitted to attend an ordinary or extraordinary meeting of the council or a meeting of a committee of the council by audio-visual link on these grounds on any more than three occasions in each year (inclusive of all ordinary, extraordinary and committee meetings attended by the councillor by these means).

Where a councillor is proposing to seek the council's or a committee's approval to attend a meeting by audio-visual link at the meeting concerned, they must first give the general manager at least 5 working days' notice that they will be seeking the council's or committee's approval, to allow sufficient time for the necessary arrangements to be made for them to attend the meeting remotely, should the council or committee give its approval.

Where attending a meeting by audio-visual link, councillors will be required to do so from a location within NSW or within 100km of the NSW border.

➤ **As with decisions to grant a leave of absence under the existing provisions of the Model Meeting Code, the decision to permit a councillor to attend a meeting by audio-visual link is one that will be at the council's or committee's discretion.**

The council or committee will be required to act reasonably when considering whether to grant a councillor's request to attend a meeting by audio-visual link.

However, the council or committee will be permitted to refuse a councillor's request to attend a meeting by audio-visual link, where the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or comply with the council's code of meeting practice on one or more previous occasions when they have attended a meeting by audio-visual link.

When attending meetings by audio-visual link, meeting rules and standards will apply to councillors in the same way they would if the councillor was attending the meeting in person.

The council's adopted code of meeting practice will apply to a councillor attending a meeting of the council or a committee of the council by audio-visual link in the same way it would if they attended the meeting in person.

Councillors will be required to give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link.

Councillors will also be required to be appropriately dressed when attending meetings 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.

Where a councillor has attended a meeting by audio-visual link, the minutes of the meeting must record the fact that the councillor attended the meeting by audio-visual link.

Councillors attending meetings by audio-visual link will be required to disclose and appropriately manage conflicts of interest.

Councillors attending a meeting by audio-visual link will be required to 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 the 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 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.

Councillors attending meetings by audio-visual link will be required to protect the confidentiality of information considered while the meeting is closed to members of the public.

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

The proposed amendments will contain provisions that allow the chair to enforce compliance with meeting rules by councillors attending meetings by audio-visual link.

Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson will be permitted to mute the councillor's audio link to the meeting for the purposes of enforcing compliance with the council's code of meeting practice.

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 will be permitted terminate the councillor's audio-visual link to the meeting.

Have your say

We now want to hear from you.



Key questions to consider

Do you support the proposed changes to the Model Meeting Code to allow councillors to attend meetings remotely by audio-visual link?

Do you have any concerns about the proposed changes? What are your concerns?

Do you have any suggestions for how the proposed new provisions could be improved?

Submissions may be made in writing by **COB 3 May 2021** to the following addresses.

Further information

For more information, please contact Office of Local Government's Council Governance Team on **(02) 4428 4100** or via email at olg@olg.nsw.gov.au.

POST:
 Locked Bag 3015
 NOWRA NSW 2541



EMAIL:
olg@olg.nsw.gov.au

Submissions should be labelled 'Remote attendance at council and committee meetings' and marked to the attention of Office of Local Government's Council Governance Team.





18.3 REVIEW OF PRIVACY AND INFORMATION DOCUMENTS

Document ID: 549587

Author: Deputy General Manager Corporate and Community

Authoriser: Deputy General Manager Corporate and Community

Theme: Our Civic Leadership

Attachments:

1. [2015 Agency Information Guide](#) ↓
2. [2013 Privacy Management Plan](#) ↓
3. [Revised Agency Information Guide](#) ↓
4. [Revised Privacy Management Plan](#) ↓
5. [DRAFT Privacy Policy](#) ↓

RECOMMENDATION

That Council:

1. Adopts the Revised Agency Information Guide and the Revised Privacy Management Plan for implementation; and
2. Approves the Draft Privacy Policy to be placed on public exhibition for community comments; and
3. Should no submissions be received during exhibition, adopts and implements the policy.

PURPOSE

The purpose of this report is to provide Council the opportunity to review updated documents relating to privacy and also access to information prior to implementation.

SUMMARY

Legislation requires Council to have key documents to guard personal privacy and to provide access to Government information. On occasions these objectives can conflict through maximising access to information but also protecting privacy, therefore Council's Privacy Management Plan and the Agency Information Guide must work concurrently. These documents have now been reviewed and are attached.

BACKGROUND

The *Government Information (Public Access) Act 2009* (GIPA) requires Council to maintain an Agency Information Guide to advise the public of the activities undertaken by Council and how information about these may be obtained, this guide was last adopted by Council in 2015.

Council has adopted a Privacy Management Plan to comply with the *Privacy and Personal Information Act 2009* (PIPPA) and *Health Records & Information Privacy Act 2002* (HRIPA). The plan utilises the Model Privacy Management Plan for Local Government supplied by the NSW Office of Local Government and was last adopted in 2013.

Both these documents have now been extensively reviewed with a supporting Privacy Policy developed, the three documents are attached to this report for review.

RELEVANCE TO COMMUNITY STRATEGIC PLAN AND OTHER STRATEGIES / MASTERPLANS / STUDIES**Theme**

Our Civic Leadership

Strategy

5.1 - To have a Council that demonstrates effective management consistently, also a Council that communicates and engages well with the community and works collaboratively

Action

5.1.3 - As an organisation the information management capability meets the needs of the users and the community

ISSUES AND IMPLICATIONS**Policy**

- New Privacy Policy proposed

Financial

- No additional financial implications are identified.

Legal / Statutory

Compliance with:

- *Government Information (Public Access) Act 2009 (GIPPA)*
- *Privacy and Personal Information Act 2009 (PIPPA)*
- *Health Records & Information Privacy Act 2002 (HRIPA)*

Community Engagement / Communication

- All documents will be available on Council's website to assist the public in obtaining information from council.

Human Resources / Industrial Relations

- Staff need to be aware of the legislation when collecting information from the public and responding to request for information held by council.

RISKS

Non-compliance with the legislation

OPTIONS

1. Adopt the documents as presented for implementation and exhibition; or
2. Adopt the documents with amendments for implementation and exhibition; or
3. Refer the documents back to the Governance & Engagement Manager for further amendments.

CONCLUSION

The recommendation will be that Council adopt the documents as presented for implementation and exhibition.

RECOMMENDATION

That Council:

1. Adopts the Revised Agency Information Guide and the Revised Privacy Management Plan for implementation; and
2. Approves the Draft Privacy Policy to be placed on public exhibition for community comments; and
3. Should no submissions be received during exhibition, adopts and implements the policy.

File No: 10/5/28-02

AGENCY INFORMATION GUIDE



NARRANDERA SHIRE COUNCIL

Narrandera Shire Council
141 East Street
NARRANDERA NSW 2700
Tel: 02 6959 5510 Fax: 02 6959 1884
Email: council@narrandera.nsw.gov.au

INFORMATION GUIDE

1 Structure and Functions of Council

1.1 Description

1.2 Basis of Constitution

1.3 Organisational Structure and Resources

1.4 Functions of Narrandera Shire Council

2 How Council's Functions Affect Members of the Public

3 How the Public Can Participate in Council's Policy Development and the Exercising of Functions

3.1 Representation

3.2 Personal Participation

4 Access to Information

5. Public Interest Considerations

6. What Fees and Charges Apply

7 Documents – Held by Council

7.1 Files - Electronic

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7.3 Policy Documents

7.4 General Documents

8 How Members of the Public may Access and Amend Council Documents Concerning their Personal Affairs

9 Principal Officer

10. Right to Information Officer

11. Office of Information and Privacy Commissioner

12. Rights of Review

13. Conclusion

1. Structure and Functions of Council

1.1 Description

Narrandera Municipal Council and Yanco Shire Councils amalgamated to form Narrandera Shire Council on 1 January 1960. There are nine (9) Councillors elected to the Council. These Councillors elect the Mayor from amongst themselves in September each year. The Shire covers an area of 4116.02 km² and is located in south western New South Wales between Wagga Wagga and Griffith and lies in the heart of an area known as the Riverina. The Shire shares its boundary with Griffith, Leeton, Wagga Wagga, Bland, Coolamon, Murrumbidgee, Lockhart, Carathool and Urana Local Government Areas. The Murrumbidgee River traverses the southern end of the township and the Shire.

1.2 Basis of Constitution

The Narrandera Shire Council is constituted under the Local Government Act 1993.

1.3 Organisational Structure and Resources

The Narrandera Shire Council is governed by the body of Councillors who are elected by the residents and ratepayers of the Shire every four (4) years.

The roles of the Councillors, as members of the body politic are as follows:

- To direct and control the affairs of the Council in accordance with the Local Government Act and other applicable legislation.
- To participate in the optimum allocation of the Council's resources for the benefit of the area.
- To play a key role in the creation and review of the Council's policies, objectives and criteria relating to the exercise of the Council's regulatory functions.
- To review the performance of the Council and its delivery of services, management plans and revenue policies of the Council.

The role of a Councillor as an elected person is:

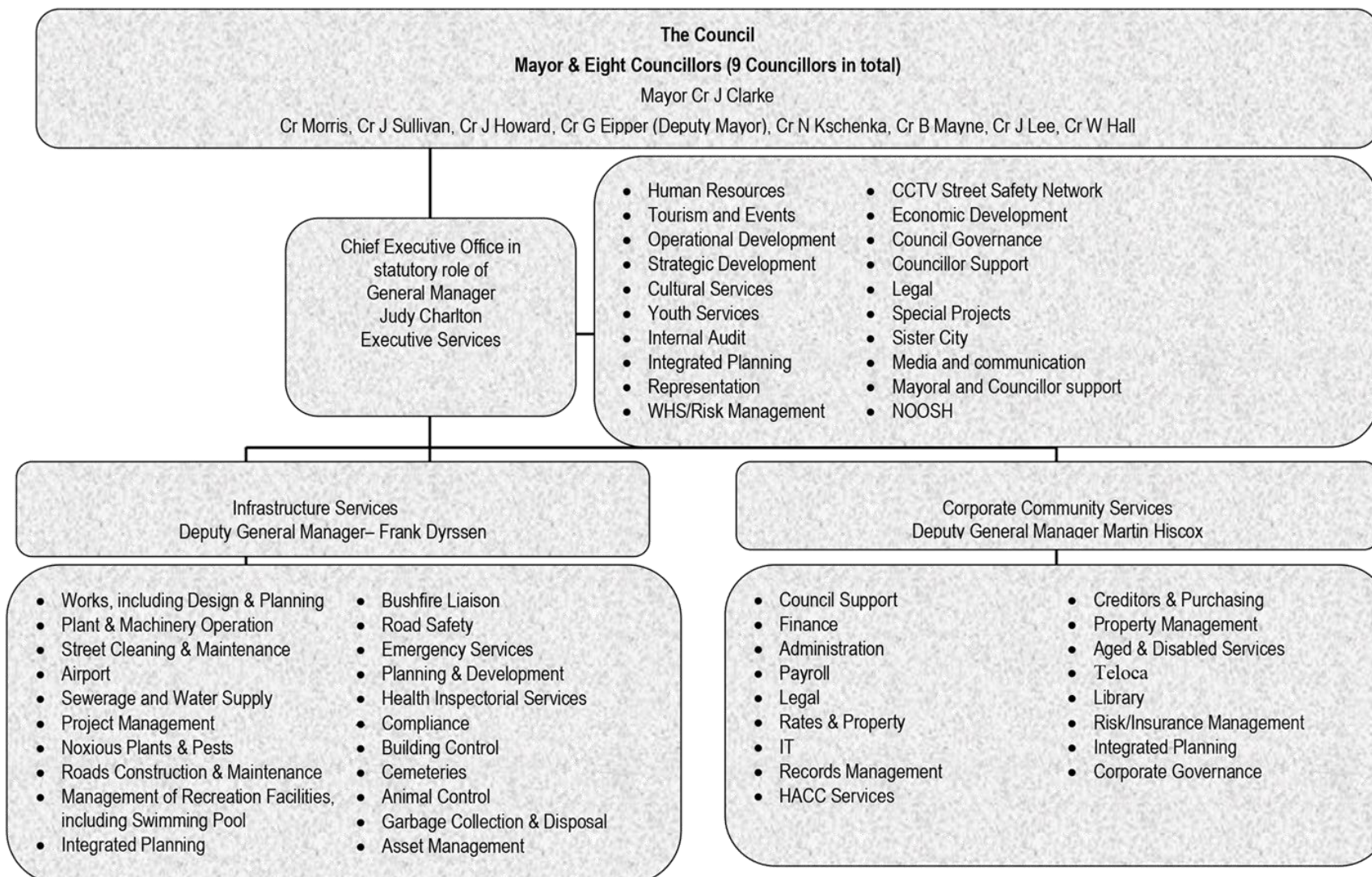
- To represent the interests of the residents and ratepayers.
- To provide leadership and guidance to the community.
- To facilitate communication between the community and the Council.

The Mayor presides at meetings of the Council, carries out the civic and ceremonial functions of the office, exercises, in cases of necessity, the decision making functions of the body politic, between its meetings and performs any other functions that the Council determines.

The Principal Officer of the Council is the Chief Executive Officer in the statutory role of General Manager. The Chief Executive Officer in the statutory role of General Manager is responsible for the efficient operation of the Council's organisation and for ensuring the implementation of Council decisions. The Chief Executive Officer in the statutory role of General Manager is also responsible for the day to day management of the Council, the exercise of any functions delegated by the Council, the appointment, direction and where necessary, the dismissal of staff, as well as the implementation of Council's Equal Employment Opportunity Management Plan. The Chief Executive Officer in the statutory role of General Manager is supported by staff within the Chief Executive Officer's own Executive Services.

To assist the Chief Executive Officer in the exercise of these functions, there are two (2) Departments of Council. These Departments are Corporate and Community Services and Infrastructure Services. Each of these Departments is headed by a Deputy General Manager

The following is a depiction of Council's organisational structure:



1.4 Functions of Narrandera Shire Council

Under the Local Government Act, 1993, Council's functions can be grouped into the following categories:

SERVICE FUNCTIONS	REGULATORY FUNCTIONS	ANCILLARY FUNCTIONS	REVENUE FUNCTIONS	ADMIN FUNCTIONS	ENFORCEMENT FUNCTIONS
Provision of community health, recreation, education & information services. Environmental protection. Waste removal & disposal. Land & property, industry & tourism development & assistance. Civil Infrastructure Planning. Animal control. Civil Infrastructure Maintenance & Construction. Aged Care provider. CCTV services. Economic Development. Local Laws. Events Management Sister City	Building development Approvals and control. Development of Codes and Policies Orders. Building Certificates Land Management Leases and Licences of public reserves	Resumption of land. Powers of entry and inspection Power to sell land for overdue rates Power to order the demolition of unsafe or unapproved structures	Levying of Rates. Levying of Charges. Levying of Fees. Authority to Borrow funds Authority to make Investments. Authority to Grant subsidies.	Employer of staff. Community Strategic Plans Delivery and Operational Plans. Financial reporting Annual Reports. Governance.	Recovery of outstanding Rates. Prosecution of Offences. Proceedings for breaches of the Local Government Act & Regulations Codes of Conduct and practice Policy preparation

Out of school and vacation child services					
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As well as the Local Government Act, 1993 Council has powers under a number of other Acts that include but not limited to the following:

- Community Land Development Act 1989*
- Companion Animals Act 1998*
- Contaminated Land Management Act 1997*
- Conveyancing Act 1919*
- Environmental Planning and Assessment Act 1979*
- Fire Brigades Act 1989*
- Food Act 2003*
- Fluoridation of Public Water Supplies Act 1957*
- Government Information (Public Access) Act 2010*
- Heritage Act 1977*
- Impounding Act 1993*
- Library Act 1939*
- Noxious Weeds Act 1993*
- Privacy & Personal Information Protection Act 1998*
- Protection of the Environment Administration Act 1991*
- Protection of the Environment Operations Act 1997*
- Public Health Act 2010*
- Recreation Vehicles Act 1983*
- Roads Act 1993*
- State Emergency & Rescue Management Act 1989*
- State Emergency Service Act 1989*
- Strata Schemes (Freehold Development) Act 1973*
- Strata Schemes (Leasehold Development) Act 1986*
- Strata Schemes Management Act 1996*
- Swimming Pools Act 1992*
- Unclaimed Money Act 1995*
- Anti – Discrimination Act, 1977*
- Clean Air Act, 1947*
- Crown Lands Act, 1989*
- Dividing Fences Act, 1991*
- Interpretation Act, 1987*
- Land Acquisition Just Terms Compensation Act, 1992*
- Noise Control Act, 1975*
- Real Property Act, 1993*
- Threatened Species and Conservation Act, 1995*
- Traffic Act, 1904*
- Valuation of Land Act, 1916*
- Waste Minimisation and Management Act, 1995*

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2. How Council Functions Affect Members of the Public

As a service organisation, the majority of the activities of the Narrandera Shire Council have an impact on the public. The following is an outline of how the broad functions of Council affect the public:

Service functions affect the public as Council provides services and facilities to the public. These include provision of human services such as out of school and vacation care for children and libraries, halls and community centres, recreation facilities, infrastructure and the removal of garbage.

Regulatory functions place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and not endanger the lives and safety of any person. Members of the public must be aware of, and comply with, such regulations.

Ancillary functions affect only some members of the public. These functions include, for example, the resumption of land or the power for Council to enter onto a person's land. In these circumstances, only the owner of the property would be affected.

Revenue functions affect the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community.

Administrative functions do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.

Enforcement functions only affect those members of the public who are in breach of certain legislation. This includes matters such as the non payment of rates and charges, unregistered dogs and parking offences.

Community planning and development functions affect areas such as cultural development, social planning and community profile and involves:

- Advocating and planning for the needs of our community. This includes initiating partnerships; participating on regional, State or Commonwealth working parties; and preparation and implementation of the Community Plan.
- Providing support to community and sporting organisations through provision of grants, training and information.
- Facilitating support and opportunities for people to participate in the life of the community through the conduct of a range of community events such as NAIDOC Week, Youth Week, Library activities, as well as promoting events of others.

3. How the Public can Participate in Council's Policy Development and the Exercising of Functions

There are two broad ways in which the public may participate in the policy development and general activities of the Council. These are through representation and personal participation.

3.1 Representation

Local Government in Australia is based on the principle of representative democracy. This means that the people elect representatives to their local Council to make decisions on their behalf. In New South Wales, local government elections are held every four years. The next elections are to be held in September, 2016.

At each election, voters elect nine Councillors for a four year term (the Mayor is elected by the Council). All residents of the area who are on the electoral roll are eligible to vote. Property owners who live outside of the area and rate paying lessees can also vote, but must register their intention to vote on the non residential roll. Voting is compulsory.

Residents are able to raise issues with, and make representations to, the elected Councillors. The Councillors, if they agree with the issue or representation, may pursue the matter on the resident's behalf thus allowing members of the public to influence the development of policy.

3.2 Personal Participation

There are also avenues for members of the public to personally participate in the policy development and the functions of the Council. Several Council Committees comprise or include members of the public. Some of these special committees or bodies are:

- Library
- Noxious Weeds
- Grong Grong Hall
- Barellan Museum Management
- Barellan and District Community (Hall) Centre
- Narrandera Koala Regeneration Centre
- Narrandera Railway Station Building Management
- Narrandera Sports Stadium Management
- Narrandera Sportsground Advisory
- Narrandera Shire Wetlands Advisory
- Lake Talbot Environs Advisory
- John O'Brien Festival Organising
- Australia Day Planning
- Internal Audit Committee
- Narrandera Shire Council Arts and Community Centre Committee
- Teloca House Management Committee
- Narrandera Leeton Airport Management Committee
- Floodplain Risk Management

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Members of the public are also able to attend Council meetings held on the third Tuesday of each month commencing at 5pm in the Chambers at 141 East Street Narrandera.

Residents may address Council through Public Question Time at each Ordinary Meeting on the third Tuesday of each month commencing at 5pm. Written notice of the question is to be given as per the requirements in Council's Code of Meeting Practice.

Members of the public are able to provide submissions on draft policies, strategies and plans that are placed on public exhibition, complete community surveys, attend community forums and become involved as a volunteer through the various committees.

Residents can write to Council on matters under Council's control. If the matter is outside the delegations or policies by which staff or the Chief Executive can make a decision, the matter will be referred to the next available relevant Committee or Council Meeting. All matters to be addressed through staff reports, must be submitted at least a fortnight prior to the relevant meeting. This time allows for report, business paper and agenda preparation.

4. Access to Information

Under the GIPA Act, there is a right of access to certain information held by Council unless there is an overriding public interest against disclosure of the information.

There are four ways in which Council will provide access to information:

1. Mandatory Proactive Release
2. Authorised Proactive Release
3. Informal Release
4. Formal Access Application

Any applications under the GIPA Act will be processed in accordance with the Act's requirements and a determination made to release the information or refuse access on the basis of the relevant consideration under that Act.

Council will assess requests for access to information having regard to:

- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002
- State Records Act 1998
- Local Government Act 1993
- Environmental Planning and Assessment (EPA) Act 1979
- Companion Animals Act 1998

Any other relevant legislation and guidelines as applicable.

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For further information the following Office of Information and Privacy Commissioner (IPC) web site link is provided:

http://www.ipc.nsw.gov.au/privacy/public_media/accessing_information.html

5. Public Interest Considerations

When considering whether or not to provide information Council will apply the public interest test having regard to their obligation to promote the objectives of the GIPA Act and to any relevant guidelines issued by the Information Commissioner.

The GIPA Act provides a table of items for which there is an overriding public interest against disclosure. Council must consider each application for information against these criteria before information can be released.

Schedule 1 of the GIPA Act sets out information for which there is a conclusive presumption of an overriding public interest against disclosure. When applying the public interest test, factors for disclosure must also be considered. If the factors against disclosure outweigh the factors for (i.e. there is an overriding public interest against disclosure), the information does not have to be released.

6. What fees and charges apply

Informal Access to information Request – there is no application fee for a request for access to information. Council may impose a copying charge “not exceeding the reasonable cost of photocopying”.

Formal Access Application – an application fee is payable in accordance with Council’s adopted fees and charges. The application is invalid until the fee is paid.

Processing Charges – Council may impose a charge for processing an application. This is calculated in accordance with Council’s adopted fees and charges. For more information on fees and charges the following IPC web link fact sheet site is provided:

[http://www.ipc.nsw.gov.au/privacy/public_media/accessing_information/individuals.html#How do I make a form](http://www.ipc.nsw.gov.au/privacy/public_media/accessing_information/individuals.html#How_do_I_make_a_form)

7. Documents - Held by Narrandera Shire Council

Council holds documents (hard copy and/or electronic form) that relate to a number of different issues concerning the Narrandera Shire area. These documents are grouped into four categories:

1. Electronic Documents
2. "Physical Files"
3. Policy Documents
4. General Documents

Documents included in Clause 7.4 of this Publication Guide may be made available to the public on request unless there is an overriding public interest not to do so. Some documents may require a formal access application in accordance with the Government Information (Public Access) Act.

7.1 Files - Electronic

Council implemented a Total Record Imaging Management system (TRIM) in post July 2000. Hard copy physical files were dispensed with at this time, except for development/building/construction applications.

Accordingly, the TRIM system captures information against the following:

1. Customer
2. Property
3. Application
4. Street/Road
5. Request Type
6. Subject
7. Meetings

7.2 Files - Physical

Prior to the introduction of the TRIM record management system, the main types of physical files held by Council included general subject files, development and building files and property files.

The foregoing are not available on Council's website however this information may be made available either by informal release or via an access application in accordance with Sections 7-9 of the GIPA Act, unless there is an overriding public interest against disclosure of the information as outlined in Section 14 of the GIPA Act. Members of the public who require an informal release or an access application can do so by contacting Council on 6959 5510.

7.3 Policy Documents

Council has a register of policy documents which is maintained by Council's Right to Information Officer and is available on Council's website.

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7.4 General Documents

The following list of general documents held by Council has been divided into four sections as outlined by the *Government Information (Public Access) Amendment Regulation 2010*:

1. Information about Council
2. Plans and Policies;
3. Information about Development Applications;
4. Approvals, Orders and other Documents.

The Government Information (Public Access) Amendment Regulation 2010 requires that these documents held by Council, are to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents either on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) or at the offices of the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges.

These documents are:

Information about Council

- The model code prescribed under section 440 (1) of the LGA
- Councils adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Delivery Plan
- EEO Management Plan
- Policy concerning the Payment of Expenses Incurred by, and the Provision of Facilities to, Councillors
- Annual Reports of Bodies Exercising Functions Delegated by Council
- Any Codes referred to in the LGA
- Returns of the Interests of Councillors, Designated Persons and Delegates
- Agendas and Business Papers for any meeting of Council or any Committee of Council
- Minutes of any meeting of Council or any Committee of Council
- Departmental Representative Reports presented at a meeting of Council
- Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti removal works

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- Register of current Declarations of Disclosures of Political donations
- Register of Voting on Planning Matters
- Community Strategic Plan
- Asset Management Plan - various
- Long Term financial Plan
- Community Engagement Strategy
- Delivery Program and operational plan
- Workforce strategic plan
- Asset management policy and strategy
- Economic Development Strategy

Plans and Policies

- Local Policies adopted by Council concerning approvals and orders
- Plans of Management for Community Land
- Environmental Planning Instruments, Development Control Plans and Contribution Plans

Information about Development Applications

Development Applications and any associated documents received in relations to a proposed development:

- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification Documents
- Town Planner Reports
- Submissions received on Development Applications
- Heritage Consultant Reports
- Tree Inspections Consultant Reports
- Acoustic Consultant Reports
- Land Contamination Consultant Reports
- Records of decisions on Development Applications including decisions on appeals
- Records describing general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information

Approvals, Orders and Other Documents

- Applications for approvals under part 7 of the LGA
- Applications for approvals under any other Act and any associated documents received
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
- Orders given under the Authority of any other Act
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979

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- Plans of land proposed to be compulsorily acquired by Council
- Compulsory Acquisition Notices
- Leases and Licenses for use of Public Land classified as Community Land

8. How Members of the Public may Access and Amend Council Documents Concerning their Personal Affairs

As mentioned previously, Council has a vast range of documents that can be accessed in varying ways. Most documents can be inspected at and obtained from Council's Administration office between the hours of 8.30 am and 4.30 pm, Monday to Friday (except public holidays). For further enquiries about any document, a Customer Service Officer should be contacted. If you experience any difficulty in obtaining documents or information, you should contact the Public Officer.

9. Principal Officer

The Chief Executive Officer in the statutory role of General Manager has been appointed the Principal Officer.

10. Right to Information Officer

The Executive Officer has been appointed as the Right to Information Officer. Amongst other duties, the Right to Information Officers may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents of the Council.

The Right to Information Officer is responsible for determining applications for access to documents or for the amendment of records. If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to the Right to Information Officer.

Also, if you would like to amend a document of Council which you feel is incorrect, it is necessary for you to make written application to the Right to Information Officer in the first instance. Enquiries should be addressed as follows:

General Manager - *Chief Executive Officer*

Narrandera Shire Council
141 East Street
NARRANDERA NSW 2700

Email: council@narrandera.nsw.gov.au

11. Office of the Information and Privacy Commissioner

Further advice and information on the Government Information (Public Access) Act 2009 can be obtained from the Office of Information and Privacy Commissioner at:

Web site - www.ipc.nsw.gov.au
Free call telephone at 1800 472 679
fax (02) 8114 3756,

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Assisted Contact: 133 677

Translating and Interpreting service: 131 450

email: ipcinfo@ipc.nsw.gov.au; or

mail: GPO Box 7011, Sydney NSW 2001

In person at Level 11, 1 Castlereagh Street Sydney

12 Rights of Review

Internal Review – If an access application has been refused, there is a general right to seek an internal review of the decision. An internal review must be applied for within 20 working days of the original decision and is subject to a fee. The internal review involves the Deputy General Manager Corporate and Community Services being a separate person involved in the original determination.

Role of Information and Privacy Commissioner – The Information and Privacy Commissioner can review a decision to refuse access to information if requested by the applicant, notwithstanding any internal review being undertaken.

However, for other persons seeking review, an internal review must be first undertaken. The information Commissioner also deals with complaints under the GIPA Act.

External Review (Administrative Decisions Tribunal) – Applicants also have formal avenues via the New South Wales Administrative Decisions Tribunal to review the decision to refuse access. This application must be made within 8 weeks of the original decision or 4 weeks after a review undertaken by the Information Commissioner.

Section 80 of the GIPA Act lists other decisions made on an access application that are reviewable. For further information refer to IPC web site link below for fact sheet review rights:

http://www.ipc.nsw.gov.au/privacy/ipc_resources/ipc_factsheets.html

13. Conclusion

It is clarified that the Government Information (Public Access) Act 2009 provides the following ways in which the public can access information from Council:

- Allowing inspection of a record of information.
- Providing copy of a record of information.

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- Providing access to a record, together with access to facilities required to read the record.
- Providing a written transcript of the information.

This process, together with the list of information being made publically available by Council, endeavours to ensure that requests for formal access to information are as far as possible, limited.



MagiQ: 17894

MODEL PRIVACY MANAGEMENT PLAN FOR NARRANDERA SHIRE COUNCIL

Adopted 16 April 2013

Note - The Model Privacy Management Plan adopted for use by Narrandera Shire Council was produced by the Division of Local Government, Department of Premier and Cabinet.

ACCESS TO SERVICES

The Division of Local Government, Department of Premier and Cabinet is located at:

Levels 1 & 2

5 O'Keefe Avenue
NOWRA NSW 2541

Locked Bag 3015
NOWRA NSW 2541

Phone 02 4428 4100
Fax 02 4428 4199
TTY 02 4428 4209

Level 9, 6 – 10 O'Connell Street
SYDNEY NSW 2000

PO Box R1772
ROYAL EXCHANGE NSW 1225

Phone 02 9289 4000
Fax 02 9289 4099

Email: dlg@dlg.nsw.gov.au
Website www.dlg.nsw.gov.au

OFFICE HOURS

Monday to Friday

8.30am to 5.00pm

(Special arrangements may be made if these hours are unsuitable) All offices are wheelchair accessible.

ALTERNATIVE MEDIA PUBLICATIONS

Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact our Executive Branch on 02 9289 4000.

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PREFACE

The *Privacy and Personal Information Protection Act 1998* (the “PIIPA”) requires all councils to prepare a Privacy Management Plan outlining their policies and practices to ensure compliance with the requirements of that Act and the *Health Records and Information Privacy Act 2002* (the HRIPA).

In particular, the object of this plan is to inform:

- The community about how their personal information will be used, stored and accessed after it is collected by the Council; and
- Council staff of their obligations in relation to handling personal information and when they can and cannot disclose, use or collect it.

PART 1 – INTRODUCTION

The Privacy and Personal Information Protection Act 1998 (“PPIPA”) provides for the protection of personal information and for the protection of the privacy of individuals.

Section 33 of the PPIPA requires all councils to prepare a Privacy Management Plan (the “Plan”) to deal with:

- the devising of policies and practices to ensure compliance by the Council with the requirements of the PPIPA and the Health Records and Information Privacy Act 2002 (“HRIPA”);
- the dissemination of those policies and practices to persons within the Council;
- the procedures that the Council proposes for internal review of privacy complaints;
- such other matters as are considered relevant by the Council in relation to privacy and the protection of personal information held by it.

This Plan has been prepared for the purpose of section 33 of the PPIPA.

PPIPA provides for the protection of personal information by means of 12 Information Protection Principles. Those principles are listed below:

Principle 1 - Collection of personal information for lawful purposes
Principle 2 - Collection of personal information directly from individual
Principle 3 - Requirements when collecting personal information
Principle 4 - Other requirements relating to collection of personal information
Principle 5 - Retention and security of personal information
Principle 6 - Information about personal information held by agencies
Principle 7 - Access to personal information held by agencies
Principle 8 - Alteration of personal information
Principle 9 - Agency must check accuracy of personal information before use
Principle 10 - Limits on use of personal information
Principle 11 - Limits on disclosure of personal information
Principle 12 - Special restrictions on disclosure of personal information

Those principles are *modified* by the Privacy Code of Practice for Local Government (“the Code”) made by the Attorney General. To date there has been no Health Records and Information Privacy Code of Practice made for Local Government.

The Privacy Code has been developed to enable Local Government to fulfil its statutory duties and functions under the *Local Government Act 1993* (the “LGA”) in a manner that seeks to comply with the PPIPA.

This Plan outlines how the Council will incorporate the 12 Information Protection Principles into its everyday functions.

This Plan should be read in conjunction with the Code of Practice for Local Government.

Nothing in this Plan is to:

- affect any matter of interpretation of the Codes or the Information Protection

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- Principles and the Health Privacy Principles as they apply to the Council;
- affect any obligation at law cast upon the Council by way of representation or holding out in any manner whatsoever;
 - create, extend or lessen any obligation at law which the Council may have.

This Plan is designed to introduce policies and procedures to maximise compliance with the PPIPA and the HRIPA.

Where the Council has the benefit of an exemption, it will nevertheless describe procedures for compliance in this Plan. By doing so, it is not to be bound in a manner other than that prescribed by the Codes.

Council collects, stores and uses a broad range of information. A significant part of that information is personal information. This Plan applies to that part of the Council's information that is personal information.

It may mean in practice that any information that is not personal information will receive treatment of a higher standard; namely treatment accorded to personal information where the information cannot be meaningfully or practicably separated.

1.1 What is “personal information”?

“Personal information” is defined in section 4 of the PPIPA as follows:

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

1.2 What is not “personal information”

“Personal information” does not include “information about an individual that is contained in a publicly available publication”. Personal information, once it is contained in a publicly available publication, ceases to be covered by the PPIPA.

Section 4A of the PPIPA also specifically excludes “health information”, as defined by section 6 of the HRIPA, from the definition of “personal information”, but includes “health information” in the PPIPA's consideration of public registers (discussed below). “Health information” is considered in Part 4 of this Plan.

Where the Council is requested to provide access or make a disclosure and that information has already been published, then the Council will rely on the provisions of the relevant Act that authorises Council to hold that information and not the PPIPA (for example, section 8 of the Government Information (Public Access) Act 2009 (GIPA Act)).

Council considers the following to be publicly available publications:

- An advertisement containing personal information in a local, city or national newspaper;
- Personal information on the Internet;

- Books or magazines that are printed and distributed broadly to the general public;
- Council Business papers or that part that is available to the general public;
- Personal information that may be a part of a public display on view to the general public.

Information published in this way ceases to be covered by the PPIPA.

Council's decision to publish in this way must be in accordance with PPIPA.

1.3 Policy on Electoral Rolls

The Electoral Roll is a publicly available publication. Council will provide open access to the Electoral Roll in Council's library. Council will refer any requests for copies of the Electoral Roll to the State Electoral Commissioner.

1.4 Application of this Plan

The PPIPA, the HRIPA and this Plan apply, wherever practicable, to:

- Councillors;
- Council employees;
- Consultants and contractors of the Council;
- Council owned businesses; and
- Council committees (including community members of those committees which may be established under section 355 of the LGA).

Council will ensure that all such parties are made aware that they must comply with the PPIPA, the HRIPA, any other applicable Privacy Code of Practice and this Plan.

1.5 Personal Information held by Council

The Council holds personal information concerning Councillors, such as:

- personal contact information;
- complaints and disciplinary matters;
- pecuniary interest returns; and
- entitlements to fees, expenses and facilities.

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

- rates records; and
- DA applications and objections; and
- various types of health information (see page 37 for detailed examples).

The Council holds personal information concerning its employees, such as:

- recruitment material;
- leave and payroll data;
- personal contact information;
- performance management plans;
- disciplinary matters;
- pecuniary interest returns;
- wage and salary entitlements; and
- health information (such medical certificates and workers compensation claims).

1.6 Applications for suppression in relation to general information (not public registers).

Under section 739 of the Local Government Act 1993 (“LGA”) a person can make an application to suppress certain material that is available for public inspection in circumstances where the material discloses or would disclose the person’s place of living if the person considers that the disclosure would place the personal safety of the person or their family at risk.

Section 739 of the LGA relates to publicly available material other than public registers. As such, it limits disclosure in those circumstances where an application for suppression is successful. An application for suppression must be verified by statutory declaration and otherwise meet the requirements of section 739. When in doubt, Council will err in favour of suppression.

For more information regarding disclosure of information (other than public registers) see the discussion of IPPs 11 and 12 in Part 3 of this Plan. For information regarding suppression of information on *public registers*, see Part 2 of this Plan.

1.7 Caution as to unsolicited information

Where an individual, a group or committee, not established by Council, gives Council unsolicited personal or health information, then that information should be still treated in accordance with this Plan, the Codes, the HRIPA and the PPIPA for the purposes of IPPs 5-12 and HPPs 5-15 which relate to storage, access, use and disclosure of information.

Note that for the purposes of section 10 of the HRIPA, the Council is not considered to have “collected” health information if the receipt of the information by the Council is unsolicited.

Section 4(5) of the PPIPA also provides that personal information is not “collected” by Council if it is unsolicited.

PART 2 – PUBLIC REGISTERS

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

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

A distinction needs to be drawn between “public registers” within the meaning of Part 6 of the PPIPA and “non public registers”. A “non public register” is a register but it is not a “public register” for the purposes of the PPIPA. For example, the register might not be publicly available or it may not contain personal information.

Disclosure in relation to public registers must comply with Part 6 of the PPIPA and the Privacy Code. Personal information cannot be accessed by a person about another person unless the personal information is contained in a public register. Where personal information is contained in a public register, then Part 6 of the PPIPA applies to determine whether access to that information will be given to another person.

Disclosure in relation to all other personal information must comply with the Information Protection Principles as outlined in Part 2 of this Plan and the Privacy Code where it includes personal information that is not published.

The Council holds the following public registers under the LGA: ***

- Section 53 - Land Register
- Section 113 - Records of Approvals;
- Section 449 -450A - Register of Pecuniary Interests;
- Section 602 - Rates Record.

***Note – this is purely indicative. Council may, by virtue of its own practice, hold other Public Registers, to which the PPIPA applies.

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

- Section 100 – Register of consents and approvals
- Section 149G – Record of building certificates

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

- Section 308 – Public register of licences held

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

- Section 30 & 31 – Record of impounding

Members of the public may enquire only in accordance with the primary purpose of any of these registers. The primary purpose for each of these public registers is set out in the sections that follow.

2.1 Public registers, the PPIPA and the HRIPA

A public register generally confers specific rights or privileges, a benefit, or status, which would not otherwise exist. It may be required by law to be made publicly available or open to public inspection, or it is simply made publicly available or open to public inspection (whether or not payment is required).

Despite the exclusion of "health information" from the definition of "personal information" under section 4A of the PPIPA, section 56A of the PPIPA *includes* as "personal information", "health information" on public registers.

Section 57 of the PPIPA requires very stringent controls over the disclosure of personal information contained in a public register. It provides broadly that where Council is responsible for keeping a public register, it will not disclose any personal information kept in that register unless it is satisfied that the information is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept.

Section 57 (2) provides that in order to ensure compliance with section 57(1), a Council may require any person who applies to inspect personal information contained in the public register to give particulars in the form of a statutory declaration as to the proposed use of that information. (Form at Appendix 1 may be used a guide)

Councils also need to consider the Privacy Code of Practice for Local Government which has the effect of modifying the application of Part 6 of the PPIPA (the "public register" provisions).

If the stated purpose of the applicant does not conform with the purpose for which the public register is kept, access to the information sought will not be given.

Where personal information is contained in a publicly available publication, that information will not be regarded as personal information covered by the PPIPA or as health information for the purposes of part 6 of the PPIPA.

2.2 Effect on section 6 of the GIPA Act

Section 57 of the PPIPA prevails over clause 1(3) of Schedule 1 of the Government Information (Public Access) Regulation 2009 (GIPA Regulation) to the extent of any inconsistency. Therefore:

1. If a register is listed in Schedule 1 of the GIPA Regulation, access must not be given except in accordance with section 57(1) of the PPIPA.
2. If a register is not listed in Schedule 1 of the GIPA Regulation, access must not be given except:
 - (i) if it is allowed under section 57(1) of the PPIPA; **and**
 - (ii) there is no overriding public interest against disclosure of the information under section 6 of the GIPA Act.

Note: Both 1 and 2 are amended with regard to specific public registers in the Privacy Code of Practice for Local Government.

2.3 Where some information in the public register has been published

That part of a public register that is not published in a publicly available publication will be treated as a “public register” and the following procedure for disclosure will apply.

For example, the Register of Consents and Approvals held by Council under section 100 of the Environmental Planning and Assessment Act requires Council to advertise or publish applications for development consent.

When Council publishes the address of the property, it may identify the owner. The personal information that has not been published and any applications not advertised or that have been rejected or withdrawn (and hence also not published) will be treated as a public register under PPIPA.

Council may hold a register under the Contaminated Land Management Act on behalf of the Environment Protection Authority. This is not to be considered a public register of the Council as the statute does not place any obligations on the Council to make this register publicly available as a register of contaminated land. Furthermore, the legislation foreshadows that the Environment Protection Authority may indeed post this list or register on the internet. This may constitute a publication of the information and therefore the PPIPA will not apply.

Registers should not be published on the internet.

2.4 Disclosure of personal information contained in the public registers

A person seeking a disclosure concerning someone else’s personal information from a public register must satisfy Council that the intended use of the information is for a purpose relating to the purpose of the register or the Act under which the register is kept.

In the following section, by way of guidance only, what might be called the “primary” purpose (or “the purpose of the register”) has been specified for each identified register. In some cases a “secondary purpose” has also been specified, by way of guidance as to what might constitute “a purpose *relating to* the purpose of the register”.

2.5 Purposes of public registers

Purposes of public registers under the Local Government Act

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

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

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

Section 602 - Rates Record - The primary purpose is to record the value of a parcel of land and record rate liability in respect of that land. The secondary purpose includes recording the owner or lessee of each parcel of land. For example, that a disclosure on a section 603 (of the LGA) rating certificate that a previous owner was a pensioner is considered to be allowed, because the secondary purpose is “a purpose relating to the purpose of the register”.

Purposes of public registers under the Environmental Planning and Assessment Act

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

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

Purposes of public registers under the Protection of the Environment (Operations) Act

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

Purposes of the public register under the Impounding Act

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

Secondary purpose of all Public Registers

Due to the general emphasis (to be found in the LGA and elsewhere) on local government processes and information being open and accountable, it is considered that a secondary purpose for which all public registers are held by Council includes the provision of access to members of the public. Therefore disclosure of specific records from public registers would normally be considered to be allowable under section 57 of the PPIPA.

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

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

Other Purposes

Persons or organisations who apply to Council to have access to the information contained in any public register for a purpose not related to the purpose of the register, may be given access at the discretion of Council but only in accordance with the Privacy Code of Practice for Local Government concerning Public Registers.

2.6 Applications for access to own records on a public register

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

2.7 Applications for suppression in relation to a public register

An application for suppression in relation to a public register will be dealt with under PPIPA, rather than section 739 of the LGA.

A person about whom personal information is contained (or proposed to be contained) in a public register, may request Council under section 58 of the PPIPA to have the information removed from, or not placed on the register.

If Council is satisfied that the safety or well-being of any person would be affected by not suppressing the personal information as requested, Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information, in accordance with section 58(2) of the PPIPA. ("Well-being" is defined in the Macquarie Dictionary as "the good or satisfactory condition of existence; welfare".)

When in doubt, Council will err in favour of suppression.

Any information that is removed from, or not placed on, that aspect of a public register to be made public may be kept on the register for other purposes. That is, the information may still be used for council functions, but it cannot be disclosed to other parties.

An application for suppression should be made in writing addressed to the General Manager and must outline the reasons for the request. The Council may require supporting documentation where appropriate.

2.8 Other registers

Council may have other registers that are not public registers. The Information Protection Principles, this Plan, any applicable Codes and the PPIPA apply to those registers or databases.

PART 3 – THE INFORMATION PROTECTION PRINCIPLES

3.1 Information Protection Principle 1 – Section 8

Section 8 Collection of personal information for lawful purposes

- (1) *A public sector agency must not collect personal information unless:*
 - (a) *the information is collected for a lawful purpose that is directly related to a function or activity of the agency, and*
 - (b) *the collection of the information is reasonably necessary for that purpose.*
- (2) *A public sector agency must not collect personal information by any unlawful means.*

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from the requirements of this principle. Council Policy

Council will only collect personal information for a lawful purpose as part of its proper functions. The LGA governs Council's major obligations and functions.

Section 22 of the LGA provides other functions under other Acts. Some of those Acts are as follows:

- Community Land Development Act 1989
- Companion Animals Act 1998**
- Conveyancing Act 1919
- Environmental Planning and Assessment Act 1979
- Fire Brigades Act 1989
- Fluoridation of Public Water Supplies Act 1957
- Food Act 1989
- Impounding Act 1993
- Library Act 1939
- Protection of the Environment Operations Act 1997
- Public Health Act 1991
- Recreation Vehicles Act 1983
- Roads Act 1993
- Rural Fires Act 1997
- State Emergency Service Act 1989
- Strata Schemes (Freehold Development) Act 1973
- Strata Schemes (Leasehold Development) Act 1986;
- Swimming Pools Act 1992
- Public Health Act 1991

This list is not exhaustive.

Additionally, the exercise by Council of its functions under the LGA may also be modified by the provisions of other Acts. Some of those Acts follow:

- Coastal Protection Act 1979;
- Environmental Offences and Penalties Act 1989;
- Government Information (Public Access) Act 2009;
- Heritage Act 1977;
- State Emergency and Rescue Management Act 1989;
- Unclaimed Money Act 1995;
- Unhealthy Building Land Act 1990.

The circumstances under which Council may collect information, including personal information, are varied and numerous.

Council will not collect any more personal information than is reasonably necessary for it to fulfil its proper functions.

Anyone engaged by Council as a private contractor or consultant that involves the collection of personal information must agree to be bound not to collect personal information by any unlawful means. This will include debt recovery actions by or undertaken on behalf of Council by commercial agents.

**Companion Animals Act

Collection of information under the Companion Animals Act and Council's use of the Companion Animals Register should be guided by the Director General's guidelines, which have been developed with the PPIPA in mind.

Role of the Privacy Contact Officer

In order to ensure compliance with Information Protection Principle 1, internet contact forms, rates notices, application forms of whatsoever nature, or written requests by which personal information is collected by Council; will be referred to the Privacy Contact Officer prior to adoption or use.

The Privacy Contact Officer will also provide advice as to:

1. Whether the personal information is collected for a lawful purpose;
2. If that lawful purpose is directly related to a function of Council; and
3. Whether or not the collection of that personal information is reasonably necessary for the specified purpose.

Any further concerns of a legal nature will be referred to Council's solicitor.

3.2 Information Protection Principle 2 – Direct Collection

Section 9 Collection of personal information directly from individual

A public sector agency must, in collecting personal information, collect the information directly from the individual to whom the information relates unless:

- (a) the individual has authorised collection of the information from someone else, or*
- (b) in the case of information relating to a person who is under the age of 16 years—the information has been provided by a parent or guardian of the person.*

The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle where indirect collection of personal information 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.

Council Policy

The compilation or referral of registers and rolls are the major means by which the Council collects personal information. For example, the information the Council receives from the Land Titles Office would fit within section 9(a) above.

Other means include forms that customers may complete and lodge with Council for development consent, companion animal registration, applications for specific inspections or certifications or applications in respect of tree preservation orders.

In relation to petitions, the Council will treat the personal information contained in petitions in accordance with PPIPA.

Where Council or a Councillor requests or requires information from individuals or groups, that information will be treated in accordance with PPIPA.

Council regards all information concerning its customers as information protected by PPIPA. Council will therefore collect all personal information directly from its customers except as provided in section 9 or under other statutory exemptions or Codes of Practice. Council may collect personal information from other public sector agencies in respect of specific statutory obligations where it is authorised by law to do so.

Where Council anticipates that it may otherwise need to collect personal information indirectly it will first obtain the authorisation of each individual under section 9 (a) of the PPIPA.

External and related bodies

Each of the following will be required to comply with this Plan, any applicable Privacy Code of Practice, and the PPIPA:

- Council owned businesses
- Council consultants
- Private contractors

- Council committees

Council will seek to contractually bind each of these bodies or persons to comply with the PPIPA.

Where any of the above collect personal information on behalf of Council or in relation to the performance of their activities, that body or person will be required to:

- obtain a written authorisation and consent to that collection; and
- notify those persons in accordance with Information Protection Principle 3 as to the intended recipients and other matters required by that principle.

Council owned businesses, committees and private contractors or consultants must abide by this Plan, the Code and the PPIPA under the terms of their incorporation by Council or by contract.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 2.

Existing statutory exemptions under the Act

Compliance with Information Protection Principle 2 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in very obvious and limited circumstances and legal advice should normally be obtained.

The relevant statutory exemptions follow:

Section 23(2) of the PPIPA permits non-compliance with Information Protection Principle 2 if the information concerned is collected in connection with proceedings (whether or not actually commenced) before any court or tribunal.

Section 24(4) of the PPIPA extends the operation of section 24(1) to councils and permits non-compliance with Information Protection Principle 2 if a council is:

- (i) investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and
- (ii) if compliance might detrimentally affect (or prevent the exercise of) the Council's complaint handling or investigative functions.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 2 where the agency is lawfully authorised or required not to comply with the principle.

- (iii) Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 2 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 26(1) of the PPIPA permits non-compliance with Information Protection Principle 2 if compliance would prejudice the interests of the individual concerned.

Further Explanation regarding IPP 2

Where Council cannot collect personal information directly from the person, it will ensure one of the following:

1. Council has obtained authority from the person under section 9(a) of the PPIPA.
 2. The collection of personal information from a third party is permitted under an Act or law. (For example, the indirect collection from the Land Titles Office.)
 3. The collection of personal information from a parent or guardian is permitted provided the person is less than 16 years of age.
 4. The collection of personal information indirectly where one of the above exemptions applies.
 5. The collection of personal information indirectly is permitted under the Privacy Code of Practice for Local Government or the Investigative Code of Practice.
- The only other exception to the above is in the case where Council is given unsolicited information.

3.3 Information Protection Principle 3 - Requirements when collecting personal information

Section 10 Requirements when collecting personal information

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances to ensure that, before the information is collected or as soon as practicable after collection, the individual to whom the information relates is made aware of the following:

- (a) the fact that the information is being collected,*
- (b) the purposes for which the information is being collected,*
- (c) the intended recipients of the information,*
- (d) whether the supply of the information by the individual is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided,*
- (e) the existence of any right of access to, and correction of, the information,*
- (f) the name and address of the agency that is collecting the information and the agency that is to hold the information.*

The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle where personal information is collected about an individual for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition without prior or subsequent notification.

Council Policy

Where Council proposes to collect personal information directly from the person, it will inform that person that the personal information is being collected, what is done with that information and who the intended recipients will be.

Council will inform persons if the information is required by law or voluntarily given. Council will also inform individuals which department or section within Council holds their personal information, and of the right to access and correct that information. Council will adapt the general section 10 pre-collection Privacy Notification form as appropriate (See Appendix 2).

The following are examples of application procedures that will require a Privacy Notification Form in accordance with section 10:

- Lodging Development Applications;
- Lodging objections to Development Applications;
- Lodging applications for approval under the LGA;
- Any stamps or printed slips that contain the appropriate wording for notification under section 10 (see Appendix 2); and
- When collecting an impounded item.

In relation to the Privacy Notification Form that may be attached to a Development Application provided to objectors, it could be stated that objectors have a right to remain anonymous if they so choose. However, should they need to substantiate their objections, anonymous objections may be given less weight (or no weight) in the overall consideration of the Application.

Post - Collection

Where Council collects personal information indirectly from another public sector agency in respect of any one of its statutory functions, it will advise those individuals that it has collected their personal information by including a privacy notification form in the next issue of their rates notice, or otherwise by letter. A common example of the collection of information from another public sector agency is the Land Titles Office. Council receives information as to new ownership changes when property is transferred from one owner to the next. Appendix 3 contains a sample Privacy Notification Form that could be used for post-collection.

External and related bodies

Each of the following will be required to comply with Information Protection Principle 3:

- Council owned businesses
- Council consultants
- Private contractors
- Council committees

Council will seek to contractually bind each of these bodies or persons to comply with the Information Protection Principle 3.

Where any of the above collect personal information on behalf of Council or in relation to the performance of their activities, that body or person will be required to notify those persons in accordance with Information Protection Principle 3 as to the intended recipients and other matters required by that principle.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 3.

Existing statutory exemptions under the Act

Compliance with Information Protection Principle 3 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

The relevant statutory exemptions follow:

Section 23(3) permits non-compliance with Information Protection Principle 3 where information is collected for law enforcement purposes. Law enforcement means a breach of the criminal law and criminal law enforcement. This section does not remove the rights of an accused person.

Section 24(4) of the PPIPA extends the operation of section 24(1) to councils and permits non-compliance with Information Protection Principle 3 if a council is:

- (i) investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and
- (ii) if compliance might detrimentally affect (or prevent the exercise of) the Council's complaint handling or investigative functions.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 3 where the agency is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 3 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 26(1) of the PPIPA permits non-compliance with Information Protection Principle 3 if compliance would prejudice the interests of the individual concerned.

Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.

Disclosure of information of research purposes

The disclosure of personal information for research purposes will be allowed only in accordance with any applicable Direction made by the Privacy Commissioner under section 41 of PPIPA or any Research Code of Practice made by the Attorney General as may be in force for the time being.

3.4 Information Protection Principle 4 - Other requirements relating to collection of personal information**Section 11 Other requirements relating to collection of personal information**

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that:

- (a) *the information collected is relevant to that purpose, is not excessive, and is accurate, up to date and complete, and*
- (b) *the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.*

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle. Council

Policy

Council will seek to ensure that no personal information is collected which is not directly relevant to its proper functions.

Council collects personal information through the various forms that customers may complete and lodge with Council. Before adoption of a new form, a draft form will be reviewed for compliance with Information Protection Principle 4 by the EEO Officer, Council's solicitor, Public Officer or other suitable person. Should Council have any residual doubts, the opinion of the Office of the Privacy Commissioner NSW will be sought.

3.5 Information Protection Principle 5 - Retention and security of personal information**Section 12 Retention and security of personal information**

A public sector agency that holds personal information must ensure:

- (a) *that the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and*
- (b) *that the information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information, and*
- (c) *that the information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and*
- (d) *that, if it is necessary for the information to be given to a person in connection*

with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or disclosure of the information.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle. Council

Policy

Council may comply with this principle by using any or all of the following or similar documents:

- Records and Archives Services Manual;
- The Council's Policy on Security of and Access to Misconduct Files;
- Council's Internet Security Policy;
- Information Technology Security Policy; and
- General Records Disposal Schedule for Local Government.

Disclosure of information of research purposes

The disclosure of personal information for research purposes will be allowed only in accordance with any applicable Direction made by the Privacy Commissioner under section 41 of PPIPA or any Research Code of Practice made by the Attorney General as may be in force for the time being.

3.6 Information Protection Principle 6 - Information held by agencies

Section 13 Information about personal information held by agencies

A public sector agency that holds personal information must take such steps as are, in the circumstances, reasonable to enable any person to ascertain:

- (a) *whether the agency holds personal information, and*
- (b) *whether the agency holds personal information relating to that person, and*
- (c) *if the agency holds personal information relating to that person:*
 - (i) *the nature of that information, and*
 - (ii) *the main purposes for which the information is used, and*
 - (iii) *that person's entitlement to gain access to the information.*

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle. Council

Policy

Section 13 of the PPIPA requires a council to take reasonable steps to enable a person to determine whether the council holds personal information about them. If Council holds any information about a person, upon request it will advise them the nature of that information, the main purposes for which it is held, and that person's

entitlement to access. As a matter of practicality, not every item of personal information, however insignificant, will be capable of ascertainment.

Under section 20(5) of the PPIPA, Information Protection Principle 6 is subject to any applicable conditions or limitations contained in the *Government Information (Public Access) Act 2009* ("GIPA Act"). Council must consider the relevant provisions of the GIPA Act.

Any person can make application to Council by completing the appropriate form and submitting it to Council. An example is at Appendix 4.

Where council receives an application or request by a person as to whether council holds information about them, council will undertake a search of its records to answer the enquiry. Council may ask the applicant to describe what dealings the applicant has had with council in order to assist council to conduct the search.

Council will ordinarily provide a response to applications of this kind within 28 days of the application being made. The fee structure is commensurate to that of the Council's GIPA Act rates structure.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 6.

Existing exemptions under the Act

Compliance with Information Protection Principle 6 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 6 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 6 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Reporting matters

The Council will issue a statement to be included on its Web page (if it has one) and in its Annual Report concerning the nature of personal information it regularly collects, the purpose for which the personal information is used and an individual's right to access their own personal information.

3.7 Information Protection Principle 7 - Access to personal information held by agencies

Section 14 Access to personal information held by agencies

A public sector agency that holds personal information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle. Council

Policy

Section 14 of the PPIPA requires a council, at the request of any person, to give access to that person to personal information held about them.

Compliance with Information Protection Principle 7 does not allow disclosure of information about other people. If access to information that relates to someone else is sought, the application must be made under the GIPA Act, unless Information Protection Principles 11 and 12 or the Public Register provisions apply.

Where a person makes an application for access under the PPIPA and it is involved or complex, it may be referred, with the written consent of the applicant, as an application under the GIPA Act. However use of the GIPA Act is to be a last resort. The applicant has the right to insist on being dealt with under PPIPA.

Under section 20(5) of the PPIPA, Information Protection Principle 7 is subject to any applicable conditions or limitations contained in the *Government Information (Public Access) Act 2009* ("GIPA Act"). Council must consider the relevant provisions of the GIPA Act.

Customers wishing to exercise their right of access to their own personal information should apply in writing or direct their inquiries to the General Manager, who will make a determination. A sample form is provided at Appendix 5.

Members of staff wishing to exercise their right of access to their personal information should apply in writing on the attached form or direct their inquiries to the Manager of Personnel, who will deal with the application.

In order to comply with the requirement to provide the requested information "without excessive delay or expense", Council will ordinarily provide a response to applications of this kind within 28 days of the application being made.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 7.

Existing exemptions under the Act

Compliance with Information Protection Principle 7 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 7 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA non-compliance with Information Protection Principle 7 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

3.8 Information Protection Principle 8 - Alteration of personal information***Section 15 Alteration of personal information***

- (1) *A public sector agency that holds personal information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information:*
 - (a) *is accurate, and*
 - (b) *having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.*
- (2) *If a public sector agency is not prepared to amend personal information in accordance with a request by the individual to whom the information relates, the agency must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.*
- (3) *If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by the public sector agency.*
- (4) *This section, and any provision of privacy code of practice that relates to the requirements set out in this section, apply to public sector agencies despite section 25 of this Act and section 21 of the State Records Act 1998.*
- (5) *The Privacy Commissioner’s guidelines under section 36 may make provision for or with respect to requests under this section, including the way in which such a request should be made and the time within which such a request should be dealt with.*
- (6) *In this section (and in any other provision of this Act in connection with the operation of this section), **public sector agency** includes a Minister and a Minister’s personal staff.*

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Section 15 of the PPIPA allows a person to make an application to council to amend (*this includes by way of corrections, deletions or additions*) personal information held about them so as to ensure the information is accurate, and, having regard to the purpose for which the information is collected, relevant to that purpose, up to date and not misleading.

Council wishes to have its information current, accurate and complete. Proposed amendments or changes to the personal information held by the Council are welcomed.

If Council declines to amend personal information as requested, it will on request of the individual concerned, place an addendum on the information in accordance with section 15(2) of the PPIPA.

Where there are complaints that are or could be the subject of a staff complaint or grievance, they will be referred to the Manager Personnel in the first instance and treated in accordance with the "Grievance and Complaint Handling Procedures".

Any alterations that are or could be the subject of a customer complaint or grievance will be referred to the General Manager, who will make a determination in relation to the matter.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 8.

Existing exemptions under the Act

Compliance with Information Protection Principle 8 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 8 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with section Information Protection Principle 8 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Procedure

Where information is requested to be amended (either by way of correction, deletion or addition), the individual to whom the information relates, must make a request. That request should be accompanied by appropriate evidence as to the cogency of the making of the amendment, sufficient to satisfy the Council that the proposed amendment is factually correct and appropriate. The Council may require further

documentary evidence to support certain amendments. Council will not charge to process an application to amend a record under s.15.

The Council's application form for alteration under IPP 8 is at Appendix 6 at the end of this Plan.

Where Council is not prepared to amend

If the Council is not prepared to amend the personal information in accordance with a request by the individual the Council may attach to the information in such a manner as is capable of being read with the information, any statement provided by that individual.

Where an amendment is made

If personal 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 the Council. The Council will seek to notify recipients of information as soon as possible, of the making of any amendment, where it is reasonably practicable.

State Records Act

The State Records Act does not allow for the deletion of records. However, as a result of section 20(4) of the PPIPA, some deletions may be allowed in accordance with Information Protection Principle 8.

3.9 Information Protection Principle 9 - Agency must check accuracy of personal information before use

Section 16 Agency must check accuracy of personal information before use

A public sector agency that holds personal information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate, up to date, complete and not misleading.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle. Council

Policy

The steps taken to comply with section 16 will depend on the age of the information, its likelihood of change and the particular function for which the information was collected.

The more significant the information, the greater the necessity that checks to ensure its accuracy and currency be undertaken prior to its use.

For example, each employee's record should be updated when there is any change of circumstances or when the employee's contact details change.

3.10 Information Protection Principle 10 - Limits on use of personal information

Section 17 Limits on use of personal information

A public sector agency that holds personal information must not use the information for a purpose other than that for which it was collected unless:

- (a) the individual to whom the information relates has consented to the use of the information for that other purpose, or*
- (b) the other purpose for which the information is used is directly related to the purpose for which the information was collected, or*
- (c) the use of the information for that other 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.*

The Privacy Code of Practice for Local Government

The Code makes provision that Council may use personal information for a purpose other than the purpose for which it was created in the following circumstances:

- (i) where the use is in pursuance of Council's lawful and proper function/s and Council is satisfied that the personal information is reasonably necessary for the exercise of such function/s; or
- (ii) where personal information is to be used for the purpose of conferring upon a particular person, an award, prize, benefit or similar form of personal recognition.

Explanatory Note

Council may use personal information obtained for one purpose for another purpose in pursuance of its lawful and proper functions. For example, the Rates Record that Council holds under section 602 of the LGA may also be used to:

- notify neighbours of a proposed development;
- evaluate a road opening; or
- evaluate a tree preservation order.

Council Policy

Council will seek to ensure that information collected for one purpose will be used for that same purpose. Where Council may need to use personal information collected for one purpose for another purpose, it will first gain the consent of the individual concerned, unless an exemption applies.

External and related bodies

Each of the following will be required to comply with the Information Protection Principle 10:

- Council owned businesses
- Council consultants;

- Private contractors; and
- Council committees.

Council will seek to contractually bind each of these bodies or persons to comply. Where any of the above seek to use personal information collected for one purpose, that body or person will be required to obtain the written consent of those persons in accordance with section 17(a) to the use of the information for another purpose. The form of consent should include the following elements:

I, ⁽¹⁾	(1) insert full name
of ⁽²⁾	(2) insert address
hereby consent under section 17(a) of the Privacy and Personal Information Protection Act 1998 to ⁽³⁾	(3) insert Council name
using the information collected from me by ⁽⁴⁾	(4) insert name of collecting body/person
for the purpose of ⁽⁵⁾	(5) insert purpose/s info
was collected for	
Signature	
Name to be printed	
Date signed / /	

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 10.

Existing exemptions under the Act

Compliance with Information Protection Principle 10 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 23(4) of the PPIPA permits Council not to comply with Information Protection Principle 10 where the use of the information for another purpose is reasonably necessary for law enforcement purposes or for the protection of the public revenue. *Law enforcement purposes* means a breach of the criminal law and criminal law enforcement. This section does not remove the rights of an accused person. *Protection of the public revenue* means a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty.

Section 24(4) of the PPIPA extends the operation of section 24(2) to councils and permits non-compliance with Information Protection Principle 10 if a council is:

- (i) investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and
- (ii) the use of the information concerned for a purpose other than the purpose for which it was collected is reasonably necessary in order to enable the council to exercise its complaint handling functions or any of its investigative functions.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 10 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 10 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g., the Department of 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 the Minister’s (or Premier’s) administration.

3.11 Information Protection Principle 11 - Limits on disclosure of personal information

Section 18 Limits on disclosure of personal information

- (1) *A public sector agency that holds personal information must not disclose the information to a person (other than the individual to whom the information relates) or other body, whether or not such other person or body is a public sector agency, unless:*
 - (a) *the disclosure is directly related to the purpose for which the information was collected, and the agency disclosing the information has no reason to believe that the individual concerned would object to the disclosure, or*
 - (b) *the individual concerned is reasonably likely to have been aware, or has been made aware in accordance with section 10, that information of that kind is usually disclosed to that other person or body, or*
 - (c) *the agency believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.*
- (2) *If personal information is disclosed in accordance with subsection (1) to a person or body that is a public sector agency, that agency must not use or disclose the information for a purpose other than the purpose for which the information was given to it.*

The Privacy Code of Practice for Local Government

The Code makes provision for council to depart from this principle in the circumstances described below:

1. Council may disclose personal information to public sector agencies or public utilities on condition that:
 - (i) the agency has approached Council in writing;
 - (ii) Council is satisfied that the information is to be used by that agency for the proper and lawful function/s of that agency, and
 - (iii) Council is satisfied that the personal information is reasonably necessary for the exercise of that agency's function/s.
2. Where personal information which has been collected about an individual is to be disclosed for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition.
3. Where Council is requested by a potential employer, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

Council Policy

Council will not disclose the information to another person or other body, unless the disclosure is directly related to the purpose for which the information was collected or where the Council has no reason to believe that the individual concerned would object to the disclosure.

Council may disclose personal information to another person or other body where this disclosure is directly related to the purpose for which the personal information was collected and the individual concerned is reasonably likely to have been aware, (or has been made aware in accordance with section 10), of the intended recipients of that information. "Directly related" can mean the disclosure to another person or agency to deliver a service which supplements that of Council or disclosure to a consultant for the purpose of assessing or reviewing the delivery of a program to which the original collection relates.

The council may disclose personal information to another person or other body where this disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.

Public Registers

Sections 18 and 57 of the PPIPA should be read in conjunction in regard to Public Registers. Public Registers are discussed further in Part 2 of this Plan.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 11.

Existing exemptions under the Act

Compliance with Information Protection Principle 11 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 23(5)(a) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is made to a law enforcement agency in connection with proceedings for an offence or for law enforcement purposes. *Law enforcement purposes* means a breach of the criminal law and criminal law enforcement. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(b) of the PPIPA permits non-compliance with Information Protection Principle 11 where the disclosure is made to a law enforcement agency for the purpose of ascertaining the whereabouts of a person reported to be missing. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(c) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is authorised by subpoena, search warrant or other statutory instrument. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(d)(i) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is reasonably necessary for the protection of the public revenue. *Protection of the public revenue* could mean a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(d)(ii) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is reasonably necessary to investigate an offence where there are reasonable grounds to believe an offence has been committed.

Section 24(4) of the PPIPA permits non-compliance with Information Protection Principle 11 if:

- (i) investigating a complaint that could be referred or made to, or has been referred from or made by, an investigative agency, and
- (ii) if the disclosure is to an investigative agency.

(Note: "investigative agency" is defined at s.3 of PPIPA.)

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 11 where Council is lawfully authorised or required not to comply with the principle. Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 11 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g. the Division of 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 the Minister’s (or Premier’s) administration.

It is anticipated that a disclosure of personal information for research purposes will be allowed under a s.41 Direction made by the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney General.

Suppression

Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Plan for more details about suppression of personal information.

3.12 Information Protection Principle 12 - Special restrictions on disclosure of personal information

Section 19 Special restrictions on disclosure of personal information

- (1) *A public sector agency must not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.*
- (2) *A public sector agency that holds personal information must not disclose the information to any person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency unless:*
 - (a) *a relevant privacy law that applies to the personal information concerned is in force in the that jurisdiction or applies to that Commonwealth agency, or*
 - (b) *the disclosure is permitted under a privacy code of practice.*
- (3) *For the purposes of subsection (2), a **relevant privacy law** means a law that is determined by the Privacy Commissioner, by notice published in the Gazette, to be a privacy law for the jurisdiction concerned.*
- (4) *The Privacy Commissioner is to prepare a code relating to the disclosure of personal information by public sector agencies to persons or bodies outside New South Wales and to Commonwealth agencies.*
- (5) *Subsection (2) does not apply:*
 - (a) *until after the first anniversary of the commencement of this section, or*
 - (b) *until a code referred to in subsection (4) is made,**whichever is the later.*

The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle in the circumstances described below:

1. For the purposes of s.19(2) only, where Council is requested by a potential employer outside New South Wales, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

Council Policy

Council will not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.

Public Registers

Sections 19 and 57 of the PPIPA should be read in conjunction in regard to Public Registers. Public Registers are discussed further in Part 2 of this Plan.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 12.

Existing exemptions under the Act

Compliance with Information Protection Principle 12 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 23(7) of the PPIPA permits non-compliance with Information Protection Principle 12 where the disclosure is necessary to investigate an offence or where there are reasonable grounds to believe an offence has been or may be committed.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 12 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 12 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 26(2) of the PPIPA permits non-compliance where the person expressly

consents to such non-compliance.

Section 28(2) permits non-compliance with Information Protection Principle 12 where, in the case of health information, the consent of the person cannot reasonably be obtained and the disclosure is made by an authorised person to another authorised person. "Authorised person" means a medical practitioner, health worker, or other official or employee providing health or community services who is employed or engaged by a public sector agency.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g. the Division of 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 the Minister's (or Premier's) administration.

It is anticipated that a disclosure of personal information for research purposes will be allowed under a s.41 Direction made by the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney General.

Suppression

Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Plan for more details about suppression of personal information.

PART 4 – HEALTH PRIVACY PRINCIPLES

In 2002, most references to 'health information' were taken out of the PPIPA and separate legislation was enacted. The HRIPA was enacted to deal with this specific type of personal information. On and from September 2004, various agencies and organisations, including local councils were expected to comply with the HRIPA in their collection and management of health information.

Health information includes personal information that is information or an opinion about the physical or mental health or a disability of an individual. Health information *also* includes personal information that is information or an opinion about:

- a health service provided, or to be provided, to an individual;
- an individual's express wishes about the future provision of health services to him or her;
- other personal information collected in connection with the donation of human tissue; or
- genetic information that is or could be predictive of the health of an individual or their relatives or descendants.

Health information is defined in section 6 of the HRIPA. Local councils will often hold health information by reason of their role in elder care, child care and various types of community health support services. It is therefore very important for councils to be familiar with the 15 Health Protection Principles ("HPP") set down in Schedule 1 to the HRIPA. Each of these HPPs are considered below.

The following is a non-exhaustive list of examples of the types of health information and circumstances in which councils may collect health information in exercising their functions:

- Tree pruning/removal application where residents approach council for a reconsideration or reassessment of a tree pruning/removal application on medical grounds;
- Issuing of clean up orders which may include recording information about a residents health, GP professional contact details or involvement with mental health services;
- Volunteer programs where volunteers are asked to disclose health conditions which may preclude them from some types of volunteer work;
- Meals on wheels programs where residents may be asked for medical or dietary requirements, e.g. allergies for catering purposes;
- Seniors bus outings where information may be collected on special medical needs;
- Councils may provide respite and social support services collecting information that is consistent with the client intake and referral record system;
- Information on families for the purposes of children's services. e.g. history of illness, allergies, asthma, diabetes, epilepsy etc;
- Physical exercise classes;

- Some councils run Podiatry services;
- Information may be collected through a healthy community program;
- Children's immunization records; and
- Family counsellor/youth support workers records.

HPPs 1-4 concern the collection of health information, HPP 5 concerns the storage of health information, HPPs 6-9 concern the access and accuracy of health information, HPP 10 concerns the use of health information, HPP 11 concerns the disclosure of health information, HPPs 12-13 concern the identifiers and anonymity of the persons to which health information relate, HPPs 14-15 concern the transferral of health information and the linkage to health records across more than one organisation.

Health Privacy Principle 1

Purposes of collection of health information

- (1) *An organisation must not collect health information unless:*
- (a) *the information is collected for a lawful purpose that is directly related to a function or activity of the organisation, and*
 - (b) *the collection of the information is reasonably necessary for that purpose.*
- (2) *An organisation must not collect health information by any unlawful means.*

Health Privacy Principle 2

Information must be relevant, not excessive, accurate and not intrusive

An organisation that collects health information from an individual must take such steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that:

- (a) *the information is collected is relevant to that purpose, is not excessive and is accurate, up to date and complete, and*
- (b) *the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.*

Health Privacy Principle 3

Collection to be from the individual concerned

- (1) *An organisation must collect health information about an individual only from that individual, unless it is unreasonable or impracticable to do so.*
- (2) *Health information is to be collected in accordance with any guidelines issued by the Privacy Commissioner for the purposes of this clause.*

Health Privacy Principle 4

Individual to be made aware of certain matters

- (1) *An organisation that collects health information about an individual from the individual must, at or before the time it collects the information (or if that is not practicable, as soon as practicable after that time), take steps that are reasonable in the*

circumstances to ensure that the individual is aware of the following:

- (a) the identity of the organisation and how to contact it,
 - (b) the fact that the individual is able to request access to the information,
 - (c) the purposes for which the information is collected,
 - (d) the persons to whom (or the type of persons to whom) the organisation usually discloses information of that kind,
 - (e) any law that requires the particular information to be collected,
 - (f) the main consequences (if any) for the individual if all or part of the information is not provided.
- (2) If the organisation collects health information about an individual from someone else, it must take any steps that are reasonable in the circumstances to ensure that the individual is generally aware of the matters listed in subclause (1) except to the extent that:
- (a) making the individual aware of the matters would impose a serious threat to the life or health of any individual, or
 - (b) the collection is made in accordance with guidelines issued under subclause (3).
- (3) The Privacy Commissioner may issue guidelines setting out circumstances in which an organisation is not required to comply with subclause (2).
- (4) An organisation is not required to comply with a requirement of this clause if:
- (a) the individual to whom the information relates has expressly consented to the organisation not complying with it or,
 - (b) the organisation is lawfully authorised or required not to comply with it, or
 - (c) non-compliance is otherwise permitted (or necessarily implied or reasonably contemplated) under any Act or any other law including the State Records Act 1998), or
 - (d) compliance by the organisation would, in the circumstances, prejudice the interests of the individual to whom the information relates, or
 - (e) the information concerned is collected for law enforcement purposes or,
 - (f) the organisation is an investigative agency and compliance might detrimentally affect (or prevent the proper exercise of) its complaint handling functions or any of its investigative functions.
- (5) If the organisation reasonably believes that the individual is incapable of understanding the general nature of the matters listed in subclause (1), the organisation must take steps that are reasonable in the circumstances, to ensure that any authorised representative of the individual is aware of those matters.
- (6) Subclause (4) (e) does not remove any protection provided by any other law in relation to the rights of accused persons or persons suspected of having committed an offence.
- (7) The exemption provided by subclause (4) (f) extends to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.

Council Policy

Council will only collect health information for a lawful purpose that is directly related to Council's activities and is necessary for that purpose (HPP 1)

Council will ensure that the health information is relevant, accurate, up to date and not excessive and that the collection is not unnecessarily intrusive into the personal affairs of the individual (HPP 2).

Council will only collect health information directly from the individual that the information concerns, unless it is unreasonable or impractical for Council to do so. (HPP 3).

Council will tell the person why the health information is being collected, what will be done with it, who else might see it and what the consequences are if the person decides not to provide it. Council will also tell the person how he or she can see and correct the health information.

If Council collects health information about a person from someone else, Council will take reasonable steps to ensure that the subject of the information is aware of the above points (HPP 5).

Health Privacy Principle 5

Retention and Security

(1) *An organisation that holds health information must ensure that:*

- (a) *the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and*
- (b) *the information is disposed of securely and in accordance with any requirements for the retention and disposal of health information, and*
- (c) *the information is protected, by taking such security safeguards as are reasonable in the circumstances against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and*
- (d) *if it is necessary for the information to be given to a person in connection with the provision of a service to the organisation, everything reasonably within the power of an organisation is done to prevent the unauthorised use or disclosure of the information.*

Note. Division 2 (Retention of health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause.

(2) *An organisation is not required to comply with a requirement of this clause if:*

- (a) *the organisation is lawfully authorised or required not to comply with it, or*
- (b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).*

(3) *An investigative agency is not required to comply with subclause (1)(a).*

Council Policy

Council will store health information securely and protect health information from unauthorised access, use or disclosure. Health information will not be kept for any longer than is necessary and will be disposed of appropriately (HPP 5).

Health Privacy Principle 6***Information about health information held by organisations***

- (1) *An organisation that holds health information must take such steps as are, in the circumstances, reasonable, to enable any individual to ascertain:*
- (a) *whether the organisation holds health information, and*
 - (b) *whether the organisation holds health information relating to that individual, and*
 - (c) *if the organisation holds health information relating to that individual:*
 - (i) *the nature of that information*
 - (ii) *the main purposes for which the information is used, and*
 - (iii) *that person's entitlement to request access to the information.*
- (2) *An organisation is not required to comply with a provision of this clause if:*
- (a) *the organisation is lawfully authorised or required not to comply with the provision concerned, or*
 - (b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under any Act or any other law (including the State Records Act 1998).*

Health Privacy Principle 7***Access to health information***

- (1) *An organisation that holds health information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.*
- Note.** Division 3 (Access to health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause. Access to health information held by public sector agencies may also be available under the Government Information (Public Access) Act 2009 or the State Records Act 1998.
- (2) *An organisation is not required to comply with a provision of this clause if:*
- (a) *the organisation is lawfully authorised or required not to comply with the provision concerned, or*
 - (b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).*

Health Privacy Principle 8***Amendment of health information***

- (1) *An organisation that holds health information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the health information:*
- (a) *is accurate, and*
 - (b) *having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to day, complete and not misleading.*
- (2) *If an organisation is not prepared to amend health information under subclause (1) in accordance with a request by the information to whom the information relates, the organisation must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment*

sought.

- (3) *If health information is amended in accordance with this clause, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by the organisation.*

Note. Division 4 (Amendment of health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause.

Amendment of health information held by public sector agencies may also be able to be sought under the *Privacy and Personal Information Protection Act 1998*.

- (4) *An organisation is not required to comply with a provision of this clause if:*
- (a) *the organisation is lawfully authorised or required not to comply with the provision concerned, or*
 - (b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the *State Records Act 1998*).*

Health Privacy Principle 9

Accuracy

An organisation that holds health information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate and up to date, complete and not misleading.

Council Policy

Council will provide details about what health information Council is holding about an individual and with information about why Council is storing that information and what rights of access the individual has (HPP 6).

Council will allow the individual to access his or her health information without reasonable delay or expense (HPP 7).

Council will allow the individual to update, correct or amend his or her health information where necessary (HPP 8).

Council will make sure that the health information is relevant and accurate before using it (HPP 9).

Health Privacy Principle 10

- (1) *An organisation that holds health information must not use the information for a purpose (a **secondary purpose**) other than the purpose (the **primary purpose**) for which it was collected unless:*

- (a) **Consent**

the individual to whom the information relates has consented to the use of the information for that secondary purpose, or

- (b) **Direct relation**

the secondary purpose is directly related to the primary purpose and the individual would reasonably expect the organisation to use the information for the

secondary purpose or,

Note: For example, if information is collected in order to provide a health service to the individual, the use of the information to provide a further health service to the individual is a secondary purpose directly related to the primary purpose.

(c) **Serious threat to health or welfare**

the use of the information for the secondary purpose is reasonably believed by the organisation to be necessary to lessen or prevent:

- (i) *a serious and imminent threat to the life, health or safety of the individual or another person, or*
- (ii) *a serious threat to public health and safety, or*

(d) **Management of health services**

the use of the information for the secondary purpose is reasonably necessary for the funding, management, planning or evaluation of health services and:

- (i) *either:*
 - (A) *that purpose cannot be served by the use of information that does not identify the individual or from which the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or*
 - (B) *reasonable steps are taken to de-identify the information, and*
- (ii) *if the information is in a form that could reasonably be expected to identify individuals, the information is not published in a generally available publication, and*
- (iii) *the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or*

(e) **Training**

the use of the information for the secondary purpose is reasonably necessary for the training of employees of the organisation or persons working with the organisation and:

- (i) *either:*
 - (A) *that purpose cannot be served by the use of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or*
 - (B) *reasonable steps are taken to de-identify the information, and*
- (ii) *if the information could reasonably be expected to identify individuals, the information is not published in a generally available publication, and*
- (iii) *the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or*

(f) **Research**

the use of the information for the secondary purpose is reasonably necessary for research, or the compilation or analysis of statistics, in the public interest and:

- (i) *either:*
 - (A) *that purpose cannot be served by the use of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or*
 - (B) *reasonable steps are taken to de-identify the information, and*
- (ii) *if the information could reasonably be expected to identify individuals, the information is not published in a generally available publication, and*
- (iii) *the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purpose of this paragraph, or*

- (g) **Find missing person**
the use of the information for the secondary purpose is by a law enforcement agency (or such other person or organisation as may be prescribed by the regulations) for the purposes of ascertaining the whereabouts of an individual who has been reported to a police officer as a missing person, or
- (h) **Suspected unlawful activity, unsatisfactory professional conduct or breach of discipline**
the organisation:
- (i) has reasonable grounds to suspect that:
 - (A) unlawful activity has been or may be engaged in, or
 - (B) a person has or may have engaged in conduct that may be unsatisfactory professional conduct or professional misconduct under a the Health Practitioner Regulation National Law (NSW), or
 - (C) an employee of the organisation has or may have engaged in conduct that may be grounds for disciplinary action, and
 - (ii) uses the health information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, or
- (i) **Law enforcement**
the use of the information for the secondary purpose is reasonably necessary for the exercise of law enforcement functions by law enforcement agencies in circumstances where there are reasonable grounds to believe that an offence may have been, or may be, committed, or
- (j) **Investigative agencies**
the use of the information for the secondary purpose is reasonably necessary for the exercise of complaint handling functions or investigative functions by investigative agencies, or
- (k) **Prescribed circumstances**
the use of the information for the secondary purpose is in the circumstances prescribed by the regulations for the purposes of this paragraph.
- (2) An organisation is not required to comply with a provision of this clause if:
- (a) the organisation is lawfully authorised or required not to comply with the provision concerned, or
 - (b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).
- (3) The Ombudsman's Office, Health Care Complaints Commission, Anti-Discrimination Board and Community Services Commission are not required to comply with a provision of this clause in relation to their complaint handling functions and their investigative, review and reporting functions.
- (4) Nothing in this clause prevents or restricts the disclosure of health information by a public sector agency:
- (a) to another public sector agency under the administration of the same Minister if the disclosure is for the purposes of informing that Minister about any matter within that administration, or
 - (b) to any public sector agency under the administration of the Premier, if the disclosure is for the purposes of informing the Premier about any matter.
- (5) The exemption provided by subclause (1) (j) extends to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other

matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.

Council policy

Council will only use the health information for the purpose for which it was collected or for a directly related purpose that the individual to whom the information relates would expect. Otherwise, Council will obtain the individual's consent (HPP 10).

Health Privacy Principle 11

(1) *An organisation that holds health information must not disclose the information for a purpose (a **secondary purpose**) other than the purpose (the **primary purpose**) for which it was collected unless:*

(a) **Consent**

the individual to whom the information relates has consented to the disclosure of the information for that secondary purpose, or

(b) **Direct relation**

the secondary purpose is directly related to the primary purpose and the individual would reasonably expect the organisation to disclose the information for the secondary purpose, or

Note: For example, if information is collected in order to provide a health service to the individual, the disclosure of the information to provide a further health service to the individual is a secondary purpose directly related to the primary purpose.

(c) **Serious threat to health or welfare**

the disclosure of the information for the secondary purpose is reasonably believed by the organisation to be necessary to lessen or prevent:

- (i) *a serious and imminent threat to the life, health or safety of the individual or another person, or*
- (ii) *a serious threat to public health or public safety, or*

(d) **Management of health services**

the disclosure of the information for the secondary purpose is reasonably necessary for the funding, management, planning or evaluation of health services and:

- (i) *either:*
 - (A) *that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or*
 - (B) *reasonable steps are taken to de-identify the information, and*
- (ii) *if the information could reasonably be expected to identify individuals, the information is not published in a generally available publication, and*
- (iii) *the disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or*

(e) **Training**

the disclosure of the information for the secondary purpose is reasonably necessary for the training of employees of the organisation or persons working with the organisation and:

- (i) *either:*

- (A) that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or
 - (B) reasonable steps are taken to de-identify the information, and
 - (ii) if the information could reasonably be expected to identify the individual, the information is not made publicly available, and
 - (iii) the disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or
- (f) **Research**
the disclosure of the information for the secondary purpose is reasonably necessary for research, or the compilation or analysis of statistics, in the public interest and:
 - (i) either:
 - (A) that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or
 - (B) reasonable steps are taken to de-identify the information, and
 - (ii) the disclosure will not be published in a form that identifies particular individuals or from which an individual's identity can reasonably be ascertained, and
 - (iii) the disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or
- (g) **Compassionate reasons**
the disclosure of the information for the secondary purpose is to provide the information to an immediate family member of the individual for compassionate reasons and:
 - (i) the disclosure is limited to the extent reasonable for those compassionate reasons, and
 - (ii) the individual is incapable of giving consent to the disclosure of the information, and
 - (iii) the disclosure is not contrary to any wish expressed by the individual (and not withdrawn) of which the organisation was aware or could make itself aware by taking reasonable steps, and
 - (iv) if the immediate family member is under the age of 18 years, the organisation reasonably believes that the family member has sufficient maturity in the circumstances to receive the information, or
- (h) **Finding missing person**
the disclosure of the information for the secondary purpose is to a law enforcement agency (or such other person or organisation as may be prescribed by the regulations) for the purposes of ascertaining the whereabouts of an individual who has been reported to a police officer as a missing person, or
- (i) **Suspected unlawful activity, unsatisfactory professional conduct or breach of discipline**
the organisation:
 - (i) has reasonable grounds to suspect that:
 - (A) unlawful activity has been or may be engaged in, or
 - (B) a person has or may have engaged in conduct that may be unsatisfactory professional conduct or professional misconduct under a the Health Practitioner Regulation National Law (NSW), or
 - (C) an employee of the organisation has or may have engaged in conduct that may be grounds for disciplinary action, and
 - (ii) discloses the health information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, or

- (j) **Law enforcement**
the disclosure of the information for the secondary purpose is reasonably necessary for the exercise of law enforcement functions by law enforcement agencies in circumstances where there are reasonable grounds to believe that an offence may have been, or may be, committed, or
- (k) **Investigative agencies**
the disclosure of the information for the secondary purpose is reasonably necessary for the exercise of complaint handling functions or investigative functions by investigative agencies, or
- (l) **Prescribed circumstances**
the disclosure of the information for the secondary purpose is in the circumstances prescribed by the regulations for the purposes of this paragraph.
- (2) An organisation is not required to comply with a provision of this clause if:
- the organisation is lawfully authorised or required not to comply with the provision concerned, or
 - non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998), or
 - the organisation is an investigative agency disclosing information to another investigative agency.
- (3) The Ombudsman's Office, Health Care Complaints Commission, Anti-Discrimination Board and Community Services Commission are not required to comply with a provision of this clause in relation to their complaint handling functions and their investigative, review and reporting functions.
- (4) Nothing in this clause prevents or restricts the disclosure of health information by a public sector agency:
- to another public sector agency under the administration of the same Minister if the disclosure is for the purposes of informing that Minister about any matter within that administration, or
 - to any public sector agency under the administration of the Premier, if the disclosure is for the purposes of informing the Premier about any matter.
- (5) If health information is disclosed in accordance with subclause (1), the person, body or organisation to whom it was disclosed must not use or disclose the information for a purpose other than the purpose for which the information was given to it.
- (6) The exemptions provided by subclauses (1) (k) and (2) extend to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.

Council Policy

Council 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 relates would expect; or
- If an exemption applies (HPP 11).

Health Privacy Principle 12**Identifiers**

- (1) *An organisation may only assign identifiers to individuals if the assignment of identifiers is reasonably necessary to enable the organisation to carry out any of its functions efficiently.*
- (2) *Subject to subclause (4), a private sector person may only adopt as its own identifier of an individual an identifier of an individual that has been assigned by a public sector agency (or by an agent of, or contractor to, a public sector agency acting in its capacity as agent or contractor) if:*
 - (a) *the individual has consented to the adoption of the same identifier, or*
 - (b) *the use or disclosure of the identifier is required or authorised by or under law.*
- (3) *Subject to subclause (4), a private sector person may only use or disclose an identifier assigned to an individual by a public sector agency (or by an agent of, or contractor to, a public sector agency acting in its capacity as agent or contractor) if:*
 - (a) *the use or disclosure is required for the purpose for which it was assigned or for a secondary purpose referred to in one or more paragraphs of HPP 10 (1) (c)-(k) or 11 (1) (c)-(l), or*
 - (b) *the individual has consented to the use or disclosure, or*
 - (c) *the disclosure is to the public sector agency that assigned the identifier to enable the public sector agency to identify the individual for its own purposes.*
- (4) *If the use or disclosure of an identifier assigned to an individual by a public sector agency is necessary for a private sector person to fulfil its obligations to, or the requirements of, the public sector agency, a private sector person may either:*
 - (a) *adopt as its own identifier of an individual an identifier of the individual that has been assigned by the public sector agency, or*
 - (b) *use or disclose an identifier of the individual that has been assigned by the public sector agency.*

Council Policy

Council will only give an identification number to health information if it is reasonably necessary for Council to carry out its functions effectively (HPP 12).

Health Privacy Principle 13**Anonymity**

Wherever it is lawful and practicable, individuals must be given the opportunity to not identify themselves when entering into transactions with or receiving health services from an organisation.

Council Policy

Council will provide health services anonymously where it is lawful and practical (HPP 13).

Health Privacy Principle 14***Transborder data flows and data flow to Commonwealth agencies.***

An organisation must not transfer health information about an individual to any person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency unless:

- (a) *the organisation reasonably believes that the recipient of the information is subject to a law, binding scheme or contract that effectively upholds principles for fair handling of the information that are substantially similar to the Health Privacy Principles, or*
- (b) *the individual consents to the transfer, or*
- (c) *the transfer is necessary for the performance of a contract between the individual and the organisation, or for the implementation of pre-contractual measures taken in response to the individual's request, or*
- (d) *the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between the organisation and a third party, or*
- (e) *all of the following apply:*
 - (i) *the transfer is for the benefit of the individual,*
 - (ii) *it is impracticable to obtain the consent of the individual to that transfer,*
 - (iii) *if it were practicable to obtain such consent, the individual would be likely to give it, or*
- (f) *the transfer is reasonably believed by the organisation to be necessary to lessen or prevent:*
 - (i) *a serious and imminent threat to the life, health or safety of the individual or another person, or*
 - (ii) *a serious threat to public health or public safety, or*
- (g) *the organisation has taken reasonable steps to ensure that the information that it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the Health Privacy Principles, or*
- (h) *the transfer is permitted or required by an Act (including an Act of the Commonwealth) or any other law.*

Council Policy

Council will only transfer personal information out of New South Wales if the requirements of Health Privacy Principle 14 are met.

Health Privacy Principle 15

Linkage of health records

- (1) *An organisation must not:*
 - (a) *include health information about an individual in a health records linkage system unless the individual has expressly consented to the information being so included, or*
 - (b) *disclose an identifier of an individual to any person if the purpose of the disclosure is to include health information about the individual in a health records linkage system, unless the individual has expressly consented to the identifier being disclosed for that purpose.*
- (2) *An organisation is not required to comply with a provision of this clause if:*
 - (a) *the organisation is lawfully authorised or required not to comply with the provision concerned, or*
 - (b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998), or*
 - (c) *the inclusion of the health information about the individual in the health records information system (including an inclusion for which an identifier of the individual*

is to be disclosed) is a use of the information that complies with HPP 10 (1) (f) or a disclosure of the information that complies with HPP 11 (1) (f).

(3) *In this clause:*

health record means an ongoing record of health care for an individual.

health records linkage system means a computerised system that is designed to link health records for an individual held by different organisations for the purpose of facilitating access to health records, and includes a system or class of systems prescribed by the regulations as being a health records linkage system, but does not include a system or class of systems prescribed by the regulations as not being a health records linkage system.

Council Policy

Council will only include health information in a system to link health records across more than one organisation if the individual to whom the health information relates expressly consents to the link (HPP 15).

PART 5 – IMPLEMENTATION OF THE PRIVACY MANAGEMENT PLAN

5.1 Training Seminars/Induction

During induction, all employees should be made aware that the performance management system has the potential to include personal information on their individual work performance or competency.

Councillors, all staff of the Council including staff of council businesses, and members of council committees should be acquainted with the general provisions of the PPIPA, the HRIPA and in particular, the 12 Information Protection Principles (IPPs), the 15 Health Privacy Principles (HPPs), the Public Register provisions, the Privacy Code of Practice for Local Government, this Plan and any other applicable Code of Practice.

5.2 Responsibilities of the Privacy Contact Officer

It is assumed that the Public Officer within Council will be assigned the role of the Privacy Contact Officer unless the General Manager has directed otherwise.

In order to ensure compliance with PPIPA and the HRIPA, the Privacy Contact Officer will review all contracts and agreements with consultants and other contractors, rates notices, application forms of whatsoever nature, and other written requests by which personal information is collected by Council, to ensure that Council is in compliance with the PPIPA.

Interim measures to ensure compliance with IPP 3 in particular may include the creation of stamps or printed slips that contain the appropriate wording (see Appendices 2 and 3).

The Privacy Contact Officer will ensure Council in its public areas has special provisions for working with computer screens. Computer screens may require:

- fast screen savers;
- face the computers away from the public; or
- only allow the record system to show one record at a time.

Council's electronic databases should also be reviewed to ensure that they contain procedures and protocols to check the accuracy and currency of personal and health information.

The Privacy Contact Officer will also provide opinions within Council as to:

- (i) Whether the personal or health information is collected for a lawful purpose;
- (ii) If that lawful purpose is directly related to a function of Council; and
- (iii) Whether or not the collection of that personal or health information is reasonably necessary for the specified purpose.

Any further concerns of a legal nature will be referred to Council's solicitor.

Should the Council require, the Privacy Contact Officer may assign designated officers as "Privacy Resource Officers", within the larger departments of Council. In this manner the Council may ensure that the information protection principles are more broadly understood and that individual departments have a greater focus on the information protection principles and are directly applied to Council's day to day functions.

5.3 Distribution of information to the public

Council may prepare its own literature such as pamphlets on the PPIPA, HRIPA or it may obtain and distribute copies of literature available from the Office of the Privacy Commissioner NSW.

PART 6 – INTERNAL REVIEW

6.1 How does the process of Internal Review operate?

Under section 53 of the PPIPA a person (the applicant) who is aggrieved by the conduct of a council is entitled to a review of that conduct. An application for internal review is to be made within **6 months** of when the person first became aware of the conduct.

The application is to be in writing and addressed to Council's Privacy Contact Officer. The Privacy Contact Officer will appoint a Reviewing Officer to conduct the internal review. The Reviewing Officer must not be substantially involved in any matter relating to the application. The Reviewing Officer must be an employee and suitability qualified.

The review must be completed as soon as is reasonably practicable in the circumstances. If the review is not completed within **60 days** of the lodgement, the applicant is entitled to seek external review.

The Council must notify the Privacy Commissioner of an application as soon as practicable after its receipt, keep the Commissioner informed of the progress of the application and inform the Commissioner of the findings of the review and of the action it proposes to take in relation to the application.

The Privacy Commissioner is entitled to make submissions in relation to internal reviews and the council is required to consider any relevant material submitted by the Privacy Commissioner. The Council must provide the Privacy Commissioner with a draft of the council's internal review report to enable the Privacy Commissioner to make a submission.

Council may provide a copy of any submission by Privacy Commissioner's to the applicant.

The Council must notify the applicant of the outcome of the review within **14 days** of its determination. A copy of the final review should also be provided to the Privacy Commissioner where it departs from the draft review.

An internal review checklist has been prepared by the Office of the Privacy Commissioner NSW and can be accessed from its website <http://www.ipc.nsw.gov.au>.

The Privacy Commissioner must be notified of a complaint, briefed on progress and notified of the outcome of an internal review under the PPIPA or HRIPA.

6.2 What happens after an Internal Review?

If the complainant remains unsatisfied, he/she may appeal to the Administrative Decisions Tribunal which hears the matter afresh and may impose its own decision and can make a range of orders including an award of damages for a breach of an information protection principle or a health privacy principle.

PART 7 – OTHER RELEVANT MATTERS

7.1 Contracts with consultants and other private contractors

It is necessary to have specific provisions to protect the Council in any dealings with private contractors.

7.2 Confidentiality

The obligation of confidentiality is additional to and separate from that of privacy. Nevertheless, a duty to withhold information lies at the heart of both concepts. Confidentiality attaches to information per se, personal or health information to the person to whom that information relates.

An obligation of confidentiality exists for all employees whether express or implied as a matter of law.

Information which may be confidential is also likely to have a separate and independent obligation attaching to it in the form of privacy and in that regard, a release for the purposes of confidentiality will not suffice for privacy purposes. Two separate releases will be required and, in the case of privacy, the person to whom the information relates will be required to provide the release.

7.3 Misuse of personal or health information

Section 664 of the LGA makes it an offence for anyone to disclose information except in accordance with that section. Whether or not a particular disclosure is made with lawful excuse is a matter that requires legal opinion from case to case.

7.4 Regular review of the collection, storage and use of personal or health information

The information practices relating to the collection, storage and use of personal or health information will be reviewed by the Council every three (3) years. Any new program initiatives will be incorporated into the review process with a view to ascertaining whether or not those programs comply with the PPIPA.

7.5 Regular review of Privacy Management Plan

When information practices are reviewed from time to time, the Privacy Management Plan will also be reviewed to ensure that the Plan is up to date.

7.6 Further information

For assistance in understanding the processes under the PPIPA and HRIPA, please contact the Council or the Office of the Privacy Commissioner NSW.

PART 8 – APPENDICES

Appendix 1: Statutory Declaration for access under Section 57 of the Privacy and Personal Information Protection Act 1998 to a Public Register held by Council

Statutory Declaration
Oaths Act, 1900, Ninth Schedule

I, the undersigned ⁽¹⁾ _____ (1) insert full name

of ⁽²⁾ _____ (2) insert address

in the State of New South Wales, do solemnly and sincerely declare that:

I am ⁽³⁾ _____ (3) insert relationship, if any, to person inquired about

I seek to know whether ⁽⁴⁾ _____ (4) insert name

is on the public register of ⁽⁵⁾ _____ (5) Applicant to describe the relevant public public register

The purpose for which I seek this information is ⁽⁶⁾ _____ (6) insert purpose for seeking information

The purpose for which the information is required is to ⁽⁷⁾ _____ (7) insert purpose

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act 1994.

Signature of Applicant

Declared at: _____

in the said State this _____ day of _____ 20 _____

before me. _____

Signature of Justice of the Peace/Solicitor

Name of Justice of the Peace/Solicitor to be printed

Appendix 4: Application under Section 13 of the Privacy and Personal Information Protection Act 1998: To determine whether Council holds personal information about a person.

Personal information held by the Council

I, ⁽¹⁾ _____

of ⁽²⁾ _____

Hereby request the General Manager of ⁽³⁾ _____

provide the following:

(1) insert full name

(2) insert address

(3) insert name of Council

• Does the Council hold personal information about me? Yes No

• If so, what is the nature of that information?

• What is the main purpose for holding the information?

• Am I entitled to access the information? Yes No

My address for response to this application is:

State: _____ Post Code: _____

Note to applicants

Council **will not** record your address or any other contact details that you provide for any other purpose other than to respond to your application.

As an applicant, you have a right of access to personal information concerning yourself that is held by the Council under section 14 of the Privacy and Personal Information Protection Act 1998 (PPIPA). There is a separate application form to gain access.

The Council may refuse to process this application in part or in whole if:

- there is an exemption to section 13 of the PPIPA; or
- a Code of Practice may restrict the operation of section 14.

Enquiries concerning this matter can be addressed to:

Appendix 5: Application under section 14 of the Privacy And Personal Information Protection Act 1998: For access to Applicant's Personal Information

Personal information held by the Council

I, ⁽¹⁾ _____

of ⁽²⁾ _____

Hereby request that the ⁽³⁾ _____

(1) insert full name
(2) insert address
(3) insert name of Council

Provide me with:

- (a) access to all personal information held concerning myself; or
- (b) access to the following personal information only (LIST INFORMATION REQUIRED BELOW):

My address for response to this application is:

_____ State: _____ Post Code: _____

Note to applicants

As an applicant, you have a right of access to personal information concerning yourself that is held by the Council under section 14 of the Privacy and Personal Information Protection Act 1998 (PPIPA).

You are entitled to have access without excessive delay or cost. Council may refuse to process your application in part, or in whole, if:

- the correct amount of fees has not been paid;
- there is an exemption to section 14 of the PPIPA; or
- a Code of Practice may restrict disclosure.

Enquiries concerning this matter can be addressed to:

Appendix 6: Application under section 15 of the Privacy and Personal Information Protection Act 1998: For alteration of Applicant’s Personal Information

Personal information held by the Council

I, ⁽¹⁾ _____	(1) insert full name
of ⁽²⁾ _____	(2) insert address
Hereby request that the ⁽³⁾ _____	(3) insert name of Council

alter personal information regarding myself in the following manner:

- I propose the following changes: _____
- The reasons for the changes are as follows: _____
- The documentary bases for those changes is as shown on the attached documents

Note to Applicants :

You have a right to request appropriate amendments are made (whether by way of corrections, deletions or additions) to ensure that the personal information held by the Council:

- (a) is accurate, and
- (b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up-to-date, complete and not misleading.

If Council is not prepared to amend the personal information in accordance with a request by you, Council must take such steps as are reasonable to attach to the information in such a manner as is capable of being read with the information, any statement provided by you.

If your personal information is amended, you are entitled under the Privacy and Personal Information Protection Act 1998 (PPIPA), if it is reasonably practicable, to the have recipients of that information notified of the amendments made by Council.

Council may refuse to process your application in part, or in whole, if:

- there is an exemption to section 15 of the PPIPA; or
- a Code of Practice may restrict alteration.

Enquiries concerning this matter can be addressed to: _____

Council Agency Information Guide 202X PROXXX

Procedure: Council Agency Information Guide

Section Responsible: Governance

Minute No:

Doc ID: 531946

Responsible Officer	Governance and Engagement Manager		
Approved by	General Manager		
Approval Date	DD Month Year		
GM Signature <i>(Authorised staff to insert signature)</i>			
Next Review	1 February 2023		
Version Number	Endorsed by ELT	Resolved by Council	Date signed by GM
1 Adopted	DD/MM/YYYY	DD/MM/YYYY	DD/MM/YYYY
2 Reviewed	DD/MM/YYYY	DD/MM/YYYY	DD/MM/YYYY

NOTE

Prepared in accordance with the provisions of Section 20 of the Government Information (Public Access) Act 2009.

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1. Introduction

Narrandera Shire Council has prepared this Agency Information Guide (Information Guide) in accordance with section 20 of the [Government Information \(Public Access\) Act 2009](#) (GIPA Act).

In order to maintain and advance a system of responsible and representative democratic Government that is open, accountable, fair and effective, Council is committed to upholding the following objectives of the GIPA Act:

- authorising and encouraging the proactive public release of government information
- giving members of the public an enforceable right to access government information
- restricting access to government information only when there is an overriding public interest against disclosure.

The guiding principle of the GIPA Act is public interest. It is generally presumed that all government agencies will disclose or release information unless there is an overriding public interest against doing so. Under the GIPA Act it is compulsory for agencies to provide information about their structure, functions and policies, and agencies are encouraged to proactively and informally release as much other information as possible.

By describing Council's functions, responsibilities and organisational structure, the Information Guide aims to promote a better understanding of Council's work in the community and inform members of the public about the ways in which the community can participate in Council's decision-making processes. It also details the various types of information held by Council and how that information can be accessed.

Narrandera Shire Council is committed to openness with regard to access to government information. Council information can be accessed on Council's website www.narrandera.nsw.gov.au, by telephoning Council's Customer Service Centre during business hours on 02 6959 5510, in person at 141 East Street, Narrandera or by emailing council@narrandera.nsw.gov.au.

2. Structure and Functions of Council

2.1 About Narrandera Shire Council

Narrandera Municipal Council and Yanko Shire Councils amalgamated to form Narrandera Shire Council on 1 January 1960.

The Shire, located in south western New South Wales between Wagga Wagga and Griffith, covers an area of 4116.02 km² and lies in the heart of an area known as the Riverina. The Murrumbidgee River traverses the southern end of the Shire, passing through the township of Narrandera.

The Shire shares its boundary with Bland, Carrathool, Coolamon, Federation, Griffith, Leeton, Lockhart, Murrumbidgee, Wagga Wagga Local Government Areas.

2.2 Basis for Constitution

The Council is constituted under the [Local Government Act 1993](#).

2.3 Organisational Structure and Resources

The Council is an undivided area (not divided by wards) governed by a body of nine (9) Councillors (including the Mayor) who are elected by the residents and ratepayers of the Shire every four (4) years. These Councillors elect the Mayor from amongst themselves in September each year.

2.3.1 Role of Councillors and Mayor

The role of a Councillor is:

- to be an active and contributing member of the governing body
- to make considered and well-informed decisions as a member of the governing body
- to participate in the development of the integrated planning and reporting framework
- to represent the collective interests of residents, ratepayers and the local community
- to facilitate communication between the local community and the governing body
- to uphold and represent accurately the policies and decisions of the governing body
- to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.

A Councillor is accountable to the local community for the performance of the council.

The role of the mayor is as follows:

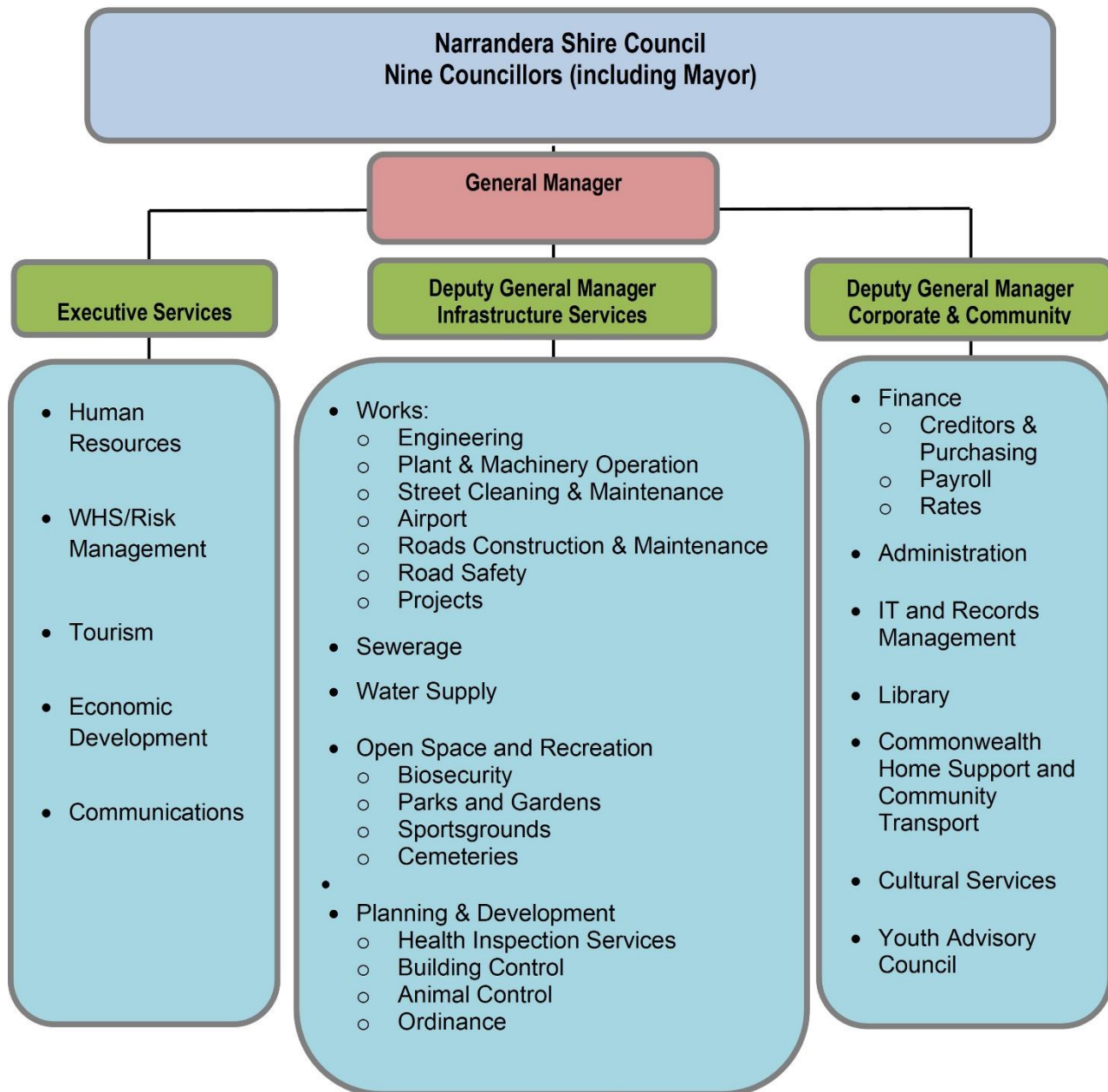
- to be the leader of Council and a leader in the local community
- to advance community cohesion and promote civic awareness
- to be the principal member and spokesperson of the governing body, including representing the views of Council as to its local priorities
- to exercise, in cases of necessity, the policy-making functions of the governing body of Council between meetings of the council
- to preside at meetings of Council
- to ensure that meetings of Council are conducted efficiently, effectively and in accordance with the Local Government Act and Council's Code of Meeting Practice
- to ensure the timely development and adoption of the strategic plans, programs and policies of Council
- to promote the effective and consistent implementation of the strategic plans, programs and policies of Council
- to promote partnerships between the council and key stakeholders
- to advise, consult with and provide strategic direction to the General Manager in relation to the implementation of the strategic plans and policies of the Council
- in conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community
- to carry out the civic and ceremonial functions of the mayoral office
- to represent the Council in regional organisations and at inter-governmental forums at regional, State and Commonwealth levels
- in consultation with the Councillors, to lead performance appraisals of the General Manager
- to exercise any other functions of the Council that Council determines.

2.3.2 Role of General Manager

The General Manager is responsible for the efficient and effective operation of Council as an organisation and for ensuring the implementation of Council decisions. The General Manager has the following functions:

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

To assist in the exercise of these functions is the Executive Services division, headed by the General Manager, and two further divisions of Council, Corporate & Community and Infrastructure Services, each headed by a Deputy General Manager:



2.4 Functions of Narrandera Shire Council

Councils exercise functions under the *Local Government Act 1993*. Under the Act, Narrandera Shire Council’s functions can be grouped into the following categories:

- Service delivery
- Regulatory
- Ancillary
- Revenue
- Administrative
- Enforcement
- Community planning.

As well as the *Local Government Act 1993*, Council has powers and/or responsibilities under other Acts, including:

- Airports Act 1996

- Biodiversity Conservation Act 2016
- Biosecurity Act 2015
- Building Professionals Act 2015
- Child Protection (Working with Children) Act 2012 and Amendment 2018
- Companion Animals Act 1998
- Community Land Development Act 1989
- Contaminated Land Management Act 1997
- Conveyancing Act 1919
- Copyright Act 1968
- Crown Land Management Act 2016
- Crown Lands Act 1989
- Dividing Fences Act 1991
- Environmental Operations Act 1997
- Environmental Planning and Assessment Amendment Act 2008
- Environmental Planning and Assessment Act 1979
- Firearms Act 1996
- Fire Brigades Act 1989
- Fluoridation of Public Water Supplies Act 1957
- Food Act 2003
- Government Information (Public Access) Act 2009
- Graffiti Control Act 2008
- Health Records & Information Privacy Act 2002
- Heritage Act 1977
- Impounding Act 1993
- Land Development Contribution Management Act 1970
- Library Act 1939
- Local Land Service Amendment Act 2016
- Native Title (NSW) Act 1994
- Pesticides Act 1999
- Plumbing and Drainage Act 2011
- Privacy & Personal Information Protection Act 1998
- Protection of the Environment Operations Act 1997
- Public Health Act 2010
- Public Interest Disclosures Act 1994
- Recreation Vehicles Act 1983
- Roads Act 1993
- Road Transport Act 2013
- Rural Fires Act 1997
- State Emergency & Rescue Management Act 1989
- State Emergency Service Act 1989
- State Records Act 1998
- Strata Schemes Development Act 2015
- Strata Schemes Management Act 2016
- Surveillance Devices Act 2007
- Swimming Pools Act 1992
- Transport Administration Act 1988
- Unclaimed Money Act 1995
- Waste Avoidance and Resource Recovery Act 2001
- Water Management Act 2000
- Work Health and Safety Act 2011
- Workers Compensation Act 1987
- Workplace Injury Management and Workers Compensation Act 1998

- Workplace Surveillance Act 2005

3. How Council Functions Affect Members of the Public

As a service organisation, the majority of the activities of Narrandera Shire Council have an impact on the public. The following is an outline of how the broad functions of Council affect the public.

3.1.1 Service Functions

These functions include the provision of a wide range of property and people services that affect the public. Service functions affect the public as Council provides services and facilities to the public members of the community.

These include:

- Airport
- Cemeteries
- Civil infrastructure planning, maintenance and construction
- Communications
- Cultural – Art Centre, Museums, Library Service
- Customer Service
- Economic development and assistance
- Environment, health and food safety
- Land & property development
- Landfill
- Parks, Gardens and Reserves
- Recreational – Lake Talbot Water Park, Narrandera Stadium
- Sporting ovals
- Stormwater drainage and flood mitigation
- Tourism and events
- Waste removal and disposal
- Water and wastewater services
- Youth and community development.

3.1.2 Regulatory Functions

Members of the public must be aware of and comply with certain regulations. These place restrictions on developments and buildings to ensure that they meet certain requirements, protect the amenity of the community, do not endanger the lives and safety of any person. Some of Council's regulatory functions include:

- Building and development approval and control
- Building Certificates
- Development of Codes and Policies
- Leases and licences of public reserves
- Land management.

3.1.3 Ancillary Functions

These are functions that aid the carrying out of other functions of Council, particularly service and regulatory functions. Ancillary functions affect only some members of the public. These functions include:

- Resumption of land
- Powers of entry and inspection
- Power to sell land for overdue rates
- Power to order the demolition of unsafe or unapproved structures.

3.1.4 Revenue Functions

These matters relate to the ability of Council to raise income through collection of rates and charges. Revenue functions affect the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community. Council's revenue functions include:

- Levying of Rates
- Levying of fees and charges
- Authority to borrow funds
- Authority to make investments
- Authority to grant subsidies
- Grant Management.

3.1.5 Administrative Functions

These functions relate to how Council carries out its functions and makes decisions and how it is accountable for its actions. These do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided. Council's administrative functions include:

- Codes of Conduct and practice
- Financial Management and Reporting
- Fleet and Depot
- Governance Services
- Human Resources and Risk Management
- Information Management
- Information Technology
- Integrated Planning and Reporting requirements
- Internal Audit
- Land use planning
- Management Plans
- Policy development
- Property Management
- Purchasing and Procurement

3.1.6 Enforcement Functions

These are functions that involve the prosecution of offences under relevant legislations. Enforcement functions only affect those members of the public who are in breach of certain legislation that Council enforces. This includes matters such as:

- Proceedings for breaches of the *Local Government Act 1993* and Regulations, and other Acts and Regulations
- Prosecution of offences
- Recovery rates and charges.

3.1.7 Community Planning and Development Functions

Such functions affect areas including cultural development, social planning and community profile and involve:

- Advocating and planning for the needs of our community. This includes initiating partnerships; participating on regional, State or Commonwealth working parties; and preparation and implementation of the [Community Strategic Plan](#).
- Providing support to community and sporting organisations through provision of grants, training and information.
- Facilitating opportunities for people to participate in the life of the community through the conduct of a range of community as well as promoting events of other organisations.

4. Public Participation in Local Government

Council is committed to encouraging and fostering public participation in the development of Council policies, strategies and the exercise of local government functions.

Engaging with our community through proactive consultation ensures that the views, needs and expectations of the public are considered so that we can deliver meaningful improvement in outcomes and service delivery.

There are two distinctive ways in which the public may participate in the policy development and, indeed, the general activities of the Council. These are through representation and personal participation.

4.1.1 Representation

Local Government in Australia is based on the principle of representative democracy. This means that the people elect representatives to their local council to make decisions on their behalf. In New South Wales, (under the Local Government Act) local government elections are held on the second Saturday of September every four years. Due to the Covid-19 pandemic, the next elections are to be held in 2021. At each election, eligible voters elect nine Councillors for a four-year term. All residents of the area who are on the electoral roll are eligible to vote. Property owners who live outside of the area and rate paying lessees can also vote but must register their intention to vote on the non-residential roll. Voting is compulsory.

Residents are able to raise issues with and make representations to the elected Councillors. The Councillors, if they agree with the issue or representation, may pursue the matter on the resident's behalf thus allowing members of the public to influence the development of policy. [Councillor contact details](#).

Councillor	Email	Telephone
Cr Barbara Bryon	Cr.bryon@narrandera.nsw.gov.au	0400 346 043
Cr Jenny Clarke	Cr.clarke@narrandera.nsw.gov.au	0417 202 441
Cr David Fahey	Cr.fahey@narrandera.nsw.gov.au	0427 262 270
Cr Neville Kschenka	Cr.kschenka@narrandera.nsw.gov.au	6959 2239
Cr Tracey Lewis	Cr.lewis@narrandera.nsw.gov.au	0427 204 176
Cr Kevin Morris	Cr.morris@narrandera.nsw.gov.au	0429 639 497
Cr Narelle Payne	Cr.payne@narrandera.nsw.gov.au	0412 685 597
Vacant		
Vacant		

4.2 Personal Participation

There are also avenues for members of the public to personally participate in the policy

development and the functions of Council.

4.2.1 Council Meetings

Councillors meet regularly at Ordinary Council meetings to discuss local issues and make decisions on behalf of the community. All meetings of Council are open to the public and residents are welcome to attend. Further details about Council meetings as well as business papers and minutes can be accessed at [Council Meetings](#).

Council Meetings are generally held on the third Tuesday of each month in the Council Chambers, 141 East Street, Narrandera commencing at 2 pm.

Residents may address Council on a matter on the agenda. This can be done by contacting Council prior to the Ordinary Meeting of Council and requesting permission to address Council in relation to the matter.

4.2.2 Council Committees

There are several [Committees](#) which support the exercise of Council's functions under the provisions of Section 355 of the Local Government Act:

- Audit, Risk & Improvement Committee
- Barellan Floodplain Risk Management Committee
- Bettering Barellan Committee
- Grong Grong Community Committee
- Koala Regeneration Committee
- Narrandera Floodplain Risk Management Committee
- Narrandera and Leeton Join Airport Management Committee
- Australia Day Planning Committee
- Weeds Advisory Committee
- Parkside Cottage Museum Committee
- Railway Station Management Committee

Council also has the following Advisory Committees:

- Arts and Culture Committee
- Domestic Violence Committee
- Lake Talbot Environs Committee
- Narrandera Stadium Committee
- Narrandera Health Advisory Group
- Parks and Gardens Committee
- Sports Facilities Committee

4.2.3 Public Submissions

Public exhibitions are a key way for the community to participate in local government. Members of the public are able to provide submissions on draft policies, strategies, projects, developments and plans that Council is considering. Items on public exhibition are advertised and displayed on Council's website at [Projects and Community Consultation](#) and can be inspected at Council's Administration Building and Narrandera Library.

It is important for community members to be aware that information provided to Council in correspondence, submissions or requests including personal information such as names and contact details may be made publicly available in accordance with the GIPA Act.

Members of the public can write to Council on any matter:

- You may write to Council at the following address:
The General Manager
Narrandera Shire Council
141 East Street
Narrandera NSW 2700
- You may also email Council at council@narrandera.nsw.gov.au
- or provide feedback on Council's website [Contact Us](#).

If the matter is outside the delegations or policies by which staff or the General Manager can make a decision, the matter will be referred to the next available relevant Committee or Council Meeting. All matters to be addressed by Council through staff reports, must be submitted at least fourteen days prior to the relevant meeting.

Community members can also sign up to [Council's Community Opinion Group e-newsletter](#) and stay up-to-date on news and media releases by accessing [Council's website](#), Council's Weekly Catchup which provides public notices and information as well as Council's social media accounts, including [Facebook](#), [Instagram](#), [LinkedIn](#), [Youtube](#).

Members of the public can also provide feedback by participating in Council surveys.

4.2.4 Consultation

Community engagement is tailored to the project, proposal or plan and can include surveys, community workshops, online forums and other participation tools. Council has adopted a [Community Engagement Policy](#) which outlines how and when the community will be engaged regarding Council's functions.

5. Information held by Narrandera Shire Council

Narrandera Shire Council holds a significant amount of government information. Government information is defined under the GIPA Act as "Information contained in a record held by the agency". A record means any document or other source of information (including photos, videos, sound files or other digital information) compiled, recorded or stored in written form, or by electronic process or in any other manner.

Council's Electronic Document Management System was introduced in 2000 to replace hard copy, physical records (except for development/building/construction applications). In October 2016 a new integrated electronic document and records management system (Magiq) was introduced to replace the earlier EDMS.

Prior to 2000, the main types of 'physical' files held by Council included general subject files, development and building files and property files.

Council's 'physical' files are not available on the website however this information may be made available either through an [informal request](#) or through a [formal application](#) under the *Government Information (Public Access) Act 2009*. Information is made available to the public, unless for specific information, there is an overriding public interest against disclosure of the information.

Council also holds information in various software systems including Practical which is a software application designed specifically for local government. Information captured by the Practical system typically includes:

- Property and rates information
- Personnel and payroll information
- Financial management information
- Registers.

6. How to Access Information held by Narrandera Shire Council

Narrandera Shire Council is subject to NSW legislation that requires it to be open and accountable in the exercise of its functions, and to handle personal and health information in a fair and reasonable manner. Council will seek to ensure that legitimate requests for access to information are handled promptly and that members of the public are able to access information, subject to the need to protect the privacy of others, commercially sensitive information and information the disclosure of which would not be in the public interest. Narrandera Shire Council is committed to the principle of open and transparent government. To facilitate public access to Council information, Council has adopted an [Access to Council Information Policy](#).

The ways in which Council releases information includes:

1. Mandatory proactive release of information (open access information)
2. Authorised proactive release of information
3. Informal release of information under the GIPA Act
4. Formal release of information under the GIPA Act
5. Mandatory disclosure of information (pecuniary interests)
6. Where required by law (such as a Subpoena to produce).

6.1 Mandatory Proactive Release of Open Access Information

Council must make its 'open access information' publicly available unless there is an overriding public interest against disclosure of the information. Open access information is required to be published on Council's website free of charge unless to do so would impose an unreasonable additional cost on Council.

The following documents are defined as "Open Access Information" under Section 18 of the GIPA Act and will be released without the need for a Formal Access Application.

- Council's Agency Information Guide
- Information about Council contained in any document tabled in Parliament by or on behalf of Council, other than any document tabled by order of either House of Parliament,
- Council's policy documents,
- Council's Disclosure Log of formal access applications,
- Council's Register of Government Contracts,
- Council's Record of Open Access Information that it does not make publicly available on the basis of an overriding public interest against disclosure,
- Information as may be prescribed by the Regulations as open access information.

Schedule 1 of the GIPA Regulation 2018 also stipulates that the following additional documents are to be provided as open access information by Council:

6.1.1 Information about Council

- Model Code of Conduct and Procedures
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Community Strategic Plan
- Delivery Program and Operational Plan
- EEO Management Plan
- Councillors' Payment of Expenses and Provision of Facilities Policy
- Annual reports of bodies exercising functions delegated by Council
- Any codes referred to in the LGA
- Returns of the Interests of Councillors and Designated Persons
- Agendas and business papers for Council and Committee meetings
- Minutes of any Council and Committee meetings
- Reports by the Chief Executive of the Office of Local Government presented at a Council Meeting in accordance with section 433 of the LGA
- Council's Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti Removal Work
- Register of Current Declarations of Disclosures of Political Donations
- Register of Voting on Planning Matters

6.1.2 Plans and Policies

- Local Policies adopted by Council concerning approvals and orders
- Plans of Management for Community Land
- Environmental Planning Instruments, Development Control Plans and Contributions Plans

6.1.3 Information about Development Applications

Development Applications (within the meaning of the *Environmental Planning and*

Assessment Act 1979) and any associated documents received in relation to a proposed development including the following:

- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification documents
- Town Planner reports
- Submissions received on Development Applications
- Heritage Consultant reports
- Tree Inspection Consultant reports
- Acoustics Consultant reports
- Land Contamination Consultant reports
- Records of Decisions on Development Applications made on or after 1 July 2010 (including appeals)
- Records describing general nature of documents that Council decides to exclude from public view including:
 - the plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, or
 - commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret, or
 - development applications made before 1 July 2010 and any associated documents received in relation to the application.

6.1.4 Approvals, Orders and Other Documents

- Applications for Approvals under Part 1 of Chapter 7 of the LGA and any associated documents received in relation to such an application
- Applications for Approvals under any other Act and any associated documents received in relation to such an application
- Records of Approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
- Orders given under the authority of any other Act
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979
- Plans of land proposed to be compulsorily acquired by Council
- Compulsory Acquisition Notices
- Leases and Licences for use of Public Land classified as Community Land
- Performance Improvement Orders issued to Council under Part 6 of Chapter 13 of the LGA.

6.2 Authorised Proactive Release of Information

The GIPA Act authorises Council to go beyond the minimum requirements for mandatory disclosure of information and make any information it holds publicly available unless there is an overriding public interest against disclosure of the information. This is a discretionary authority to release information in any manner considered appropriate, free of charge or at the lowest reasonable cost.

Council reviews its authorised proactive release program regularly by identifying the kinds of information it holds that should be made publicly available and that does not impose unreasonable additional costs on Council. Council encourages members of the public to

contact Council with suggestions for information which can be considered for authorised proactive release.

Visit the [Information Held by Council](#) webpage to access a range of information that is openly available on Council's website.

6.3 Informal Release

Access to information which is not made available via mandatory proactive release (open access) or authorised proactive release may be provided through informal release. As with the proactive release of information, Council is authorised to release information unless there is an overriding public interest against disclosure. Application should be made to Council by submitting an [application](#) or by contacting Council on (02) 6959 5510.

6.4 Formal Access Application

Some documents may require a formal access application in accordance with the [Government Information \(Public Access\) Act](#).

Council requires a formal access application to be submitted if the information being sought:

- is not available via proactive or informal release, and
- is of a sensitive nature that requires careful weighing of the considerations in favour of, and against, disclosure, or
- contains personal or confidential information about a third party which may require consultation, or
- contains information relating to current or pending legal proceedings,
- may involve a substantial amount of time and resources to produce.

To make a formal request for access to information a [GIPA Formal Request Application](#) should be completed. There is a fee associated with a formal application which is detailed in Council's Fees and Charges (currently \$30). Additional processing charges may be applicable.

A formal application must:

- be in writing
- specify it is made under the GIPA Act
- state the name of the applicant and a postal or email address
- be accompanied by the \$30 fee
- provide sufficient detail to enable Council to identify the information requested.

Council's [Disclosure Log](#) lists information released in response to a formal access application under the GIPA Act that is considered to be of interest to the wider public. Applicants can object to the inclusion of information in Council's disclosure log.

7. Public Interest Test

In deciding which information to release, Council will apply the public interest test having regard to its obligation to promote the objects of the Act and to any relevant guidelines issued by the Information Commissioner.

Regardless of whether a formal or informal access request has been received, Council must decide whether there are any public interest considerations against disclosure of the requested information. If so, Council needs to determine the weight of the public interest considerations in favour of and against disclosure and where the balance between those interests lies. This is called the 'public interest test'.

The public interest test involves three steps:

1. Identifying the relevant public interest considerations for disclosure
2. Identifying any relevant public interests against disclosure
3. Assessing whether the public interest against disclosure outweighs the public interest in favour.

7.1 Considerations in Favour of Disclosure

For most information held by Council there is a general public interest in favour of the disclosure of the information and includes considerations such as:

- Disclosure promotes open discussion of public affairs
- Release enhances Government accountability
- Disclosure contributes to positive and informed debate on issues of public importance
- Disclosure informs how Council deals with members of the public
- Disclosure provides information on Council policies, procedures and processes.

7.2 Considerations Against Disclosure

Section 14 of the GIPA Act sets out public interest considerations against disclosure for the purpose of determining whether there is an overriding public interest against disclosure of government information.

Considerations are grouped under the following headings:

- Responsible and effective government
- Law enforcement and security
- Individual rights, judicial processes and natural justice
- Business interests of agencies and other persons
- Environment, culture, economy and general matters
- Secrecy provisions (in legislation other than those listed in Schedule 1)
- Exempt documents under interstate Freedom of Information Legislation

Council will consider any submissions made by an application in relation to public interest considerations, as well as any factors personal to the applicant.

Council may refuse a request for information if searching for the requested information would require unreasonable and substantial diversion of Council's resources.

7.3 Conclusive Presumption of Overriding Public Interest Against Disclosure

In some circumstances there will be an automatic, overriding public interest against the release of information (refer to [Schedule 1 GIPA Act](#)), for example where the release of the information is prohibited by law, documents affecting law enforcement and or public safety, legal professional privilege.

Where a conclusive presumption of overriding public interest against disclosure exists, a decision will be made to refuse access to the information.

8. Consultation

When a person requests information from Council, that information often contains details about other individuals, businesses, or agencies. Council may need to consult with those third parties before deciding whether or not to release that information to the applicant.

Consultation with third parties is important in balancing information access rights, and the rights of individuals to protect and control the privacy of information about themselves.

9. Copyright

Nothing in the regulations requires or permits Council to make open access information available in any way that would constitute an infringement of copyright (Section 6.6 GIPA Act).

Access to copyright documents will be granted by way of inspection only, unless the copyright owner's written consent is provided. Where authority is unable to be obtained or the copyright owner is not able to be contacted, copies of copyright material will not be provided. These documents include Plans/Drawings, consultant reports, Statements of Environmental Effects and other miscellaneous reports submitted with a Development Application.

10. Rights of Review

Where a member of the public is refused access under formal application under the GIPA Act, staff will provide details of the reason for refusal to the member of the public in writing. An applicant who has been refused access by Council to information requested under a formal request for access to information under the GIPA Act has three options of review available.

10.1 Internal Review

If an access application has been refused, there is a general right to seek an internal review of the decision. An internal review must be applied for within 20 working days of the original decision and is subject to a fee associated which is detailed in Council's Fees and Charges (currently \$40). Internal review involves a senior person in the agency reviewing the decision to reject the access to information application. An internal review is not to be done by the person who made the original decision and is not to be done by a person who is less senior than the person who made the original decision.

10.2 Review by the Information Commissioner

If an applicant is not satisfied with the internal review, or does not want one, they can ask

for a review by the Information Commissioner. An application for review of a decision by the Information Commissioner must be made within 40 working days after notice of the decision to which the review relates is given to the applicant.

10.3 External Review (NCAT Administrative Review)

If an applicant is not satisfied with the decision of the Information Commissioner or the Internal Reviewer or if they don't want to take these options they can apply to the NSW Civil & Administrative Tribunal (NCAT). If the applicant has already had a review by the Information Commissioner they have 20 working days from notification of the decision to make this application. If they haven't had a review by the Information Commissioner they have 40 working days from notification of the decision to make this application.

11. Fees and Charges

11.1 Application Fee

11.1.1 Informal Application

There is no application fee for an informal application however Council may charge a fee for photocopying as per [Council's Fees and Charges](#).

11.1.2 Formal Application

An application fee is payable by an applicant to Council when lodging a formal access application for government information under the *Government Information (Public Access) Act 2009 (section 41(1)(c))*. The application must be in writing (the application form is available on Council's website) and is invalid until this fee is paid. The application fee counts towards any processing charge payable by the applicant (section 64(3)).

11.2 Processing Charges

Under the *Government Information (Public Access) Act 2009* Council may impose a charge for processing an application that they receive, or have transferred to them at the rate of \$30 per hour (*section 64 of the GIPA Act*). The application fee also counts as a payment towards any processing charge payable by the applicant (*section 64(3)*). The processing time for an application, as set out in *section 64(2)*, is the total amount of time that is necessary to be spent by any officer of the Council in:

- dealing efficiently with the application (including consideration of the application, searching for records, consultation, decision-making and any other function exercised in connection with deciding the application), or
- providing access in response to the application (based on the lowest reasonable estimate of the time that will need to be spent in providing that access).

Under certain circumstances an applicant may be entitled to a 50% reduction in the processing charge (not the application fee).

A 50% discount in the processing charge imposed will apply if Council is satisfied that the applicant is suffering financial hardship or is satisfied that the information applied for is of special benefit to the public generally.

The discount applies only to the processing charge, not the application fee. If a 50% reduction in processing charge applies, the application fee will pay for the first 2 hours of processing time (not just the first hour) (*sections 65 & 66*).

If the information applied for was not publicly available at the time the application was received but Council makes the information publicly available either before or within 3 working days after providing access to the applicant, the applicant is entitled to a full waiver of the processing charge imposed by Council (*section 66 (2)*).

If an access application is made for personal information about the applicant (the applicant being an individual), Council cannot impose any processing charge for the first 20 hours of processing time for the application (*section 67*).

All charges in relation to the *Government Information (Public Access) Act 2009* are listed in Council's Revenue Policy, available on Council's website. All charges for applications can also be obtained from the Office of the Information and Privacy Commission at www.ipc.nsw.gov.au.

12. How Members of the Public May Access and Amend Council Documents Concerning Their Personal Affairs

Council's Privacy Policy (currently in draft) sets out its policies and practices for dealing with privacy and personal information. The policy is accessible on Council's web page and at Council's office.

A person's right of access under the privacy legislation is quite separate from his or her right under the GIPA Act but is limited to "personal information" as defined in the privacy legislation. A person has a right to access any information held by Council which relates to his or her personal affairs.

This information will be made available to the individual free of charge and wherever possible without the need for a formal access application. A person may request to amend his or her personal information held by Council.

Persons who wish to seek an amendment to the Council's records concerning their personal affairs, should contact:

- Narrandera Shire Council Customer Service Counter
141 East Street, Narrandera NSW 2700 Operating Hours
9:00am-4:30pm Monday to Friday
- Narrandera Shire Council Electronic Customer Service
Operating Hours 8.15am – 4.30pm Monday to Friday
P: 02 6959 5510
F: 02 6959 1884
E: council@narrandera.nsw.gov.au

If you experience any difficulty in obtaining documents or information, you should contact Council's Right to Information Officer or the Principal Officer on 02 6959 5510.

13. Right to Information Officer

The Right to Information Officer is responsible for determining applications for access to information or for the amendment of records. If you have any difficulty in obtaining access to Council information, you may wish to refer your enquiry to the Principal Officer. If you would like to amend a document of Council which you feel is incorrect it is necessary for you to make written application to the Principal Officer in the first instance.

The Governance Manager has been appointed as the Right to Information Officer. Enquiries should be addressed as follows:

- General Manager
Narrandera shire Council
141 East Street
Narrandera NSW 2700
Telephone: 02 6959 5510
Email: council@narrandera.nsw.gov.au

14. Principal Officer

The General Manager has been appointed the Principal Officer.

Amongst other duties the Principal Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents / information of the Council.

15. Public Officer

It should be noted that the Deputy General Manager Corporate has been appointed as the Public Officer.

Under the *Local Government Act* each Council must appoint a Public Officer. Amongst other duties, Council's Public Officer may deal with requests from the public concerning Council's affairs, has the responsibility of assisting people to gain access to public documents of Council and may receive submissions or accept service of documents on behalf of Council.

The Public Officer may also determine applications for access to documents under the GIPA Act or for the amendment of records.

The functions of the Public Officer can be found under [section 343 of the Local Government Act 1993](#).

16. Office of the Information and Privacy Commission NSW

The Office of the Information and Privacy Commission NSW has been established to oversee the *GIPA Act*.

Questions concerning the GIPA Act or access to government information can be directed to the [Office of the Information and Privacy Commission](#) who can be contacted:

Telephone	1800 472 679 (free call) Monday to Friday, 9.00am-5.00pm (excluding public holidays)
Fax	02 8114 3756
Email	ipcinfo@ipc.nsw.gov.au
Mail	GPO Box 7011, Sydney NSW 2001
In person	Sydney Office, Level 17, 201 Elizabeth Street, Sydney between 9.00am-5.00pm, Monday to Friday (excluding public holidays)

17. Further Information about Accessing Government Data

Data.NSW is an overarching program providing policy, platforms and practice for NSW data that supports better customer service, policy development, responsiveness and innovation. It is a collaboration between different data functions, including Spatial Services, Digital Government Policy and Innovation, Data Analytics Centre and Behavioural Insights. Visit the [Data NSW](#) website for more information.

More information on how to access NSW government information is available on the website of the Office of the Information and Privacy Commission at www.ipc.nsw.gov.au

Links to other information:

- [Office of Local Government](#)
- [GIPA Act 2009](#)
- [GIPA Regulation 2018](#)
- [NSW Government portal](#)

NOTE: This is a controlled document. If you are reading a printed copy, please check that you have the latest version via Council's website (external) or MagiQ (internal). Printed or downloaded versions of this document are uncontrolled.

Privacy Management Plan 202X PROXXX



Procedure: Privacy Management Plan

Section Responsible: Governance

Doc ID: 531191

Next Review Due	1/02/2023	
Version Number	Date Completed	Council Officer Name
1 Adopted	XX Month 202X	Martin Hiscox
2 Reviewed	XX Month 202X	

NOTE

This Privacy Management Plan is based on the Model Privacy Management Plan for Local Government supplied by the New South Wales Division of Local Government.

Amendments have been made to incorporate relevant provisions of the Health Records and Information Privacy Act 2002 (NSW) and the Government Information (Public Access) Act 2009 (NSW).

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1. Introduction

1.1 About this Plan

Narrandera Shire Council’s Privacy Management Plan is based on the Model Privacy Management Plan for Local Government supplied by the NSW Department of Local Government.

The main content of this plan is set out in Part 3 and Part 4 and the following format applies to these sections:

<p>a. Information Protection Principle or Health Privacy Principle</p>	<p>b. The information contained under these headings is the wording as found under the relevant section of either the Privacy and Personal Information Protection Act 1998 (PPIPA) or Health Records and Information Privacy Act 2002 (HRIPA)</p>
<p>c. The Privacy Code of Practice</p>	<p>d. The information contained under this heading relates to the Privacy Code of Practice for Local Government and the way in which it modifies the operation of the PPIPA for Local Government Authorities.</p>
<p>e. Council Policy</p>	<p>f. This information relates to Council’s internal processes and procedures for ensuring that the relevant acts are complied with. This section also notes any other legislation, relevant to Local Government, that may modify the operation of that particular section of the PPIPA or HRIPA</p>

1.2 Legislative Context

The Privacy and Personal Information Protection Act 1998 (PPIPA) provides for the protection of personal information and for the protection of the privacy of individuals.

Section 33 of the PPIPA requires all councils to prepare a Privacy Management Plan (the “Plan”) to deal with:

- the devising of policies and practices to ensure compliance by Council with the requirements of the PPIPA or the Health Records & Information Privacy Act 2002 (HRIPA)
- the dissemination of those policies and practices to persons within the Council
- the procedures that Council proposes for Internal review of privacy complaints
- such other matters as are considered relevant by Council in relation to privacy and the protection of personal information held by it.

This Plan has been prepared for the purpose of section 33 of the PPIPA.

The Act provides for the protection of personal information by means of 12 Information Protection Principles (IPPs). Those principles are listed below:

- Principle 1 - Collection of personal information for lawful purposes
- Principle 2 - Collection of personal information directly from the individual
- Principle 3 - Requirements when collecting personal information
- Principle 4 - Other requirements relating to collection of personal information
- Principle 5 - Retention and security of personal information

- Principle 6 - Information about personal information held by agencies
- Principle 7 - Access to personal information held by agencies
- Principle 8 - Alteration of personal information
- Principle 9 - Agency must check accuracy of personal information before use
- Principle 10 - Limits on use of personal information
- Principle 11 - Limits on disclosure of personal information
- Principle 12 - Special restrictions on disclosure of personal information

Those principles are *modified* by the Privacy Code of Practice for Local Government ("the Code") made by the Attorney General.

The Code has been developed to enable Local Government to fulfil its statutory duties and functions under the Local Government Act 1993 (the "LGA") in a manner that seeks to comply with the PPIPA.

This Plan has been amended to incorporate the requirements of the Government Information (Public Access) Act 2009 (NSW) (GIPAA). The GIPAA extends the right of the community to have access to information held by State Government departments and local and public authorities with a view to achieving more open, accountable, fair and transparent government.

The Plan has also been amended to incorporate the requirements of the Health Records and Information Privacy Act 2002 (HRIPA). The HRIPA regulates the collection and handling of people's health information by New South Wales public and private sector organisations and was operational from 1 September 2004. It takes health information out of the PPIPA and gives it specific protection.

As with the PPIPA, the HRIPA provides protection for health information by means of 15 Health Privacy Principles (HPPs). The HPPs are very similar to the IPPs in intent and wording but with a health information orientation. Those principles are listed below:

- Principle 1 – Purposes of collection of health information
- Principle 2 – Information must be relevant, not excessive, accurate and not intrusive Principle 3 – Collection to be from the individual concerned
- Principle 4 – Individual to be made aware of certain matters Principle 5 - Retention and security
- Principle 6 - Information about health information held by organisations Principle 7 - Access to health information
- Principle 8 - Amendment of health information Principle 9 - Accuracy
- Principle 10 - Limits on use of health information Principle 11 - Limits on disclosure of health information Principle 12 – Identifiers
- Principle 13 – Anonymity
- Principle 14 – Transborder data flows and data flow to Commonwealth Agencies Principle 15 – Linkage of health records

This Plan outlines how Council will incorporate the 12 IPPs and 15 HPPs into its everyday functions.

This Plan should be read in conjunction with the Code of Practice for Local Government. Nothing in this Plan is to affect:

- any matter of interpretation of the Code, the Information Protection Principles or the Health Privacy Principles as they apply to the Council
- any obligation at law cast upon Council by way of representation or holding out in any manner whatsoever
- create, extend or lessen any obligation at law which Council may have.

This Plan is designed to introduce policies and procedures to maximise compliance with the PPIPA and the HRIPA.

Where Council has the benefit of an exemption, it will nevertheless describe procedures for compliance in this Plan. By doing so, it is not to be bound in a manner other than that prescribed by the Code.

Council collects, stores and uses a broad range of information. A significant part of that information is personal information including health information. This Plan applies to that part of the Council's information that is personal information and/or health information.

It may mean in practice any information that is not personal or health information will receive treatment of a higher standard; namely treatment according to personal or health information where the information cannot be meaningfully or practicably separated.

1.3 What is Personal Information?

"Personal information" is defined in section 4 of the PPIPA as follows:

"Personal information means 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."

1.4 What is not "Personal Information"?

"Personal information" does not include information about an individual that is contained in a publicly available publication". Personal information, once it is contained in a publicly available publication, ceases to be covered by the PPIPA.

Where Council is requested to provide access or make a disclosure and that information has already been published, then Council will rely on the provisions of the relevant Act that authorises Council to hold that information and not the PPIPA (for example, the GIPAA).

Council considers the following to be publicly available publications:

- An advertisement containing personal information in a local, city or national newspaper
- Personal information on the Internet
- Books or magazines that are printed and distributed broadly to the general public
- Council Business papers or that part that is available to the general public
- Personal information that may be a part of a public display on view to the general public.

Information published in this way ceases to be covered by the PPIPA. However, Council's decision to publish in this way must be in accordance with PPIPA.

1.5 Personal Information Held by Council

Council holds personal information concerning Councillors, such as:

- personal contact information
- complaints and disciplinary matters
- pecuniary interest returns
- entitlements to fees, expenses and facilities.

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

- Rates records
- DA applications and objections
- Names, addresses, bank account details
- Child information

- Library lending details
- Burial and cremation records.

Council holds personal information concerning its employees, such as:

- recruitment material
- leave and payroll data
- personal contact information
- performance management plans
- disciplinary matters
- bank account details
- pecuniary interest returns
- wage and salary entitlements.

1.6 What is health information?

"Health information" is a particular type of personal information. Health information is personal information or an opinion about:

- A person's physical or mental health or disability, or
- A person's express wishes about the future provision of health services for themselves, or
- A health service provided, or to be provided to a person It includes personal information, such as: Genetic information about a person arising from a health service provided to them that predicts or could predict the health of that person or of their siblings, relatives or descendants.

It also includes other personal information that is not itself health-related, but which has been:

- Collected to provide, or in providing, a health service, or
- Collected in connection with a person's decision to donate body parts, organs or body substances.
- Health information can be in any form:
Paper, electronic, audio visual and other types of health information are treated in exactly the same way under the HRIPA.
- Health information does not need to be recorded in a material form. There is a legal authority to suggest that coverage extends to information held in the mind of employees, when acquired in the course of their employment.

1.7 What is not protected

Some health information is not protected by the HRIPA:

- Health information about a person who has been dead for more than 30 years.
- Some employee-related health information. In the public sector information or an opinion about an individual's suitability for appointment or employment as a public sector official is exempt. However, as a matter of best practice and sensible risk management, Privacy NSW encourages organisations to handle all their employee-related health information in accordance with the HRIPA.
- Health information that is generally available to the public, eg: in a generally available publication, library or the NSW State Archives.
- Health information that might be specifically protected under other laws, such as Protected Disclosure, information about a witness on a protected witness program, or information obtained during special police operations.

1.8 Health Information Held by Council

Council holds health information concerning some of its customers, ratepayers and residents, such as child details, including:

- Immunisation Records
- Medical Conditions
- Allergies
- Reports regarding a child's special needs from other organisations
- Doctors' details.

Council holds health information concerning its employees, such as:

- Pre-employment medical examination results
- Sick leave data
- Workers Compensation details.

1.9 Policy on Electoral Rolls

Council will refer any requests for copies of the Electoral Roll to the State Electoral Commissioner.

1.10 Applications for Suppression in relation to General Information (not Public Registers)

A person may request that their personal information is removed from documents that are publicly available if they consider that disclosure would place their personal safety or that of their family at risk by making an application under section 739 of the LGA.

An application for suppression must be verified by statutory declaration and otherwise meet the requirements of section 739. When in doubt Council will err in favour of suppression.

For more information regarding disclosure of information (other than public registers) see the discussion of IPPs 11 and 12 in Part 3 of this Plan.

For information regarding suppression of information on *public registers*, see Part 2 of this Plan.

1.11 Caution as to Unsolicited Information

Where an individual, a group or committee, not established by Council, gives Council unsolicited personal information, then that information should be still treated in accordance with this Plan, the Code, the HRIPA and the PPIPA for the purposes of IPPs 5-12 which relate to storage, access, use and disclosure of information.

1.12 Application of this Plan

The PPIPA, HRIPA and this Plan apply, wherever practicable, to:

- Councillors
- Council employees
- Consultants and contractors of the Council
- Council owned businesses
- Council committees (including those which may be established under section 355 of the LGA).

Council will ensure that all such parties are made aware that they must comply with PPIPA, the HRIPA, the Privacy Code of Practice for Local Government, any other applicable Privacy Code of Practice and this Plan.

1.13 Related Documents

This Plan should be read in conjunction with:

- POLXXX Privacy Policy (draft)
- CS310 Access to Council Information
- Privacy Code of Practice for Local Government
- Code of Practice for Complaint Management prepared by the Office of the Privacy Commissioner NSW
- Information Management Operating Standard.

1.14 Relevant Legislation

This Plan should be read in conjunction with:

- Local Government Act
- Government Information Public Access Act (GIPAA) 2009 (NSW)
- Privacy and Personal Information Protection Act 1998 (PPIPA)
- Health Records and Information Privacy Act 2002 (HRIPA).

2. Public Registers

2.1 What is a Public Register?

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

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

A distinction needs to be drawn between "public registers" within the meaning of Part 6 of the PPIPA and "non public registers". A "non public register" is a register but it is not a "public register" for the purposes of the PPIPA. For example, the register might not be publicly available or it may not contain personal information.

Disclosure in relation to public registers must comply with Part 6 of the PPIPA and the Code. Personal information cannot be accessed by a person about another person unless the personal information is contained in a public register. Where personal information is contained in a public register, then Part 6 of the PPIPA applies to determine whether access to that information will be given to another person.

Disclosure in relation to all other personal information must comply with the Information Protection Principles as outlined in Part 2 of this Plan and the Code where it includes personal information that is not published.

The Council holds the following public registers:

a. Register Name	b. Relevant legislation	c. Relevant section
d. Land Register	e. Local Government Act	f. s. 53
g. Records of Approvals	h. Local Government Act	i. s.113
j. Register of Pecuniary Interests	k. Local Government Act	l. s.449
m. Rates Record	n. Local Government Act	o. s.602
p. Register of Consents and Approvals	q. Environmental Planning and Assessment Act	r. s. 4.58
s. Record of Building Certificates	t. Environmental Planning and Assessment Act	u. s. 6.26
v. Record of Impounding	w. Impounding Act 1993	x. s.30 & s.31

Members of the public may enquire only in accordance with the primary purpose of any of these registers. The primary purpose for each of these public registers is set out in the sections that follow.

2.2 Public Registers and the PPIPA

A public register generally confers specific rights or privileges, a benefit, or status, which would not otherwise exist. It may be required by law to be made publicly available or open to public inspection, or it is simply made publicly available or open to public inspection (whether or not payment is required).

Section 57 of the PPIPA requires very stringent controls over the disclosure of personal information contained in a public register. Section 57 provides broadly that where Council is responsible for keeping a public register, it will not disclose any personal information kept in that register unless it is satisfied that the information is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept.

Section 57 (2) requires Council to ensure that any person who applies to inspect personal information contained in a public register, gives particulars in the form of a statutory declaration as to the proposed use of that information. (Appendix 1 contains Council's form for this purpose. This form is also available on Council's website and at the Customer Service Centre)

If the stated purpose of the applicant does not conform with the purpose for which the public register is kept, access to the information sought will not be given.

Where personal information is contained in a publicly available publication that information will not be regarded as personal information covered by the PPIPA.

2.3 Effect on the Government Information Public Access Act 2009

Section 57 of the PPIPA prevails over clause 1(3) of Schedule 1 of the GIPA Regulations to the extent of any inconsistency. Therefore:

- a. If a register is listed in Schedule 1 of the GIPA Regulations, access must not be given except in accordance with section 57(1) of the PPIPA.
- b. If a register is not listed in Schedule 1 of the GIPA Regulations, access must not be given except:
 - i. if it is allowed under section 57(1) of the PPIPA and
 - ii. if inspection would not be contrary to the public interest test under GIPAA.
 - iii. Note: Both (a) and (b) are amended with regard to specific public registers in the Privacy Code of Practice for Local Government.

2.4 Where some information in the public register has been published

That part of a public register that is not published in a publicly available publication will be treated as a "public register" and the following procedure for disclosure will apply.

For example, the Register of Consents and Approvals held by Council under section 100 of the Environmental Planning and Assessment Act requires Council to advertise or publish applications for development consent.

When Council publishes the address of the property, it may identify the owner. The personal information that has not been published and any applications not advertised or that have been rejected or withdrawn (and hence also not published) will be treated as a public register under PPIPA.

Council may hold a register under the Contaminated Land Management Act on behalf of the Environment Protection Authority. This is not to be considered a public register of Council as the statute does not place any obligations on the Council to make this register publicly available as a register of contaminated land. Furthermore, the legislation foreshadows that the Environment Protection Authority may indeed post this list or register on the internet. This may constitute a publication of the information and therefore the PPIPA will not apply.

Registers should not be published on the internet.

2.5 Disclosure of personal information contained in Public Registers

A person seeking a disclosure concerning someone else's personal information from a public register must satisfy Council that the intended use of the information is for a purpose relating to the purpose of the register or the Act under which the register is kept.

In the following section, by way of guidance only, what might be called the "primary" purpose (or "the purpose of the register") has been specified for each identified register. In some cases, a "secondary purpose" has also been specified, by way of guidance as to what might constitute "a purpose *relating* to the purpose of the register".

2.6 Purposes of Public Registers

2.6.1 Purposes of public registers under the Local Government Act:

- a. Section 53 - Land Register - The primary purpose is to identify all land vested in Council, or under its control. The secondary purpose includes a consideration of public accountability as to the land held by Council. Third party access is therefore a secondary purpose.
- b. Section 113 - Records of Approvals - The primary purpose is to identify all approvals granted under the LGA.
- c. Section 450A - Register of Pecuniary Interests - The primary purpose of this register is to determine whether or not a Councillor or a member of a Council committee has a pecuniary interest in any matter with which Council is likely to be concerned. There is a corresponding public accountability purpose and third party access is a secondary purpose.
- d. Section 602 - Rates Record - The primary purpose is to record the value of a parcel of land and record rate liability in respect of that land. The secondary purpose includes recording the owner or lessee of each parcel of land. For example, a disclosure on a section 603 (of the LGA) rating certificate that a previous owner was a pensioner is considered to be allowed, because the secondary purpose is "a purpose relating to the purpose of the register."

2.6.2 Purposes of public registers under the Environmental Planning and Assessment Act:

- a. Section 100 - Register of consents and approvals - The primary purpose is to identify applications for development consent and other approvals, confirm determinations on appeal and identify applications for complying development certificates.
- b. Section 149G - Record of building certificates - The primary purpose is to identify all building certificates.

2.6.3 Purposes of public registers under the Protection of the Environment (Operations) Act:

- a. Section 308 - Public register of licences held - The primary purpose is to identify all licences granted under the Act.

2.6.4 Purposes of the public register under the *Impounding Act*:

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

2.6.5 Secondary purpose of all Public Registers

Due to the general emphasis (to be found in the GIPAA and elsewhere) on local government processes and information being open and accountable, it is considered that a secondary purpose for which all public registers are held by Council includes the provision of access to members of the public. Therefore disclosure of specific records from public registers would normally be considered to be allowable under section 57 of the PPIPA.

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

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

2.6.6 Other Purposes

Persons or organisations who apply to Council to have access to the information contained in any public register for a purpose not related to the purpose of the register, may be given access at the discretion of Council but only in accordance with the Privacy Code of Practice for Local Government concerning Public Registers.

2.7 Applications for access to own records on a public register

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

2.8 Applications for suppression in relation to a public register

An application for suppression in relation to a public register will be dealt with under PPIPA, rather than section 739 of the LGA.

A person about whom personal information is contained (or proposed to be contained) in a public register, may request Council under section 58 of the PPIPA to have the information removed from, or not placed on the register.

If Council is satisfied that the safety or well-being of any person would be affected by not suppressing the personal information as requested, Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information, in accordance with section 58(2) of the PPIPA. ("Well-being" is defined in the Macquarie Dictionary as "the good or satisfactory condition of existence; welfare".)

When in doubt, Council will err in favour of suppression.

Any information that is removed from, or not placed on, that aspect of a public register to be made public may be kept on the register for other purposes. That is, the information may still be used for council functions, but it cannot be disclosed to other parties.

An application for suppression should be made in writing addressed to the General Manager and must outline the reasons for the request. Council may require supporting documentation where appropriate.

2.9 Other registers

Council may have other registers that are not public registers. The Information Protection Principles, the Health Privacy Principles, this Plan, any applicable Code and all other relevant Acts apply to those registers or databases.

3. The Information Protection Principles

3.1 IPP 1 - Lawful Purposes

3.1.1 Section 8 Collection of personal information for lawful purposes

- a. A public sector agency must not collect personal information unless:
 - i. the information is collected for a lawful purpose that is directly related to a function or activity of the agency, and
 - ii. the collection of the information is reasonably necessary for that purpose.
- b. A public sector agency must not collect personal information by any unlawful means.

3.1.2 The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

3.1.3 Council Policy

Council will only collect personal information for a lawful purpose as part of its proper functions. The LGA governs Council's major obligations and functions.

Section 22 of the LGA provides other functions under other Acts. Some of those Acts are as follows:

- Australian Road Rules 1999
- Community Land Development Act 1989
- Companion Animals Act 1998
- Conveyancing Act 1919
- Environmental Planning and Assessment Act 1979
- Fire Brigades Act 1989
- Fluoridation of Public Water Supplies Act 1957
- Food Act 1989
- Impounding Act 1993
- Library Act 1939
- Protection of the Environment Operations Act 1997
- Public Health Act 1991
- Recreation Vehicles Act 1983
- Roads Act 1993
- Rural Fires Act 1997
- State Emergency Service Act 1989
- Strata Schemes (Freehold Development) Act 1973
- Strata Schemes (Leasehold Development) Act 1986
- Swimming Pools Act 1992
- Public Health Act 1991.

This list is not exhaustive.

Additionally, the exercise by Council of its functions under the LGA may also be modified by the provisions of other Acts. Some of those Acts follow:

- Coastal Protection Act 1979
- Environmental Offences and Penalties Act, 1989

- Government Information (Public Access) Act 2009
- Heritage Act 1977
- State Emergency and Rescue Management Act 1989
- Unclaimed Money Act 1995
- Unhealthy Building Land Act 1990.

The circumstances under which Council may collect information, including personal information, are varied and numerous.

Council will not collect any more personal information than is reasonably necessary for it to fulfil its proper functions.

Anyone engaged by Council as a private contractor or consultant that involves the collection of personal information must agree to be bound not to collect personal information by any unlawful means. This will include debt recovery actions by or undertaken on behalf of Council by commercial agents.

3.1.4 Companion Animals Act

Collection of information under the Companion Animals Act and Council's use of the Companion Animals Register should be guided by the Director General's guidelines, which have been developed with the PPIPA in mind.

3.1.5 Role of the Information Access Officer

In order to ensure compliance with Information Protection Principle 1 any new internet contact forms, rates notices, application forms of whatsoever nature, or written requests by which personal information is collected by Council; will be referred to the Information Access Officer prior to adoption or use.

The Information Access Officer will also provide advice as to:

- Whether the personal information is collected for a lawful purpose
- If that lawful purpose is directly related to a function of Council
- Whether or not the collection of that personal information is reasonably necessary for the specified purpose.

Any further concerns of a legal nature will be referred to Council's solicitor.

3.2 IPP 2 - Direct Collection

3.2.1 Section 9 Collection of personal Information directly from the individual

A public sector agency must, in collecting personal information, collect the information directly from the individual to whom the information relates unless:

- a. the individual has authorised collection of the information from someone else, or
- b. in the case of information relating to a person who is under the age of 16 years the information has been provided by a parent or guardian of the person.

3.2.2 The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle where indirect collection of personal information 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.

3.2.3 Council Policy

The compilation or referral of registers and rolls are the major means by which Council collects personal information. For example, the information Council receives from the Land Titles Office would fit within 3.2.1.a above.

Other means include forms that customers may complete and lodge with Council for development consent, companion animal registration, applications for specific inspections or certifications.

In relation to petitions, Council will treat the personal information contained in petitions in accordance with PPIPA.

Where Council or a Councillor requests or requires information from individuals or groups, that information will be treated in accordance with PPIPA.

Council regards all information concerning its customers as information protected by PPIPA. Council will therefore collect all personal information directly from its customers except as provided in section 9 or under other statutory exemptions or Codes of Practice. Council may collect personal information from other public sector agencies in respect of specific statutory obligations where it is authorised by law to do so.

Where Council anticipates that it may otherwise need to collect personal information indirectly it will first obtain the authorisation of each individual under section 9(a) of the PPIPA.

3.2.4 External and related bodies

Each of the following will be required to comply with this Plan, any applicable Privacy Code of Practice, and the PPIPA:

- Council owned businesses
- Council consultants
- Private contractors
- Council committees.

Council will seek to contractually bind each of these bodies or persons to comply with the PPIPA.

Where any of the above collect personal information on behalf of Council or in relation to the performance of their activities, that body or person will be required to:

- obtain a written authorisation and consent to that collection; and
- notify those persons in accordance with Information Protection Principle 3 as to the intended recipients and other matters required by that principle.

Council owned businesses, committees and private contractors or consultants must abide by this Plan, the Code and the PPIPA under the terms of their incorporation by Council or by contract.

3.2.5 Investigative Code of Practice

Where Council is conducting an investigation, the Investigative Code of Practice prepared by the Office of the Privacy Commissioner NSW and made by the Attorney General will apply.

Information Protection Principle 2 is modified by the Investigative Code of Practice to permit indirect collection where a direct collection is reasonably likely to detrimentally affect Council's conduct of any lawful investigation.

3.2.6 Existing statutory exemptions under the Act

Compliance with Information Protection Principle 2 is also subject to certain exemptions under the Act. If

one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in very obvious and limited circumstances and legal advice should normally be obtained.

The relevant statutory exemptions follow:

- a. Section 23(2) of the PPIPA permits non-compliance with Information Protection Principle 2 if the information concerned is collected in connection with proceedings (whether or not actually commenced) before any court or tribunal.
- b. Section 24(4) of the PPIPA permits non-compliance with Information Protection Principle 2 if:
 - i. investigating or otherwise handling a complaint that could be referred or made to, or has been referred from or made by, an investigative agency; and
 - ii. if compliance might detrimentally affect (or prevent the exercise of) the Council's complaint handling or investigative functions.
- c. Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 2 where the agency is lawfully authorised or required not to comply with the principle.
- d. Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 2 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.
- e. Section 26(1) of the PPIPA permits non-compliance with Information Protection Principle 2 if compliance would prejudice the interests of the individual concerned.

3.2.7 Further Explanation regarding IPP 2

Where Council cannot collect personal information directly from the person, it will ensure one of the following:

- a. Council has obtained authority from the person under section 9(a) of the PPIPA.
- b. The collection of personal information from a third party is permitted under an Act or law. (For example, the indirect collection from the Land Titles Office.)
- c. The collection of personal information from a parent or guardian is permitted provided the person is less than 16 years of age.
- d. The collection of personal information indirectly where one of the above exemptions applies.
- e. The collection of personal information indirectly is permitted under the Privacy Code of Practice for Local Government or the Investigative Code of Practice.
- f. The only other exception to the above is in the case where Council is given unsolicited information.

3.3 IPP 3 - Requirements when collecting personal information

3.3.1 Section 10 Requirements when collecting personal information

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances to ensure that, before the information is collected or as soon as practicable after collection, the individual to whom the information relates is made aware of the following:

- a. the fact that the information is being collected
- b. the purposes for which the information is being collected
- c. the intended recipients of the information

- d. whether the supply of the information by the individual is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided
- e. the existence of any right of access to, and correction of, the information
- f. the name and address of the agency that is collecting the information and the agency that is to hold the information.

3.3.2 The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle where personal information is collected about an individual for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition without prior or subsequent notification.

3.3.3 Council Policy

Where Council proposes to collect personal information directly from the person, it will inform that person the personal information is being collected, what is done with that information and who the intended recipients will be.

Council will inform persons if the information is required by law or voluntarily given. Council will also inform individuals which department or section within Council holds their personal information, and of the right to access and correct that information. Council will adapt the general section 10 pre-collection Privacy Notification form as appropriate (See Appendix 3).

The following are examples of application procedures that will require a Privacy Notification Form in accordance with section 10:

- Lodging Development Applications
- Lodging objections to Development Applications
- Lodging applications for approval under the LGA
- Any stamps or printed slips that contain the appropriate wording for notification under section 10 (see Appendix 3)
- When collecting an impounded item.

In relation to the Privacy Notification Form that may be attached to a Development Application provided to objectors, it should be stated that objectors have a right to remain anonymous if they so choose. However, should they need to substantiate their objections, anonymous objections may be given less weight (or no weight) in the overall consideration of the Application.

3.3.4 Post - Collection

Where Council collects personal information indirectly from another public sector agency in respect of any one of its statutory functions, it will advise those individuals that it has collected their personal information by including a privacy notification form in the next issue of their rates notice, or otherwise by letter. A common example of the collection of information from another public sector agency is the Land Titles Office. Council receives information as to new ownership changes when property is transferred from one owner to the next. Appendix 2 contains a sample Privacy Notification Form that could be used for post collection.

3.3.5 External and related bodies

Each of the following will be required to comply with Information Protection Principle 3:

- Council owned businesses
- Council consultants

- Private contractors
- Council committees

Council will seek to contractually bind each of these bodies or persons to comply with the Information Protection Principle 3.

Where any of the above collect personal information on behalf of Council or in relation to the performance of their activities, that body or person will be required to notify those persons in accordance with Information Protection Principle 3 as to the intended recipients and other matters required by that principle.

3.3.6 Investigative Code of Practice

Where Council is conducting an investigation, the Investigative Code of Practice prepared by the Office of the Privacy Commissioner NSW and made by the Attorney-General will apply.

Information Protection Principle 3 is modified by the Investigative Code to permit non-compliance if compliance is reasonably likely to detrimentally affect (or prevent the proper exercise of) Council's conduct of any lawful investigation.

3.3.7 Existing statutory exemptions under the Act

Compliance with Information Protection Principle 3 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

The relevant statutory exemptions follow:

- a. Section 23(3) permits non-compliance with Information Protection Principle 3 where information is collected for law enforcement purposes. Law enforcement means a breach of the criminal law and criminal law enforcement. This section does not remove the rights of an accused person.
- b. Section 24(4) of the PPIPA permits non-compliance with Information Protection Principle 3 if:
 - i. investigating a complaint that could be referred or made to, or has been referred from or made by an investigative agency; and
 - ii. if compliance might detrimentally affect (or prevent the exercise of) the Council's complaint handling or investigative functions.
- c. Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 3 where the agency is lawfully authorised or required not to comply with the principle.
- d. Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 3 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.
- e. Section 26(1) of the PPIPA permits non-compliance with Information Protection Principle 3 if compliance would prejudice the interests of the individual concerned.
- f. Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.

3.3.8 Research or access to a deposited record

A "deposited record" means records containing personal information that are deposited with Council for the purpose of preservation or making them available for research.

Documents that may have research value may be kept longer than is required by 12(a) of PPIPA.

It is anticipated that disclosure of personal information for research purposes will be allowed under section 41 of PPIPA by a Direction made by the Privacy Commissioner (if such a direction exists) until

such time as a Research Code of Practice is made by the Attorney General.

3.4 IPP 4 - Other requirements relating to collection of personal information

3.4.1 Section 11 Other requirements relating to collection of personal Information

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that:

- a. the information collected is relevant to that purpose, is not excessive, and is accurate, up to date and complete, and
- b. the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.

3.4.2 The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

3.4.3 Council Policy

Council will seek to ensure that no personal information is collected which is not directly relevant to its proper functions.

Council collects personal information through the various forms that customers may complete and lodge with Council. Before adoption of a new form, a draft form will be reviewed for compliance with Information Protection Principle 4 by the Information Access Officer, Council's solicitor, Public Officer or other suitable person. Should Council have any residual doubts, the opinion of the Officer of the Privacy Commissioner NSW will be sought.

Council may use public place video surveillance in accordance with *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television in Public Places*. The provisions of the Work Place Surveillance Act will be complied with.

3.5 IPP 5 - Retention and security of personal information

3.5.1 Section 12 Retention and security of personal information

A public sector agency that holds personal information must ensure:

- a. that the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and
- b. that the information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information, and
- c. that the information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and
- d. that, if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or disclosure of the information.

3.5.2 The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

3.5.3 Council Policy

Council may comply with this principle by using any or all of the following or similar documents:

- Records Procedures
- The Council's Policy relating to the security of and access to misconduct files
- Council's Internet Security Policy
- Information Technology Security Policy
- General Records Disposal Schedule for Local Government
- State Records Act.

3.5.4 Research or access to a deposited record

Documents that may have research value may be kept longer than is required by 12(a) of PPIPA.

It is anticipated that the disclosure of personal information for research purposes will be allowed under section 41 of PPIPA by a Direction made by the Office of the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney-General.

3.6 IPP 6 - Information held by agencies

3.6.1 Section 13 - Information about personal Information held by agencies

A public sector agency that holds personal information must take such steps as are, in the circumstances, reasonable to enable any person to ascertain:

- a. whether the agency holds personal information, and
- b. whether the agency holds personal information relating to that person, and
- c. if the agency holds personal information relating to that person:
 - i. the nature of that information, and
 - ii. the main purposes for which the information is used, and
 - iii. that person's entitlement to gain access to the information.

3.6.2 The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

3.6.3 Council Policy

Section 13 of the PPIPA requires Council to take reasonable steps to enable a person to determine whether Council holds personal information about them. If Council holds any information about a person, upon request it will advise them the nature of that information, the main purposes for which it is held, and that person's entitlement to access and amend that information. As a matter of practicality, not every item of personal information, however insignificant, will be capable of ascertainment.

Information Protection Principle 6 is modified by section 20(5) of the PPIPA. Section 20(5) of the PPIPA has the effect of importing sections 13-15 of the GIPAA and treats them as if they were part of the PPIPA. That means that in any application under section 13, Council must consider the relevant provisions of the GIPAA.

Any person can make application to Council by completing the appropriate form and submitting it to Council. An example is at Appendix 5.

Where a person makes an application for access under the PPIPA and it is involved or complex, it may be referred, with the written consent of the applicant, as an application under the GIPAA. However, use of the GIPAA is to be a last resort. The applicant has the right to insist on being dealt with under PPIPA.

Where Council receives an application or request by a person as to whether Council holds information about them, Council will undertake a search of its records to answer the enquiry. Council may ask the applicant to describe what dealings the applicant has had with Council in order to assist in the conduct of the search.

Council will ordinarily provide a response to applications of this kind within 28 days of the application being made. The fee structure is commensurate to that of the Council's GIPAA rates structure.

3.6.4 Investigative Code of Practice

Where Council is conducting an investigation, the Investigative Code of Practice prepared by the Office of the Privacy Commissioner NSW and made by the Attorney-General will apply.

Information Protection Principle 6 is modified by the Investigative Code to permit non-compliance if compliance is reasonably likely to detrimentally affect (or prevent the proper exercise of) Council's conduct of any lawful investigation.

3.6.5 Existing exemptions under the Act

Compliance with Information Protection Principle 6 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25 (a) of the PPIPA permits non-compliance with Information Protection Principle 6 where Council is lawfully authorised or required not to comply with the principle.

Section 25 (b) of the PPIPA permits non-compliance with Information Protection Principle 6 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

3.6.6 Reporting matters

Council will issue a statement to be included on its Web page and in its Annual Report concerning the nature of personal information it regularly collects, the purpose for which the personal information is used and an individual's right to access their own personal information.

3.6.7 Effect of GIPAA

Nothing in this Principle prevents Council from dealing with a request for information about oneself under the GIPAA.

3.7 IPP 7 - Access to personal information held by agencies

3.7.1 Section 14 Access to personal Information held by agencies

A public sector agency that holds personal information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.

3.7.2 The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

3.7.3 Council Policy

Section 14 of the PPIPA requires Council, at the request of any person, to give access to that person to personal information held about them.

Compliance with Information Protection Principle 7 does not allow disclosure of information about other people. If access to information that relates to someone else is sought, the application must be made under the GIPAA, unless Information Protection Principles 11 and 12 or the Public Register provisions apply.

Where a person makes an application for access under the PPIPA and it is involved or complex, it may be referred, with the written consent of the applicant, as an application under the GIPAA. However use of the GIPAA is to be a last resort. The applicant has the right to insist on being dealt with under PPIPA.

When considering an application under section 14 of PPIPA, Council will consider sections 13-15 of the GIPAA as if they were part of PPIPA.

Customers wishing to exercise their right of access to their own personal information should apply in writing or direct their inquiries to the General Manager, who will make a determination. A sample form is provided at Appendix 5.

Members of staff wishing to exercise their right of access to their personal information should apply in writing on the attached form or direct their inquiries to the Governance and Engagement Manager, who will deal with the application.

In order to comply with the requirement to provide the requested information "without excessive delay or expense", Council will ordinarily provide a response to applications of this kind within 28 days of the application being made, and Council will use a fee structure commensurate to that of the GIPAA fee structure.

3.7.4 Effect of the GIPAA

Nothing in this Principle prevents Council from dealing with a request for information about oneself under GIPAA.

Access to personal information contained in Council Business papers for a "Closed Meeting" should be provided with care to not disclose any other information.

Personal information contained in Council Business papers for an "Open Meeting" is published and therefore **not** considered to be covered by the PPIPA.

3.7.5 Investigative Code of Practice

Where Council is conducting an investigation, the Investigative Code of Practice prepared by the Office of the Privacy Commissioner NSW and made by the Attorney-General will apply.

Information Protection Principle 7 is modified by the Investigative Code to permit non-compliance if compliance is reasonably likely to detrimentally affect (or prevent the proper exercise of) Council's conduct of any lawful investigation.

3.7.6 Existing exemptions under the Act

Compliance with Information Protection Principle 7 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

- a. Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 7 where

Council is lawfully authorised or required not to comply with the principle.

- b. Section 25(b) of the PPIPA non-compliance with Information Protection Principle 7 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

3.8 IPP 8 - Alteration of personal information

3.8.1 Section 15 Alteration of personal Information

- a. A public sector agency that holds personal information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information:
 - i. is accurate, and
 - ii. having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.
- b. If a public sector agency is not prepared to amend personal information in accordance with a request by the individual to whom the information relates, the agency must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.
- c. If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by the public sector agency.
- d. This section, and any provision of a privacy code of practice that relates to the requirements set out in this section, apply to public sector agencies despite section 25 of this Act and section 21 of the State Records Act 1998
- e. The Privacy Commissioner's guidelines under section 36 may make provision for or with respect to requests under this section, including the way in which such a request should be made and the time within which such a request should be dealt with.
- f. In this section (and in any other provision of this Act in connection with the operation of this section), public sector agency includes a Minister and a Minister's personal staff.

3.8.2 The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

3.8.3 Council Policy

Section 15 of the PPIPA allows a person to make an application to Council to amend personal information held about them so as to ensure the information is accurate, and, having regard to the purpose for which the information is collected, relevant to that purpose, up to date and not misleading.

Council wishes to have its information current, accurate and complete. Proposed amendments or changes to the personal information held by the Council are welcomed.

Where there are complaints that are or could be the subject of a staff complaint or grievance, they will be referred to the Human Resource Manager in the first instance and treated in accordance with Council's grievance/complaint handling process.

Any alterations that are or could be the subject of a customer complaint or grievance will be referred to the General Manager, who will make a determination in relation to the matter.

3.8.4 Investigative Code of Practice

Where Council is conducting an investigation, the Investigative Code of Practice prepared by the Office of the Privacy Commissioner NSW and made by the Attorney-General will apply.

Information Protection Principle 8 is modified by the Investigative Code to permit non-compliance if compliance is reasonably likely to detrimentally affect (or prevent the proper exercise of) Council's conduct of any lawful investigation.

3.8.5 Existing exemptions under the Act

Compliance with Information Protection Principle 8 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

- a. Section 25 (a) of the PPIPA permits non-compliance with Information Protection Principle 8 where Council is lawfully authorised or required not to comply with the principle.
- b. Section 25 (b) of the PPIPA permits non-compliance with section Information Protection Principle 8 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

3.8.6 Procedure

Where information is requested to be amended, the individual to whom the information relates, must make a request by way of statutory declaration. That request should be accompanied by appropriate evidence as to the cogency of the making of the amendment, sufficient to satisfy Council that the proposed amendment is factually correct and appropriate. Council may require further documentary evidence to support certain amendments. Council will not charge to process an application to amend a record under s.15.

Council's application form for alteration under IPP 8 is contained in Appendix 6 at the end of this Plan.

3.8.7 Where Council is not prepared to amend

If Council is not prepared to amend the personal information in accordance with a request by the individual, Council may attach to the information in such a manner as is capable of being read with the information, any statement provided by that individual.

3.8.8 Where an amendment is made

If personal 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 Council.

Council will seek to notify recipients of information as soon as possible, of any amendment made, where it is reasonably practicable.

3.8.9 State Records Act

The State Records Act does not allow for the deletion of records. However, as a result of section 20(4) of the PPIPA, some deletions may be allowed in accordance with Information Protection Principle 8.

3.8.10 Effect of GIPAA

Nothing in PPIPA affects the operation of the GIPAA, and therefore applications to amend records under that Act remain in force as an alternative mechanism.

3.9 IPP 9 - Agency must check accuracy of personal information before use

3.9.1 Section 16 Agency must check accuracy of personal information before use

A public sector agency that holds personal information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate, up to date, complete and not misleading.

3.9.2 The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

3.9.3 Council Policy

The steps taken to comply with section 16 will depend on the age of the information, its likelihood of change and the particular function for which the information was collected.

The more significant the information, the greater the necessity that checks to ensure its accuracy and currency be undertaken prior to its use.

For example, each employee's record should be updated when there is any change of circumstances or when the employee's contact details change.

3.10 IPP 10 - Limits on use of personal information

3.10.1 Section 17 Limits on use of personal Information

A public sector agency that holds personal information must not use the information for a purpose other than that for which it was collected unless:

- a. the individual to whom the information relates has consented to the use of the information for that other purpose, or
- b. the other purpose for which the information is used is directly related to the purpose for which the information was collected, or
- c. the use of the information for that other 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.

3.10.2 The Privacy Code of Practice for Local Government

The Code makes provision that Council may use personal information for a purpose other than the purpose for which it was created in the following circumstances:

- a. where the use is in pursuance of Council's lawful and proper function/s and Council is satisfied that the personal information is reasonably necessary for the exercise of such function/s; or
- b. where personal information is to be used for the purpose of conferring upon a particular person, an award, prize, benefit or similar form of personal recognition.

Explanatory Note: Council may use personal information obtained for one purpose for another purpose in pursuance of its lawful and proper functions. For example, the Rates Record that Council holds under section 602 of the LGA may also be used to:

- notify neighbours of a proposed development
- evaluate a road opening
- evaluate a tree preservation order.

3.10.3 Council Policy

Council will seek to ensure that information collected for one purpose will be used for that same purpose. Where Council may need to use personal information collected for one purpose for another purpose, it will first gain the consent of the individual concerned, unless an exemption applies.

3.10.4 External and related bodies

Each of the following are required to comply with the Information Protection Principle 10:

- Council owned businesses
- Council consultants
- Private contractors
- Council committees.

Council will seek to contractually bind each of these bodies or persons to comply.

Where any of the above seek to use personal information collected for one purpose, that body or person will be required to obtain the written consent of those persons in accordance with section 17(2) to the use of the information for another purpose. The form of consent should include the following elements:

- Name
- Address
- Purpose
- Signature
- Date

3.10.5 Investigative Code of Practice

Where Council is conducting an investigation, the Investigative Code of Practice prepared by the Office of the Privacy Commissioner NSW and made by the Attorney-General will apply.

Information Protection Principle 10 is modified by the Investigative Code to permit non-compliance if compliance is reasonably likely to detrimentally affect (or prevent the proper exercise of) Council's conduct of any lawful investigation.

3.10.6 Existing exemptions under the Act

Compliance with Information Protection Principle 10 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained:

- a. Section 23(4) of the PPIPA permits Council not to comply with Information Protection Principle 10 where the use of the information for another purpose is reasonably necessary for law enforcement purposes or for the protection of the public revenue. Law enforcement purpose means a breach of the criminal law and criminal law enforcement. This section does not remove the rights of an accused person. Protection of the public revenue means a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty.
- b. Section 24 (4) of the PPIPA permits non-compliance with Information Protection Principle 10 if:
 - i. investigating a complaint that could be referred or made to, or has been referred from or made by, an investigative agency; and
 - ii. if the use is reasonably necessary in order to enable Council to exercise its complaint

- handling or investigative functions.
- c. Section 25 (a) of the PPIPA permits non-compliance with Information Protection Principle 10 where Council is lawfully authorised or required not to comply with the principle.
 - d. Section 25 (b) of the PPIPA permits non-compliance with Information Protection Principle 10 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.
 - e. Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (eg: the Office of 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 the Minister's (or Premier's) administration.

3.11 IPP 11 - Limits on disclosure of personal information

3.11.1 Section 18 Limits on disclosure of personal Information

- a. A public sector agency that holds personal information must not disclose the information to a person (other than the individual to whom the information relates) or other body, whether or not such other person or body is a public sector agency, unless:
 - i. the disclosure is directly related to the purpose for which the information was collected, and the agency disclosing the information has no reason to believe that the individual concerned would object to the disclosure, or
 - ii. the individual concerned is reasonably likely to have been aware, or has been made aware in accordance with section 10, that information of that kind is usually disclosed to that other person or body, or
 - iii. the agency believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.
- b. If personal information is disclosed in accordance with subsection (a) to a person or body that is a public sector agency, that agency must not use or disclose the information for a purpose other than the purpose for which the information was given to it.

3.11.2 The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle in the circumstances described below:

- a. Council may disclose personal information to public sector agencies or public utilities on condition that:
 - i. the agency has approached Council in writing.
 - ii. Council is satisfied that the information is to be used by that agency for the proper and lawful function/s of that agency.
 - iii. Council is satisfied that the personal information is reasonably necessary for the exercise of that agency's function/s.
- b. Where personal information which has been collected about an individual is to be disclosed for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition.
- c. Where Council is requested by a potential employer, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the

person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

3.11.3 Council Policy

Council will not disclose the information to another person or other body, unless the disclosure is directly related to the purpose for which the information was collected or where Council has no reason to believe that the individual concerned would object to the disclosure.

Council may disclose personal information to another person or other body where this disclosure is directly related to the purpose for which the personal information was collected and the individual concerned is reasonably likely to have been aware, (or has been made aware in accordance with section 10), of the intended recipients of that information. "Directly related" can mean the disclosure to another person or agency to deliver a service which supplements that of Council or disclosure to a consultant for the purpose of assessing or reviewing the delivery of a program to which the original collection relates.

Council may disclose personal information to another person or other body where this disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.

3.11.4 Public Register

Section 18 of PPIPA does not apply to the information held on Public Registers. Instead refer to Part 2 of this Plan.

3.11.5 Effect of GIPAA

The GIPAA overrides sections 18 and 19 of PPIPA to the extent that it lawfully authorises, requires, necessarily implies or reasonably contemplates that Councils need not comply with these sections.

3.11.6 Investigative Code of Practice

Where Council is conducting an investigation, the Investigative Code of Practice prepared by the Office of the Privacy Commissioner NSW and made by the Attorney-General will apply.

Information Protection Principle 11 is modified by the Investigative Code to permit non-compliance if disclosure of information is made to another agency that is conducting, or may conduct, a lawful investigation. The information provided must be reasonably necessary for the purposes of that investigation.

3.11.7 Existing exemptions under the Act

Compliance with Information Protection Principle 11 is also subject to certain exemptions under the Act. If one of those exemptions applies, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

- a. Section 23(5)(a) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is made to a law enforcement agency in connection with proceedings for an offence or for law enforcement purposes. Law enforcement purpose means a breach of the criminal law and criminal law enforcement. However, Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.
- b. Section 23(5)(b) of the PPIPA permits non-compliance with Information Protection Principle 11 where the disclosure is made to a law enforcement agency for the purpose of ascertaining the whereabouts of a person reported to be missing. However Council need not disclose material that

it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

- c. Section 23(5)(c) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is authorised by subpoena, search warrant or other statutory instrument. However, Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.
- d. Section 23(5)(d)(i) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is reasonably necessary for the protection of the public revenue. Protection of the public revenue could mean a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty. However, Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.
- e. Section 23(5)(d)(ii) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is reasonably necessary to investigate an offence where there are reasonable grounds to believe an offence has been committed.
- f. Section 24(4) of the PPIPA permits non-compliance with Information Protection Principle 11 if:
- g. investigating a complaint that could be referred or made to, or has been referred from or made by, an investigative agency, and
 - i. the disclosure is to an investigative agency.
 - ii. (Note: "investigative agency" is defined at s.3 of PPIPA.)
- h. Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 11 where Council is lawfully authorised or required not to comply with the principle.
- i. Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 11 where non-compliance is "necessarily implied or "reasonably contemplated" under any Act or law.
- j. Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.
- k. Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g. the Department of 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 the Minister's (or Premier's) administration.

It is anticipated that a disclosure of personal information for research purposes will be allowed under a s.41 Direction made by the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney General.

3.11.8 Suppression

Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Plan for more details about suppression of personal information.

3.12 IPP 12 - Special restrictions on disclosure of personal information

3.12.1 Section 19 Special restrictions on disclosure of personal Information

- a. A public sector agency must not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or

sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.

- b. A public sector agency that holds personal information must not disclose the information to any person or body who is in a jurisdiction outside New South Wales unless:
 - i. a relevant privacy law that applies to the personal information concerned is in force in the that jurisdiction, or
 - ii. the disclosure is permitted under a privacy code of practice.
- c. For the purposes of subsection (b), a relevant privacy law means a law that is determined by the Privacy Commissioner, by notice published in the Gazette, to be a Privacy law for the jurisdiction concerned.
- d. The Privacy Commissioner is, within the year following the commencement of this section, to prepare a code relating to the disclosure of personal information by public sector agencies to persons or bodies outside New South Wales.
- e. Subsection (b) does not apply:
 - i. until after the first anniversary of the commencement of this section, or
 - ii. until a code referred to in subsection (d) is made, whichever is the later.

3.12.2 The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle in the circumstances described below:

- a. For the purposes of s.19(2) only, where Council is requested by a potential employer outside New South Wales, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

3.12.3 Council Policy

Council will not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.

3.12.4 Public Register

Section 19 of PPIPA does not apply to the information held on Public Registers. Instead refer to Part 2 of this Plan.

3.12.5 Effect of GIPAA

GIPAA overrides sections 18 and 19 of PPIPA to the extent that it lawfully authorises, requires, necessarily implies or reasonably contemplates that councils need not comply with these sections.

3.12.6 Investigative Code of Practice

Where Council is conducting an investigation, the Investigative Code of Practice prepared by the Office of the Privacy Commissioner NSW and made by the Attorney-General will apply.

The Investigative Code modifies Information Protection Principle 12 to permit the disclosure of information to another agency that is conducting, or may conduct, a lawful investigation provided the

information is reasonably necessary for the purposes of that investigation.

3.12.7 Existing exemptions under the Act

Compliance with Information Protection Principle 12 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

- a. Section 23(7) of the PPIPA permits non-compliance with Information Protection Principle 12 where the disclosure is necessary to investigate an offence or where there are reasonable grounds to believe an offence has been or may be committed.
- b. Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 12 where Council is lawfully authorised or required not to comply with the principle.
- c. Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 12 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.
- d. Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.
- e. Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (eg: the Department of 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 the Minister's (or Premier's) administration.
- f. It is anticipated that a disclosure of personal information for research purposes will be allowed under a s.41 direction made by the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney General.

3.12.8 Suppression

Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Plan for more details about suppression of personal information.

4. Health Privacy Principles

4.1 HPP 1 – Purposes of collection of health information

4.1.1 Purposes of collection of health information

- a. An organisation must not collect health information unless:
 - i. the information is collected for a lawful purpose that is directly related to a function or activity of the Council, and
 - iii. the collection of the information is reasonably necessary for that purpose.
- b. An organisation must not collect health information by any unlawful means.

4.1.2 Council Policy

Council will only collect health information for a lawful purpose as part of its proper functions. The LGA governs Council's major obligations and functions.

Council will not collect any more health information than is reasonably necessary for it to fulfil its proper functions.

Anyone engaged by Council as a private contractor or consultant that involves the collection of health information must agree to be bound not to collect health information by any unlawful means.

4.2 HPP 2 – Information must be relevant, not excessive, accurate and not intrusive

4.2.1 Information must be relevant, not excessive, accurate and not intrusive

An organisation that collects health information from an individual must take such steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that:

- a. the information collected is relevant to that purpose, is not excessive and is accurate, up to date and complete, and
- b. the collection of the information does not intrude to any unreasonable extent on the personal affairs of the individual to whom the information relates.

4.2.2 Council Policy

Council will not collect any more health information than is reasonably necessary for it to fulfil its proper functions, and will make every effort to ensure that it does not unreasonably extend on the personal affairs of the individual to whom the information relates.

Council will ensure as far as is practicable that the health information it collects is accurate, up to date and complete.

4.3 HPP 3 – Collection to be from individual concerned

4.3.1 Collection to be from individual concerned

- a. An organisation must collect health information about an individual only from that individual,

unless it is unreasonable or impracticable to do so.

- b. Health information is to be collected in accordance with any guidelines issues by the Privacy Commissioner for the purposes of this clause.

4.3.2 Council Policy

Council regards all health information it retains as information protected by HRIPA. Council will therefore collect all health information directly from its customers except as provided in section 9 or under other statutory exemptions or Codes of Practice. Council may collect health information from other public sector agencies in respect of specific statutory obligations where it is authorised by law to do so.

4.4 HPP 4 – Individual to be made aware of certain matters

4.4.1 Individual to be made aware of certain matters

- a. An organisation that collects health information about an individual from that individual must, at or before the time that it collects the information (or if that is not practicable, as soon as practicable after that time), take steps that are reasonable in the circumstances to ensure that the individual is aware of the following:
 - i. the identity of the organisation and how to contact it,
 - iv. the fact that the individual is able to request access to the information,
 - v. the purposes for which the information is collected,
 - vi. the persons to whom (or the types of persons to whom) the organisation usually discloses information of that kind,
 - vii. any law that requires the particular information to be collected,
 - viii. the main consequences (if any) for the individual if all or part of the information is not provided.
- b. If an organisation collects health information about an individual from someone else, it must take any steps that are reasonable in the circumstances to ensure that the individual is generally aware of the matters listed in subclause (a) except to the extent that:
 - i. making the individual aware of the matters would pose a serious threat to the life or health of any individual, or
 - ix. the collection is made in accordance with guidelines issued under subclause (c).
- c. The Privacy Commissioner may issue guidelines setting out circumstances in which an organisation is not required to comply with subclause (b).
- d. An organisation is not required to comply with a requirement of this clause if:
 - i. the individual to whom the information relates has expressly consented to the organisation not complying with it, or
 - ii. the organisation is lawfully authorised or required not to comply with it, or
 - iii. non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998), or
 - iv. compliance by the organisation would, in the circumstances, prejudice the interests of the individual to whom the information relates, or
 - v. the information concerned is collected for law enforcement purposes, or
 - vi. the organisation is an investigative agency and compliance might detrimentally affect (or prevent the proper exercise of) its complaint handling functions or any of its investigative functions.
- e. If the organisation reasonably believes that the individual is incapable of understanding the general nature of the matters listed in subclause (a), the organisation must take steps that are

reasonable in the circumstances to ensure that any authorised representative of the individual is aware of those matters.

- f. Subclause (d)(v) does not remove any protection provided by any other law in relation to the rights of accused persons or persons suspected of having committed an offence.
- g. The exemption provided by subclause (d)(vi) extends to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.

4.4.2 Council Policy

Where Council proposes to collect health information directly from the person, it will inform that person that the health information is being collected, what is done with that information and who the intended recipients will be.

Council will inform persons if the information is required by law or voluntarily given. Council will also inform individuals which department or section within Council holds their health information, and of the right to access and correct that information.

4.5 HPP 5 – Retention and Security

4.5.1 Retention and Security

- a. An organisation that holds health information must ensure that:
 - i. the information is kept for no longer than it is necessary for the purposes for which the information may be lawfully used, and
 - ii. the information is disposed of securely and in accordance with any requirements for the retention and disposal of health information, and
 - iii. the information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and
 - iv. if it is necessary for the information to be given to a person in connection with the provision of a service to the organisation, everything reasonably within the power of the organisation is done to prevent unauthorised use or disclosure of the information.
- b. An organisation is not required to comply with a requirement of this clause if:
 - i. the organisation is lawfully authorised or required not to comply with it, or
 - ii. non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).
- c. An investigative agency is not required to comply with subclause (a)(i).

4.5.2 Council Policy

Council may comply with this principle by using any or all of the following or similar documents:

- Records Manual
- The Council's Policy relating to the security of and access to misconduct files
- Council's Internet Security Policy
- Information Technology Security Policy
- General Records Disposal Schedule for Local Government
- State Records Act.

4.6 HPP 6 – Information about health information held by Council

4.6.1 Information about health information held by Council

- a. An organisation that holds health information must take such steps as are, in the circumstances, reasonable to enable any individual to ascertain:
 - i. whether the organisation holds health information, and
 - ii. whether the organisation holds health information relating to that individual, and
 - iii. if the organisation holds health information relating to that individual:
 - the nature of that information, and
 - the main purposes for which the information is used, and
 - that person's entitlement to request access to the information.
- b. An organisation is not required to comply with a provision of this clause if:
 - i. the organisation is lawfully authorised or required not to comply with the provision concerned, or
 - ii. non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).

4.6.2 Council Policy

Health Privacy Principle 6 requires Council to take reasonable steps to enable a person to determine whether Council holds health information about them. If Council holds any health information about a person, upon request it will advise them the nature of that information, the main purposes for which it is held, and that person's entitlement to access and amend that information. As a matter of practicality, not every item of health information, however insignificant, will be capable of ascertainment.

Health Privacy Principle 6 is modified by section 22 of the HRIPA. Section 22 of the HRIPA has the effect of importing sections 13-15 of the GIPAA, and treats them as if they were part of the HRIPA. That means that in any application under HPP 6, Council must consider the relevant provisions of the GIPAA.

Any person can make application to Council by completing the appropriate form and submitting it to Council. An example is at Appendix 5.

Where a person makes an application for access under the HRIPA and it is involved or complex, it may be referred, with the written consent of the applicant, as an application under the GIPAA. However use of the GIPAA is to be a last resort. The applicant has the right to insist on being dealt with under HRIPA.

Where Council receives an application or request by a person as to whether Council holds health information about them, Council will undertake a search of its records to answer the enquiry. Council may ask the applicant to describe what dealings the applicant has had with Council in order to assist with the conduct of the search.

Council will ordinarily provide a response to applications of this kind within 28 days of the application being made. The fee structure is commensurate to that of the Council's GIPAA rates structure.

4.7 HPP 7 – Access to health information

4.7.1 Schedule 1 section 4 (2) Access to health information

- a. An organisation that holds health information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to

the information.

Note: Access to health information held by public sector agencies may also be available under the Government Information (Public Access) Act 2009 or the State Records Act 1998.

- b. An organisation is not required to comply with a requirement of this clause if:
 - i. the organisation is lawfully authorised or required not to comply with it, or
 - x. non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).

4.7.2 Council Policy

Health Privacy Principle 7 requires Council, at the request of any person, to give access to that person to health information held about them.

Compliance with Health Privacy Principle 7 does not allow disclosure of health information about other people.

Where a person makes an application for access under the HRIPA and it is involved or complex, it may be referred, with the written consent of the applicant, as an application under the GIPAA. However use of the GIPAA is to be a last resort. The applicant has the right to insist on being dealt with under HRIPA.

When considering an application under HPP 7, Council will consider sections 13-15 of the GIPAA as if they were part of HRIPA.

Customers wishing to exercise their right of access to their own health information should apply in writing or direct their inquiries to the General Manager, who will make a determination. A sample form is provided at Appendix 5.

Members of staff wishing to exercise their right of access to their health information should apply in writing on the attached form or direct their inquiries to the Manager, People & Culture, who will deal with the application.

In order to comply with the requirement to provide the requested information "without excessive delay or expense", Council will ordinarily provide a response to applications of this kind within 28 days of the application being made, and Council will use a fee structure commensurate to that of the GIPAA fee structure.

4.8 HPP 8 – Amendment of health information

4.8.1 Amendment of health information

- a. An organisation that holds health information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the health information:
 - i. is accurate, and
 - ii. having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.
- b. If an organisation is not prepared to amend health information under subclause (a) in accordance with a request by the individual to whom the information relates, the organisation must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement

provided by that individual of the amendment sought.

- c. If health information is amended in accordance with this clause, the individual to whom the information relates is entitled, if this is reasonably practicable, to have recipients of that information notified of the amendments made by the organisation.
- d. Note: Amendment of health information held by public sector agencies may also be able to be sought under the Privacy and Personal Information Protection Act 1998.
- e. An organisation is not required to comply with a provision of this clause if:
 - i. the organisation is lawfully authorised or required not to comply with it, or
 - ii. non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).

4.8.2 Council Policy

Health Privacy Principle 8 allows a person to make an application to Council to amend health information held about them so as to ensure the information is accurate, and, having regard to the purpose for which the information is collected, relevant to that purpose, up to date and not misleading.

Council will take all reasonable steps to ensure that any health information held is current, accurate and complete. Proposed amendments or changes to health information held by the Council are welcomed.

4.9 HPP 9 – Accuracy

4.9.1 Accuracy

An organisation that holds health information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate, up to date, complete and not misleading.

4.9.2 Council Policy

The steps taken to comply with HPP 9 will depend on the age of the health information, its likelihood of change and the particular function for which the health information was collected.

The more significant the health information, the greater the necessity that checks to ensure its accuracy and currency be undertaken prior to its use.

For example, each employee's health information should be updated when there is any change of circumstances.

4.10 HPP 10 – Limits on use of health information

4.10.1 Limits on use of health information

- a. An organisation that holds health information must not use the information for a purpose (a "secondary purpose") other than the purpose (the "primary purpose") for which it was collected unless:
 - i. the individual to whom the information relates has consented to the use of the information for that secondary purpose, or
 - ii. the secondary purpose is directly related to the primary purpose and the individual would reasonably expect the organisation to use the information for the secondary purpose, or
 - iii. the use of the information for the secondary purpose is reasonably believed by the

- organisation to be necessary to lessen or prevent:
1. a serious and imminent threat to the life, health or safety of the individual or another person, or
 2. a serious threat to public health or public safety, or
- iv. the use of the information for the secondary purpose is reasonably necessary for the funding, management, planning or evaluation of health services and:
1. either:
 - that purpose cannot be served by the use of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or
 - reasonable steps are taken to de-identify the information, and
 2. if the information is in a form that could reasonably be expected to identify individuals, the information is not published in a generally available publication, and
 3. The use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or
- v. the use of the information for the secondary purpose is reasonably necessary for the training of employees of the organisation or persons working with the organisation and:
1. either:
 - that purpose cannot be served by the use of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or
 - reasonable steps are taken to de-identify the information, and
 2. if the information is in a form that could reasonably be expected to identify individuals, the information is not published in a generally available publication, and
 3. the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or
- vi. the use of the information for the secondary purpose is reasonably necessary for research, or the compilation or analysis of statistics, in the public interest and:
1. either:
 - that purpose cannot be served by the use of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or
 - reasonable steps are taken to de-identify the information, and
 2. if the information is in a form that could reasonably be expected to identify individuals, the information is not published in a generally available publication, and
 3. The use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or
- vii. the use of the information for the secondary purpose is by a law enforcement agency (or such other person or organisation that may be prescribed by the regulations) for the purposes of ascertaining the whereabouts of an individual that has been reported to a police officer as a missing person, or
- viii. the organisation:
1. has reasonable grounds to suspect that:
 - unlawful activity has been or may be engaged in, or
 - a person has or may have engaged in conduct that may be unsatisfactory professional conduct or professional misconduct under the Health Practitioner Regulation National Law (NSW), or
 - an employee of the organisation has or may have engaged in conduct that may be ground for disciplinary action, and
 2. (ii) uses the health information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, or

- ix. the use of the information for the secondary purpose is reasonably necessary for the exercise of law enforcement functions by law enforcement agencies in circumstances where there are reasonable grounds to believe that an offence may have been, or may be, committed, or
 - x. the use of the information for the secondary purpose is reasonably necessary for the exercise of complaint handling functions or investigative functions by investigative agencies, or
 - xi. the use of the information for the secondary purpose is in the circumstances prescribed by the regulations for the purposes of this paragraph.
- b. An organisation is not required to comply with a provision of this clause if:
- i. the organisation is lawfully authorised or required not to comply with the provision concerned, or
 - ii. non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).
- c. The Ombudsman's Office, Health Care Complaints Commission, Anti-Discrimination Board and Community Services Commission are not required to comply with a provision of this clause in relation to their complaint handling functions and their investigative, review and reporting functions.
- d. Nothing in this clause prevents or restricts the disclosure of health information by a public sector agency:
- i. to another public sector agency under the administration of the same Minister if the disclosure is for the purposes of informing that Minister about any matter within that administration, or
 - xi. to any public sector agency under the administration of the Premier, if the disclosure is for the purposes of informing the Premier about any matter.
- e. The exemption provided by subclause (a) (10) extends to any public sector agency or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.

4.10.2 Council Policy

Council will seek to ensure that health information collected for one purpose will be used for that same purpose. Where Council may need to use health information collected for one purpose for another purpose, it will first gain the consent of the individual concerned, unless one of the above exemptions applies.

4.11 HPP 11 – Limits on disclosure of health information

4.11.1 Limits on disclosure of health information

- a. An organisation that holds health information must not disclose health information for a purpose (a "secondary purpose") other than the purpose (the "primary purpose") for which it was collected unless:
- i. the individual to whom the information relates has consented to the disclosure of the information for that secondary purpose, or
 - ii. the secondary purpose is directly related to the primary purpose and the individual would reasonably expect the organisation to disclose the information for the secondary purpose, or
 - iii. the disclosure of the information for the secondary purpose is reasonably believed by the organisation to be necessary to lessen or prevent:

1. a serious and imminent threat to the life, health or safety of the individual or another person, or
2. a serious threat to public health or public safety, or
- iv. the disclosure of the information for the secondary purpose is reasonably necessary for the funding, management, planning or evaluation of health services and:
 1. either:
 - that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or
 - reasonable steps are taken to de-identify the information, and
 2. if the information is in a form that could reasonably be expected to identify individuals, the information is not published in a generally available publication, and
 3. the disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph.
- v. the disclosure of the information for the secondary purpose is reasonably necessary for the training of employees of the organisation or persons working with the organisation and:
 1. either:
 - that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or
 - reasonable steps are taken to de-identify the information, and
 2. if the information is in a form that could reasonably be expected to identify individuals, the information is not published in a generally available publication, and
 3. The disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or
- vi. the disclosure of the information for the secondary purpose is reasonably necessary for research, or the compilation or analysis of statistics, in the public interest and:
 1. either:
 - that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or
 - reasonable steps are taken to de-identify the information, and
 2. if the information is in a form that could reasonably be expected to identify individuals, the information is not published in a generally available publication, and
- vii. the disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or the disclosure of the information for the secondary purpose is to provide the information to an immediate family member of the individual for compassionate reasons and:
 1. the disclosure is limited to the extent reasonable for those compassionate reasons, and
 2. the individual is incapable of giving consent to the disclosure of the information, and
 3. the disclosure is not contrary to any wish expressed by the individual (and not withdrawn) of which the organisation was aware or could make itself aware by taking reasonable steps, and
 4. if the immediate family member is under the age of 18 years, the organisation reasonably believes that the family member has sufficient maturity in the circumstances to receive the information, or
- viii. the disclosure of the information for the secondary purpose is to a law enforcement agency (or such other person or organisation as may be prescribed by the regulations) for the purposes of ascertaining the whereabouts of an individual who has been reported to a police officer as a missing person, or

- ix. the organisation:
 - 1. has reasonable grounds to suspect that:
 - unlawful activity has been or may be engaged in, or
 - a person has or may have been engaged in conduct that may be unsatisfactory professional conduct or professional misconduct under a health registration Act, or
 - an employee of the organisation has or may have engaged in conduct that may be grounds for disciplinary action, and
 - 2. discloses the health information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, or
 - x. the disclosure of the information for the secondary purpose is reasonably necessary for the exercise of law enforcement functions by law enforcement agencies in circumstances where there are reasonable grounds to believe that an offence may have been, or may be, committed, or
 - xii. the disclosure of the information for the secondary purpose is reasonably necessary for the exercise of complaint handling functions or investigative functions by investigative agencies, or
 - xiii. the disclosure of the information for the secondary purpose in the circumstances prescribed by the regulations for the purposes of this paragraph.
- b. An organisation is not required to comply with a requirement of this clause if:
 - i. the organisation is lawfully authorised or required not to comply with it, or
 - ii. non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998), or
 - iii. the organisation is an investigative agency disclosing information to another investigative agency.
 - c. The Ombudsman's Office, Health Care Complaints Commission, Anti-Discrimination Board and Community Services Commission are not required to comply with a provision of this clause in relation to their complaint handling functions and their investigative, review and reporting functions.
 - d. Nothing in this clause prevents or restricts the disclosure of health information by a public sector agency:
 - i. to another public sector agency under the administration of the same Minister if the disclosure is for the purposes of informing that Minister about any matter within that administration, or
 - ii. to any public sector agency under the administration of the Premier, if the disclosure is for the purposes of informing the Premier about any matter.
 - e. If health information is disclosed in accordance with subclause (a), the person, body or organisation to whom it was disclosed must not use or disclose the information for a purpose other than the purpose for which the information was given to it.
 - f. The exemption provided by subclause (a) (xi) and (b) extends to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.

4.11.2 Council Policy

Council will not disclose health information to another person or other body, unless the disclosure is directly related to the purpose for which the information was collected or where the Council has no reason to believe that the individual concerned would object to the disclosure.

Council may disclose health information to another person or other body where this disclosure is directly

related to the purpose for which the health information was collected and the individual concerned is reasonably likely to have been aware, (or has been made aware), of the intended recipients of that information.

Council may disclose health information to another person or other body where this disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.

4.12 HPP 12 – Identifiers

4.12.1 Identifiers

- a. An organisation may only assign identifiers to individuals if the assignment of identifiers is reasonably necessary to enable the organisation to carry out any of its functions efficiently.
- b. Subject to subclause (4), a private sector person may only adopt as its own identifier of an individual an identifier of an individual that has been assigned by a public sector agency (or by an agency of, or contracted to, a public sector agency acting in its capacity as agent or contractor) if:
 - i. The individual has consented to the adoption of the same identifier, or
 - ii. The use or disclosure of the identifier is required or authorised by or under law.
- c. Subject to subclause (4), a private sector person may only use or disclose an identifier assigned to an individual by a public sector agency (or by an agency of, or contracted to, a public sector agency acting in its capacity as agent or contractor) if:
 - iii. The use or disclosure is required for the purpose for which it was assigned or for a secondary purpose referred to in one or more paragraphs of HPP 10 (a)(iii) – (xi) or 11 (a)(iii) – (xii), or
 - iv. The individual has consented to the use or disclosure, or
 - v. The disclosure is to the public sector agency that assigned the identifier to enable the public sector agency to identify the individual for its own purposes.
- d. If the use or disclosure of an identifier assigned to an individual by a public sector agency is necessary for a private sector person to fulfil its obligations to, or the requirements of, the public sector agency, a private sector person may either:
 - i. adopt as its own identifier of an individual an identifier of the individual that has been assigned by the public sector agency, or
 - ii. use or disclose an identifier of the individual that has been assigned by the public sector agency.

4.12.2 Council Policy

Health Privacy Principle 12 only applies to private sector persons; hence it does not apply to Narrandera Shire Council.

4.13 HPP 13 – Anonymity

4.13.1 Anonymity

Wherever it is lawful and practicable, individuals must be given the opportunity to not identify themselves when entering into transactions with or receiving health services from an organisation.

4.13.2 Council Policy

Health Privacy Principle 13 only applies to health service providers; hence it does not apply to Narrandera Shire Council.

4.14 HPP 14 – Transborder data flows and data flow to Commonwealth agencies

4.14.1 Transborder data flows and data flow to Commonwealth agencies

An organisation must not transfer health information about an individual to any person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency unless:

- a. the organisation reasonably believes that the recipient of the information is subject to a law, binding scheme or contract that effectively upholds principles for fair handling of the information that are substantially similar to the Health Privacy Principles, or
- b. the individual consents to the transfer, or
- c. the transfer is necessary for the performance of a contract between the individual and the organisation, or for the implementation of pre-contractual measures taken in response to the individual's request, or
- d. the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between the organisation and a third party, or
- e. all of the following apply:
 - iii. the transfer is for the benefit of the individual,
 - iv. it is impracticable to obtain the consent of the individual to that transfer,
 - v. if it were practicable to obtain such consent, the individual would be likely to give it, or
- f. the transfer is reasonably believed by the organisation to be necessary to lessen or prevent:
 - i. a serious and imminent threat to the life, health or safety of the individual or another person, or
 - ii. a serious threat to public health or public safety, or
- g. the organisation has taken reasonable steps to ensure that the information that it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the Health Privacy Principles, or
- h. the transfer is permitted or required by an Act (including an Act of the Commonwealth) or any other law.

4.14.2 Council Policy

Council will not transfer health information relating to an individual's unless:

- the transfer is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person, or
- the individual has consented to the transfer, or
- the transfer is for the benefit of the individual, or
- reasonable steps have been taken to ensure that the information transferred will not be held used or disclosed inconsistently with the Health Privacy Principles.

4.15 HPP 15 – Linkage of health records

4.15.1 Linkage of health records

- a. An organisation must not:
 - i. include health information about an individual in a health records linkage system unless the individual has expressly consented to the information being so included, or

- ii. disclose an identifier of an individual to any person if the purpose of the disclosure is to include health information about the individual in a health records linkage system, unless the individual has expressly consented to the identifier being disclosed for that purpose.
- b. An organisation is not required to comply with a requirement of this clause if:
 - i. the organisation is lawfully authorised or required not to comply with it, or
 - ii. non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998), or
 - iii. the inclusion of the health information about the individual in the health records information system (including and inclusion for which an identifier of the individual is to be disclosed) is a use of the information that complies with HPP 10(a)(vi) or a disclosure of the information that complies with HPP 11(a)(vi).
- c. In this clause:
 - “health record” means an ongoing record of health care for an individual.
 - “health records linkage system” means a computerised system that is designed to link health records for an individual held by different organisations for the purpose of facilitating access to health records, and includes a system or class of systems prescribed by the regulations as being a health record linkage system, but does not include a system or class of systems prescribed by the regulations as not being a health records linkage system.

4.15.2 Council Policy

Health Privacy Principle 15 only applies to health records linkage systems, no such system exists at Council; hence it does not apply to Narrandera Shire Council.

5. Part 5 - Implementation of the Privacy Management Plan

5.1 Training Seminars/Induction

During induction, all employees will be made aware that the performance management system has the potential to include personal information on their individual work performance or competency.

Councillors, all Council staff, and members of Council Committees should be acquainted with the general provisions of the PPIPA and HRIPA, and in particular, the 12 Information Protection Principles, the 15 Health Privacy Principles, the Public Register provisions, the Privacy Code of Practice for Local Government, this Plan and any other applicable Code of Practice.

5.2 Responsibilities of Council and of the Information Access Officer

The Information Access Officer will facilitate appropriate training and awareness sessions to enable all areas within Council to review and assess contracts and agreements with consultants and contractors, notices and application forms to ensure their compliance with PPIPA and HRIPA.

Council will ensure in its public areas that special provisions are made when working with computer screens. Computer screens will be required:

- to have fast screen savers
- to face away from the public
- to only show one record at a time.

Council's electronic databases should also be reviewed to ensure that they contain procedures and protocols to check the accuracy and currency of personal and health information.

The Information Access Officer will also provide opinions within Council as to:

- whether the personal information is collected for a lawful purpose
- if that lawful purpose is directly related to a function of Council
- whether or not the collection of that personal information is reasonably necessary for the specified purpose.

Any further concerns of a legal nature will be referred to Council's solicitor.

5.3 Distribution of information to the public

Council may prepare its own literature, ie: pamphlets on the PPIPA and HRIPA, or it may obtain and distribute copies of literature available from the Office of the Privacy Commissioner NSW.

Council may also publish public notices, newsletters or website bulletins explaining the key elements of the Acts and the rights of persons about whom information is held. See the discussion in this Plan with respect to IPP 6 and HPP 6 for more information in this regard.

6. Internal Review

6.1 How does the process of Internal Review operate?

Under section 53 of the PPIPA a person (the applicant) who is aggrieved by the conduct of a Council is entitled to a review of that conduct. An application for internal review is to be made within six months of when the person first became aware of the conduct.

The application is to be in writing and addressed to Council's Privacy Contact Officer. The Privacy Contact Officer will appoint a Reviewing Officer to conduct the internal review. The Reviewing Officer must not be substantially involved in any matter relating to the applicant. The Reviewing Officer must not be an employee and suitability qualified.

The review must be completed as soon as is reasonably practicable in the circumstances. If the review is not completed within 60 days of the lodgement, the applicant is entitled to seek external review.

The Council must notify the Privacy Commissioner of an application as soon as practicable after its receipt, keep the Commissioner informed of the progress of the application and inform the Commissioner of the findings of the review and of the action it proposes to take in relation to the application.

The Privacy Commissioner is entitled to make submissions in relation to internal reviews and the Council is required to consider any relevant material submitted by the Privacy Commissioner. The Council must provide the Privacy Commissioner with a draft of the Council's internal review report to enable the Privacy Commissioner to make a submission.

Council may provide a copy of any submission by the Privacy Commissioner to the applicant.

The Council must notify the applicant of the outcome of the review within 14 days of its determination. A copy of the final review should also be provided to the Privacy Commissioner where it departs from the draft review.

6.2 What happens after an Internal Review?

If the complainant remains unsatisfied, he/she may appeal to the Civil and Administrative Tribunal which hears the matter afresh and may impose its own decision and award damages for a breach of an information protection principle to an amount up to \$40,000.

7. Other Relevant Matters

7.1 Contracts with consultants and other private contractors

It is necessary to have specific provisions to protect the Council in any dealings with private contractors.

7.2 Confidentiality

The obligation of confidentiality is additional to and separate from that of privacy. Nevertheless, a duty to withhold information lies at the heart of both concepts. Confidentiality attaches to personal information about the person to whom that information relates.

An obligation of confidentiality exists for all employees whether expressed or implied as a matter of law.

Information which may be confidential is also likely to have a separate and independent obligation attached to it in the form of privacy and in that regard, a release for the purposes of confidentiality will not suffice for privacy purposes. Two separate releases will be required and, in the case of privacy, the person to whom the information relates will be required to provide the release.

7.3 Misuse of personal information

Section 664 of the LGA makes it an offence for anyone to disclose information except in accordance with that section. Whether or not a particular disclosure is made with lawful excuse is a matter that requires legal opinion from case to case.

7.4 Regular review of the collection, storage and use of personal and health information

The information practices relating to the collection, storage and use of personal and health information will be reviewed by the Council every three years. Any new program initiatives will be incorporated into the review process with a view to ascertaining whether or not those programs comply with the PPIPA and HRIPA.

7.5 Regular Review of Privacy Management Plan

Once the information practices are reviewed from time to time, the Privacy Management Plan will also be reviewed to ensure that the Plan is up to date.

7.6 Acknowledgement

This plan has been developed from a template shared by Wagga Wagga City Council.

8. Appendices

Appendix 1

Statutory Declaration Oaths Act 1900, Ninth Schedule

I, the undersigned(name of applicant)
of (address),
in the State of New South Wales, do solemnly and sincerely declare that:-

I am (relationship (if any) to person inquired about)
I seek to know whether is on the public
register of Narrandera Shire Council pertaining to*

The purpose for which I seek this information is
.....
.....

The purpose for which the information is required is to
.....

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act 1994.

Declared at

in the said State this day of two thousand and
before me.

.....

before me:

Justice of the Peace/Solicitor

.....

Name to be printed

** Applicant to describe the relevant public register*

Appendix 2

Privacy Notification Form - Section 10 (Post - Collection)

(Addressed to the person from whom information has been collected.)

The personal information that Council has collected from you falls under the provisions of the Privacy and Personal Information Protection Act 1998.

The intended recipients of the personal information are:

- officers within the Council
- data service providers engaged by the Council from time to time
- any other agent of the Council
- (any other).

The supply of the information by you *is / is not* voluntary. If you cannot provide or do not wish to provide the information sought, the Council may

Council has collected this personal information from you in order to

You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PPIPA.

Council* is to be regarded as the agency that holds the information.

Enquiries concerning this matter can be addressed to

Signed

Dated

*Please state who holds or controls the information if not Council

Appendix 3

Privacy Notification Form - Section 10 (Pre Collection)

(Addressed to the person from whom information is about to be collected or has been collected.)

The personal information that Council is collecting from you falls under the provisions of the Privacy and Personal Information Protection Act 1998 ("the Act).

The intended recipients of the personal information are:

- ◆ officers within the Council
- ◆ data service providers engaged by the Council from time to time
- ◆ any other agent of the Council
- ◆ (any other).

The supply of the information by you *is/is not* voluntary. If you cannot provide or do not wish to provide the information sought, the Council may/will be unable to process your application.

Council has collected this personal information from you in order to
.....

You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the Act.

Council* is to be regarded as the agency that holds the information.

Enquiries concerning this matter can be addressed to

Signed

Dated

*Please state who holds or controls the information if not Council

Appendix 4

Application under section 13 of the Privacy and Personal Information Protection Act 1998 to determine whether Council holds personal information about a person

Personal information held by the Council

I, of (address), hereby request the General Manager of Council provide the following:

Does the Council hold personal information about me ? YES/NO

If so, what is the nature of that information?

.....
.....

What is the main purpose for holding the information?

.....
.....

Am I entitled to access the information? YES/NO

My address for response to this Application is:

.....
.....

Note to Applicants

Should you provide your address or any other contact details the Council will not record those details for any other purpose other than to respond to your application.

As an applicant, you have a right of access to personal information concerning yourself that is held by the Council under section 14 of the Privacy and Personal

Information Protection Act 1998 ("the Act"). There is a separate application form to gain access. The Council may refuse to process this application in part or in whole if:

- there is an exemption to section 13 of the Act; or
- a Code may restrict the operation of section 14.

Appendix 5

Application under section 14 of the Privacy and Personal Information Protection Act 1998 for access to applicant’s personal information

Personal information held by Council

I, (name)

of (address)

hereby request that the Council provide me with (strike out whichever is not applicable):

(a) access to **all** personal information held concerning myself; or

(b) access to the following personal information only

.....

Note to Applicants

As an applicant, you have a right of access to your personal information held by Council under section 14 of the Privacy and Personal Information Protection Act 1998 ("the Act").

You are entitled to have access without excessive delay or cost. Council may refuse to process your Application in part or in whole if:

- the correct amount of fees has not been paid;
- there is an exemption to section 14 of the Act; or
- a Code of Practice may restrict disclosure.

Enquiries concerning this application should be made to

Appendix 6

Application under section 15 of the Privacy and Personal Information Protection Act 1998 for alteration of applicant’s personal information

Personal Information held by Council

I, (name)

of (address)

hereby request Council to alter personal information regarding myself in the following manner:

I propose the following changes:.....

.....

The reasons for the changes are as follows:

.....

The documentary bases for those changes is as shown on the attached documents

.....

Note to Applicants

You have a right to request appropriate amendments are made (whether by way of corrections, deletions or additions) to ensure that the personal information held by the Council :

- (a) is accurate, and
- (b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading

If Council is not prepared to amend the personal information in accordance with a request by you, Council must take such steps as are reasonable to attach to the information in such a manner as is capable of being read with the information, any statement provided by you.

If your personal information is amended, you are entitled under the Privacy and Personal Information Protection Act 1998 (the Act"), if it is reasonably practicable, to the have recipients of that information notified of the amendments made by Council.

Council may refuse to process your application in part or in whole if:

- there is an exemption to section 15 of the Act; or
- a Code of Practice may restrict alteration.

Enquiries concerning this application should be made to



Privacy Policy 202X

XXX000



NARRANDERA SHIRE COUNCIL

Chambers: 141 East Street Narrandera NSW 2700
Email: council@narrandera.nsw.gov.au

Phone: 02 6959 5510
Fax: 02 6959 1884



Policy No: POL000
Policy Title: Privacy Policy
Section Responsible: Governance
Minute No:
Doc ID: 561586

1. INTENT

The collection of personal and health information from councillors, employees, volunteers, contractors, ratepayers and members of the public is required in order for Council to perform its statutory functions and to allow the effective provision of services.

2. SCOPE

This policy applies to all personal or health information collected, maintained and/or used by Council officials.

3. OBJECTIVE

Council aims to:

- Maintain the highest possible integrity for services provided by the Council.
- Safeguard its assets, including people, information, property and financial resources.
- Ensure Council deals with personal and health information in a manner which complies with the requirements of the legislation and promotes the protection of privacy.
- Inform Council's stakeholders and customers of their rights with regard to personal or health information collected by Council.
- Demonstrate transparent and responsible information management processes aligned with accepted best practice standards and methods.

4. POLICY STATEMENT

Council respects the privacy of its residents, customers and employees and has prepared its Privacy Policy in accordance with the relevant legislation and accompanying regulations.

This policy sets out the relevant requirements to promote the protection of personal and health information and the protection of privacy and provides the foundation for Council's Privacy Management Plan.

5. PROVISIONS

5.1 CONTENT

Council is committed to ensuring the adequate protection of all personal and health information that is collected and held by Council.

Council will apply the following general principles, based on the 12 Information Protection Principles outlined in the relevant legislation. The principles are a legal obligation for Council and describe what a NSW government agency must do when it collects, stores, uses and discloses personal and health information. Modifications and exceptions to the following general principles are set out in detail in Council's Privacy Management Plan:

5.1.1 PPIPA Principle 1 - Lawful

Council will collect personal information for a lawful purpose and only if it is directly related to Council's activities and necessary for that purpose.

5.1.2 PPIPA Principle 2 – Direct

Council will ensure that the information is collected directly from the person concerned, unless consent from the person has been given otherwise. Parents and guardians can give consent for minors.

5.1.3 PPIPA Principle 3 – Open

Council will inform the person as soon as is practicable that the information is being collected, why it is being collected and who will be storing and using it. Council will also inform the individual how they can view and amend this information once collected.

5.1.4 PPIPA Principle 4 – Relevant

Council will ensure that the information is relevant, accurate, up-to-date and not excessive. The collection of information will not unreasonably intrude into the personal affairs of the individual.

5.1.5 PPIPA Principle 5 – Secure

Information must be stored securely, not kept any longer than necessary and disposed of appropriately. It will be protected from unauthorised access, use or disclosure.

5.1.6 PPIPA Principle 6 – Transparent

Council will ensure that individuals are provided with enough details about what personal information is being held, how it is being stored and what rights they have to access it.

5.1.7 PPIPA Principle 7 – Accessible

Council will allow access for individuals to their personal information, without unreasonable delay or expense.

5.1.8 PPIPA Principle 8 – Correct

Council will allow individuals to update correct or amend personal information where necessary.

5.1.9 PPIPA Principle 9 – Accurate

Council will take all reasonable steps to ensure that personal information is accurate before using it.

5.1.10 PPIPA Principle 10 – Limited

Council will only use personal information for the purpose for which it was collected, for a directly related purpose, or for a purpose to which the individual has given consent. Personal information can also be used without the individual's consent in order to deal with a serious and imminent threat to any person's health or safety.

5.1.11 PPIPA Principle 11 – Restricted

Council will only disclose personal information with the individual's consent or if they are informed at the time of collection that it would be disclosed. Council may also disclose personal information if it is for a related purpose and it is considered that the individual would not object. Personal information can also be used without consent to deal with a serious and imminent threat to any person's health or safety.

5.1.12 PPIPA Principle 12 – Safeguarded

Council cannot disclose sensitive personal information without consent, for example information about an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, health or sexual activities or trade union membership. Council is only allowed to disclose sensitive information without an individual's consent in order to deal with a serious and imminent threat to any person's health or safety.

5.2 DISCLOSURE**5.2.1 Disclosure of Personal Information**

Disclosure of personal information in Public Registers and other Council Registers to third parties is covered in Council's Privacy Management Plan in more detail. Council will comply with the relevant legislation and Privacy Code of Practice in regard to the disclosure of Privacy Information. Personal Information will be provided at Council's discretion, only where it would be in the public interest to do so.

5.2.2 Requesting a Review

An internal review can be requested from Council in relation to a privacy matter or against a decision, where requested in writing, addressed to the General Manager. Alternatively, a complaint may be made to the Privacy Commissioner.

If the person is not satisfied with the internal review, or it is not completed within 60 days, an application can be made to the NSW Civil & Administrative Tribunal (NCAT)

The Information and Privacy Commissioner can be contacted:

Email: ipcinfo@ipc.nsw.gov.au

Phone: 1800 472 679

Mail: GPO Box 7011, Sydney NSW 2001

Office: Level 17 201 Elizabeth Street, Sydney NSW 2000

Website: <http://www.ipc.nsw.gov.au>

Information about NCAT is available on the following website <http://www.ncat.nsw.gov.au>

6. DEFINITIONS

- **Information Privacy:** the way in which governments or organisations manage an individual's personal information such as age, address, race, sexual preference, etc.
- **Personal Information:** is any information or opinion about an identifiable person. This includes records containing your name, address, sex, etc., or physical information like fingerprints, body samples or a person's DNA.
- **Health Information:** is a specific type of personal information. Health information includes personal information that is information or an opinion about the physical or mental health or a disability of an individual.
- **Public Register:** personal information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee).
- **Privacy Management Plan:** regulates the collection, use and disclosure of, and the procedures for dealing with, personal information held by Council.

7. ROLES AND RESPONSIBILITIES

The principles set out in this policy will be implemented through the provisions of Council's Privacy Management Plan.

8. RELATED LEGISLATION

- *Privacy and Personal Information Protection Act 1998* (PPIPA) and the *Health Records Information and Privacy Act 2002* (HRIPA) govern the collection, use, storage, and disclosure of personal and health information.

- *Government Information (Public Access) Act 2009* (GIPAA) allows for public access to government information, which can include personal information. GIPAA is not intended to replace provisions of other Acts which allow for access, ie: viewing personal information under PPIPA or health information under HRIPA.

9. RELATED POLICIES AND DOCUMENTS

- Privacy Code of Practice for Local Government
- Privacy Management Plan prepared under s33 of the PPIPA.
- Access to Council Information Policy
- Councillors Access to information Policy
- Agency Information Guide

10. VARIATION

Council reserves the right to review, vary or revoke this policy in accordance with legislation, regulation and award changes, where applicable. Council may also make changes to this policy and the relevant procedures from time-to-time to improve the effectiveness of its operation.

11. PREVIOUS VERSIONS

Reference to a superseded policy number and/or name is also considered a reference to the new policy number.

POLICY HISTORY

Responsible Officer	Governance and Engagement Manager		
Approved by	General Manager		
Approval Date	XX Month 202X		
GM Signature <i>(Authorised staff to insert signature)</i>			
Next Review	XX Month 202X		
Version Number	Endorsed by ELT	Endorsed by Council	Date signed by GM
1 Adopted	23/02/2021	DD/MM/YYYY	DD/MM/YYYY
2 Reviewed			

NOTE: This is a controlled document. If you are reading a printed copy, please check that you have the latest version via Council's website (external) or MagiQ (internal). Printed or downloaded versions of this document are uncontrolled.

12. Acknowledgement of Training Received

I hereby acknowledge that I have received, read and understood a copy of Council's Privacy Policy.	
Employee Name	
Position Title	
Signature	
Date	

18.4 REVIEW OF POLICIES - POL003 CUSTOMER SERVICE CHARTER, POL060 COMPLAINTS MANAGEMENT POLICY ALSO POL054 UNREASONABLE COMPLAINANT CONDUCT POLICY

Document ID: 550277

Author: Governance and Engagement Manager

Authoriser: Deputy General Manager Corporate and Community

Theme: Our Civic Leadership

Attachments:

1. **DRAFT POL003 Customer Service Charter** [↓](#)
2. **DRAFT POL060 Complaints Management Policy** [↓](#)
3. **DRAFT POL054 Unreasonable Complainant Conduct Policy** [↓](#)

RECOMMENDATION

That Council:

1. Endorses the proposed Customer Service Charter, the amended Complaints Management Policy and the amended Unreasonable Complainant Conduct Policy as presented and places these documents on public exhibition seeking community comment.
2. Resolves that, should no submissions be received during the exhibition period, the policies be considered as adopted and implemented.

PURPOSE

The purpose of this report is for the Councillors to review the rewritten Customer Service Charter and to also acknowledge the numerous amendments to two supporting policies: Unreasonable Complainant Conduct Policy and Complaints Management Policy.

SUMMARY

The Customer Service Charter is a key document that establishes the commitment by Council to the community on how, as an organisation, Council will interact with its many customers. The Charter is complemented by two supporting policies, being the Complaints Management Policy and the Unreasonable Complainant Conduct Policy, which have also been reviewed and amended.

BACKGROUND

The Customer Service Charter was last reviewed and adopted by Council in August 2014, with the Complaints Management Policy reviewed and adopted by Council in December 2016 and the Unreasonable Complainant Conduct Policy last reviewed and adopted in September 2016.

A summary of amendments are as follows:

Customer Service Charter

The Charter has been substantially rewritten and has very little similarity to the current Charter. The proposed Charter is attached to this report for consideration.

Key points of the revised Charter include:

- Definitions to clarify the intent of the policy
- Diagrams to explain the customer request process
- Clear commitments and expectations, both from Council and toward Council
- Reference to Council's adopted Code of Conduct
- Timeframes within which Council aims to address general customer service matters, which then leads into areas of specific function areas such as:
 - Planning and Development
 - Compliance
 - Open Spaces and Recreation
 - Water and Sewer Operations
 - Road Infrastructure
- A statement on how Council intends to measure performance standards in a realistic and practical manner
- How complaints will be managed, with reference to Council's Complaints Management and Unreasonable Complainant Conduct Policies
- The Charter now has reference to AS/NZS 10002:2014 – Guidelines for complaints handling in organisations
- There is a statement about the protection and use of personal information which Council holds.

Complaints Management Policy

The proposed policy essentially contains the same content as the current policy, however, there have been many administrative changes to provide better definition or clarify. The amendments can be viewed within the attached document.

Unreasonable Complainant Conduct Policy

The proposed policy essentially contains the same content as the current policy, however, there have been many administrative changes to provide better definition or clarify. The amendments can be viewed within the attached document.

RELEVANCE TO COMMUNITY STRATEGIC PLAN AND OTHER STRATEGIES / MASTERPLANS / STUDIES

Theme

Our Civic Leadership

Strategy

5.1 - To have a Council that demonstrates effective management consistently, also a Council that communicates and engages well with the community and works collaboratively

Action

5.1.1 - Accountable, transparent and ensure open communication between the community and Council

ISSUES AND IMPLICATIONS

Policy

- The proposed Customer Service Charter and the two supporting policies have been amended to reflect expectations and aim to achieve best practice.

Financial

- There are no perceived financial implications.

Legal / Statutory

- *Local Government Act 1993*
- *Government Information (Public Access) Act 2009*
- *Privacy and Personal Information Protection Act 1998*
- *Workplace Health and Safety Act 2011*
- Australian & New Zealand Standard AS/NZ 10002:2014 - Guidelines for complaint management in organizations

Community Engagement / Communication

- Achieved by presenting this report and the attachments in the Ordinary Business Paper of Council, with the attachments to be placed on exhibition seeking community comment.

Human Resources / Industrial Relations (if applicable)

- Managing customers to whom policy numbered POL054 Unreasonable Complainant Conduct Policy may be applied could cause undue stress to Council staff.
- It may be necessary to provide support mechanisms such as peer review of documentation or outsourcing the management of matters depending on the individual circumstances.

RISKS

There are no perceived risks with Councillors endorsing these policies for the purpose of seeking community comment.

OPTIONS

That Councillors:

1. Endorse the proposed Customer Service Charter and the two supporting policies as presented and progress the documents to public exhibition stage seeking community comment; or
2. Require amendments to be made to the proposed Customer Service Charter and the two supporting policies as presented before progressing the documents to public exhibition stage for community comment.

CONCLUSION

The Customer Service Charter is a foundation document that establishes what the community can expect when dealing with Council and what Council expects from the community during interactions. The proposed Charter is supported by the Complaints Management Policy and the Unreasonable Complainant Conduct Policy which have both been reviewed and amended.

The recommendation is that Council endorses the proposed Customer Service Charter, the Complaints Management Policy and the Unreasonable Complainant Conduct Policy as presented and places the documents on public exhibition seeking community comment.

RECOMMENDATION

That Council:

1. Endorses the proposed Customer Service Charter, the amended Complaints Management Policy and the amended Unreasonable Complainant Conduct Policy as presented and places these documents on public exhibition seeking community comment.
2. Resolves that, should no submissions be received during the exhibition period, the policies be considered as adopted and implemented.

Customer Service Charter 202X POL003



Policy No:	POL003
Policy Title:	Customer Service Charter
Section Responsible:	Governance
Minute No:	
Doc ID:	8347

1. INTENT

The Customer Service Charter provides the community with a guide on how service requests and complaints will be managed by Council. The document also establishes what Council expects from its customers.

2. SCOPE

The Customer Service Charter relates to the organisation as a whole, ranging from elected members, staff, volunteers, and others who may be providing goods or services to the community on behalf of Council.

3. OBJECTIVE

The Customer Service Charter provides definitions, details expectations and identifies parameters within which Council aims to respond.

4. POLICY STATEMENT

This Charter establishes the commitment of Council to its customers and how service requests and complaints will be managed.

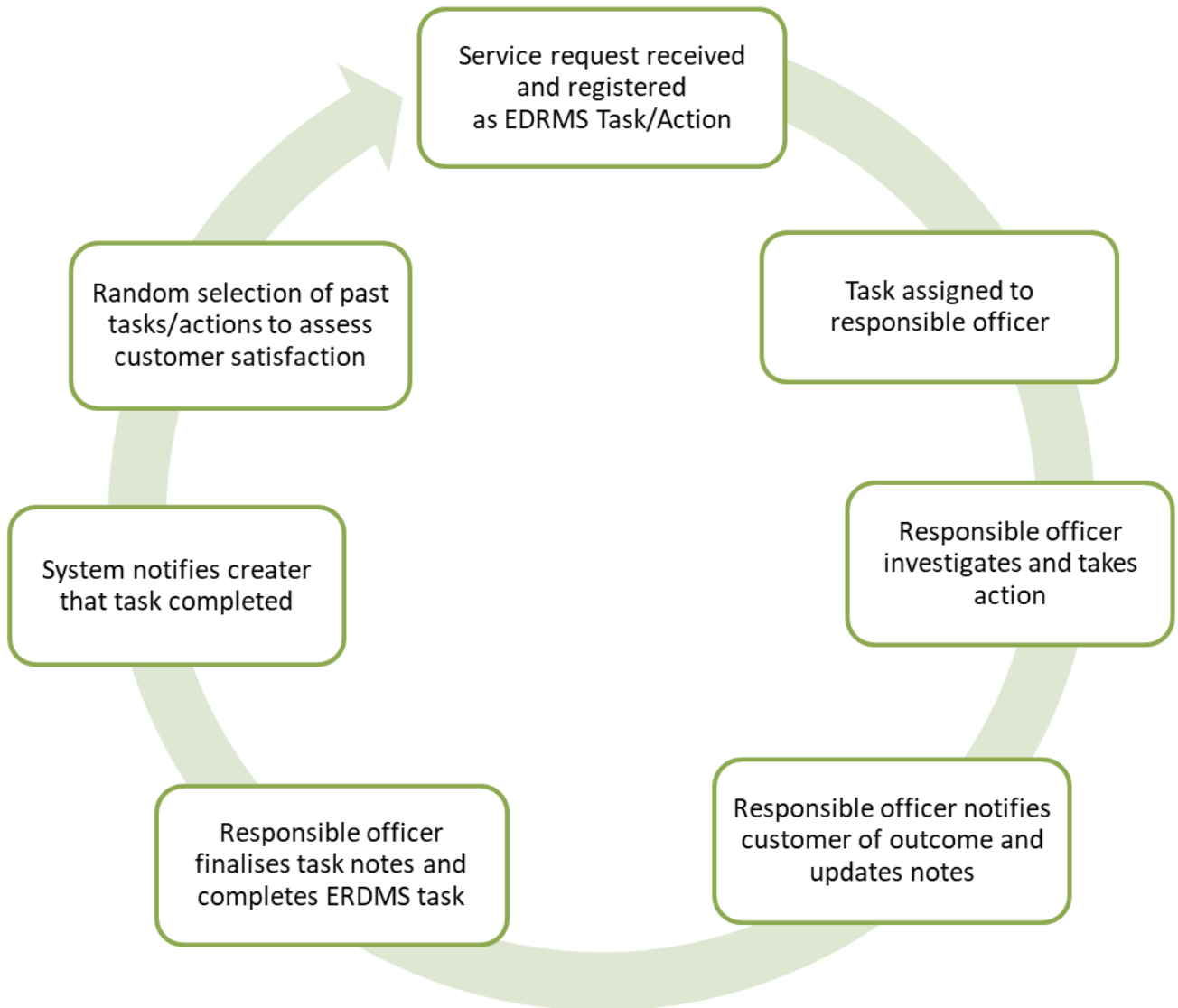
This Charter also establishes what Council expects from customers to best assist Council to manage service requests and complaints.

5. PROVISIONS

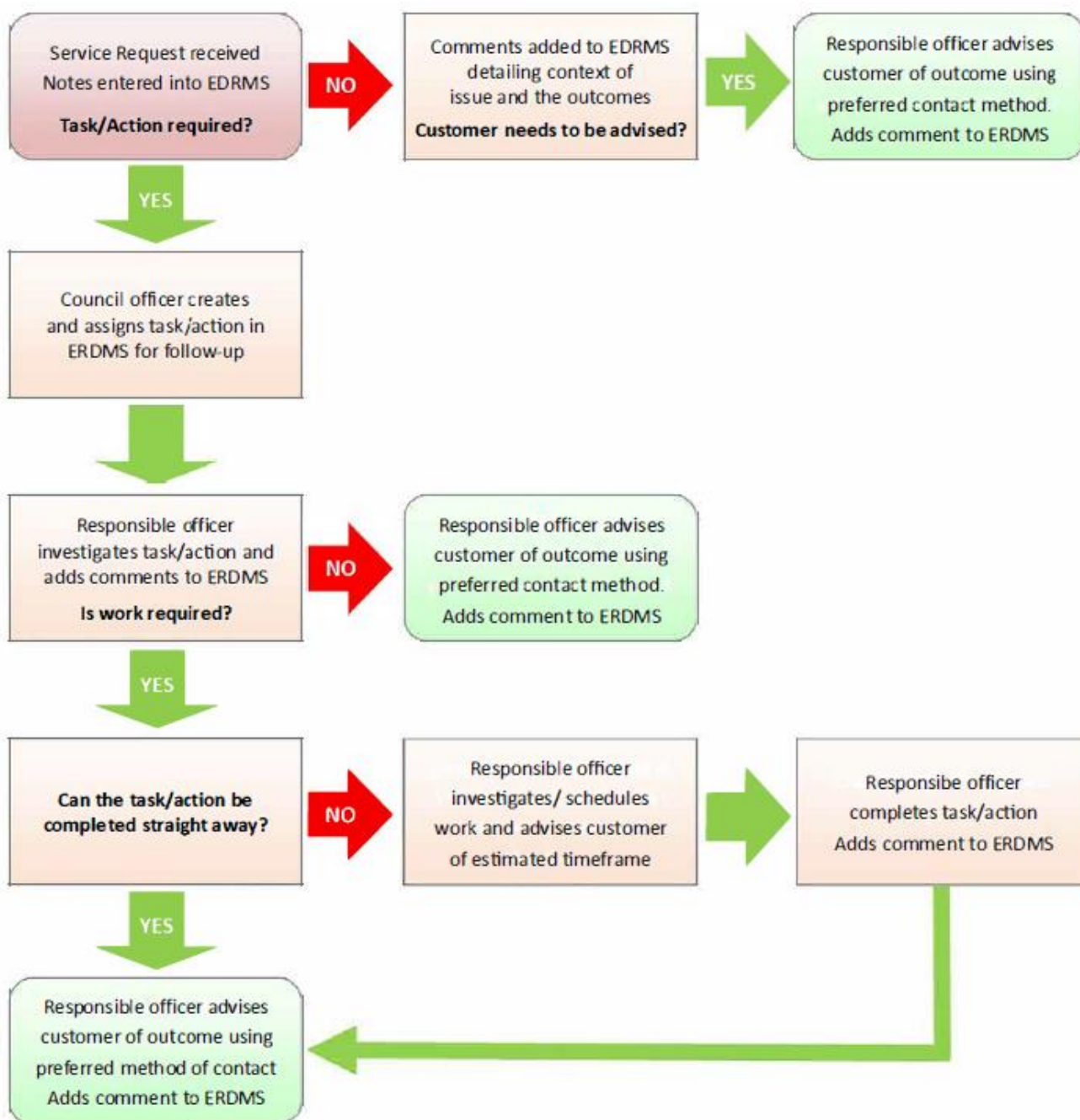
5.1 OUR CUSTOMER SERVICE

The following diagrams help to describe the processes for most service requests and the actions to be taken within the processes.

5.1.1 Our customer service loop model



5.1.2 Our 'customer service flowchart' model



5.2 COMMITMENTS AND EXPECTATIONS

5.2.1 Council's commitment to you as our customer

- We will comply with the adopted Code of Conduct.
- We will be appropriately dressed and, where necessary, we will wear a name badge.
- We will show awareness of our diverse cultural and age demographic backgrounds.
- We will take steps to adapt to any language or other communication difficulties that may be evident.
- We will give priority to issues that are deemed essential, such as a circumstance where there is a high risk-rating or where an essential service requires immediate attention.
- We will manage service requests in a standard manner unless there is a reason for actioning it as a priority.
- We are committed to providing you with prompt and accurate service and/or information.
- We will listen to you attentively and deal with you in a fair, honest, professional, helpful and courteous manner.
- We will aim to attend to resolve routine enquiries at the point of contact and, where this is not possible, we will connect you with the person who can assist.
- We will strive to improve our customer service by seeking feedback and benchmark our performance using various methods.
- We will ensure that any complaints are dealt with in accordance with the Council's Complaints Management Procedure and also the Australian/New Zealand Standard 10002:2014 Guidelines for complaint management in organizations.
- We will include customer service as an essential part of all employee position descriptions.

5.2.2 Council's expectations of you as our customer

- You will treat Councillors and staff with courtesy and respect.
- You will treat any person authorised to act for Council, such as the member of a Committee, a volunteer or a contractor, with courtesy and respect.
- You will respect the privacy, safety and needs of persons representing Council and other community members during any interactions with the organisation.
- You will understand that some issues may take time to resolve.
- You will contact Council to make an appointment to speak to an officer about a complex matter so that information can be collated to better address your enquiry.
- You will correspond with Council by in person, by telephone, submitting a customer service request form, written correspondence, email, fax or using the contact feature on our website. Prolonged interaction on specific issues using social media platform is not permitted.

- You will provide accurate and complete information when requested to do so.

5.2.3 Council will not accept

- Rude, angry, harassing, threatening or abusive behaviours – where this is evident you will be advised that the behaviour is not acceptable and, if it continues, the interaction will be immediately terminated.
- Unreasonable demands that cannot be satisfied – this significantly reduces the time available to assist other customers. Should the conduct continue, Council may action its Unreasonable Complainant Conduct Policy.

5.2.4 Council will accept

- A thank you or a compliment which will be forwarded to relevant Councillors or members of staff.
- Suggestions on how we can improve.

5.2.5 What you can expect when dealing with us in specific instances

In person

- We will attend to your enquiry as soon as possible.
- We will greet you with a smile, be respectful and assist you with your enquiry or issue.
- We will listen to what you have to say.
- We will endeavour to resolve your issue in the first instance. Where this is not possible, we will connect you with the appropriate person either by making an appointment or in another suitable way.

By telephone

- We will promptly answer all incoming telephone calls during working hours.
- We will listen to what you have to say.
- We will try to resolve your issue in the first instance. Where this is not possible, we will connect you with the appropriate person either by making an appointment or in another suitable way such as lodging a service request on your behalf.
- Where you need to speak to another person, we will place you on hold and transfer your call. If the officer is unavailable, we will ask if you wish to leave a voice mail message on their telephone extension. Alternatively, with your permission, we will enter your details and your request into our request system and provide you with a reference number. To submit a customer request, your full name, details of your preferred contact method also an accurate and complete description of the issue are required.
- When making a telephone call to you, we will identify who we are and the reason for our call.

- We will provide an after-hours service on the main number of Council 02 6959 5510. This will advise you of numbers to call if you have an emergency or you can leave a voice message which will be actioned on the next business day.

By written correspondence, customer request form, email, fax or from our website

We will attend to your written enquiry, but only where you have provided sufficient contact information such as your name, postal or residential address, telephone number, fax number or email address.

- Written correspondence to be sent or delivered to:
Narrandera Shire Council, 141 East Street, NARRANDERA NSW 2700.
- Emails sent to council@narrandera.nsw.gov.au.
- Faxes sent to 02 6959 1884.
- Where necessary, an acknowledgement or a reply from Council will be sent to the customer. Noting that not all requests require an acknowledgement, the Customer Service Officer who monitors these communication channels will use established processes and precedents to determine whether an email response or a response on letterhead is required.
- The Customer Service Officer will action your request to the appropriate officer and, where a response is deemed necessary, the officer responsible will deal with your matter in accordance with the appropriate timeframe. If the matter is not able to be resolved within the relevant timeframe, the officer will provide you with an interim response.
- We will respond to you in writing by using clear and concise language that is easily understood.
- We will clearly identify in any communication who you can contact for additional information.

5.3 SERVICE REQUEST TIMEFRAMES

5.3.1 In general

A service request is broadly for information, works, goods, services, or actions to be managed by Council.

You can assist us when making a request by being clear and concise with your request and prepared to supply relevant information such as:

- Details of exactly what you are seeking.
- A reference number if you have spoken to Council previously on the matter.
- Background to the issue.
- The outcome you hope to achieve.
- Your contact details.
- Having a note pad and pen so you can record any relevant information.

We aim to:

- Acknowledge your service request within three working days by email or written correspondence where this is necessary.
- Respond to written correspondence, email, fax or customer request form within 10 working days of receipt.
- Return telephone calls within 24 hours of receipt and during normal working hours.
- Try to resolve your enquiry at first contact or let you know the course of action proposed to be taken.
- Give at least 24 hours warning notice if we need to carry out repair works in your street that will affect your property (other than emergencies).

5.3.2 Planning and Development requests and enquiry timeframes

We aim to:

- Acknowledge your service request or enquiry within three working days.
- Respond to telephone calls, written correspondence, or a service request within 10 working days of receipt.

5.3.3 Development Applications timeframes

We aim to:

- Provide pre-lodgement meetings.
- Accept applications only if they contain all the required information.
- Assess complying development applications within 10 working days.
- Assess development applications within 21 working days.
- Assess integrated development applications within 40 working days.

5.3.4 Compliance timeframes

We aim to:

- Respond immediately to urgent reports, such as aggressive animals.
- Respond within three working days to other compliance matters relating to companion animals or environmental matters.

5.3.5 Open Spaces and Recreation timeframes

We aim to:

- Provide clean and safe environments for recreation use.
- Provide clean and safe amenities for community use and signage with a telephone number to call if amenities are not clean.
- Confirm bookings for the use of ovals, parks, open space areas and Council-managed swimming pools within seven working days from the date of receipt of the completed booking advice.

5.3.6 Water and Sewer timeframes

We aim to:

- Respond to water and sewer matters in accordance with the following timeframes, and under normal operating conditions, from the time of notification by telephoning 02 6959 5510 during normal business hours or by contacting the after-hours emergency telephone number 0417 023 015:
 - Water main break or service interruption 2 hours
 - Water service or water meter issues 24 hours
 - Water quality issues 24 hours
 - Water service location or network enquiries 48 hours
 - Sewer blockage or service interruption 2 hours
 - Sewer service location or network enquiries 48 hours

5.3.7 Road Infrastructure timeframes

We aim to:

- Respond to any road infrastructure issues within 14 days of receipt of the report, either by rectifying the issue or advising of an expected timeframe for an assessment, remediation if possible or the completion of works:
 - Sealed Roads
 - Gravel Roads
 - Potholes
 - Signage
 - Stormwater or Drainage
 - Footpaths or Cycleways.

5.4 MEASURING OUR PERFORMANCE

It is important that we continue to monitor our customer service actions by measuring our performance over a period of time, however initially as an organisation we aim to:

- Answer most telephone calls within five rings.
- Limit the number of times a caller is placed on hold to one instance, with a maximum of two instances.
- Attend to most personal enquiries within five minutes.
- Maintain and improve on existing service standards, such as monitoring the number of complaints made against staff or by maintaining the currency of information contained within the Council website.
- Measure levels of satisfaction through community surveys and other community consultation sessions such as developing integrated planning documents.

5.5 MANAGING YOUR COMPLAINTS

Council has a Complaints Management Policy which is available on Council's website www.narrandera.nsw.gov.au.

Council is committed to referring to AS/NZS 10002:2014 – Guidelines for complaint management in organizations (and its amendments) for guidance on how to plan, design, develop, operate, maintain, and improve an effective and efficient complaints-handling process. The information obtained through the complaints-handling process can lead to improvements in products, services, and processes and where the complaints are handled properly, can improve the reputation of the organisation.

Council also has a dedicated policy for the management of complainants that affect the health, safety and security of our staff or affect our ability to allocate resources fairly. The Unreasonable Complainant Conduct Policy is available from Council's website www.narrandera.nsw.gov.au.

5.6 PROTECTION OF PERSONAL INFORMATION

Requests for information are dealt with in accordance with the *Privacy and Personal Information Protection Act 1998* and the *Government Information (Public Access) Act 2009*.

5.7 HOW YOU CAN CONTACT US

You can contact Council's Administration Centre in the following ways:

- Personally, or by correspondence:
Narrandera Shire Council
141 East Street
Narrandera NSW 2700
- Email: council@narrandera.nsw.gov.au
- Fax: 02 6959 1884
- Telephone: 02 6959 5510 between the hours of 8.15am – 4.30pm Monday to Friday. If you telephone after-hours, a message will direct you to the relevant contact number.

5.8 DEFINITIONS

- **Customer:** individuals and organisations to whom Council provides information, works, goods or services.
- **Customer service:** the interaction that occurs between the customer and Council.
- **Service request:** a request for information, approval, works, goods, services, or actions to be supplied or managed by Council.
- **Complaint:** an expression of dissatisfaction made to or about Council, its staff or about its works, goods, and services.

- **Resolution:** providing the customer with an outcome such as the provision of information (if able to be released) or the actioning or completion of works or services requested (if able to be actioned or completed). There will always be degrees of resolution, however Council will attempt to resolve issues as thoroughly as it can.

5.9 ROLES AND RESPONSIBILITIES

Elected members, staff, volunteers, and others who may be providing goods or services on behalf of Council have a responsibility to deliver quality customer service.

- **Mayor:** to lead Councillors in their understanding of and compliance with this Charter.
- **Councillors:** to comply with this Charter.
- **General Manager:** to lead staff in their understanding of and compliance of this Charter.
- **Deputy General Managers:** to implement and comply with this Charter.
- **Managers:** to communicate this Charter to reports and comply with the Charter.
- **Staff:** to comply with this Charter.
- **Volunteers and others providing goods or services on behalf of Council:** to comply with this Charter.

6. RELATED LEGISLATION

- *Local Government Act 1993*
- *Government Information (Public Access) Act 2009*
- *Privacy and Personal Information Protection Act 1998*
- *Workplace Health and Safety Act 2011*

7. RELATED POLICIES AND DOCUMENTS

- Australian & New Zealand Standard AS/NZ 10002:2014 - Guidelines for complaint management in organizations
- POL060 Complaints Management Policy
- POL054 Unreasonable Complainant Conduct Policy
- NSW Ombudsman publication titled - Managing unreasonable conduct by a complainant – workbook 2020 which contains:
 - Approach and framework
 - Strategies for persons dealing with the unreasonable conduct
 - Communication
 - Management responsibilities and providing support
 - Restricting and controlling access

8. VARIATION

Council reserves the right to review, vary or revoke this policy in accordance with legislation, regulation, and award changes, where applicable. Council may also make changes to this policy and the relevant procedures from time-to-time to improve the effectiveness of its operation.

9. PREVIOUS VERSIONS

Reference to a superseded policy number and/or name is also considered a reference to the new policy number. This policy was previously named:

- CS110 Customer Service Charter

POLICY HISTORY

Responsible Officer	Governance and Engagement Manager		
Approved by	General Manager		
Approval Date	XX Month 202X		
GM Signature <i>(Authorised staff to insert signature)</i>			
Next Review	1 June 2024		
Version Number	Endorsed by ELT	Endorsed by Council	Date signed by GM
1 Adopted	12/09/2014	18/02/2014	18/02/2014
2 Reviewed	23/02/2021	DD/MM/YYYY	DD/MM/YYYY

NOTE: This is a controlled document. If you are reading a printed copy, please check that you have the latest version via Council’s website (external) or MagiQ (internal). Printed or downloaded versions of this document are uncontrolled.

10. Acknowledgement of Training Received (if required)

I hereby acknowledge that I have received, read and understood a copy of Council's Customer Service Charter.	
Employee Name	
Position Title	
Signature	
Date	

Complaints Management Policy 202X POL060



Policy No:	POL060
Policy Title:	Complaints Management Policy
Section Responsible:	Governance
Minute No:	
Doc ID:	9153

1. INTENT

Council's complaint management system is intended to:

- enable us to respond to issues raised by people making complaints in a timely and cost-effective way
- boost public confidence in our administrative process
- provide information that can be used by us to deliver quality improvements in our services, staff and complaint handling.

This policy provides guidance on the key principles and concepts of our complaint management system to our staff and people who wish to make a complaint.

2. SCOPE

This policy applies to all staff receiving or managing complaints from the public made to or about us, regarding our services, staff and complaint handling.

Staff grievances, code of conduct complaints and public interest disclosures are dealt with through separate mechanisms.

3. OBJECTIVE

This policy is intended to ensure that council handle complaints fairly, efficiently and effectively.

4. POLICY STATEMENT

Council expects staff at all levels to be committed to fair, effective and efficient complaint handling.

5. PROVISIONS

5.1 GUIDING PRINCIPALS



5.2 FACILITATE COMPLAINTS

5.2.1 People focus

We are committed to seeking and receiving feedback and complaints about our services, systems, practices, procedures and complaint handling.

Concerns raised in feedback or complaints will be dealt with within a reasonable time frame.

People making complaints will be:

- provided with information about our complaint handling process
- provided with multiple and accessible ways to make complaints
- listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate
- provided with reasons for our decision/s and any options for redress or review.

5.2.2 No detriment to people making complaints

We will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

5.2.3 Anonymous complaints

We accept anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided.

5.2.4 Accessibility

We will ensure that information about how and where complaints may be made to or about Council is well publicised. We will ensure that systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.

If a person prefers or needs another person or organisation to assist or represent them in the making and/ or resolution of their complaint, we will communicate with them through their representative if this is their wish. Anyone may represent a person wishing to make a complaint with their consent such as using an advocate, family member, legal or community representative, member of Parliament or another organisation.

5.2.5 No charge

Complaining to Narrandera Shire Council is free.

5.3 RESPOND TO COMPLAINTS

5.3.1 Early resolution

Where possible, complaints will be resolved at first contact with Council.

5.3.2 Responsiveness

We will promptly acknowledge receipt of complaints where sufficient information has been provided to do so.

We will assess and prioritise complaints in accordance with the urgency and seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately.

We will manage community expectations and will inform persons as soon as possible, of the following:

- the complaints process;
- the expected time frames for our actions;
- the progress of the complaint and reasons for any delay;
- their likely involvement in the process; and
- the possible or likely outcome of their complaint.

We will advise persons as soon as possible when we are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed if this information is known and it is appropriate to do so.

We will also advise persons as soon as possible when we are unable to meet our time frames for responding to their complaint and the reason for our delay.

5.3.3 Objectivity and fairness

We will address each complaint with integrity and in an equitable, objective and unbiased manner.

We will ensure that the person handling a complaint is different from any staff member whose conduct or service is being complained about.

Conflicts of interests, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker.

5.3.4 Responding flexibly

Our staff are empowered to resolve complaints promptly and with as little formality as possible. We will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints and or their representatives.

We will assess each complaint on its merits and involve people making complaints and or their representative in the process as far as possible.

5.3.5 Confidentiality

We will protect the identity of people making complaints where this is practical and appropriate.

Personal information that identifies individuals will only be disclosed or used by Council as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

5.4 Manage the parties to a complaint

5.4.1 Complaints involving multiple agencies

Where a complaint involves multiple agencies we will work with the other agencies where possible to ensure that communication with the person making a complaint and or their representative is clear and coordinated.

Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the complaint.

Where a complaint involves multiple areas within our organisation, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.

Where our services are contracted out, we expect contracted service providers to have an accessible and comprehensive complaint management system. We take complaints not only about the actions of our staff but also the actions of service providers.

5.4.2 Complaints involving multiple parties

When similar complaints are made by related parties we will try to arrange to communicate with a single representative of the group.

5.4.3 Empowerment of staff

All staff managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities.

Staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of our complaint management system.

5.4.4 Managing unreasonable conduct by people making complaints

We are committed to being accessible and responsive to all people who approach us with feedback or complaints. At the same time our success depends on:

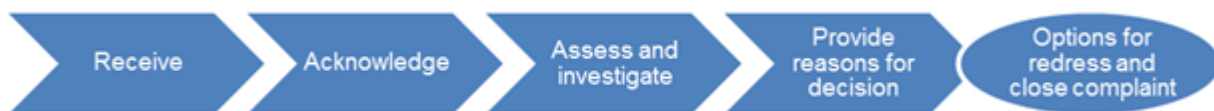
- our ability to do our work and perform our functions in the most effective and efficient way possible
- the health, safety and wellbeing security of persons within our organisation; and

- our ability to allocate our resources equitably across all the complaints we receive.

When people behave unreasonably in their dealings with us, their conduct can significantly affect the progress and efficiency of our work. As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.

For further information on managing unreasonable conduct by people making complaints please see Council's policy POL054 - Unreasonable Complainant Conduct.

5.5 COMPLAINT MANAGEMENT SYSTEM



5.5.1 Introduction

When responding to complaints, staff should act in accordance with our complaint handling procedures as well as any other internal documents providing guidance on the management of complaints. Staff should also consider any relevant legislation and/or regulations when responding to complaints and feedback.

The five key stages in our complaint management system are set out below.

5.5.2 Receipt of complaints

Unless the complaint has been resolved at the outset, we will record the complaint and its supporting information. We will also assign a unique identifier to the complaint file.

The record of the complaint will document:

- the contact information of the person making a complaint where available
- issues raised by the person making a complaint and the outcome they want
- any other relevant information that can be used to resolve the matter
- any additional support the person making a complaint requires.

5.5.3 How to lodge a complaint

- In Writing – Post
Narrandera Shire Council
141 East Street
Narrandera NSW 2700
- In Writing – Fax 02 69591884
- In Writing – Email: council@narrandera.nsw.gov.au
- In Person – Visit Council's Administration Centre at 141 East Street between 9.00am and 4.30pm Monday to Friday.

- By Telephone – Call Council’s Customer Service on 02 6959 5510 between 8.15am and 4.30pm Monday to Friday.
- By Website – www.narrandera.nsw.gov.au

5.5.4 Acknowledgement of complaints

We will acknowledge receipt of each complaint promptly and preferably within three working days.

Consideration will be given to the most appropriate medium for response, such as email or written correspondence for communicating with the person making a complaint.

5.5.5 Initial assessment

After acknowledging receipt of the complaint, we will confirm whether the issue/s raised in the complaint are within the control of Council. We will also consider the outcome sought by the person making a complaint and where there is more than one issue raised, a determination will be made whether each issue needs to be separately addressed.

When determining how a complaint will be managed, we will consider:

- How serious, complicated or urgent the complaint is
- Whether the complaint raises concerns about people’s health and safety
- How the person making the complaint is being affected
- The risks involved if resolution of the complaint is delayed
- Whether a resolution requires the involvement of other organisations.

5.5.6 Addressing complaints

After assessing the complaint, we will consider how to manage it. To manage a complaint we may:

- Give the person making a complaint information or an explanation; or
- Gather information from the person or area that the complaint is about, or
- Investigate the claims made in the complaint.

We will keep the person making the complaint up to date on our progress, particularly if there are any delays. We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case and factoring any statutory requirements.

5.5.7 Providing reasons for decisions

Following consideration of the complaint and any investigation into the issues raised, we will contact the person making the complaint and advise them:

- the outcome of the complaint and any action we took
- the reason/s for our decision
- the remedy or resolution/s that we have proposed or put in place

- any options for review that may be available to the complainant, such as an internal review, external review or appeal.

If in the course of investigation, we make any adverse findings about a particular individual, we will consider any applicable privacy obligations under the *Privacy and Personal Information Protection Act 1998* and any applicable exemptions in or made pursuant to that Act, before sharing our findings with the person making the complaint.

5.5.8 Closing the complaint, record keeping, redress and review

We will keep comprehensive records about:

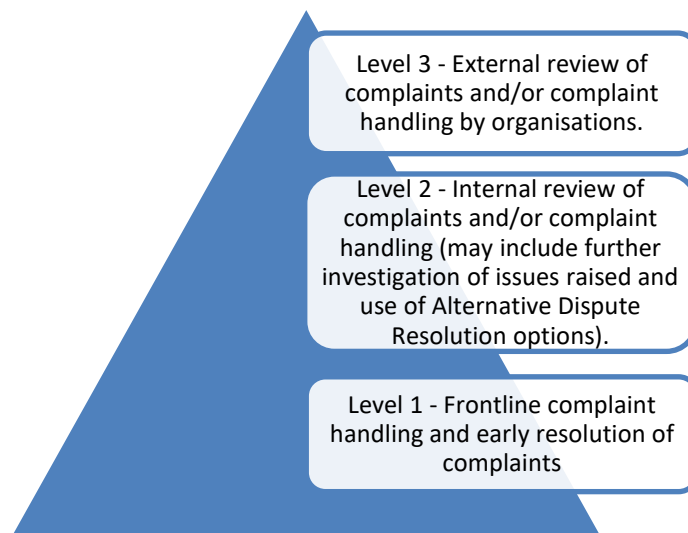
- How we managed the complaint
- The outcome/s of the complaint, including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations
- Any outstanding actions that need to be followed up.

We will ensure that outcomes are properly implemented, monitored and reported to the complaint handling manager and or senior management.

5.5.9 Alternative avenues for dealing with complaints

We will inform people who make complaints about us about any internal or external review options available to them including the Ombudsman or the Office of Local Government.

5.5.10 The three levels of complaint handling



We aim to resolve complaints at the first level, being the frontline. Wherever possible staff will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision.

Where this is not possible, we may decide to escalate the complaint to a more senior officer within Council. This second level of complaint handling will provide for the following internal mechanisms:

- assessment and possible investigation of the complaint and decisions already made; and or
- facilitated resolution (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties).

Where a person making a complaint is dissatisfied with the outcome of council's review of their complaint, they may seek an external review of our decision by the Ombudsman or Office of Local Government.

5.6 ACCOUNTABILITY AND LEARNING

5.6.1 Analysis and evaluation of complaints

We will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis such as:

extracting reporting information on a regular basis to determine the number of complaints received and the • outcome of complaints received;

- issues arising from complaints;
- systemic issues identified; and
- the number of requests we receive for internal and/or external review of our complaint handling.

Regular analysis of these reports will be undertaken to monitor trends, measure the quality of our customer service and make improvements.

Both reports and their analysis will be provided to Council's General Manager and the Executive Leadership Team for review on a determined timeframe.

5.6.2 Monitoring of the complaint management system

We will monitor our complaint management system to:

- ensure its effectiveness in responding to and resolving complaints; and
- identify and correct deficiencies in the operation of the system.

Monitoring may include the use of audits, complaint satisfaction surveys, community surveys and any online listening tools and alerts such as the frequency of posts on Facebook.

5.6.3 Continuous improvement

We will continue to improve the effectiveness and efficiency of our complaint management system by:

- supporting the making and appropriate resolution of complaints received; and
- implement best practices in complaint handling; and
- recognise and reward exemplary complaint handling by staff; and
- regularly review the complaints management system and complaint data; and

- implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of the system.

5.7 Agencies and Resources

- Office of the (NSW) Ombudsman
Telephone 02 9286 1000
Fax 02 9283 2911
Toll free 1800 451 524
Email nswombo@ombo.nsw.gov.au
Web www.ombo.nsw.gov.au
- Independent Commission Against Corruption (ICAC)
Telephone 02 8281 5999
Fax 02 9264 5364
Toll free 1800 463 909
Email icac@icac.nsw.gov.au
Web www.icac.nsw.gov.au
- Office of Local Government
Telephone 02 9289 4000
Fax 02 9289 4099
Email dlg@dlg.nsw.gov.au
Web www.dlg.nsw.gov.au
- For complaints relating to Children's Services please send information to the following:
Director
Central Licensing and Regulatory Support
Department of Community Services
Locked Bag 4028
Ashfield NSW 2131
Email cslicensing@community.nsw.gov.au

6. DEFINITIONS

- **Complaint:** An expression of dissatisfaction made to or about Council, it's staff or about its works, goods and services.

A complaint covered by this Policy can be distinguished from:

- staff grievances [see Council's Grievance Policy];
- Public Interest Disclosures made by our staff [see Council's internal reporting policy];
- Code of Conduct complaints [see Council's adopted code of conduct];

- responses to requests for feedback about the standard of our service provision;
- reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response;
- service requests [see definition of ‘service request’ below], and
- requests for information [see Council’s access to information policy].
- Child protection [see Council’s child protection policy]
- **Complaint management system:** All policies, procedures, practices, staff, hardware and software used by council in the management of complaints.
- **Dispute:** An unresolved complaint escalated either within or outside of council.
- **Feedback:** Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, about council’s services or complaint handling where a response is not explicitly or implicitly expected or legally required.
- **Service request:**
 - requests for approval
 - requests for action
 - routine inquiries about the council’s business
 - requests for the provision of services and assistance
 - reports of failure to comply with laws regulated by the council
 - requests for explanation of policies, procedures and decisions.
- **Grievance:** A clear, formal written statement by an individual staff member about another staff member or a work related problem.
- **Policy:** A statement of instruction that sets out how we should fulfill our vision, mission and goals.
- **Procedure:** A statement or instruction that sets out how our policies will be implemented and by whom.
- **Public interest disclosure:** A report about wrong doing made by a public official in New South Wales that meets the requirements of the *Public Interest Disclosures Act* 1994.

7. ROLES AND RESPONSIBILITIES

The following table outlines the nature of the commitment expected from staff and the way that commitment should be implemented.

1. Who	2. Commitment	3. How
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<p>General Manager</p>	<p>Promote a culture that values complaints and their effective resolution</p>	<p>Report publicly on council’s complaint handling. Provide adequate support and direction to key staff responsible for handling complaints. Regularly review reports about complaint trends and issues arising from complaints. Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly. Encourage staff to make recommendations for system improvements. Recognise and reward good complaint handling by staff. Support recommendations for service, staff and complaint handling improvements arising from the analysis of complaint data.</p>
<p>Governance & Engagement Manager</p>	<p>Establish and manage our complaint management system.</p>	<p>Provide regular reports to General Manager on issues arising from complaint handling work. Ensure recommendations arising out of complaint data analysis are canvassed with General Manager and implemented where appropriate. Recruit, train and empower staff to resolve complaints promptly and in accordance with council’s policies and procedures. Encourage staff managing complaints to provide suggestions on ways to improve the organisation’s complaint management system. Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly. Recognise and reward good complaint handling by staff.</p>
<p>Customer Service Staff</p>	<p>Demonstrate exemplary complaint handling practices</p>	<p>Treat all people with respect, including people who make complaints. Assist people make a complaint, if needed. Comply with this policy and its associated procedures. Keep informed about best practice in complaint handling. Provide feedback to management on issues arising from complaints. Provide suggestions to management on ways to improve the organisation’s complaints management system. Implement changes arising from individual complaints and from the analysis of complaint data as directed by management.</p>

<p>All staff</p>	<p>Understand and comply with council's complaint handling practices.</p>	<p>Treat all people with respect, including people who make complaints.</p> <p>Be aware of council's complaint handling policies and procedures.</p> <p>Assist people who wish to make complaints access the council's complaints process.</p> <p>Be alert to complaints and assist staff handling complaints resolve matters promptly.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.</p>
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8. RELATED LEGISLATION

- *Local Government Act 1993*
- *Government Information (Public Access) Act 2009*
- *Privacy and Personal Information Protection Act 1998*
- *Workplace Health and Safety Act 2011*
- Australian & New Zealand Standard AS/NZ 10002:2014 - Guidelines for complaint management in organizations

9. RELATED POLICIES AND DOCUMENTS

- Policy numbered POL003 – Customer Service Charter
- Policy numbered POL054 – Unreasonable Complainant Conduct Policy
- NSW Ombudsman publication titled - Managing unreasonable conduct by a complainant – workbook 2020 which contains:
 - Approach and framework
 - Strategies for persons dealing with the unreasonable conduct
 - Communication
 - Management responsibilities and providing support
 - Restricting and controlling access

1.

10. VARIATION

Council reserves the right to review, vary or revoke this policy in accordance with legislation, regulation and award changes, where applicable. Council may also make changes to this policy and the relevant procedures from time-to-time to improve the effectiveness of its operation.

11. PREVIOUS VERSIONS

Reference to a superseded policy number and/or name is also considered a reference to the new policy number. This policy was previously named:

- ES80 Complaints Management Policy.

POLICY HISTORY

Responsible Officer	Governance and Engagement Manager		
Approved by	General Manager		
Approval Date	XX Month 202X		
GM Signature (Authorised staff to insert signature)			
Next Review	1 June 2024		
Version Number	Endorsed by ELT	Endorsed by Council	Date signed by GM
1 Adopted	-	-	18/04/2006
2 Reviewed	-	-	21/08/2007
2 Reviewed	-	-	17/02/2009
2 Reviewed	14/07/2014	14/10/2014	15/10/2014
2 Reviewed	1/08/2016	14/12/2016	8/02/2017
2 Reviewed	23/02/2021	DD/MM/YYYY	DD/MM/YYYY

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12. Acknowledgement of Training Received (if required)

I hereby acknowledge that I have received, read and understood a copy of Council's Complaints Management Policy.	
Employee Name	
Position Title	
Signature	
Date	

Unreasonable Complainant Conduct 202X POL054



Policy No:	POL054
Policy Title:	Unreasonable Complainant Conduct Policy
Section Responsible:	Governance
Minute No:	
Doc ID:	9151

1. INTENT

This policy has been developed to assist all staff members to better manage instances of Unreasonable Complainant Conduct ('UCC').

2. SCOPE

Narrandera Shire Council has zero tolerance towards any harm, abuse or threats directed toward elected members, staff, volunteers, or persons providing goods or services on behalf of Council. Conduct of this kind will be dealt with under this policy and in accordance with our duty of care and workplace health and safety responsibilities.

3. OBJECTIVE

The aim of this policy is to ensure that all persons associated with Council:

- Feel confident and supported in taking action to manage UCC;
- Act fairly, consistently, honestly, and appropriately when responding to UCC;
- Are aware of their roles and responsibilities in relation to the management of UCC and how this policy will be used;
- Understand the types of circumstances when it may be appropriate to manage UCC using one or more of the following mechanisms:
 - The strategies provided in the NSW Ombudsman publication Managing Unreasonable Conduct by a Complainant of 1 October 2020 ISBN: 978-1-921884-54-2 including the strategies to change or restrict a complainant's access to our services;
 - Alternative dispute resolution strategies to deal with conflicts involving complainants and members of our organisation;
 - Legal instruments such as trespass laws/legislation to prevent a complainant from coming onto our premises and orders to protect specific staff members from any actual or apprehended personal violence, intimidation or stalking.

- Have a clear understanding of the criteria that will be considered before we decide to change or restrict a complainant's access to our services;
- Are aware of the processes that will be followed to record and report UCC incidents as well as the procedures for consulting and notifying complainants about any proposed actions or decisions to change or restrict their access to our services;
- Are familiar with the procedures for reviewing decisions made under this policy, including specific timeframes for review.

4. POLICY STATEMENT

Narrandera Shire Council recognises that members of the community have a right to express an opinion and is committed to being accessible and responsive to all complainants who approach Council for assistance. It is very important for Council to manage unreasonable complainant conduct for several reasons such as:

- The resources of Council are limited and must be used efficiently in dealing with other requests from customers and the many other functions of Council - all customers are entitled to an equitable share of time and resources;
- Council is responsible for ensuring the health, safety and wellbeing of its elected members, staff, volunteers, and others associated with Council;
- Often unreasonable conduct can make it harder to resolve an issue and the process is unnecessarily prolonged. Unreasonable conduct can change the focus of the original grievance and damage relationships between the complainant and Council.

Narrandera Shire Council will take proactive and decisive action to manage any complainant conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.

5. PROVISIONS

5.1 DEFINING UNREASONABLE COMPLAINANT CONDUCT

5.1.1 Unreasonable Complainant Conduct

Most complainants who engage with Council act reasonably and responsibly in their interactions, even when experiencing high levels of distress, frustration, and anger about an issue. However, in a very small number of cases some complainants behave in ways that are inappropriate and unacceptable – despite the best efforts to assist them. Some complainants become aggressive and are verbally abusive towards our people, they threaten harm and violence, bombard our office with unnecessary and excessive phone calls and emails, make inappropriate demands on our time and our resources and refuse to accept our decisions and recommendations in relation to their complaints. When complainants behave in these ways, we consider their conduct to be 'unreasonable'.

Unreasonable Complainant Conduct ('UCC') is any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety,

resource or equity issues for our organisation, our staff, other service users and complainants or the complainant themselves.

UCC can be divided into five categories of conduct:

- Unreasonable persistence;
- Unreasonable demands;
- Unreasonable lack of co-operation;
- Unreasonable arguments;
- Unreasonable behaviours.

5.1.2 Unreasonable persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Some examples of unreasonably persistent behaviour include:

- An unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with;
- Persistently demanding a review simply because it is available and without arguing or presenting a case for a review;
- Pursuing and exhausting all available review options when it is not warranted and refusing to accept further action cannot or will not be taken on their complaints;
- Reframing a complaint to get it taken up again;
- Bombarding our organisation with phone calls, visits, letters, emails (including cc'd correspondence) after repeatedly being asked not to do so;
- Contacting different people within our organisation and/or externally to get a different outcome or more sympathetic response to their complaint.

5.1.3 Unreasonable demands

Unreasonable demands are any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Some examples of unreasonable demands include:

- Issuing instructions and making demands about how we have/should handle their complaint, the priority it was/should be given, or the outcome that was/should be achieved;
- Insisting on talking to a senior manager or the General Manager personally when it is not appropriate or warranted;
- Emotional blackmail and manipulation with the intention to guilt trip, intimidate, harass, shame, seduce or portray themselves as being victimised – when this is not the case;

- Insisting on outcomes that are not possible or appropriate in the circumstances – for example for someone to be dismissed or prosecuted, an apology and/or compensation when there is no reasonable basis for expecting this;
- Demanding services that are of a nature or scale that as an organisation it is not possible to provide and this has been explained to the complainant repeatedly.

5.1.4 Unreasonable lack of co-operation

Unreasonable lack of cooperation is an unwillingness and/or inability by a complainant to cooperate with members of our organisation, or complaints system and processes that results in a disproportionate and unreasonable use of our services, time and/or resources. Some examples of unreasonable lack of co-operation include:

- Sending a constant stream of comprehensive and/or disorganised information without clearly defining any issues of complaint or explaining how they relate to the core issues being complained about – only where the complainant is clearly capable of doing this;
- Providing little or no detail with a complaint or presenting information in ‘drips and drabs’;
- Refusing to follow or accept our instructions, suggestions, or advice without a clear or justifiable reason for doing so;
- Arguing frequently and/or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and explanations;
- Displaying unhelpful behaviour – such as but not limited to withholding information, acting dishonestly and misquoting others.

5.1.5 Unreasonable arguments

Unreasonable arguments include any arguments that are not based in reason or logic, that are incomprehensible, false, or inflammatory, trivial, or delirious and that disproportionately and unreasonably impact upon our organisation, staff availability, service delivery and/or general resources. Arguments are unreasonable when a complainant:

- fails to follow a logical sequence
- makes statements that are not supported by any evidence and/or are based on conspiracy theories
- rejects other valid and contrary arguments
- makes statements that are trivial when compared to the amount of time, resources, and attention that the complainant demands
- make statements that are false, inflammatory, or defamatory.

5.1.6 Unreasonable behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry, or frustrated that a complainant presents themselves. Such behaviour unreasonably compromises the health, safety, security and wellbeing of

members of our organisation, other customers and indeed the complainant themselves. Some examples of unreasonable behaviours include:

- Acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks;
- Actions of harassment, intimidation, or threats of physical violence;
- Actions of offensive, confronting and threatening correspondence;
- Threats of harm to self or third parties, threats of harm with a weapon or threats to damage property also actions to disrupt normal business activities such as a bomb threat or the spread of anthrax;.
- Actions of stalking individuals either at work or at home or online;
- Emotional manipulation.

5.2 RESPONDING TO AND MANAGING UCC

5.2.1 Changing or restricting a complainant's access to our services

UCC incidents will generally be managed by limiting or adapting the ways that Council interacts with and/or deliver services to the complainant by restricting:

- Who they have contact with such as limiting a complainant to a sole contact person/staff member in our organisation;
- What they can raise with us such as restricting the subject matter of communications that is considered appropriate that the organisation will consider and respond to;
- When they can have contact such as limiting a complainant's contact with our organisation to a particular time, day, or length of time, or curbing the frequency of their contact;
- Where they can make contact such as limiting the locations where face-to-face interviews will be allowed such as in a secured facility or areas of the office;
- How they can make contact such as limiting or modifying the forms of contact that the complainant can have including modifying or limiting face-to-face interviews, telephone, and written communications, prohibiting access to Council premises, contact through a representative only, taking no further action or terminating our services altogether.

When using the restrictions provided in this section, we recognise that discretion will need to be used to adapt them to suit a complainant's personal circumstances such as levels of comprehension, literacy and numeracy skills and any other factors unique to the circumstance. As an organisation we recognise that more than one strategy may need to be used in individual cases to ensure appropriateness and efficacy.

5.2.2 Who – limiting the complainant to a sole contact point

Where a complainant contact a number of people at various levels within the organisation to have issues addressed, changes their issues of complaint repeatedly or reframes the complaint, or raises an excessive number of complaints it may be appropriate to restrict access to a single staff member (a sole contact point) who will exclusively manage their

engagement with Council. This will ensure they are dealt with consistently and may minimise the chances for misunderstandings, contradictions and manipulation.

To avoid excessive stress on individuals the sole contact officer's supervisor will provide them with regular support and guidance as needed. Also, the Governance and Engagement Manager will review the arrangement every six months to ensure that the officer is managing/coping with the arrangement.

Complainants that are restricted to a sole contact person will however be given the contact details of one additional staff member who they can contact if their primary contact is unavailable such as instances of leave or are otherwise unavailable for a period of time.

5.2.3 What – restricting the subject matter of communications that we will consider

Where complainants repeatedly send written communication such as letters, emails, or online forms that raise trivial or insignificant issues, perhaps contain inappropriate or abusive content or relate to a complaint or issue that has already been comprehensively considered and/or reviewed (at least once) by the organisation, we may restrict the issues/subject matter the complainant can raise with us/we will respond to. For example, we may:

- Refuse to respond to correspondence that raises an issue that has already been dealt with comprehensively, that raises a trivial issue, or is not supported by clear or any evidence. The complainant will be advised that future correspondence of this kind will be read and filed without acknowledgement unless we decide that we need to pursue it further in which case it will be reviewed in a reasonable timeframe and manner;
- Restrict the complainant to one complaint/issue per month, attempts to circumvent this restriction by raising multiple complaints or issues in the one complaint may result in modifications or further restrictions being placed on access;
- Return correspondence to the complainant and require amendments to remove inappropriate content before agreeing to consider its contents. A copy of the inappropriate correspondence will also be made and kept for our records to identify repeat or further UCC incidents.

5.2.4 When – limiting when and how a complainant can contact us

If a complainant's telephone, written or face-to-face contact with our organisation places an unreasonable demand on our time or resources because it is overly lengthy such as an item of disorganised or voluminous correspondence or it affects the health, safety and security people within our organisation because it involves behaviour that is persistently rude, threatening, abusive or aggressive, we may limit when and/or how the complainant can interact with us. This may include:

- Limiting telephone calls or face-to-face interviews to a particular time of the day or days of the week;
- Limiting the length or duration of telephone calls, written correspondence, or face-to-face interviews such as:

- Telephone calls may be limited to 10 minutes at a time and will be politely terminated at the end of that time period;
- Lengthy written communications may be restricted to a maximum of say 15 typed or written pages, single sided, font size 12 or it will be sent back to the complainant to be organised and summarised. This option is only appropriate in cases where the complainant can summarise the information and refuses to do so.
- Limiting face-to-face interviews to a maximum of 45 minutes duration;
- Limiting the frequency of telephone calls, written correspondence, or face-to-face interviews. Depending on the natures of the service(s) provided we may limit:
 - Telephone calls to 1 every two weeks/ month; or
 - Written communications to 1 every two weeks/month; or
 - Face-to-face interviews to 1 every two weeks/month.

For irrelevant, overly lengthy, disorganised or frequent written correspondence we may also:

- Require the complainant to clearly identify how the information or supporting materials they have sent to us relate to the central issues that we have identified in their complaint;
- Restrict the frequency with which complainants can send emails or other written communications to our office;
- Restrict a complainant to sending emails to a particular email account such as the organisation's main email account or perhaps block their email access altogether and require that any further correspondence be sent through Australia Post only.

5.2.5 Writing only restrictions

When a complainant is restricted to 'writing only' they may be restricted to written communications through:

- Australia Post only; or
- Email only to a specific staff email or our general office email account; or
- Fax only to a specific fax number; or
- Some other relevant form of written contact, where applicable.

If a complainant's contact is restricted to 'writing only', the Governance and Engagement Manager will clearly identify the specific means that the complainant can use to contact our office such as Australia Post. Also, if it is not suitable for a complainant to enter our premises to hand deliver their written communication, this must be communicated to them in writing.

Any communications that are received by our office in a manner that contravenes a 'write only' restriction will either be returned to the complainant or read and filed without acknowledgement.

5.2.6 Where – limiting face-to-face interviews to secure areas

If a complainant is violent or overtly aggressive, unreasonably disruptive, displays threatening or demanding or makes frequent unannounced visits to our premises as an organisation we may consider restricting our face-to-face contact.

These restrictions may include:

- Restricting access to secured premises or areas of the office such as the reception area or a secured room or facility;
- Restricting the ability to attend our premises to specified times of the day and/or days of the week only such as when additional security is available or to times/days that are less busy;
- Allowing them to attend our office on an 'appointment only' basis and only with specified staff present. During these meetings staff should always seek support and assistance of a colleague for added safety and security;
- Banning the complainant from attending our premises altogether and allowing another form of contact only such as by way of written correspondence, telephone, or online zoom.

5.2.7 Contact through a representative only

In cases where it is not possible to completely restrict contact with a complainant and their conduct is particularly difficult to manage, it may be that contact is to be through a support person or representative only. The support person may be nominated by the complainant but must be approved by the Governance and Engagement Manager.

When assessing the suitability of a representative or support person, Governance and Engagement Manager should consider factors like the nominated representative or /support person's competency in numeracy and literacy skills, demeanor and /behaviour and their relationship with the complainant. If the Governance and Engagement Manager determines that the representative or support person may exacerbate the situation with the complainant, the complainant will be asked to nominate another person or the organisation may be able to assist them in this regard.

5.2.8 Completely terminating a complainant's access to our services

In rare cases and as a last resort when all other strategies have been considered and/or attempted, the Governance and Engagement Manager and the General Manager may decide that it is necessary for our organisation to completely restrict a complainant's contact and access to our services.

A decision to have no further contact with a complainant will only be made if it appears that the complainant is unlikely to modify their behaviour or their conduct poses a significant risk to members of our organisation or other persons associate with the organisation because it involves one or more of the following types of conduct:

- Acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault;

- Damage to property whilst on any premises of the organisation;
- Threats with a weapon or common office items that can be used to harm another person or themselves;
- Physically preventing a staff member from moving around freely either within their office or during an off-site visit such as entrapment;
- Conduct that is otherwise unlawful.

In these cases, the complainant will be sent a letter notifying them that their access has been restricted as outlined in Appendix A of Part 4 attached.

A complainant's access to our services and our premises may also be restricted (directly or indirectly) using the legal mechanisms such as trespass laws or legal orders to protect members of our organisation from personal violence, intimidation or stalking by a complainant.

5.3 ALTERNATIVE DISPUTE RESOLUTION

5.3.1 Using alternative dispute resolution strategies to manage conflicts with complainants

If the Governance and Engagement Manager and the General Manager determine that the organisation is not able to terminate services to a complainant in a particular case or that such actions may bear some responsibility for causing or exacerbating their conduct, consideration could be given to use an alternative dispute resolution strategy such as mediation and conciliation in an attempt to resolve the conflict with the complainant and attempt to rebuild the relationship. If an alternate strategy is considered to be an appropriate option in a particular case, the resolution will be conducted by an independent third party to ensure transparency and impartiality.

As an organisation we recognise that in UCC situations, alternate dispute resolution may not be an appropriate or effective, particularly if the complainant is uncooperative or resistant to compromise. Therefore, each case will be assessed on its own facts to determine the appropriateness of an alternate approach.

5.4 APPEALING A DECISION TO CHANGE OR RESTRICT ACCESS TO OUR SERVICES

5.4.1 Right of appeal

Complainants are entitled to one appeal of a decision to change or restrict their access to our services. This review will be undertaken by a senior staff member who was not involved in the original decision to change or restrict the complainant's access. This staff member will consider the complainant's arguments along with all relevant records regarding the complainant's past conduct. They will advise the complainant of the outcome of their appeal by letter which must be signed off by the General Manager. The staff member will then refer any materials or records relating to the appeal to the Governance and Engagement Manager to be kept in the appropriate file.

If a complainant continues to be dissatisfied after the appeal process, they may seek an external review from an oversight agency such as the NSW Ombudsman. The Ombudsman may accept the review (in accordance with its administrative jurisdiction) to ensure that as an organisation we have acted fairly, reasonably, and consistently and have observed the principles of good administrative practice including procedural fairness.

5.5 NON-COMPLIANCE WITH A CHANGE OR RESTRICTION ON ACCESS TO OUR SERVICES

5.5.1 Recording and reporting incidents of non-compliance

All staff members are responsible for recording and reporting incidents of non-compliance by complainants. This should be recorded in a file note in councils electronic document management system and a copy forwarded to the Governance and Engagement Manager who will decide whether any action needs to be taken to modify or further restrict the complainant's access to our services.

5.6 PERIODIC REVIEWS OF ALL CASES WHERE THIS POLICY IS APPLIED

5.6.1 Period for review

All UCC cases where this policy is applied will be reviewed every three months or six months (depending on the nature of the service provided) and not more than 12 months after the service change or restriction was initially imposed or continued or upheld.

5.6.2 Notifying the complainant of an upcoming review

The Governance and Engagement Manager will invite all complainants to participate in the review process unless they determine that this invitation will provoke a negative response from the complainant such as resulting in additional unwarranted behaviour. The invitation will be given and the review will be conducted in accordance with the complainant's access restrictions.

See Appendix G – Sample letter notifying a complainant of an upcoming review.

5.6.3 Criteria to be considered during a review

When conducting a review, the Governance and Engagement Manager will consider:

- Whether the complainant has had any contact with the organisation during the restriction period;
- The complainant's conduct during the restriction period;
- Any information or arguments put forward by the complainant for review;
- Any other information that may be relevant in the circumstances.

The Governance and Engagement Manager may also consult any staff members who have had contact with the complainant during the restriction period.

NOTE – Sometimes a complainant may not have a reason to contact our office during their restriction period. As a result, a review decision that is based primarily on the fact that the complainant has not contacted our organisation during their restriction period (apparent

compliance with our restriction) may not be an accurate representation of their level of compliance or reformed behaviour. This should be taken into consideration, in relevant situations.

See Appendix H – Sample checklist for reviewing an access change/restriction.

5.6.4 Notifying a complainant of the outcome of a review

The Governance and Engagement Manager will notify the complainant of the outcome of their review using the appropriate method of communication as well as a written letter explaining the outcome. The review letter will:

- Briefly explain the review process;
- Identify the factors that have been considered during the review;
- Explain the decisions and outcome of the review and the reasons for it.

If the outcome of the review is to maintain or modify the restriction the review letter will **also**:

- Indicate the nature of the new or continued restriction;
- State the duration of the new restriction period;
- Provide the name and contact details of the Governance and Engagement Manager or relevant officer who the complainant can contact to discuss the letter;
- Be signed by the Governance and Engagement Manager or preferably the **General Manager**.

See Appendix I – Sample letter advising the complainant of the outcome of a review.

5.6.5 Recording the outcome of a review and notifying relevant staff

Like all other decisions made under this policy, the Governance and Engagement Manager is responsible for keeping a record of the outcome of the review, updating the electronic document management system and notifying all relevant staff of the outcome of the review including if the restriction has been withdrawn.

5.7 MANAGING STAFF STRESS

5.7.1 Staff reactions to stressful situations

Dealing with complainants who are demanding, abusive, aggressive, or violent can be extremely stressful and at times distressing or even frightening for all people within our organisation - both experienced and inexperienced persons can succumb to the stress and anxiety. As an organisation we understand that it is normal to get upset or experience stress and anxiety when dealing with difficult situations.

As an organisation we have a responsibility to support persons who experience stress and anxiety because of situations arising at work and we will do our best to provide staff with debriefing and counselling opportunities also peer review of the matter. However, to do

this we also need help of other persons within the organisation such as colleagues to identify stressful incidents and situations. Persons have a responsibility to notify relevant supervisors or senior managers of UCC incidents and indeed any other stressful incidents that they believe require management involvement.

In circumstances where the matter becomes personal against individuals within the organisation the matter should be considered for referral to an external third party to manage.

5.7.2 Debriefing

Debriefing means talking things through following a difficult or stressful incident. It is an important way of reducing stress and anxiety. Many people naturally do this with colleagues after a difficult telephone call, but debriefing can also be done with a supervisor or senior manager or as a team following a significant incident. We encourage all staff to engage in an appropriate level of debriefing, when necessary.

As an organisation we encourage people to access an external professional service if it is felt that professional intervention is required. The Employee Assistance Program is widely advertised within the organisation and is a free, confidential counselling service paid by Council for limited sessions. Further information about this service is available through the Human Resources team.

5.8 OTHER REMEDIES

If other measures are necessary, the organisation will consider providing all reasonable support to ensure the safety and wellbeing of the person.

5.9 TRAINING AND AWARENESS

Narrandera Shire Council is committed to ensuring that all staff are aware of and know how to use this policy. All staff who deal with complainants in the course of their work will also receive appropriate training and information on using this policy and on managing UCC on a regular basis through either face-to-face training, information provided in the Council communique and in particular on induction.

5.10 OMBUDSMAN MAY REQUEST COPIES OF OUR RECORDS

Narrandera Shire Council will keep records of all cases where this policy is applied, including a record of the total number of cases where it is used every year. This data may be requested by the Ombudsman to conduct an overall audit and review in accordance with its administrative functions and/or to inform its work on UCC.

6. DEFINITIONS

- **UCC:** Unreasonable Complainant Conduct

7. ROLES AND RESPONSIBILITIES

7.1 All staff

All staff are responsible for familiarising themselves with this policy as well as the Individual Rights and Mutual Responsibilities of the Parties to a Complaint in Appendix B. Staff are also encouraged to explain the contents of this document to all complainants particularly those who engage in UCC or exhibit the early warning signs for UCC.

Staff are also encouraged and authorised to use the strategies and scripts provided in Appendix A of the practice manual to manage UCC:

Strategies that effectively change or restrict a complainant's access to our services must be considered by the Governance and Engagement Manager or above as provided in this document.

Staff are also responsible for recording and reporting all UCC incidents they experience or witness (as appropriate) to the Governance and Engagement Manager or above within 24 hours of the incident occurring, using the sample UCC incident form in Appendix C. A file note of the incident should also be copied into the electronic document management system.

7.2 The Governance & Engagement Manager

The Governance and Engagement Manager in consultation with the General Manager has the responsibility and authority to change or restrict a complainant's access to our services in the circumstances identified in this policy. When doing so they will consider the criteria in Appendix A Part 2 attached (adapted into a checklist) and will aim to impose any service changes or restrictions in the least restrictive ways possible. Their aim, when taking such actions will not be to punish the complainant, but rather to manage the impacts of their conduct.

When applying this policy, the Governance and Engagement Manager will also aim to keep at least one open line of communication with a complainant. However, we do recognise that in extreme situations all forms of contact may need to be restricted for some time to ensure the health and safety and security of our staff and/or third parties.

The Governance and Engagement Manager is also responsible for recording, monitoring and reviewing all cases where this policy is applied to ensure consistency, transparency, and accountability for the application of this policy. They will also manage and keep a file record of all cases where this policy is applied.

7.3 Senior managers

All senior managers are responsible for supporting staff to apply the strategies in this policy, as well as those in the practice manual. Senior managers are also responsible for ensuring compliance with the procedures identified in this policy and ensuring that all staff members are trained to deal with UCC – including on induction.

Following a UCC interaction with a complainant, senior managers are responsible for providing affected staff members with the opportunity to debrief and vent their concerns either formally or informally. Senior managers will also ensure that staff are provided with

proper support and assistance including medical and/or police assistance and support through programs such as Employee Assistance Program, if necessary.

Depending on the circumstances senior managers may also be responsible for arranging other forms of support for staff which are detailed in Part 11 of this policy.

8. RELATED LEGISLATION

- *Local Government Act 1993*
- *Government Information (Public Access) Act 2009*
- *Privacy and Personal Information Protection Act 1998*
- *Workplace Health and Safety Act 2011*

9. RELATED POLICIES AND DOCUMENTS

- Policy numbered POL003 – Customer Service Charter
- Policy numbered POL060 – Complaints Management Policy
- NSW Ombudsman publication titled - Managing unreasonable conduct by a complainant – workbook 2020 which contains:
 - Approach and framework
 - Strategies for persons dealing with the unreasonable conduct
 - Communication
 - Management responsibilities and providing support
 - Restricting and controlling access

Australian & New Zealand Standard AS/NZ 10002:2014 - Guidelines for complaint management in organizations•

10. VARIATION

Council reserves the right to review, vary or revoke this policy in accordance with legislation, regulation, and award changes, where applicable. Council may also make changes to this policy and the relevant procedures from time-to-time to improve the effectiveness of its operation.

All staff are responsible for forwarding any suggestions they have in relation to this policy to the GEM who along with relevant senior managers will review it biennially (every two years).

11. PREVIOUS VERSIONS

Reference to a superseded policy number and/or name is also considered a reference to the new policy number. This policy was previously named:

- ES320 Unreasonable Complainant Conduct Policy.

POLICY HISTORY

Responsible Officer	Governance & Engagement Manager		
Approved by	General Manager		
Approval Date	XX Month 202X		
GM Signature <i>(Authorised staff to insert signature)</i>			
Next Review	01 February 2024		
Version Number	Endorsed by ELT	Endorsed by Council	Date signed by GM
1 Adopted	21/09/2015	17/11/2015	17/11/2015
2 Reviewed	8/03/2016	15/03/2016	16/03/2016
3 Reviewed	1/08/2016	27/09/2016	8/02/2017
4 Reviewed	23/02/2021	DD/MM/YYYY	DD/MM/YYYY

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Appendix A

PROCEDURE TO BE FOLLOWED WHEN CHANGING OR RESTRICTING A COMPLAINANT'S ACCESS TO OUR SERVICES

1 Consulting with relevant staff

When the Governance and Engagement Manager receives a UCC incident form from a staff member they will contact the staff member to discuss the incident. They will discuss:

- The circumstances that gave rise to the UCC incident.
- The impact of the complainant's conduct on our organisation, relevant staff, our time, resources.
- The complainant's responsiveness to the staff member's warnings/requests to stop the behaviour.
- The actions the staff member has taken to manage the complainant's conduct, if any.
- The suggestions made by relevant staff on ways that the situation could be managed.

2 Criteria to be considered

Following a consultation with relevant staff the Governance and Engagement Manager will search the records of Council for information about the complainant's prior conduct and history with our organisation. They will also consider the following criteria:

- Whether the conduct in question involved overt anger, aggression, violence, or assault (which is unacceptable in all circumstances).
- Whether the complainant's case has merit.
- The likelihood that the complainant will modify their unreasonable conduct if they are given a formal warning about their conduct.
- Whether changing or restricting access to our services will be effective in managing the complainant's behaviour.
- Whether changing or restricting access to our services will affect the complainant's ability to meet their obligations, such as reporting obligations.
- Whether changing or restricting access to our services will have an undue impact on the complainant's welfare, livelihood, or dependents.
- Whether the complainant's personal circumstances have contributed to the behaviour? For example, the complainant is a vulnerable person who is under significant stress because of one or more of the following:
 - homelessness
 - physical disability
 - illiteracy or other language or communication barrier
 - mental or other illness
 - personal crises
 - substance or alcohol abuse.
- Whether the complainant's response/ conduct in the circumstances was moderately disproportionate, grossly disproportionate, or not at all disproportionate.
- Whether there any statutory provisions that would limit the types of limitations that can be put on the complainant's contact or access to our services.

Once these factors have been considered the Governance and Engagement Manager will decide on the appropriate course of action. They may suggest formal or informal options for dealing with

the complainant's conduct which may include one or more of the strategies provided in the practice manual and this policy.

See Appendix D – Sample checklist for the Governance and Engagement Manager to consider when deciding to modify or restrict a complainant's access.

3 Providing a warning letter

Unless a complainant's conduct poses a substantial risk to the health and safety of staff or other third parties, the Governance and Engagement Manager will provide them with a written warning about their conduct in the first instance.

The warning letter will:

- Specify the date, time, and location of the UCC incident.
- Explain why the complainant's conduct and the UCC incident is problematic.
- List the types of access changes and/or restrictions that may be imposed if the behaviour continues. (Note: not every possible restriction should be listed only those that are most relevant).
- Provide clear and full reasons for the warning being given
- Include an attachment of the organisation's ground rules and or briefly state the standard of behaviour that is expected of the complainant. See Appendix B.
- Provide the name and contact details of the staff member who they can contact about the letter.
- Be signed by the Governance and Engagement Manager or preferably the General Manager. See Appendix E – Sample warning letter.

4 Providing a notification letter

If a complainant's conduct continues after they have been given a written warning or in extreme cases of overt aggression, violence, assault or other unlawful and unacceptable conduct the Governance and Engagement Manager has the discretion to send a notification letter immediately restricting the complainant's access to our services (without prior written warning).

This notification letter will:

- Specify the date, time, and location of the UCC incident(s).
- Explain why the complainant's conduct/UCC incident(s) is problematic.
- Identify the change and/or restriction that will be imposed and what it means for the complainant.
- Provide clear and full reasons for this restriction.
- Specify the duration of the change or restriction imposed, which will not exceed 12 months.
- Indicate a time period for review.
- Provide the name and contact details of the senior officer who they can contact about the letter and/or request a review of the decision.
- Be signed by the Governance and Engagement Manager or preferably the General Manager.

See Appendix F – Sample letter notifying complainants of a decision to change or restrict their access to our services.

5 Notifying relevant staff about access changes/restrictions

The Governance and Engagement Manager will notify relevant staff about any decisions to change or restrict a complainant's access to our services, in particular reception and security staff in cases where a complainant is prohibited from entering our premises.

The Governance and Engagement Manager will also update the electronic document management system with a record outlining the nature of the restrictions imposed and their duration.

6 Continued monitoring/oversight responsibilities

Once a complainant has been issued with a warning letter or notification letter the Governance and Engagement Manager will review the complainant's record/restriction every 3 months, on request by a staff member, or following any further incidents of UCC that involve the complainant to ensure that they are complying with the restrictions/the arrangement is working.

If the Governance and Engagement Manager determines that the restrictions have been ineffective in managing the complainant's conduct or are otherwise inappropriate they may decide to either modify the restrictions, impose further restrictions, or terminate the complainant's access to our services altogether.

Appendix B

INDIVIDUAL RIGHTS AND MUTUAL RESPONSIBILITIES OF THE PARTIES TO A COMPLAINT

For Narrandera Shire Council to ensure that all complaints are dealt with fairly, efficiently, and effectively and that workplace health and safety standards and duty of care obligations are adhered to, the following rights and responsibilities must be observed and respected by all the parties to the complaint process.

Individual rights

Complainants have the right:

- to make a complaint and to express their opinions in ways that are reasonable, lawful, and appropriate
- to a reasonable explanation of the organisation's complaints procedure, including details of the confidentiality, secrecy and/or privacy rights or obligations that may apply
- to a fair and impartial assessment and, where appropriate, investigation of their complaint based on the merits of the case
- to a fair hearing
- to a timely response
- to be informed in at least general terms about the actions taken and outcome of their complaint
- to be given reasons that explain decisions affecting them
- to at least one right of review of the decision on the complaint
- to be treated with courtesy and respect
- to communicate valid concerns and views without fear of reprisal or other unreasonable response.

Staff have the right:

- to determine whether, and if so how, a complaint will be dealt with
- to finalise matters based on outcomes they consider to be satisfactory in the circumstances
- to expect honesty, cooperation, and reasonable assistance from complainants
- to expect honesty, cooperation and reasonable assistance from organisations and people within jurisdiction who are the subject of a complaint
- to be treated with courtesy and respect
- to a safe and healthy working environment
- to modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a complainant.

Subjects of a complaint have the right:

- to a fair and impartial assessment and, where appropriate, investigation of the allegations made against them
- to be treated with courtesy and respect by persons of Narrandera Shire Council
- to be informed (at an appropriate time) about the substance of the allegations made against them that are being investigated
- to be informed about the substance of any proposed adverse comment or decision
- to be given a reasonable opportunity to put their case during any investigation and before any final decision is made
- to be told the outcome of any investigation into allegations about their conduct, including the reasons for any decision or recommendation that may be detrimental to them

- to be protected from harassment by disgruntled complainants acting unreasonably.

Mutual responsibilities

Complainants are responsible for:

- treating persons of Narrandera Shire Council with courtesy and respect
- clearly identifying to the best of their ability the issues of complaint, or asking for help from the staff of the Narrandera Shire Council to assist them in doing so
- providing to the best of their ability the Narrandera Shire Council with all the relevant information available to them at the time of making the complaint
- being honest in all communications with the Narrandera Shire Council
- informing the Narrandera Shire Council of any other action they have taken in relation to their complaint
- cooperating with the staff who are assigned to assess/investigate/resolve/determine or otherwise deal with their complaint.

If complainants do not meet their responsibilities, Narrandera Shire Council may consider placing limitations or conditions on their ability to communicate with staff or access certain services.

Narrandera Shire Council has a zero-tolerance policy in relation to any harm, abuse or threats directed towards persons associated with the organisation. Any conduct of this kind may result in a refusal to take any further action on a complaint or to have further dealings with the complainant. Any such conduct of a criminal nature will be reported to Police and in certain cases legal action may also be considered.

Staff are responsible for:

- providing reasonable assistance to complainants who need help to make a complaint and, where appropriate, during the complaint process
- dealing with all complaints, complainants and people or organisations the subject of complaint professionally, fairly, and impartially
- giving complainants or their advocates a reasonable opportunity to explain their complaint, subject to the circumstances of the case and the conduct of the complainant
- giving people or organisations the subject of complaint a reasonable opportunity to put their case during any investigation and before any final decision is made
- informing people or organisations the subject of investigation, at an appropriate time, about the substance of the allegations made against them and the substance of any proposed adverse comment or decision that they may need to answer or address
- keeping complainants informed of the actions taken and the outcome of their complaints
- giving complainants reasons that are clear and appropriate to their circumstances and adequately explaining the basis of any decisions that affect them
- always treating complainants and any people the subject of complaint with courtesy and respect and in all circumstances
- taking all reasonable and practical steps to ensure that complainants are not subjected to any detrimental action in reprisal for making their complaint
- giving adequate warning of the consequences of unacceptable behaviour.

Subjects of a complaint are responsible for:

- cooperating with persons of Narrandera Shire Council who are assigned to handle the complaint, particularly where they are exercising a lawful power in relation to a person or body within their jurisdiction
- providing all relevant information in their possession to the Narrandera Shire Council or its authorised staff when required to do so by a properly authorised direction or notice
- being honest in all communications with Narrandera Shire Council and its staff
- always treating the staff of the Narrandera Shire Council with courtesy and respect and in all circumstances
- refraining from taking any detrimental action against the complainant in reprisal for them making the complaint.

If subjects of a complaint fail to comply with these responsibilities, action may be taken under relevant laws and or codes of conduct.

Narrandera Shire Council is responsible for:

- having an appropriate and effective complaint handling system in place for receiving, assessing, handling, recording, and reviewing complaints
- decisions about how all complaints will be dealt with
- ensuring that all complaints are dealt with professionally, fairly, and impartially
- ensuring that staff treat all parties to a complaint with courtesy and respect
- ensuring that the assessment and any inquiry into the investigation of a complaint is based on sound reasoning and logically probative information and evidence
- finalising complaints based on outcomes that the organisation, or its responsible staff, consider to be satisfactory in the circumstances
- implementing reasonable and appropriate policies/procedures/practices to ensure that complainants are not subjected to any detrimental action in reprisal for making a complaint, including maintaining separate complaint files and other operational files relating to the issues raised by individuals who make complaints
- considering any confidentiality, secrecy and/or privacy obligations or responsibilities that may arise in the handling of complaints and the conduct of investigations.

Appendix C

Sample UCC incident form

This form should only be completed if you encounter unreasonable complainant conduct and consider that steps may need to be taken to change or restrict a complainant’s access to services provide by our organisation.

You must complete this form and send it electronically or by hand to the Governance and Engagement Manager or above within 24 hours of a UCC incident. They will decide on the necessary and appropriate course of action for responding to and managing the complainant’s conduct.

Date: _____

Case officer’s name: _____

Name of complainant: _____

Complainant’s case file number: _____

Details of the complainant’s conduct/incident including whether emergency services were contacted:

Why do you consider this conduct to be unreasonable?

For example – has it occurred before/repeatedly, caused significant disruptions to our organisation, has, or could raise significant health and safety issues for our staff or other persons.

What action, if any, have you taken to deal with/manage the complainant’s conduct?

For example – warning the complainant ‘verbally’ about their conduct, other/previous attempts to manage the behaviour etc.

What do you think should be done to effectively manage the complainant’s conduct?

Note – the final decision on the appropriate course of action will be made by the Governance and Engagement Manager

Is there any other information that might be relevant to this matter? If necessary, attach any supporting documentation.

Appendix D

Sample checklist for the Governance & Engagement Manager to consider when deciding to modify or restrict a complainant's access

- I have received a signed and completed incident form from the case officer(s) involved (attach copy).
- I have spoken with relevant case officer(s) to obtain further information, as needed.
- I have reviewed the complainant's record and all the relevant information in it.
- I have referred to and considered Appendix A .2 Criteria to be considered which includes an assessment of the following:

- The merits of the complainants case

- The complainant's circumstances

- Jurisdictional issues

1.

- Proportionality

2.

- Organisational or case officer responsibility

3.

- Responsiveness, including previous conduct

4.

- Case officer's personal boundaries

5. _____

- Conduct that is unreasonable in all circumstances (assault, threats of harm etc.)

6. _____

- Along with the case officer concerned and I have considered all reasonable options for managing the complainant's conduct, including those that do not involve restricting their access to our services.

7. _____

- The complainant has been warned about their conduct in writing, and the letter has been signed by the General Manager if applicable.
- The complainant has been advised in writing of our decision to restrict their access to our organisation, and the letter has been signed by the General Manager if applicable.
- I have made a record of my assessment and decision about the complainant's conduct and all relevant staff members have been notified of my decision.
- An electronic alert has been created in the electronic document management system that notifies any staff dealing with this complainant of the nature of the conduct that caused us to be concerned, the nature of the restriction that has been placed on their access, its duration, how they are to deal with the complainant (including who they should direct any communications from the complainant to).

Date: _____ Signature: _____

Appendix E

Sample warning letter

[To be signed by the Governance and Engagement Manager or General Manager]

Our reference: *[reference]*
Contact: *[case officer]*
Telephone: *[number]*

[Date]

[Name of complainant]
[Address of complainant]

Dear *[name of complainant]*

RE: Your contact with Narrandera Shire Council

You recently had *[state the form of contact – e.g. telephone, written or face-to-face]* with staff at my office on *[date]*. *[During/In that telephone call/appointment/letter,]* I understand that you *[explain the nature of the conduct that has caused the organisation to be concerned]*.

We consider this type of behaviour to be inappropriate and it must stop. If you continue to behave in this way or in any other way that my staff consider to be unreasonable, we will impose restrictions on your contact with our office. This may involve restricting your contact to *[apply the relevant option(s)]*:

- ‘Writing only’ – this means that we will only accept communications from you in writing, delivered by Australia Post *[if online or other written communications are preferred then explain]*.
- ‘Telephone contact only’ – this means that you will only be able to contact us by telephone on a specified time and day of the week.
- ‘Face-to-face contact only’ – this means that your contact will be limited to scheduled face-to-face meetings with a specified member of our staff.

Or any other restriction that we consider to be appropriate in the circumstances.

I have attached a copy of a document called *[Individual rights and mutual responsibilities of the parties to a complaint]* for your reference. We expect everyone who complains to this office to act in the ways described in this document.

If you have any questions about this letter, contact *[provide name and phone number of the nominated senior manager]*.

Yours sincerely,
[Governance and Engagement Manager or General Manager]

Appendix F

Sample letter notifying a complainant of a decision to change or restrict their access to our services

[To be signed by the Governance and Engagement Manager or General Manager]

Our reference: *[reference]*

Contact: *[case officer]*

Telephone: *[number]*

[Date]

[Name of complainant]

[Address of complainant]

Dear *[name of complainant]*

RE: Decision to restrict your contact with Narrandera Shire Council

It has come to my attention that you *[describe the nature of the unreasonable conduct and its impact – e.g. if the complainant has been sending emails to several members of my staff daily...]*

I understand that my staff have previously told you that we consider this conduct to be unreasonable and unwarranted.

I also wrote to you on *[date]* and asked you to stop this behaviour. In that letter I advised you that if your behaviour continued, we would restrict your contact with my organisation. At the time I also attached a copy of our *[Individual rights and mutual responsibilities of the parties to a complaint]* which outlines your responsibilities as a complainant.

Because your behaviour has continued, I now consider it necessary to impose certain restrictions on your future contact with my organisation. I therefore give you notice that from *[date]*, and with the exception(s) detailed below, my organisation will only accept communication from you *[identify permissible form of contact, if any]*.

What this means

This means that you are only to contact our organisation using *[describe the restriction in further details]*. Any communications that do not comply with this restriction will be *[describe what will happen – e.g. phone calls will be terminated immediately, or emails/written communications will be read and filed without acknowledgment, emails will be blocked or deleted, no interviews will be granted, etc]*.

[Note: the complainant should be clearly informed how they can contact the organisation and how the organisation will contact them].

Your existing complaint (if applicable)

This organisation currently has one file open in your name. This relates to *[state the subject of complaint and describe complaint]*. This file is being handled by *[name of officer and position title]*. While you can contact *[name of officer]* *[state nature of contact – e.g. by email]* about this specific matter, all other contact with my organisation, including any future complaints, must be *[state restriction – e.g. in writing through Australia Post]* *[provide contact details – e.g. address of organisation where post can be sent]*.

Review of this decision

My decision to restrict your contact with this organisation is effective immediately and will last for [*3 months/6 months/12 months*]. At that time, we will review your restriction and decide if it should be maintained, amended, or withdrawn.

I take these steps with the greatest reluctance, but [*state reason for restriction – e.g. the equity and safety of other complainants and my staff*], leaves me no alternative.

Internal review of the decision is available by request to the CEO.

External review can be request through the New South Wales Ombudsman at www.ombo.nsw.gov.au

If you have any questions about this letter, you can contact [*provide name and phone number of the nominated senior manager*].

Yours sincerely,

[Governance and Engagement Manager or General Manager]

Appendix G

Sample letter notifying a complainant of an upcoming review

[To be signed by the Governance and Engagement Manager or General Manager]

Our reference: *[reference]*

Contact: *[case officer]*

Telephone: *[number]*

[Date]

[Name of complainant]

[Address of complainant]

Dear *[name of complainant]*

RE: Upcoming review of the decision to restrict your contact with Narrandera Shire Council

It has now been *[3 months/6 months/12 months]* since restrictions were *[imposed/upheld]* on your contact with our office. As advised in our letter dated *[date]*, we are now reviewing our decision to ascertain whether the restrictions should be maintained, amended, or withdrawn.

We consider it important to give you an opportunity to participate in the review process, so we are therefore inviting you to *[apply the relevant option(s)]*:

- make submissions in writing through Australia Post *[include contact person's name and address]*
- schedule a face-to-face interview with *[include name of staff member and provide instructions on how they should go about scheduling the appointment – e.g. calling though the reception line on xxx-xxx-xxxx]*
- schedule a telephone interview with *[include name of staff member and provide instructions on how they should go about scheduling the appointment – e.g. calling though the reception line on xxx-xxx-xxxx]*

In your letter, you should include information that would be relevant to our review. This includes information about *[.....]*/During the interview which will not last more than 30 minutes, we will discuss whether:

- you have complied with the current contact restrictions
- the current contact restrictions should be removed
- the current contact restrictions should be amended to better suit your personal circumstances
- the current contact restrictions should be maintained
- any other information that is relevant to our decision.

We must receive your letter by *[time and date]*/you should confirm your interview with *[name of case officer]* by *[time and date]*. If we do not receive it/hear from you by this date, we will assume that you do not wish to participate in this review and will undertake the review based on the information that we have available to us.

Once the review is completed, we will contact you again by letter notifying you of our decision.

If you have any questions about this letter, you can contact *[provide name and phone number of the nominated senior manager]*.

Yours sincerely,

[Governance and Engagement Manager or General Manager]

Appendix H

Sample checklist for reviewing a decision regarding an access change/restriction

- The complainant has been sent a letter notifying them of the review.
- The complainant will/will not participate in the review.
 - the complainant has/has not scheduled a face-to-face interview
 - the complainant has/has not made written submissions
 - the complainant has/has not scheduled a telephone interview
- I have reviewed all the information in the *[case management system]* from the last 12 months *[or relevant period of the restriction]* about the complainant's:
 - contact with the office (explain form of contact)

 - conduct during that contact (explain if conduct reasonable or unreasonable)

8. _____

- I have spoken with the case officers who have had contact with the complainant during the last 12 months about the complainant's conduct during that period.
- I have considered the arguments/statements made by the complainant, including the impact of the restrictions on them (explain complainant's position, including if their circumstances have changed etc.) *Note: if the complainant is arguing that their circumstances have changed, they should be required to submit evidence to support this claim.*

9. _____

- I have considered whether there are other more reasonable/suitable options for managing the complainant's conduct, including those that do not involve restricting their access to our services (list all that apply).

10. _____

- I consider that the restriction should be (explain):
 - maintained –*e.g. because the conduct has continued or is likely to continue, is disproportionate etc.*
 - removed – *e.g. because the complainant has complied with the restrictions etc.*
 - amended – *e.g. because the complainant's circumstances have changed, and the current restriction is no longer appropriate.*

11. _____

- I have discussed my decision with [*other nominated senior officers*]
- The complainant has been advised in writing of my decision to maintain/remove/ amend the restriction and this letter has been signed by the General Manager.
- The electronic document management system has been updated to reflect my decision.

Date: _____

Signature: _____

Appendix I

Sample letter advising the complainant of the outcome of a review

[To be signed by the Governance and Engagement Manager or General Manager]

Our reference: *[reference]*

Contact: *[case officer]*

Telephone: *[number]*

[Date]

[Name of complainant]

[Address of complainant]

Dear *[name of complainant]*

Review of your contact with Narrandera Shire Council

I am writing about a review that was undertaken by my organisation on *[date]* concerning your contact with this office. I understand that you *[participated/did not participate]* in that review.

Process of review

During the review you were given an opportunity to *[explain in general terms how the review what undertaken]*.

Considerations

After your *[interview/reading your submissions]*, we considered the concerns and suggestions raised in your *[interview/letter, etc.]*, particularly your concerns about *[include information that would be relevant – e.g. the complainant said their circumstances had changed]*. We also reviewed our records of your conduct and contact with our office over the last 12 months. Our records showed that *[provide summary of relevant information – e.g. Our records show that you have continued to send emails to our office, sometimes up to four times a day, throughout the period of your restriction]*.

[apply if relevant]: These communications were in direct violation of your restriction which limited your contact with our office to *[state nature restriction]* *[explain what the purpose of the restriction was, if appropriate, and the impact of their conduct]*.

[apply if relevant]: Our records show that you have complied with the restrictions that were imposed on your contact with our organisation.

Decision

[apply if relevant]: Due to *[explain reasoning for the decision – e.g. the number of emails that you have sent to our organisation in the last 12 months and]* I consider it necessary to maintain the restrictions on your contact with our office for a further 12 months, effective immediately.

[apply if relevant]: Due to *[explain reasoning for the decision]* I consider it necessary to amend the restrictions on your access to better suit your personal circumstances *[explain, including providing clear instructions on how the complainant is to contact us and how we will contact them]*. The new restrictions will be effective immediately and will last for 12 months. If your circumstances change again during this period, you may *[explain how the complainant can notify of the change]*.

[apply if relevant]: Due to *[explain reasoning for the decision]* I consider it appropriate to remove the restrictions that have been placed on your access with our organisation, effective immediately. You may contact our organisation using any of our normal servicing options.

[apply if relevant]:

Internal review of the decision is available by request to the CEO.

External review can be request through the New South Wales Ombudsman at www.ombo.nsw.gov.au

If you have any questions about this letter, you can contact *[provide name and phone number of the nominated senior manager]*.

Yours sincerely

[Governance and Engagement Manager or General Manager]

**18.5 CLASSIFICATION OF COUNCIL MANAGED CROWN LAND RESERVE 84170
(PART OF THE NARRANDERA CEMETERY) AS COMMUNITY LAND****Document ID: 550278****Author: Governance and Engagement Manager****Authoriser: Deputy General Manager Corporate and Community****Theme: Our Civic Leadership****Attachments: Nil****RECOMMENDATION**

That Council:

1. Resolves to seek Ministerial consent to manage Crown Land Reserve 84170 (part of the Narrandera Cemetery) as Community Land – General Community Use.

PURPOSE

The purpose of this report is for Council to resolve to amend the initial classification of land within Crown Reserve R84170 (part of the Narrandera Cemetery) from operational land to community land – general community use.

SUMMARY

Council received a report in April 2018 advising that the full enactment of the *Crown Land Management Act 2016* was to commence 1 July 2018. One of the requirements of the new Act is for Council to manage Crown Land for which it is the appointed trust manager as land in accordance with the *Local Government Act 1993*. This means classifying each reserve as either community land or operational land, with lands classified as community land requiring a Plan of Management to be developed and adopted by Council.

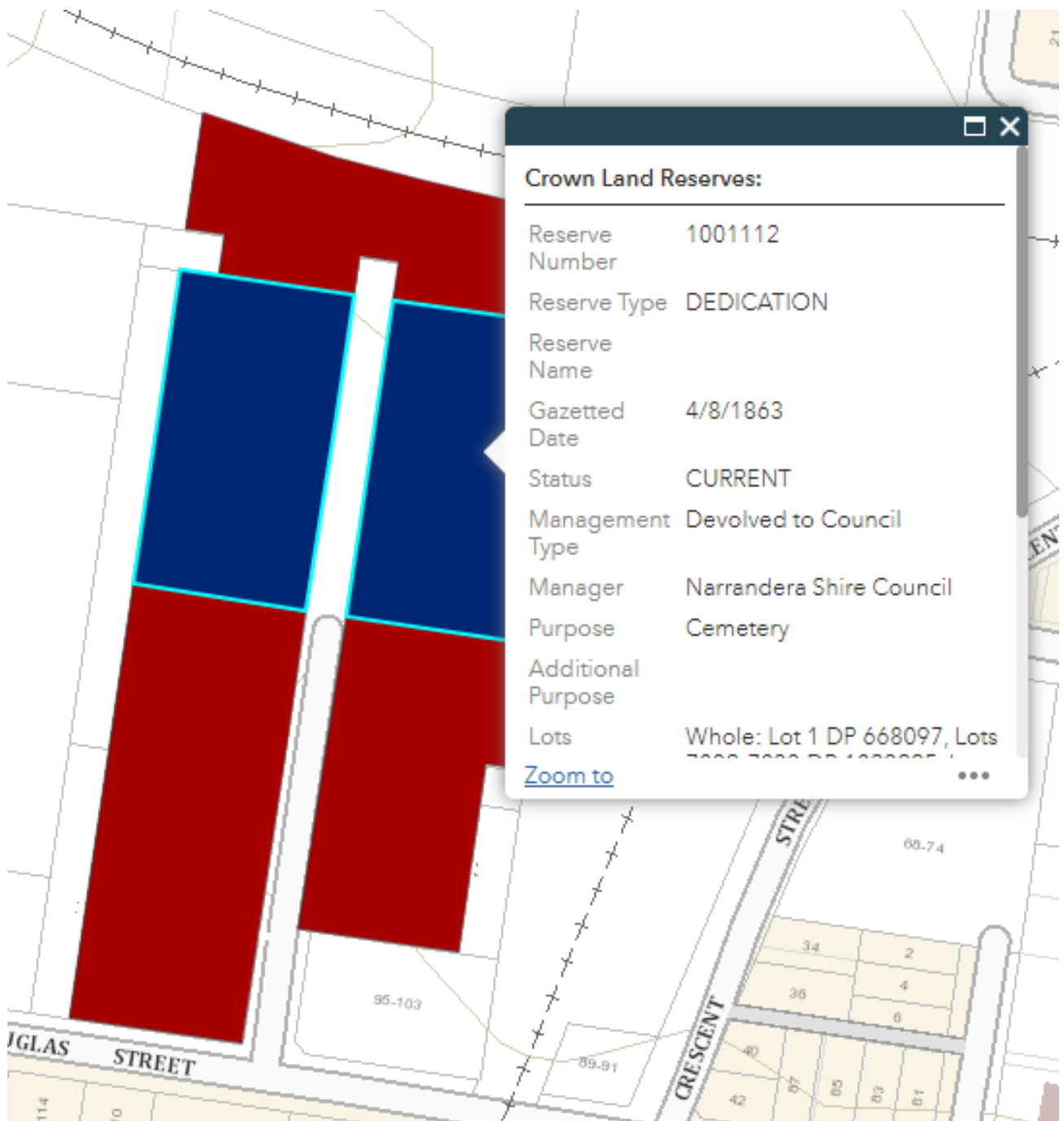
A list of Crown Land reserves was tabled at the meeting held 16 October 2018 with Council adopting the recommendation to classify many reserves as operational land, including Reserve 84170.

BACKGROUND

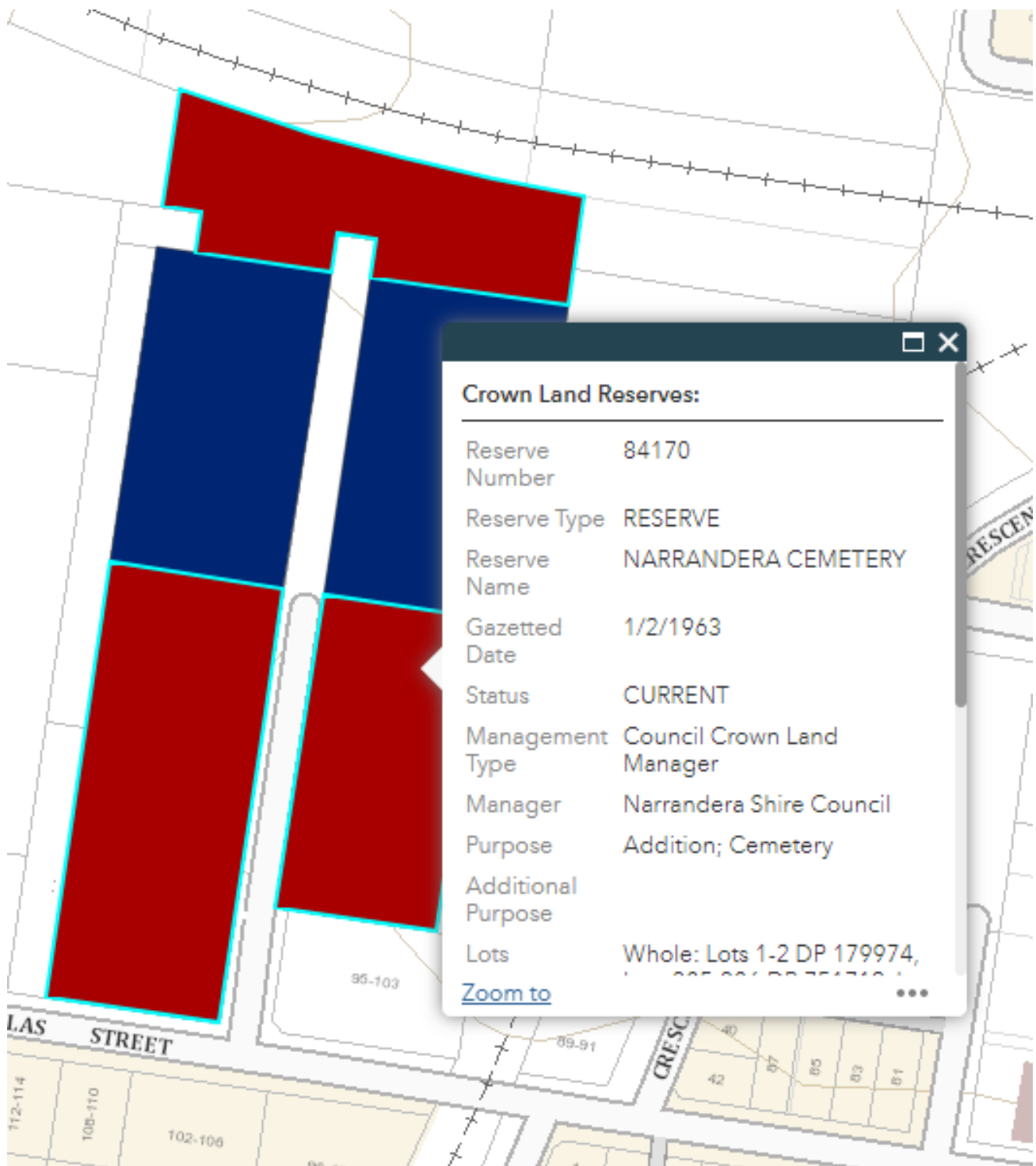
The Narrandera Cemetery comprises two land tenures, with Council being the Manager for both.

The following locality maps detail the two tenures. The colour blue indicates land that has been devolved or transferred into the name of Narrandera Shire Council, while the colour red indicates that the land is Crown Land managed by Narrandera Shire Council:

Blue indicates devolved land transferred to Council



Red indicates Crown Land R84170 which is managed by Council



Following the adoption of the recommendation by Council on 16 October 2018, Council submitted a request to Crown Lands to classify Reserve 84170 as operational land given that the land is an active cemetery with interments permitted within all sections of the reserve.

It was highlighted at the time that classifying the land as community land was not compliant with Section 46 (3) of the *Local Government Act 1993* which states that Council must not grant a lease or licence for a period exceeding 30 years. Interment permits

issued by Council within the Narrandera Cemetery are issued in perpetuity and do not have limited tenure.

A copy of the Minute and a copy of the application made to Crown Lands are below:

Council Minute from 16 October 2018

20.3 CLASSIFICATION OF COUNCIL MANAGED CROWN LAND AS OPERATIONAL LAND

RESOLUTION 18/231

Moved: Cr David Fahey

Seconded: Cr Barbara Bryon

That Council:

1. Seek written Ministerial consent to manage the following identified Crown land reserves as operational land under the Local Government Act, 1993:
 - (a) R43759 – Barellan Cemetery
 - (b) R50209 – Former Narrandera night soil depot
 - (c) R50219 – Former Barellan night soil depot but current landfill site
 - (d) R57858 – Former Grong Grong night soil depot and former landfill site
 - (e) R63082 – Former Narrandera night soil depot
 - (f) R68338 – Trigonometrical purposes at Narrandera
 - (g) R68339 – Water supply at Narrandera
 - (h) R68340 – Water supply at Narrandera
 - (i) Part R81121 – Lake Talbot Reserve at Narrandera (Lot 1 DP 1063639 – Lake Talbot Tourist Park, Lot 7315 DP 1159952 – road reserve also Lot 117 DP 751719 and Part Lot 7311 DP 1159952 being previously or currently held under lease or licence for quarry site and concrete batching plant)
 - (j) R84170 – Narrandera Cemetery
 - (k) R90845 – Former Narrandera landfill site
 - (l) R1001112 – Narrandera Cemetery

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Ordinary Council Meeting Minutes

16 October 2018

- (m) R1017088 – Grong Grong Cemetery

CARRIED

Application to classify R84170 as Operational Land

 Classification of Crown land as operational land Form						
Reserve/education	Gazetted purpose	Lot/DP	Parish	County	Suburb/locality	Justification
						the Lake Talbot waterway and this location would be ideal for some restorative works with the material removed from the lake bed.
R84170 – Narrandera Cemetery	Cemetery	Lots 1-2 DP 179974, Lots 305-306 DP 751719, Lot 7007 DP 1024998, Lot 7009 DP 1024999, Lot 7008 DP 1025002, Lot 7030 DP 1025003	Narrandera	Cooper	Narrandera	This reserve is an active Cemetery with interments permitted within all sections of the reserve. By the issuing of Rights of Burial Section 46 (3) of the Local Government Act, 1993 is not able to be observed.

In a response received 26 February 2019, Council was advised that a decision on the proposed classification for R84710 had been placed on hold pending a departmental policy position and that Council would be notified in due course.

In correspondence received 16 March 2021, Council was advised that the proposal to classify Reserve 84170 as operational land was not approved. The land is to be managed as community land with a Plan of Management to be developed in accordance with the *Local Government Act* 1993, which means a new initial categorisation is now required to be submitted to Crown Lands for approval.

A copy of the notification to Council is provided below:



Planning,
Industry &
Environment

File number: LBN18/192; DOC21/049453

Mr Craig Taylor
Governance & Engagement Manager
Narrandera Shire Council
141 East Street
NARRANDERA NSW 2760

Dear Mr Taylor

Subject: Narrandera Shire Council request for consent to manage Crown land as operational land

I am writing in response to Narrandera Shire Council's (Council) request for Minister's consent to classify Crown reserves as 'operational land' under section 3.22 of the *Crown Land Management Act 2016* (CLM Act).

On 26 February 2019 the Department of Planning, Industry and Environment – Crown Lands (the Department) advised Council that one reserve (R84170), gazetted for the purpose of 'Cemetery', was placed on hold pending the outcome of the Department's policy position. The Department has now finalised its position and Council can progress to finalising its classification of these reserves.

Crown reserves used for cemetery or crematorium purposes must be classified as 'community land' as the Department notes these reserves can be effectively managed as 'community land' by Council Crown Land Managers and can fit into several categories of sections 36E to 36N of the *Local Government Act 1993* (LG Act).

Therefore, as delegate of the Minister for Water, Property and Housing, I have **not approved** Council's request to classify R84170 as operational land, and the land is to be managed as community land.

In making this decision, I have considered justification provided to Council to satisfy the Minister that the land:

- a) *does not fall within any of the categories for community land under the LG Act, or*
- b) *could not continue to be used and dealt with as it currently can if it were required to be used and dealt with as community land.*

Council is required to submit initial categorisation for this reserve prior to commencing development of the Plan of Management (PoM). Please visit the Crown Land manager website at www.reservemanager.crownland.nsw.gov.au for more information and to subscribe to our e-newsletter to stay up-to-date with the latest resources, guidelines and training opportunities.

If you have any further questions or need assistance, please contact the Council Crown Land Management Team at council.clm@crowland.nsw.gov.au.

Yours sincerely

Based on this item of correspondence, the intention is now for Council to endorse the classification of Reserve 84170 as community land with the core objective for management as general community use:

Reserve/ Dedication	R84170 – Part of Narrandera Cemetery
Gazetted Purpose	Cemetery

Lot/DP	Lots 1-2 DP 179974, Lots 305-306 DP 751719, Lot 7007 DP 1024998, Lot 7009 DP 1024999, Lot 7008 DP 1025002 & Lot 7030 DP 1025003.
Parish	Narrandera
County	Cooper
Suburb/ Locality	Narrandera
Justification	<p>In accordance with correspondence from the Department of Planning, Industry and Environment – Crown Land Reference LBN19/192:DOC21/049453 Council is now seeking consent to classify R84170 as Community Land being General Community Use in accordance with Section 36I of the <i>Local Government Act 1993</i> being:</p> <p>36I Core objectives for management of community land categorised as general community use</p> <p>The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public—</p> <p>(a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and</p> <p>(b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).</p>

For the information of Council, the tenure of the other five cemeteries within the Shire is listed below:

- **Barellan Cemetery**
Being an active cemetery - devolved to Council
- **Colinroobie Cemetery**
Being a closed cemetery - devolved to Council
- **Grong Grong Cemetery - Original**
Being a closed cemetery - devolved to Council
- **Grong Grong Cemetery - Current**
Being an active cemetery - devolved to Council
- **Narrandera Pioneer Cemetery or the 'Old Narrandera Run' Cemetery**
Adjacent to Lake Talbot Water Park. Being a closed cemetery - Crown Land managed by Council as Reserve 43815 and classified as community land. The core objective for management is as an area of cultural significance given that it is no longer an active cemetery.

RELEVANCE TO COMMUNITY STRATEGIC PLAN AND OTHER STRATEGIES / MASTERPLANS / STUDIES**Theme**

Our Civic Leadership

Strategy

5.1 - To have a Council that demonstrates effective management consistently, also a Council that communicates and engages well with the community and works collaboratively

Action

5.1.1 - Accountable, transparent and ensure open communication between the community and Council

ISSUES AND IMPLICATIONS**Policy**

- N/A

Financial

- Council has received NSW State Government funding to assist in the preparation of the required Plans of Management.

Legal / Statutory

- *Crown Land Management Act 2016*
- *Local Government Act 1993*

Community Engagement / Communication

- By presenting this report in the Ordinary Business Paper for consideration.

Human Resources / Industrial Relations (if applicable)

- N/A

RISKS

There are no perceived risks with the proposed recommendation, with Council acting in accordance with direction from NSW Department of Planning, Industry and Environment - Crown Lands.

OPTIONS

The recommendation has been prepared in accordance with direction from NSW Department of Planning, Industry and Environment - Crown Lands with the Department unlikely to support a review of the directive.

CONCLUSION

Based on the direction received by Council from NSW Department of Planning, Industry and Environment - Crown Lands the recommendation will be for Council to submit a new

application for initial categorisation for Crown Land Reserve 84170 (part of the Narrandera Cemetery) as Community Land – General Community Use.

RECOMMENDATION

That Council:

1. Resolves to seek Ministerial consent to manage Crown Land Reserve 84170 (part of the Narrandera Cemetery) as Community Land – General Community Use.

18.6 2021 COMMUNITY SURVEY**Document ID: 550280****Author: Governance and Engagement Manager****Authoriser: Deputy General Manager Corporate and Community****Theme: Our Civic Leadership****Attachments:**

- 1. 2021 Community Survey Findings Report (under separate cover) [⇒](#)**
- 2. 2021 Community Survey Online Data (under separate cover) [⇒](#)**

RECOMMENDATION

That Council:

1. Endorses the findings of the 2021 Community Survey and presents the report to the community using Council's website and social media.

PURPOSE

The purpose of this report is to present the findings of the recent 2021 Community Survey.

SUMMARY

Council conducted its initial Community Survey in 2016 with the findings providing valuable information for development of the current Community Strategic Plan and its supporting documents. The 2021 Community Survey will again provide similar guidance when developing the third iteration of the Community Strategic Plan and supporting documents across the next 12 months.

BACKGROUND

The Integrated Planning & Reporting Framework of NSW Local Government requires engagement with members of the community to develop a Community Strategic Plan that represents the aspirations and needs of the community.

The Community Strategic Plan is the over-arching document of Council whereby high-level objectives are set for the future and from which other plans such as the Delivery Program and the annual Operational Plan are drawn. Supporting these plans are Resourcing Strategies such as the Long-Term Financial Plan, Workplace Management Plan and the Asset Management Plans.

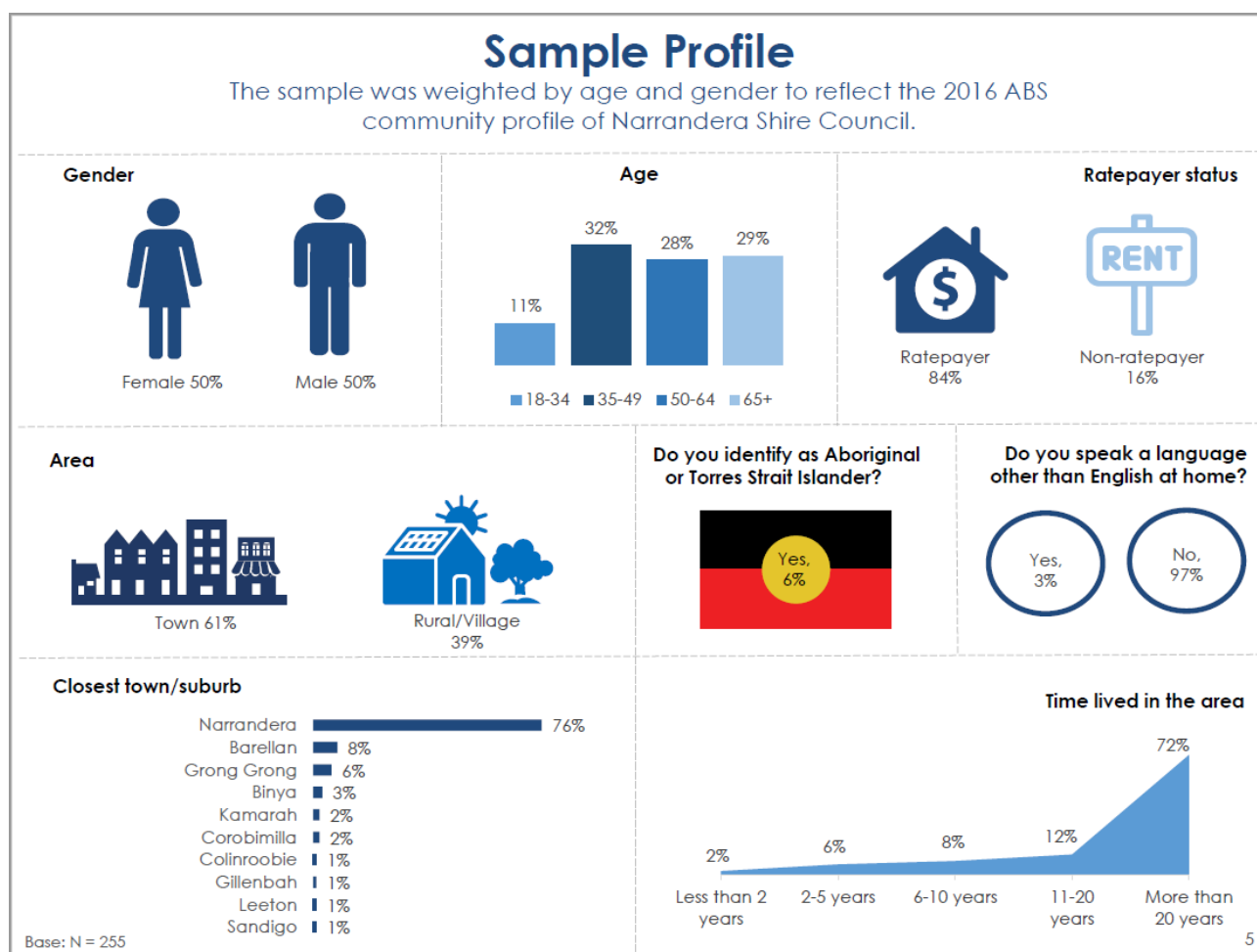
Attached to this report are two documents: the first is the final 2021 Community Survey report, with the second being a spreadsheet of the 13 online responses received. Mr Mark Mitchell of Micromex Research will present the 2021 Community Survey report to Councillors between 12.45pm to 1.30pm and will then present the findings direct to the community using live streaming from 1.30pm to 2pm.

If Councillors have a specific question about the survey results or how the survey was conducted and would like Mr Mitchell to address the issue on the meeting date, Councillors are encouraged to submit their question to the Executive Assistant who will arrange for Mr Mitchell to receive a copy for research purposes prior to the presentation.

The intention of the following report is to provide an overview of the survey findings. Mr Mitchell will provide a more in-depth analysis on the day, with Councillors having the opportunity to ask questions during the presentation.

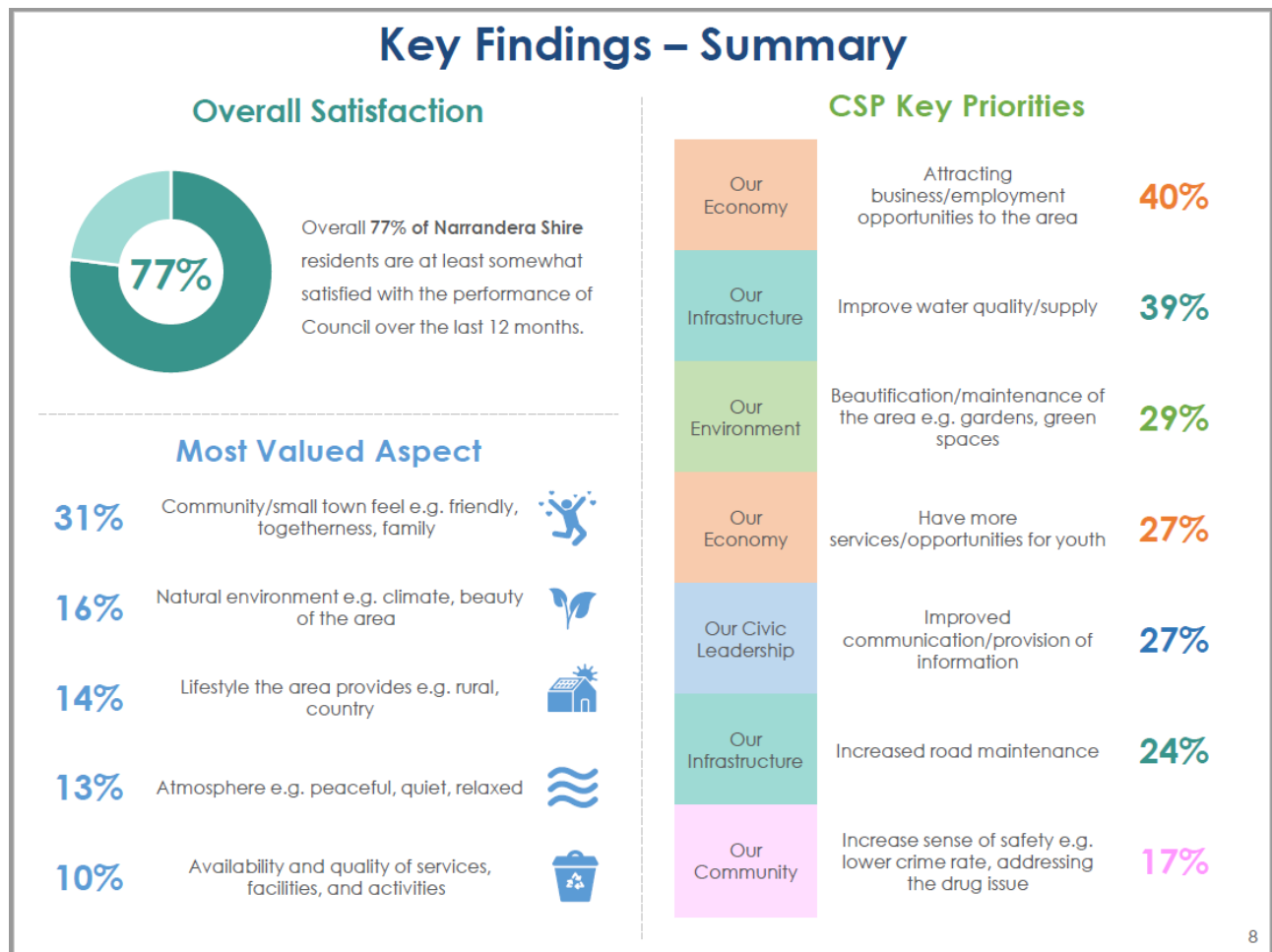
An overview of the 2021 Community Survey

Context	<p>Telephone calls using landline and mobile numbers were made to 255 residents of the Shire. 229 numbers were acquired through electronic means and 26 were acquired through face-to-face number harvesting. Survey questions were mostly scale-based using a 5-point measure: 1 being not at all satisfied and 5 being very satisfied.</p> <p>NOTE: the 13 online surveys do not form part of the final report, however the valuable comments received will still be considered when developing the Community Strategic Plan.</p>
Sample profile	<p>Statistically the sample profile reflects the 2016 Census for the Shire.</p>



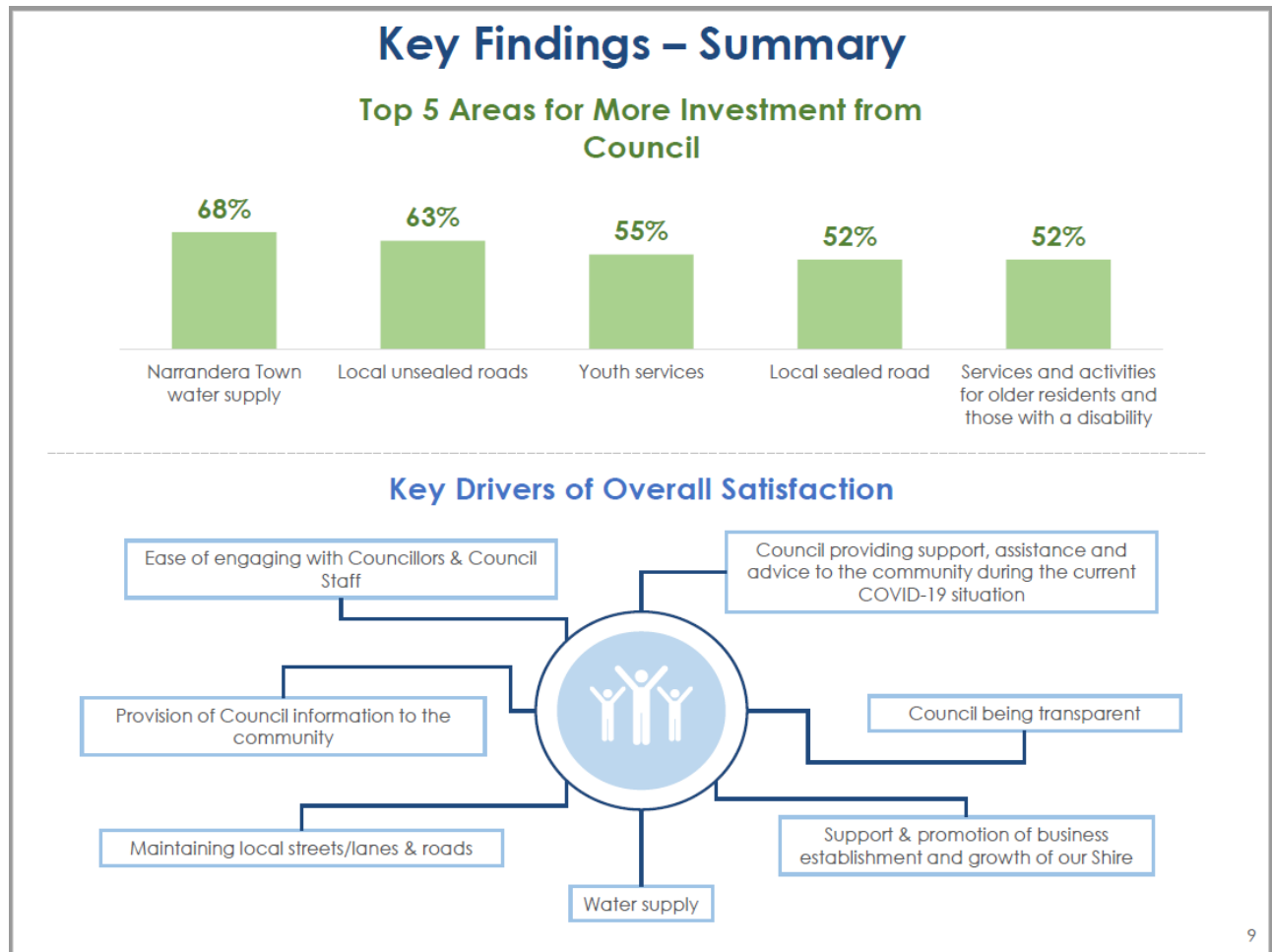
Key Findings 1

- 77% of residents across the Shire are at least somewhat satisfied, satisfied or very satisfied with the performance of Council.



Key Findings 2

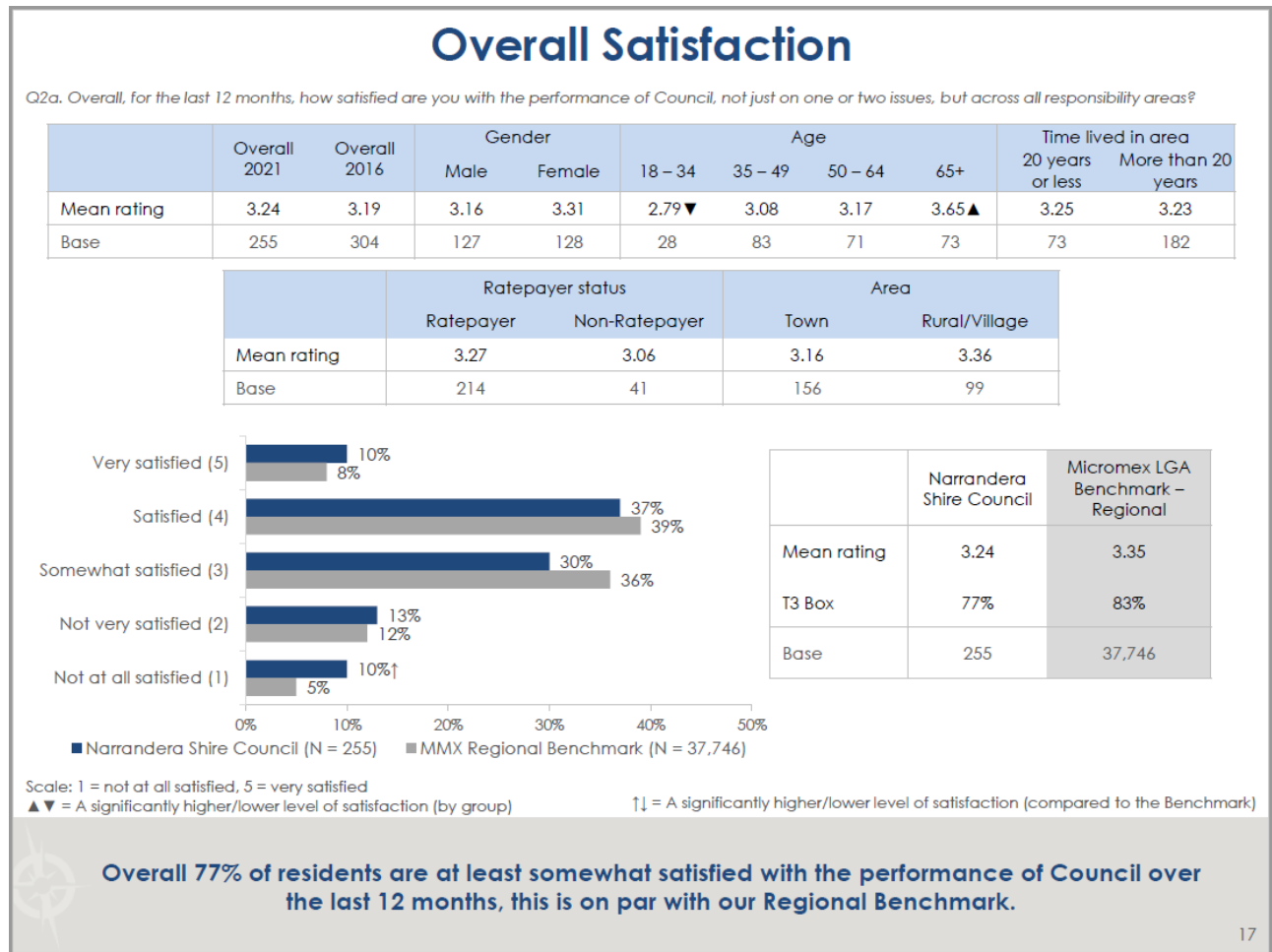
- Five areas where Council is encouraged to consider more investment include: the Narrandera Town water supply, local unsealed roads, youth services, local sealed roads and services, and activities for older residents and those with a disability.
- Five areas where Council could improve levels of satisfaction include: Council transparency, support and promotion of business establishment and growth, water supply, provision of information to the community, and ease of engaging with Councillors and Council staff.



Overall Satisfaction 1

The ‘mean’ rating of overall satisfaction in 2016 was 3.19 out of 5, with the 2021 rating of overall satisfaction increasing to 3.24 out of 5. Although the increase in overall satisfaction is small, importantly this represents does represent a positive outcome.

NOTE: The term ‘mean’ or ‘average’ in this satisfaction calculation is the total of all ratings divided by the number of ratings received.



Importance and Satisfaction findings from the 2021 Community Survey

- Top three high importance areas: water supply, maintaining local streets/lanes and roads also the Narrandera/Leeton Airport.
- Top three low importance areas: supporting cultural opportunities and services, bike paths, and community buildings/halls.
- Top three high satisfaction areas: swimming pools, library services, and the Narrandera Sports Stadium.
- Top three low satisfaction areas: the water supply, Council being transparent, and the promotion of business establishment and growth of our Shire.

1. Importance & Satisfaction – High 5/Low 5

Importance

The following services/facilities received the highest importance mean ratings:

High importance	Mean	T2 Box
Water supply	4.75	95%
Maintaining local streets/lanes & roads	4.66	94%
Narrandera/Leeton Airport	4.61	90%
Maintaining footpaths	4.54	91%
Emergency management	4.53	88%
Council being transparent	4.53	87%

The following services/facilities received the lowest importance mean ratings:

Low importance	Mean	T2 Box
Supporting cultural opportunities and services	3.47	48%
Provision of bike paths	3.76	64%
Community buildings/halls	3.89	67%
Youth activities	3.90	69%
Library services	3.90	64%

Satisfaction

The following services/facilities received the highest satisfaction mean ratings:

High satisfaction	Mean	T3 Box
Swimming pools	4.38	96%
Library services	4.38	95%
Narrandera Sports Stadium	4.21	95%
Narrandera/Leeton Airport	4.18	96%
Playing fields	4.14	97%

The following services/facilities received the lowest satisfaction mean ratings:

Low satisfaction	Mean	T3 Box
Water supply	2.45	42%
Council being transparent	2.80	61%
Promotion of business establishment and growth of our Shire	2.82	59%
Opportunity to participate in Council decision-making	2.84	60%
Support for existing industry & businesses	2.88	62%

Scale: 1 = not at all important, 5 = very important Scale: 1 = not at all satisfied, 5 = very satisfied

The above analysis identifies the highest and lowest rated services/facilities in terms of Importance and Satisfaction:

- There is a large range of Importance scores – so the community does discriminate between services/facilities (i.e.: they don't just say everything is important)
- Even the lowest rated area ('Supporting cultural opportunities and services) has 48% of residents indicating that they consider it important.

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Importance and Satisfaction changes since the 2016 survey

- Top 3 importance areas experiencing an increase since 2016: community transport, community support services, and home modification services.
- Top 3 importance areas experiencing a decrease since 2016: library services, promotion of business establishment and growth of our Shire, and maintaining local streets/lanes and roads.
- Top 3 satisfaction areas experiencing an increase since 2016: community buildings/halls, urban treescape, and supporting cultural opportunities and services.
- Top 3 satisfaction areas experiencing a decrease since 2016: water supply, waste management, and community events.

1. Importance & Satisfaction – 2021 v. 2016

Key Importance Trends

Compared to the 2016 research, there were significant **increases** in residents' levels of **importance** for 4 of the 34 comparable services/facilities provided by Council, being:

	2021	2016
Community transport	4.31	3.28
Community Support services	4.20	3.35
Home Modification Service for those with mobility issues	4.15	2.91
Provision of bike paths	3.76	3.44

There was also a significant **decline** in **importance** for the following:

	2021	2016
Library services	3.90	4.18
Promotion of business establishment and growth of our Shire	4.46	4.66
Maintaining local streets/lanes & roads	4.66	4.79

Key Satisfaction Trends

Over the same period there has been a significant **increase** in resident **satisfaction** for 6 of the 34 comparable services/facilities provided by Council, specifically:

	2021	2016
Community buildings/halls	3.85	3.62
Our urban treescape	3.79	3.47
Supporting cultural opportunities and services	3.77	3.40
Availability of car parking	3.66	3.43
Promotion of visitation to the Shire	3.42	3.17
Foster industrial development	2.98	2.66

There was also a significant **decline** in resident **satisfaction** for the following:

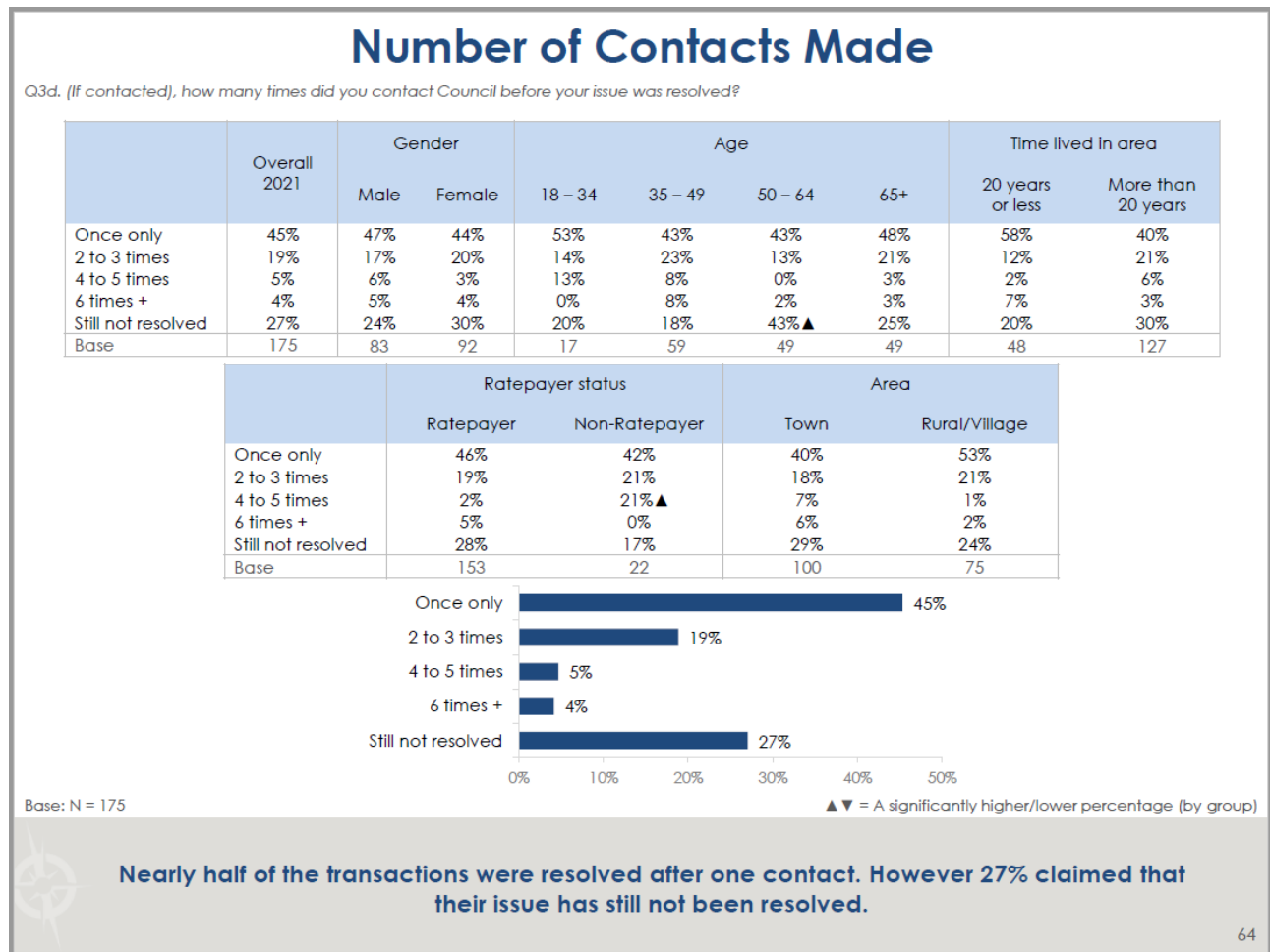
	2021	2016
Water supply	2.45	3.12
Waste management	3.74	3.98
Community events	3.75	4.05

Scale: 1 = not at all important, 5 = very important Scale: 1 = not at all satisfied, 5 = very satisfied

The above analysis identifies the key Importance and Satisfaction trends when compared to the 2016 research. Satisfaction has increased in areas of social capital (e.g.: community buildings, urban treescape, cultural opportunities) and economic development (parking, promotion and industrial development). However, Satisfaction has declined noticeably for water supply, waste management and community events (the latter most likely reflecting the impact of COVID-19).

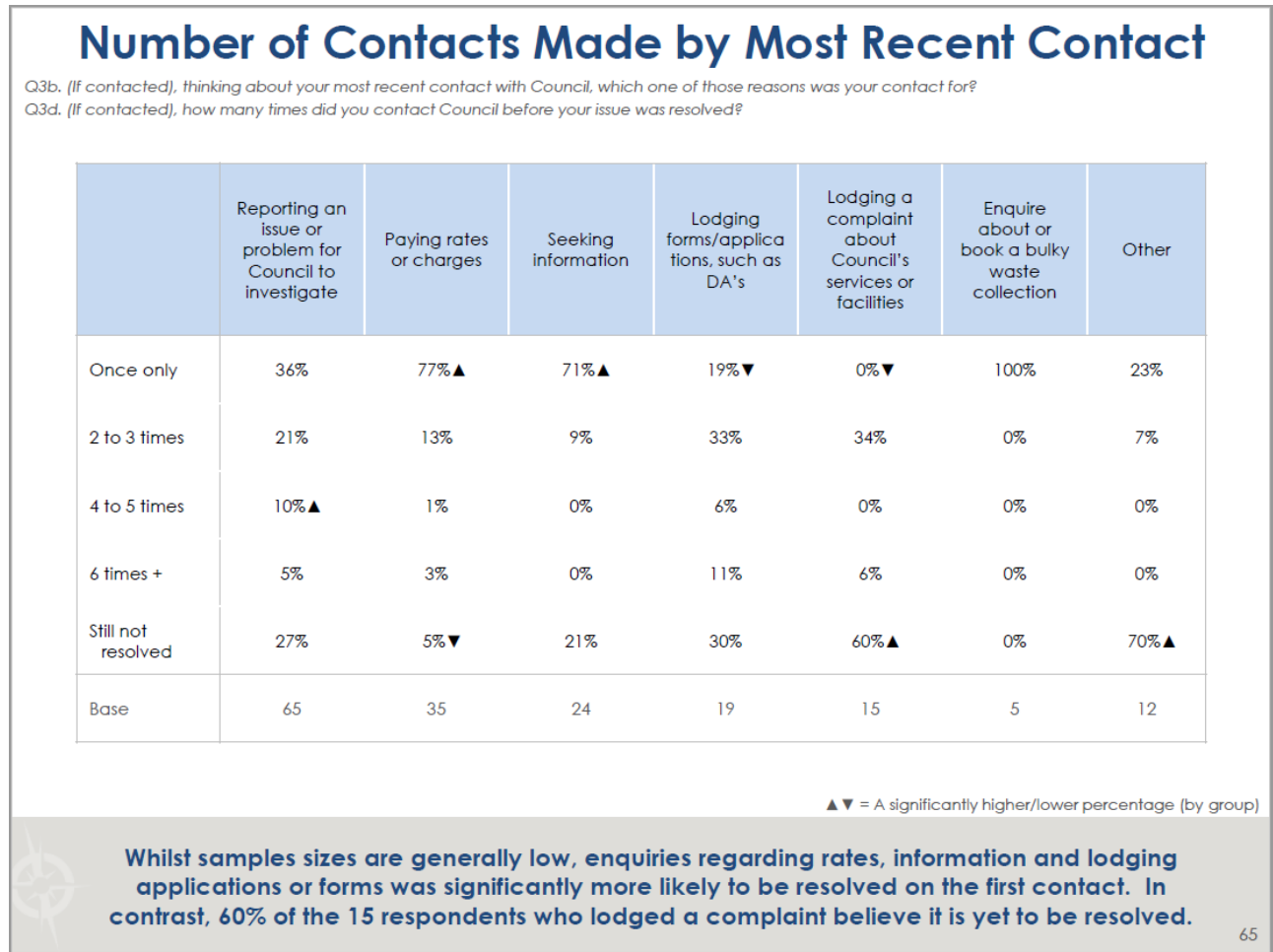
Number of contacts made to resolve issues 1:

- 45% of those surveyed stated that they had to contact Council on one occasion to resolve an issue.
- 19% of respondents stated that they had to contact Council between two and three times to resolve an issue.
- 9% of respondents stated that they had to contact Council between four and six times to resolve an issue.
- 27% of those surveyed state that their issue has still not been resolved.



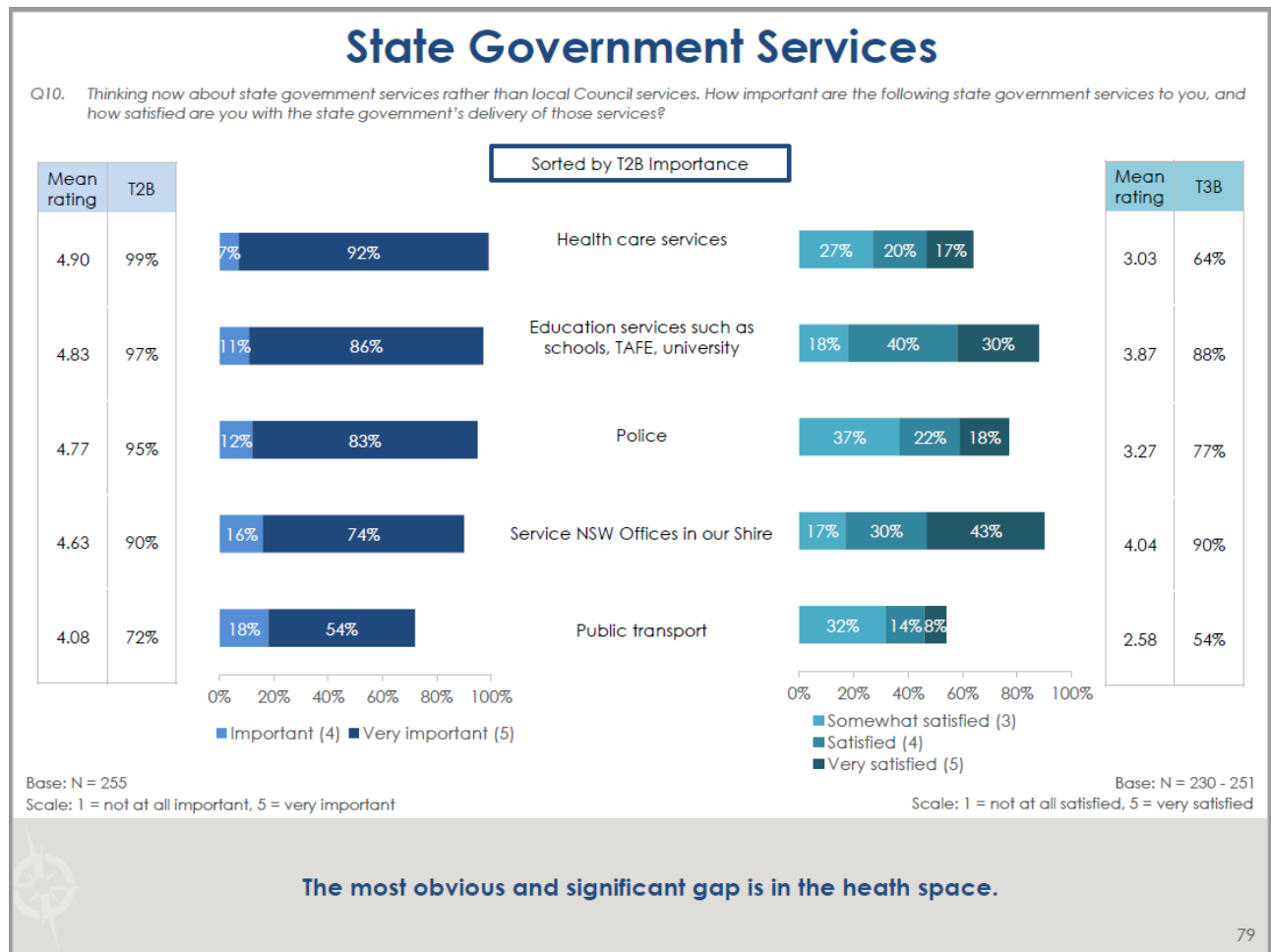
Number of contacts made to resolve issues 2:

Of the 27% of respondents who stated that their issue has not been resolved – statistically 60% of these relate to a complaint about services or facilities, 30% of these are about lodging forms and applications, 27% have reported a problem for investigation, 21% are seeking information, 5% are about rates and charges with 70% of unresolved matters about other issues.



State Government Services:

- This was a new question for the 2021 survey.
- Top three important services being 99% for health care services, 97% for education and 95% for police.
- Satisfaction for the top three important services were 90% for Service NSW Office, health services, 88% for education and 77% for police.



Results of the online 2021 Community Survey

The online survey received 13 responses and are overall representative of the feedback from the telephone survey responses. High importance was placed on disability inclusion but had a relatively low satisfaction rating; similarly, a high level of importance has been placed on engaging with Councillors and Council staff with a low satisfaction rating.

Given that these responses were provided online, participants had additional time to consider how they answered questions which is likely to have influenced the outcome. For example, the question about 'a vibrant and enticing Narrandera CBD precinct' – 70% or 10 of the respondents rated this as high importance, and 62% or seven of the respondents rated this as low satisfaction which is not as proportionately reflected in the telephone survey.

Regarding overall satisfaction with Council, 61% or eight respondents were not very satisfied or not at all satisfied with Council, with the remaining 39% or five respondents somewhat satisfied, satisfied or very satisfied which again is not proportionately reflected in the telephone survey.

The next Community Survey

The Community Strategic Plan is required to reviewed by 30 June following the election of a new Council. There is an election proposed for September 2024 therefore the next survey is planned for early 2024.

RELEVANCE TO COMMUNITY STRATEGIC PLAN AND OTHER STRATEGIES / MASTERPLANS / STUDIES

Theme

Our Civic Leadership

Strategy

5.1 - To have a Council that demonstrates effective management consistently, also a Council that communicates and engages well with the community and works collaboratively

Action

5.1.1 - Accountable, transparent and ensure open communication between the community and Council

ISSUES AND IMPLICATIONS

Policy

- N/A.

Financial

- The cost for the 2021 Community Survey was \$25,090 (excl. GST) with the findings providing a valuable source of information for both operational and strategic planning; the document will also be an essential tool in the development of the 3rd generation Community Strategic Plan and supporting documents.

Legal / Statutory

- *Local Government Act 1993*

- Integrated Planning and Reporting Guidelines for Local Government in NSW – March 2013

Community Engagement / Communication

- Achieved by Micromex Research actively sourcing responses from the community through both telephone and online survey options.
- Releasing the findings of the 2021 Community Survey to Council and the community.

Human Resources / Industrial Relations

- N/A.

RISKS

There are no perceived risks in releasing the results of the 2021 Community Survey as this information will be used to guide Council on a wide range of matters.

OPTIONS

Given that this report has been compiled by a reputable independent research company, the sole option available is the release the findings of the 2021 Community Survey.

CONCLUSION

The intent of the 2021 Community Survey was to not only assess the current views and perceptions of the community across of wide range of Council services and facilities, but it is also a valuable tool providing insights into factors that drive satisfaction within the community.

The 2016 Community Survey provided the benchmark for future surveys with the 2021 Community Survey indicating a mean rating of 3.24 out 5 for overall satisfaction compared to a mean rating of 3.19 out of 5 overall satisfaction in 2016. Although this is a small increase, it is a positive indication that Council has at least maintained its level of satisfaction during years of financial constraints, also the effects of the COVID-19 pandemic felt not only within the organisation but the community as a whole.

The recommendation will be for Council to endorse the findings of the 2021 Community Survey and present the report to the community using Council's website and social media.

RECOMMENDATION

That Council:

1. Endorses the findings of the 2021 Community Survey and presents the report to the community using Council's website and social media.

19 STATUTORY AND COMPULSORY REPORTING – DEVELOPMENT SERVICES REPORTS

19.1 MARCH 2021 DEVELOPMENT SERVICES ACTIVITIES

Document ID: 550300

Author: Administration Assistant

Authoriser: Deputy General Manager Infrastructure

Theme: Statutory and Compulsory Reporting – Development Services

Attachments: Nil

RECOMMENDATION

That Council:

1. Receives and notes the Development Services Activities Report for March 2021.

PURPOSE

The purpose of this report is to inform Council of Development Applications and other development services provided during March 2021 as of 31 March 2021.

BACKGROUND

Development & Complying Development Applications

A summary of Development & Complying Development Applications processed during March 2021 detailed in the following table:

Stage Reached	Number
Lodged	1
Stop-the-Clock / Under Referral / Awaiting Information	1
Under Assessment	1
Determined	5

The value of Development & Complying Development Applications approved by Council during March 2021 is detailed in the following table:

Development Type	2020/2021			
	March		Year to Date	
	Number	Value \$	Number	Value \$
Residential	5	\$ 655,700	34	\$ 3,613,738
Industrial			1	\$ 6,500
Commercial			7	\$ 3,018,000
Rural Residential			0	\$ -
Subdivisions			3	\$ -
Other			0	\$ -
TOTAL	5	\$ 655,700	45	\$ 6,638,238

Under the provisions of section 4.59 of the Environmental Planning and Assessment Act Narrandera Shire Council consented to the following development applications, applications for modification of development consents and complying development certificate applications during March 2021.

No	Lot	Sec	DP/SP	Address	Development Type	Type	STC / RFI Days	ACTIVE Business Days
035-20-21	3	12	758757	9-11 Hankinson St NARRANDERA	Dwelling and ancillary buildings	L	-	24
038-20-21	6	-	1118623	57 Boundary Rd NARRANDERA	Dwelling	L	-	7
039-20-21	3	-	831073	26 Midgeon St NARRANDERA	Raise existing fence	L	-	25
042-20-21	1	-	178700	52 Melbourne St NARRANDERA	Swimming pool and deck	L	-	19
045-20-21	A	-	316732	68 Twynam St NARRANDERA	Shed	L	-	17

Type explanation

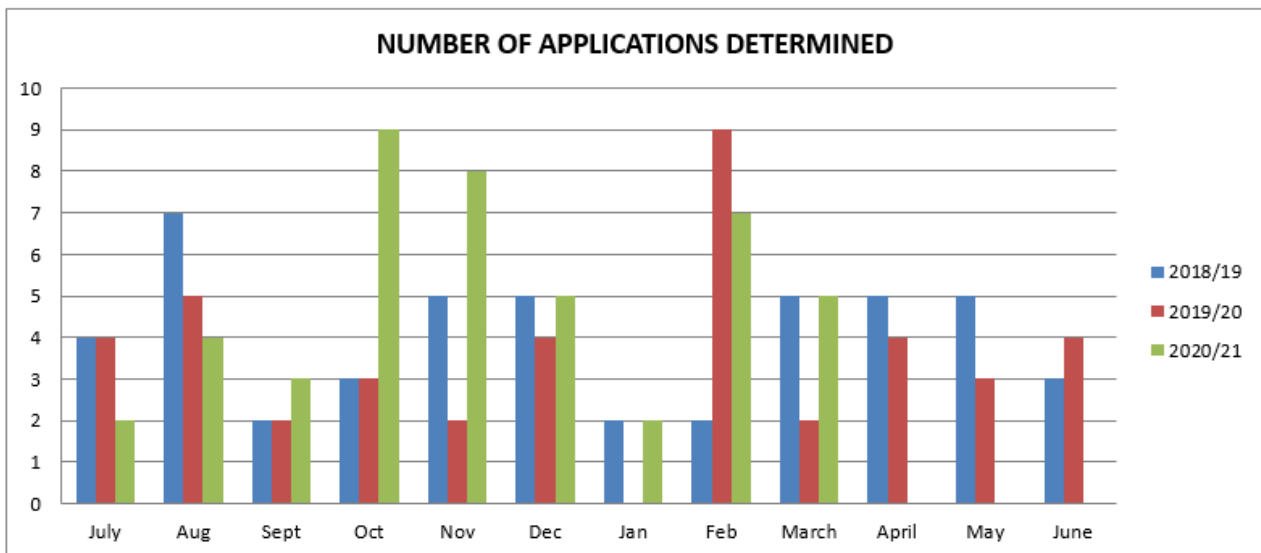
Local (L)	Merit based assessment where development consent is required. Target determination time of 40 business days.
Integrated (I)	Merit based assessment where approval from other authorities, such as RMS, RFS, DPI, is required in addition to development consent. The referral process extends the target determination time to 60 business days.
Modification (M)	Revision of previously approved application. No target determination time.
Stop the Clock (STC)	Calculation of active days stops while additional information required to complete the assessment is obtained from the applicant.

Complying (C)	Fast track approval process without the need for a full development application if specific criteria are met. Target 10 to 20 business days.
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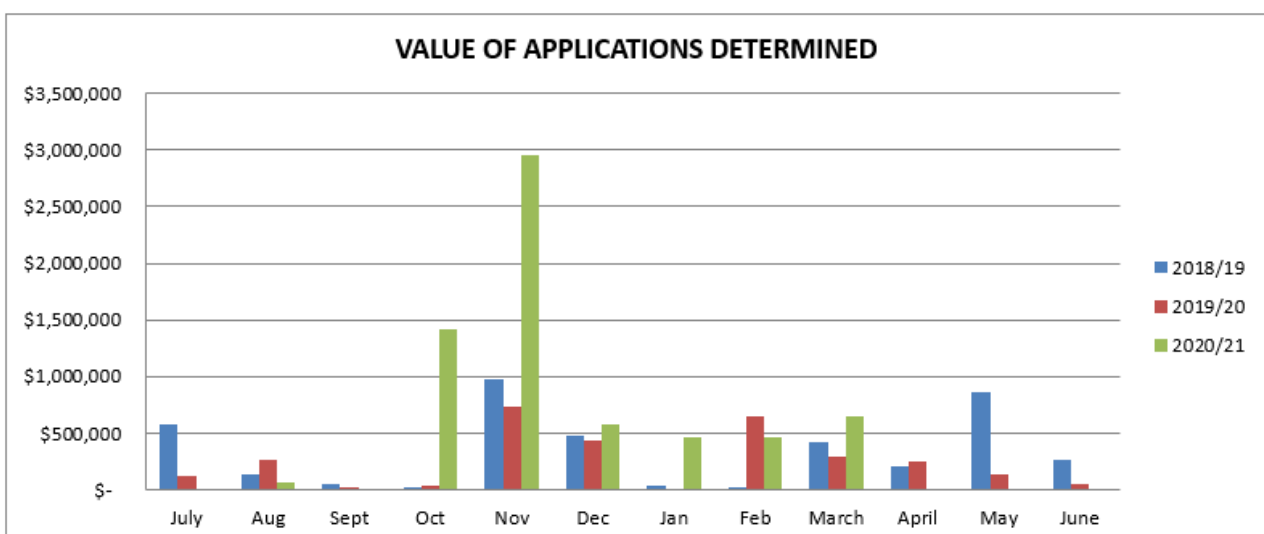
Comparison determination times

2014/15	Narrandera Shire Council average	42 days
2015/16	Narrandera Shire Council average	35 days
2016/17	Narrandera Shire Council average	26 days
2017/18	Narrandera Shire Council average	27 days
2018/19	Narrandera Shire Council average	38 days
2019/20	Narrandera Shire Council average	32 days
2020/21	Narrandera Shire Council average YTD	33 days

This graph details the comparative number of Development & Complying Development Applications determined by month since 2018/19.



This graph details the comparative value of Development & Complying Development Applications determined by month since 2018/19.



Certificates Issued

A summary of other development services activities undertaken during March 2021 is detailed in the following table:

Certificate Type	Number Issued
Construction Certificates	3
Building Certificates	1
Subdivision Certificates	-
Occupation Certificates	-
Compliance Certificates	-
Section 10.7 (previously 149) Certificates	35
Swimming Pool Compliance Certificates	-
On-Site Septic Management System Certificates	-

RECOMMENDATION

That Council:

1. Receives and notes the Development Services Activities Report for March 2021.

20 STATUTORY AND COMPULSORY REPORTING – FINANCIAL / AUDIT REPORTS

20.1 POLICY REVIEW - POL026 CREDIT CARD

Document ID: 550791

Author: Senior Finance Officer

Authoriser: Deputy General Manager Corporate and Community

Theme: Statutory and Compulsory Reporting - Other

Attachments: 1. Framework for Credit Cards.docx [↓](#)
2. POL026 Credit Card Policy [↓](#)

RECOMMENDATION

That Council:

1. Reviews and endorses the Credit Card Policy for the purpose of public exhibition.
2. Following 28 days public exhibition, if no submissions received, deems this policy as adopted.

PURPOSE

The purpose of this report is to present to Council the revised Credit Card Policy (POL026).

SUMMARY

The NSW Audit Office (AO) conducted a performance review of credit card management in Local Government. The Auditor General's report was released on 3 September 2020. Council's Credit Card Policy has been amended in response to this report.

BACKGROUND

CS50 Credit Card Policy was last reviewed by Council in May 2019 and was scheduled for review in December 2021. The recent report from the Auditor General of NSW regarding credit card management in local government has brought forward the review of the policy.

When assessing POL026 Credit Card Policy against the AO recommendations the following issues were identified for review:

- The need to define criteria for assessing which staff positions are to be issued credit cards.
- Mandate that the card will only be used by the card holder and delegation cannot occur to other staff members for use.
- For transactions with a higher risk of fraud such as travel, food, and beverage expenses a higher level of evidence is required to demonstrate the business-related purpose of the transaction.

Policy CS50 has been amended in response to the AO recommendations.

The policy has been updated to the current policy format and rebadged POL026 in Council's simplified identification structure.

While the AO has titled its performance audit “credit card management in local government” the scope of the audit includes other purchasing facilities such as fuel cards, cab-charge and store cards. This will necessitate the review of Council’s Fuel Card Policy and adoption of policies around cab-charge and store cards. Finance and executive staff have commenced these reviews.

RELEVANCE TO COMMUNITY STRATEGIC PLAN AND OTHER STRATEGIES / MASTERPLANS / STUDIES

Theme

Our Civic Leadership

Strategy

5.1 - To have a Council that demonstrates effective management consistently, also a Council that communicates and engages well with the community and works collaboratively

Action

5.1.1 - Accountable, transparent and ensure open communication between the community and Council

ISSUES AND IMPLICATIONS

Policy

- Review of Credit Card Policy.

Financial

- Removing the option to delegate the use of cards may increase the number of cards issued with increased issue and administrative costs.

Legal / Statutory

- Compliance with the Local Government Act and Regulation.

Community Engagement / Communication

- Council’s Credit Card Policy is available to the public on Council’s website.

Human Resources / Industrial Relations

- Staff issued credit cards will require induction to the revised policy and sign revised credit card usage agreements.

RISKS

Inadequate management of credit cards can lead to financial and reputational loss for Council.

OPTIONS

1. Endorse the revised Credit Card Policy to be placed on exhibition.
2. Endorse the revised Credit Card Policy with further amendments to be placed on exhibition.
3. Return policy to staff for further review and subsequent return to Council.

CONCLUSION

That Council endorses the Credit card policy as presented for the purpose of public exhibition for a period of 28 days seeking community comment and, should no submissions be received from the community at the conclusion of the exhibition period, Credit Card Policy as presented be deemed adopted.

RECOMMENDATION

That Council:

1. Reviews and endorses the Credit Card Policy for the purpose of public exhibition.
2. Following 28 days public exhibition, if no submissions received, deems this policy as adopted.

FRAMEWORK FOR CREDIT CARDS

CORE REQUIREMENTS

1. The Chief Financial Officer is ultimately responsible for the proper management and administration of Credit Cards within Narrandera Shire Council.

- 1.1 The Chief Financial Officer (CFO) must ensure that an internal approval process is established for employees to obtain and use commercial cards. This should be consistent with the requirements of the card issuer.
- 1.2 The internal approval process, must ensure the following before any card is provided to an employee (the cardholder)
 - The employee has the appropriate financial and operational delegations to incur the expenditure on behalf of Narrandera Shire Council or has been formally authorised by someone who has the appropriate finance and operational delegations
 - Appropriate credit limits have been set for the Employee
 - Narrandera Shire Council is not exceeding its budget limits or funding allocation by issuing a Credit card to that Employee.
- 1.3 The CFO is responsible for ensuring the Credit card policy is developed and implemented. As a minimum, the Policy must address:
 - Criteria for eligibility to have a Credit card
 - Roles and responsibilities relating to Credit card use, management and administration
 - Card security
 - Expenditure limits
 - Restrictions on use
 - Training requirements
 - Requirements for approval, acquittal and authorisation of expenditure and reconciliation of transactions including requirements for role segregation
 - Record management
 - Circumstances prompting the cancellation or replacement of Credit cards
 - Fraud and corruption
 - Infraction/issues management
 - Processes for the review and continuous improvement of the Narrandera Shire Council Credit Card Policy.
- 1.4 The CFO must ensure that there is an accessible and up to date record of all authorised cardholders and the various administrative conditions that apply to each card holder including, as a minimum:

- Cardholder's full name
- Confirmation that the cardholder has signed a Statement of Responsibility
- The last four digits of the Cardholder's card number
- Individual transaction limit and monthly limit
- Administrative conditions attached to individual cardholders e.g. Review dates, cash withdrawal allowances, any restrictions on use
- Cancellation dates (where a cardholder has changed roles or left the employment of Narrandera Shire or changed roles).

There must also be an accessible record of the total limit for all the Credit cards currently issued to employees, together with the Narrandera Shire's total approved limit.

1.5 The CFO must ensure that a direct debit facility is implemented with the card issuer for automatic payment of monthly purchasing card accounts in full to eliminate any late payment fees and interest charges.

1.6 The CFO must ensure that the risks associated with the Credit card use and management are identified, assessed and managed consistent with the Narrandera Shire Council's risk management framework.

This requirement should be read alongside any obligations Narrandera Shire Council may have in the Internal Audit & Risk Management Policy.

CORE REQUIREMENTS

2. Cardholders understand and are accountable for the responsible use of Credit Cards.

2.1 Cardholders must use Narrandera Shire Council Credit cards for Business Purposes only and in a manner compliant with the conditions set out in the Procurement Policy.

2.2 In relation to using their Credit cards, Cardholders are responsible for:

- Complying with the requirements of this Policy
- Complying with the terms and condition of the Card Issuer
- The safety and security of their card and account details
- Knowing the administrative conditions of their card and account, including relevant limits, thresholds and restrictions
- Ensuring that the credit limits are not exceeded (purchases must not be split to negate credit transaction limits)
- Obtaining and retaining all relevant documentation relating to transactions
- The timely acquittal of transactions.

2.3 Cardholders must immediately notify the Finance Manager in the following circumstances

- Cessation of employment with Narrandera Shire Council

- A change in the cardholder's substantive role
- A change in the nature of the Cardholder's responsibilities that no longer requires the Cardholder to use a Credit card (whether or not this includes a change to their substantive role)
- A change to the delegation limits that are associated with the Cardholder's role
- The Cardholder becomes aware that an unauthorised transaction has occurred
- The loss or theft of the card
- A prolonged leave of absence from performing their role; or
- The card has been cancelled

In addition, cardholders must immediately notify the Finance manager who can notify the card issuer of any loss or theft of the card regardless of whether it is a working day or weekend.

2.4 Cardholders must sign a statement of Responsibility that acknowledges their acceptance of the terms and conditions of using Credit Cards.

Appendix A provides the template for the Cardholders Statement of Responsibility which must be signed by the cardholder when a card is issued.

GUIDANCE ON THE USE, MANAGEMENT & ADMINISTRATION OF CREDIT CARDS

The use of Credit Cards as a payment mechanism provides significant benefits to the card holder, and merchants. The use of Credit cards reduces the need to request petty cash transactions and out of hours transactions while providing a clear and concise audit trail and ensuring that creditors are promptly paid. For merchants, the use of credit cards allows for payments to be received promptly and reduces the potential for unpaid or late invoices, as well as reducing administration.

The following guidance has been developed to support the correct use and administration of Credit cards to ensure that the benefits to agencies are realised and risks associated with Credit card use and administration are minimised.

Understanding the Risks associated with the use and administration of Credit Cards

. The Credit Card Policy should be used in conjunction with other Narrandera Shire Policies. These being:

- CS180 – Fraud & Corruption Prevention Policy
- CS100 – Procurement Policy
- CS150- Risk Management Policy
- CS280 – Fuel Card Policy
- CS50 Credit Card Policy

The Credit Card Policy and associated procedures to manage risks specific to the use of Credit cards should be consistent with Narrandera Shire's overall framework. There are some particular risks that need to be identified and managed. Some examples of these include:

- The risk of inappropriate use
- Uneconomical, inefficient or ineffective use of resources
- The potential for transactional and/or accounting errors (i.e. duplication of payments)
- The application of inappropriate purchase method (e.g. directly purchasing an item on the card without assessment of any contract terms rather than seeking to negotiate contract terms and conditions)

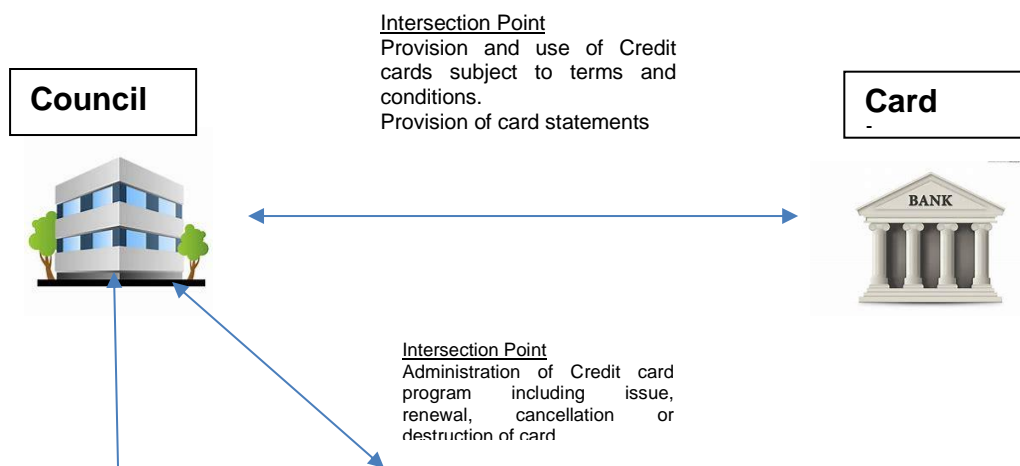
Risk is defined as the impact of uncertainty on objectives. In relation to Credit cards, this risk will largely relate to those aspects of the use and management of Credit cards which could affect Narrandera Shire’s overall financial position and ongoing financial management. However, the risks arising from the use and administration of Credit cards can also affect other objectives including those associated with procurement, service delivery or reputation.

One of the most significant risks associated with Credit cards administration and use that can adversely affect a number of objectives is fraud. The independent Commission Against Corruption (ICAC) provides some examples of the potential fraud risks associated with Narrandera Shire’s Credit cards including:

- A cardholder charging personal expenses to the council credit card
- A cardholder and a client colluding to misuse the council credit card
- A cardholder using the cards personal identification number to withdraw cash for their own or another’s benefit
- A cardholder falsifying, destroying or damaging receipts and other records
- One or more employee colluding for improper benefit – for example, the cardholder colluding with another employee whose role is to check expenditure

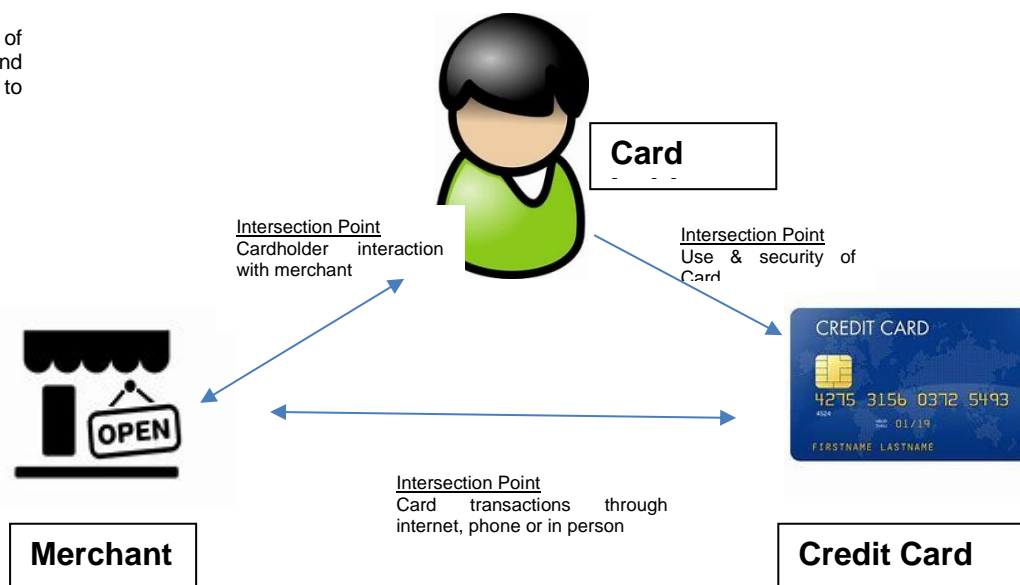
It is important that Narrandera Shire engage in a structures assessment to ensure that they are able to identify and assess the particular risks in relation to the use and administration of Credit cards with the council.

To identify these Credit cards risks it can be useful to consider key intersection points between the Council, the cardholder, the merchant and the card issuer.



Intersection Point

Provision of goods and services to Agency



Use and Management of Narrandera Shire Credit Cards

Reviewing each intersection point can be useful when considering whether there are particular risks which might require specific or extra mitigation or controls not currently within the existing risk management framework. It can be helpful for this review to take place in consultation with key stakeholders involved with the various intersection points. The internal Audit Committee should also be consulted in this process. It is important not to rely only on previous experience to identify risks associated with Credit Card use.

Council should also seek to keep up to date with new or emerging risks, especially those associated with the application of new technologies or during times of organisational change and should share their knowledge and experience with other Councils in order to continually improve their management of these risks.

Each of the identified risks should be assessed in accordance with the Council’s risk management policy to prioritise them and ensure that they are appropriately managed.

To address the risks associated with financial information generally, Council should have in place controls designed to provide reasonable assurance that financial information is complete and accurate. Those controls will address some, but not all, of the risks associated with Credit Cards. That means controls specific to Credit Cards will need to be designed and implemented.

Preventative Controls

Preventative controls are those controls designed to prevent errors and irregularities from occurring. Some examples of preventative controls for Credit Cards include:

Policies and Guidelines

Setting out the Shire’s expectations, clear and well communicated policies are fundamental to the establishment of a strong control environment. Under the core requirements the Finance Manager is responsible for ensuring a Credit Card Policy is developed and implemented.

Guidelines and procedures establish and standardise behaviours and help employees and others to fulfil their policy obligations.

Narrandera Shire Council should consider the appropriate level of guidance required to ensure that the policy expectations are understood and met by all employees and other stakeholders. This may include, for example:

- procedures on card issue, transfer, and cancellation. Action to address damaged, lost or stolen cards should also be clearly described
- procedures for routine review of issued cards to ensure that each Cardholder is still the appropriate recipient of a card
- procedures standardising the approval, acquittal and authorisation of transactions
- guidelines or minimum requirements for transacting via internet, phone or in person with a Credit card, including any mandatory or prohibited methods of transacting e.g. the use of personal identification numbers (PINs) and the use of tap-and-go technology
- guidelines around the appropriate supporting documentation (including electronic documentation) to be retained in connection with the use of Credit card, including information about actions to be taken where the appropriate supporting documentation is unavailable or has been misplaced, or for unusual transactions which might require more than the standard supporting documentation
- guidelines to support staff to appropriately address discrepancies and errors, including procedures for following-up issues with merchants and/or the Card Issuer.

Appointing a Program Administrator

It is good practice for Narrandera Shire to nominate an employee as the Program Administrator for the Credit card framework. A Program Administrator can greatly assist with centralising and managing the policies, processes and procedures related to Credit cards. The Program Administrator does not need to be a full time role/position, but the person appointed should have an appropriate level of seniority.

The responsibilities of Program Administrators may include:

- communicating the Shire's Credit card Policy to Employees
- receiving completed and approved Cardholder applications
- recording and submitting applications to the Card Issuer
- issuing and cancelling Credit cards
- liaising with the Card Issuer about the administration of cards, including cancellations, limits and restrictions
- ensuring the *Statement of Responsibility* has been signed by Cardholders
- providing a point of contact between the Cardholder, merchant and the Card Issuer (e.g. for lost or stolen cards)
- review and update of the Council Credit Card Policy

- ensuring that Cardholders and approvers have completed reconciliation processes in a timely manner.

Limits, Thresholds and Restrictions

Limits, thresholds and restrictions should be set for each cardholder. In setting these the council should consider:

- the responsibilities of the role or position held by the Cardholder
- the level of current expenditure of the Cardholder
- the types of expenditures made by the Cardholder.

Council should also consider:

Credit Limits

Council can tailor the credit limits and expiry dates for individual cardholders. It is good practice for agencies to set and communicate the following for each cardholder:

- maximum limits for each monthly billing period
- maximum limits on the amount of any individual transaction.

Merchant Blocks

Banks require merchants to have identifying codes, based on the type of goods or services. Agencies can request the Card Issuer implement a merchant block to stop the card from being used with a particular merchant.

An alternative is to place a transaction limit for transactions with certain merchants. If a transaction exceeding that limit occurs, an alert is raised with the Council and the transaction can then be reviewed. For example, a transaction limit of one cent will ensure that all transactions with a specific merchant are immediately brought to the attention of the Council.

Prohibiting 'Purchase Splitting'

'Purchase splitting' occurs where Cardholders split one transaction into several in order to avoid exceeding credit limits. This is also known as 'order-splitting' or 'stringing' arrangements. While these types of arrangements will usually be in breach of the terms of use of Cards, Council should also consider explicitly prohibiting 'purchase splitting' arrangements.

Prohibiting Account Deposits

The ability to deposit a Cardholder's own money, or the Council's money, into a Card account can offset the credit limit and the way in which credit limits operate. As such, Agencies are encouraged to ensure that processes are in place to restrict Cardholders from making deposits into their Card account outside of exceptional circumstances. This restriction should be clearly defined in the Council's Card Policy, and appropriately communicated.

Prohibiting Cash Withdrawals

In general, it is expected that Cards will not be used for cash advances or cash withdrawals. For this reason, cards are generally issued with an existing block on cash withdrawals.

Segregation of Duties

Segregation of duties provides an important mechanism for Council to better prevent and detect errors, fraud and misuse.

Administration of the Card program should, where possible, be undertaken by someone who is not a cardholder. Where Council has limited resources, clearly documented alternative control activities – such as periodic review processes by appropriate Employees – should be implemented instead. In cases where the Program Administrator is also a cardholder, additional controls should be established around the maintenance and reconciliation of the Program Administrator's Card.

Approvals and Authorisations

Council is required to establish an internal approval process for the issuance and use of Cards. Cards should only be issued to individuals who are Employees.

While Cards are assigned to particular individuals, Council's financial and operational delegations will generally refer to roles/positions rather than individuals. If a cardholder changes role/position, the continued use of the Card by that individual, which is likely linked to their previous role/position, must be reviewed, as well as the ongoing appropriateness of any card limits, thresholds or restrictions. Council must also have processes in place to ensure that Cards are immediately cancelled upon the cessation of a cardholder's employment.

Safety and Security of Cards

Cards provide access to Council funds. For this reason, the safety and security of the card and its details is paramount to ensuring that Council's resources are not misused or misappropriated.

There are various points of interaction between the cardholder, agency, merchant and Card Issuer where the Card and/or card details may be mishandled. Areas of consideration include:

The Receipt and Issue of Cards

Council should ensure that there is a secure process for Cardholders to receive cards from the Card Issuer. Cardholders should sign and secure the Card immediately upon receipt.

The Ongoing Security, Storage and Use of Cards

Council should make clear to Cardholders their expectations concerning the storage of Cards. In particular, Council should pay attention to the need for the Cardholder to use the Card in remote or rural settings, and also to assess the risks associated with allowing a Cardholder to travel with a Card.

While Cards generally have some inbuilt security features, physical security is extremely important, and Cardholders should not:

- provide their card details to other people; or
- allow others to undertake transactions on their behalf using their card details.

Furthermore, Council should ensure that cardholders are aware of emergency contact details, including those for the Program Administrator (where relevant) in the event they become aware that the details of the card have been compromised.

Notifying Card Issuer and Agency of Loss or Theft

Cardholders should be aware of the process for reporting lost or stolen cards to the Card Issuer and Program Administrator.

In those circumstances, the Cardholder must immediately notify the Card Issuer and the Council. Notification is usually made through a 24 hour emergency number provided by the Card Issuer. The Cardholder should also contact the Council's Program Administrator (or nominated representative) as soon as is practicable.

The Council should provide all Cardholders with relevant Council and Card Issuer contact information at the time of issuing the Card.

'Card-Not-Present' Transactions

There can be additional risks associated with transactions where Cards are not physically presented, such as in telephone and internet transactions. Agencies should consider and address these specific risks in Card procedures and training. One of the key risks is the physical separation between the Cardholder and the merchant making it difficult in some circumstances for the Cardholder to verify the identity of the merchant. For all 'card-not-present' transactions, Cardholders should ensure that the merchants they are dealing with are known and reputable.

Cardholders using the internet to pay for purchases should ensure that they are familiar with, and adhere to, Council's internet use and security policies and procedures. At a minimum, Cardholders should check that the merchant's secure site address starts with <https://> and NOT <http://>. Sites that start with <https://> have an added encrypted transaction layer.

Cardholders will need to ensure they obtain proper records of transactions conducted by mail, telephone or internet to support timely acquittal of transactions. Electronic receipts should be properly stored for ease of access at the time of acquittal.

Training and Induction

Training Cardholders on their responsibilities is an important control that reduces the risk of Card misuse. Training should provide Cardholders with the knowledge and skills to effectively deliver on their responsibilities and understand their accountability for Card use. The training should cover all areas of Card policies and procedures.

Training on, and the Council's expectations in relation to Card use and management, should be provided to Cardholders at induction or when existing Employees become eligible for a Card. In either case, training should be a prerequisite to any approval for the issue of a Card to an Employee.

Ongoing Communications

An ongoing communications program is good practice as it allows Council to:

- reinforce the Council's policies, processes and procedures, including those related to fraud and misconduct;

- remind Cardholders of their responsibilities, including timely reconciliation;
- update Cardholders and other Employees on changes to policies, processes, procedures or terms and conditions of use; and
- ensure awareness of various training and support facilities offered to Cardholders and other Employees.

Detective Controls

The examples of controls are not intended to be exhaustive. Control activities should reflect the assessment of risks in the specific circumstances through a risk management process.

Detective controls are designed to identify and rectify errors and irregularities. Some examples of detective controls for Council include:

Reconciliations

The reconciliation of Card transactions is an important detective control for Council. In the first instance, reconciliation will be undertaken by a Cardholder to compare expenditure from advice provided by the Card Issuer to their supporting documentation to ensure that transactions are accurate. This process should be completed as soon as possible and, if possible, within 30 days of advice from the Card Issuer as to expenditure, to allow any disputed transactions to be reported to the Card Issuer in a timely manner.

A review of the Cardholder's transactions should also be undertaken by the Cardholder's direct manager. The Cardholder's direct manager is usually the most appropriate person to conduct the review as they will be familiar with the relevant Card Policy and Council guidelines for Card use and have knowledge of the activities of the Cardholder. However, where the Council determines that the direct manager is not the appropriate person to exercise the review, they should nominate another reviewer based on the following considerations:

- seniority of the reviewer relative to the Cardholder
- independence of the reviewer
- knowledge of the Cardholder's activities
- knowledge of the Council's Card Policy.

The reviewer will be responsible for forming a view on whether the expenditure undertaken is for Business Purposes and is consistent with the Cardholder's responsibilities and activities. The reviewer should assess whether:

- the expenditure incurred is appropriate for the purpose and reasonable
- the expenditure categorisations align with those allowed by the Council
- the appropriate supporting documentation has been attached.

It is not appropriate for a Cardholder to also be the reviewer of their own expenses.

In addition to these processes, the Council should ensure that there are processes for regular independent reviews of a sample of cardholder transactions.

There should be an audit trail to record the date of all reconciliations and reviews as well as to verify the identity of the cardholder and reviewer.

Procedures and controls should also be established over the maintenance of records of Card reconciliations and other supporting documentation as relevant, and in accordance with the Council's record keeping obligations.

Detecting Fraud

Fraud by its nature is more difficult to prevent and detect than unintentional errors and irregularities. As fraud is an intentional act, perpetrators will often take actions to avoid detection. This includes circumventing existing controls. While any system of control cannot entirely eliminate the risk of fraud, it is therefore necessary to identify and assess fraud risks and design controls specifically to mitigate the risk of fraud.

Protecting Council's resources from fraud and monitoring for suspicious activity of staff and/or third parties is not a simple task. While it may be appropriate for agencies with large amounts of assets and/or expenditure to engage sophisticated and integrated fraud prevention and detection systems, Council will benefit from targeted monitoring for fraud risk. This may include monitoring for:

- unusual or unexpected levels of expenditure
- round number transaction amounts (e.g., \$50, \$100)
- transactions with unusual types of merchants
- the use of 'suspicious' words, as identified by the Agency, to identify exceptions
- transactions for non-business items and services
- multiple transactions for the same or similar items or for the same amount
- inconsistency between expense description and merchant code
- consistent late submission of supporting documentation or outstanding reconciliations; or
- transactions that have occurred on weekends, public holidays or while the Cardholder is on a leave of absence.

However, it should not be assumed that fraud has occurred if an instance listed above is identified. There may be legitimate reasons for any of these occurrences. Rather, the indicators should prompt further inquiry to ensure that they reflect appropriate use of the Card.

For further information about managing fraud generally, Council should consult the NSW Audit Office publication *Fraud Control Improvement Kit: Meeting your Fraud Control Obligations*. The Kit provides Council's with practical guidance to implement a fraud control framework. Further information and guidance to prevent fraud and corruption is also available from the Independent Commission Against Corruption.

<http://www.audit.nsw.gov.au/publications/better-practice-guides>

<http://www.icac.nsw.gov.au/publications-and-resources/corruption-prevention> Use and Management of

Monitoring and Review of Card Controls

Council should design and implement a program of reviews of Card controls to ensure the controls remain effective and fit for purpose. This should include testing whether existing controls are operating effectively using techniques such as re-performance, observation or inspection of documentation. Regular reviews are also necessary to ensure the system of controls continues to effectively and efficiently mitigate Card risks, because risks will not be static. Reviews can be a mix of:

- management and user reviews
- independent third-party reviews, e.g. internal or external audit.

Different processes will impose different costs and timeframes. For example, an internal audit could take weeks to complete while a review of Cards with overdue reconciliations could take a few hours each month. Accordingly, Council will need to assess the value of employing different monitoring and review methods. A range of frequent, lower cost, risk based reviews in addition to less frequent major reviews may provide an appropriate level of assurance.

Indicative frequency	Nature of monitoring and review
Ongoing	<p>Recording of unusual events (e.g. record instances of reported personal use of Cards so any recurrence is noted, record merchants involved in disputed transactions).</p> <p>Assess and act on overdue reconciliations by Cardholders</p>
6 – 12 months	<p>Review Card use against credit limits for possible adjustments.</p> <p>Review Cards not used for a significant period to establish if they are still required.</p> <p>Sample testing of transactions with higher risk of misuse (e.g. check whether transactions over \$4,000 properly established value for money and compliance with guidelines; check whether transactions with duplicated details are merchant error).</p> <p>Statistical analysis of utilisation patterns (e.g. identify opportunities for centralised procurement of some types of goods, assess average and unusual costs for accommodation by city).</p> <p>Reconcile the Council’s Cards Register with the Card Issuer</p>
1-3 years	<p>Internal audit review covering Cards as appropriate (e.g. processes for issue and return; whether reconciliation and review procedures are being followed).</p> <p>Review expenditure in areas where judgement plays an important role (e.g. travel and meals) in order to assess whether the expenditure is remaining within public expectations and practice in comparable agencies.</p>

Internal Reporting

Council should utilise the Cards register to ensure that they are aware of each card issued to cardholders with council, including the relevant administrative conditions attached to each card. Managers should receive regular reports on Card usage within their areas, including inactive accounts (where relevant), to allow for review and any updates to be made to the card register.

Internal Audit

Council's internal audit committee has a key role to play in ensuring the integrity of the systems, policies, processes and procedures in place, and should include an audit on Card controls as part of a regular pattern of review (See above table).

Cardholder Statement of Responsibility

Narrandera Shire Council has approved the issue of a NAB Mastercard to you (the Cardholder). As a Cardholder you are required to read and comply with the following Statement of Responsibility which outlines your responsibilities with respect to the use and management of your Card whilst employed by Narrandera Shire Council.

I, _____, understand and agree to the following terms and conditions:

Safety and Security

- 1.1 I have received and signed my Card which is only to be used by me.
- 1.2 I understand that I am the only authorised user of this Card.
- 1.3 I am personally responsible for the security and safe keeping of my Card and the relevant card account details, including my Personal Identification Number (PIN) and card number.
- 1.4 If my card is stolen or lost, I will immediately report it to National Australia Bank on telephone 1800 033 103 immediately and Narrandera Shire Council's Finance Manager.

Official Business Use

- 2.1 I will only use the Card for Business Purposes in accordance with the guidelines detailed in Narrandera Shire Council's Credit Card Policy and as per the National Australia Bank's conditions of use. "Business Purposes" means that the expenditure has been undertaken for a purpose that is in direct connection with, or as a direct consequence of, my role/position responsibilities within Narrandera Shire Council.
- 2.2 I will comply with Narrandera Shire Council's policies, processes and procedures for authorised expenditure.
- 2.3 I understand that all expenditure charged to my Card is subject to examination and approval by a delegated Employee of Narrandera Shire Council
- 2.4 I understand the relevant expenditure categories which are authorised for Card expenditure.
- 2.5 I will collect and retain the required documentation to support all transactions made with the Card. Where the required documentation to support a transaction has not been retained, I will complete a statutory declaration detailing the nature of the expense and confirming that the expense was for Business Purposes only.
- 2.6 I understand that I must not make cash withdrawals or seek cash advances using the Card.
- 2.7 I will not exceed my credit limit on the Card unless I have obtained prior documented approval.
- 2.8 I will not split transactions on the Card to avoid exceeding transaction limits.
- 2.9 I will not make deposits into the Card account.
- 2.10 I acknowledge that my monthly credit limit is \$ _____ and the maximum transaction amount is \$ _____.

Disciplinary Sanctions

3.1 I understand that if I use the Card for purposes other than Business Purposes, or in a manner which is inconsistent with the conditions of use, I may have my Card withdrawn, and/or suspended or cancelled.

3.2 I understand that if I use the Card for purposes other than Business Purposes, or otherwise engage in inappropriate use of the Card, I may be subject to disciplinary action.

3.3 I understand that in the event of loss or theft through negligence or non-compliance with the conditions of use, I may be responsible for any liability incurred.

Termination or Suspension of Employment

4.1 I agree to notify and return my Card to the Finance Manager in the following circumstances:

- if I leave my employment of my own accord.
- if I have my employment terminated.
- if I am suspended pending an investigation into my conduct (whether related to Card use or not).
- if I intend to go on extended leave for more than 8 weeks.
- if I am reassigned to a role or position where a Card is not deemed necessary to the performance of my duties.

Privacy

5.1 I am aware that my personal information has been collected and will be held by Narrandera Shire Council on an ongoing basis to meet the various requirements in relation to the administration of Cards. I understand that Narrandera Shire Council may need to disclose my personal information to any party that is legally entitled to access the information.

5.2 I am aware that any personal information related to the administration of Cards will be collected, retained, protected and disposed of by Narrandera Shire Council under the provisions of the Privacy and Personal Information Act 1998, and in line with Narrandera Shire Council's privacy management plan.

Acceptance of Conditions:

I acknowledge that I have read and understand the conditions of use as detailed above and will comply with the requirements as stated.

Name of Card holder:	
Role/Position:	
Signature of Cardholder:	
Date:	
Name of Witness:	
Role/Position:	
Signature of Witness:	
Date:	

Credit Card Policy 202X

POL026



Policy No:	POL026
Policy Title:	Credit Card Policy
Section Responsible:	Finance
Minute No:	
Doc ID:	400813

1. INTENT

Narrandera Shire Corporate Credit Cards are provided to employees to enable the purchase of goods and services.

2. SCOPE

- Council staff who are issued with a corporate credit card.
- Mayor.

3. OBJECTIVE

- Provide a clear framework to enable the use of corporate credit cards.
- Provide clear and concise guidelines of use to staff and Council representatives who are issued with Corporate Credit Cards.
- Reduce the risk of fraud and misuse of the corporate credit card by ensuring invoices and related documentation are properly authorised.

4. POLICY STATEMENT

Narrandera Shire Council Staff issued with a Corporate Credit Card hold a position of trust in regard to the use of public funds and must comply with the following:

All expenses must be for legitimate Council purpose, meaning they are reasonable and appropriate in the circumstances, and publicly defensible. The expenditure must not be or perceived to be excessive and must meet the following characteristics:

- Necessary to perform a valid business purpose fulfilling the mission of Narrandera Shire Council.
- Reasonable in that the expense is not extreme or excessive and reflects a prudent decision to incur the expense.
- Appropriate in that the expense is suitable and fitting the context of the valid business purpose.
- Allowable according to the terms of the procurement policy.

Narrandera Shire Council Corporate Credit Cards shall be used only:

- For Council business activities
- For the purchase of goods in accordance with Council's Procurement Policy.

5. PROVISIONS

5.1 ELIGIBILITY

- Allocation of a corporate credit card can only be approved by the General Manager or, in the case of a card for the General Manger, approval is provided by the Mayor.
- A corporate credit card will only be issued when it is established that the anticipated usage of the card is warranted.
- The credit limit will not exceed the applicant's financial or operational delegation.
- Once approved the application must be signed by the cardholder and two (2) signatories to Council's bank accounts.
- The cardholder shall acknowledge and accept conditions of use of the Narrandera Shire Council corporate credit card. Refer Attachment 1 Cardholder Statement of Responsibility.
- Narrandera Shire Council Corporate Credit Cards do not have a cash advance facility.

5.2 RECONCILIATION

- Corporate Credit Cards statement accounts will be issued to the relevant cardholder who will, within seven (7) days, acquit the transactions on the account. A template is attached to this policy identifying the reconciliation requirements. Refer Attachment 2 Corporate Credit Card Reconciliation Template.
- Transactions will be supported by a GST invoice stating the type of goods purchased, amount of goods purchased and the price paid for the goods. The receipt shall meet the requirements of the Goods and Services Tax Act 1999 to enable a GST rebate to be applied.
- Transactions shall be accompanied by an explanation of why the expense was incurred.
- Transactions shall be accompanied by a job cost number for costing purposes.
- If no supporting documentation is available the cardholder will provide a statutory declaration detailing the nature of the expense and must state on that declaration 'all expenditure is of a business nature'. Approval of this expense is referred to the Deputy General Manager or Finance Manager for a decision. Should a lack of detail be a regular occurrence for a particular cardholder, the cardholder may be refused access to a credit card in the future. Use of a statutory declaration is for exceptional circumstances and should not be the norm.
- Should the approval of the expense be denied by the DGM or Finance Manager, recovery of the expense shall be met by the cardholder.
- The cardholder should sign and date the credit card statement with supporting documentation attached stating 'all expenditure is of a business nature'.

5.3 REVIEW OF USE

- The Senior Finance Officer shall review and approve the monthly expenditure undertaken by each staff member. All receipts and documentation will be reviewed and any expenses that do not appear to represent fair and reasonable expenses

shall be referred to the Finance Manager, or to the Deputy General Manager by the Senior Finance Officer, for a decision.

- Following the monthly transaction review, the Finance Manager or delegate conducting the processing of payment to the bank will sign and file a statement stating that the review was clear, or any issues raised have been resolved or reported to the General Manager.
- Quarterly reviews of expenditure shall be undertaken by the Finance Manager and the Deputy General Manager on a rotational basis to ensure the integrity of the purchases. External scrutiny of the credit card expenditure will also be encouraged as part of the external audit process of Council's finances.
- Any suspicious transaction or other issues of concern identified through the review process must be reported to the General Manager within 10 working days. If the issue of concern relates to the GM, the matter must be reported to Council's Internal Auditor within 10 working days.

5.4 REVIEW OF LIMITS

- Credit card limits are reviewed annually for all cardholders. If there is a request for a variation to the monthly limit, a business case will need to be provided to the General Manager for a decision.

5.5 LOST, STOLEN AND DAMAGED CARDS

- The loss or theft of a credit card must be immediately reported by the cardholder to the card provider regardless of the time or day discovered. The cardholder must also formally advise the Finance Manager of the loss or theft on the next working day.
- Advice of a damaged card is to be provided to the Finance Manager who will organise a replacement card.

5.6 CONSEQUENCES

This policy represents the formal policy expected standards of Narrandera Shire Council. Appropriate approvals need to be obtained prior to any deviation from the policy. It is imperative that employees retain appropriate documentation to substantiate their expenditure. Employees are reminded of their obligation under the Shire's Code of Conduct policy to give full effect to the lawful policies, decisions and practices of the Shire.

A breach of this policy may constitute a breach of Council's Code of Conduct and be resolved through Council's disciplinary process.

The use and control of credit cards are the sole responsibility of the person whose name appears on the card and they are responsible for ensuring that the proper use of the card is maintained and can be accounted for under the provisions of this policy.

5.7 REPORTING

In July of each year, the Finance Manger will provide a report on credit card usage for the past year to ELT. The report will set out each cardholder recorded in the Credit Card Register in the past year and the amount expended during the year by each.

6. DEFINITIONS

- **NSC:** Narrandera Shire Council
- **ELT:** Executive Leadership Team

7. ROLES AND RESPONSIBILITIES

Staff and Representatives Issued with Corporate Credit Cards

- The use and control of credit cards is the sole responsibility of the person whose name appears on the card and they are responsible for ensuring that the proper use of the card is maintained and can be accounted for under the provisions of this policy.
- All cardholder responsibilities comply with those set out by the card provider.
- Credit Cards are to be maintained in a secure manner and guarded against improper use. Under no circumstance should PINs (Personal Identity Numbers) be shared with third parties.
- Credit Card details are not to be released to other employees. Only the staff member whose name appears on the card is authorised to use the card for purchases.
- Purchases on the credit card are to be made in accordance with Narrandera Shire Council's Procurement Policy.
- Purchases on Credit Cards are not to exceed a staff member's financial delegation.
- For all transactions, original receipts or tax invoices must be obtained at the time of the transaction (including for contactless transactions). Cardholders must comply with all other Narrandera Shire Council requirements with respect to the reconciliation of transactions.
- Purchases must not be split into smaller transactions (or over multiple cards) to circumvent expenditure or transaction limits.
- The use of the credit card shall not be tied to any type of reward system that provides cardholders with any personal benefit or reward.
- All credit card transactions must be reconciled within seven (7) days of the date of the corporate credit card statement being issued by the Finance Department with all reconciliation dockets attached to equal the balance of credit used.
- Personal expenditure must not be intentionally charged to the credit card, even if it is intended to subsequently repay the expenditure, except in extreme and defensible circumstances, in which case repayment must be made within 14 days from the transaction date.
- Corporate Credit Cards are to be returned to the Finance Manager on or before the employee's termination date with full acquittal of expenses.

8. RELATED LEGISLATION

- N/A

9. RELATED POLICIES AND DOCUMENTS

- Code of Conduct
- CS100 Procurement Policy

- CS150 Risk Management Policy
- POL007 Fraud and Corruption Prevention Policy
- POL070 Disciplinary Policy
- Procurement Manual

10. VARIATION

Council reserves the right to review, vary or revoke this policy in accordance with legislation, regulation and award changes, where applicable. Council may also make charges to this policy and the relevant procedures from time-to-time to improve the effectiveness of its operation.

11. PREVIOUS VERSIONS

Reference to a superseded policy number and/or name is also considered a reference to the new policy number. This policy was previously named:

- CS50 Credit Card Policy
- F1510 Corporate Credit Card Policy

POLICY HISTORY

Responsible Officer	Finance Manager		
Approved by	General Manager		
Approval Date	XX Month 202X		
GM Signature <i>(Authorised staff to insert signature)</i>			
Next Review	1 April 2023		
Version Number	Endorsed by ELT	Endorsed by Council	Date signed by GM
1 Adopted	-	-	21/06/2005
2 Reviewed	-	-	20/03/2007
3 Reviewed	-	17/02/2009	17/02/2009
4 Reviewed	17/07/2014	16/09/2014	19/09/2014
5 Reviewed	-	18/08/2015	19/08/2015
6 Reviewed	12/09/2017	-	12/09/2017
7 Reviewed	7/05/2018	15/05/2018	15/05/2018
8 Reviewed	17/01/2019	21/05/2019	3/06/2019
9 Reviewed	DD/MM/YYYY	DD/MM/YYYY	DD/MM/YYYY

NOTE: This is a controlled document. If you are reading a printed copy, please check that you have the latest version via Council’s website (external) or MagiQ (internal). Printed or downloaded versions of this document are uncontrolled.

Attachment 1 - Cardholder Statement of Responsibility

Narrandera Shire Council has approved the issue of a NAB Mastercard to you (the Cardholder). As a Cardholder you are required to read and comply with the following Statement of Responsibility which outlines your responsibilities with respect to the use and management of your Card whilst employed by Narrandera Shire Council.

I, _____, understand and agree to the following terms and conditions:

Safety and Security

- 1.1 I have received and signed my Card which is only to be used by me.
- 1.2 I understand that I am the only authorised user of this Card.
- 1.3 I am personally responsible for the security and safe keeping of my Card and the relevant card account details, including my Personal Identification Number (PIN) and card number.
- 1.4 If my card is stolen or lost, I will immediately report it to National Australia Bank on telephone 1800 033 103 immediately and Narrandera Shire Council's Finance Manager.

Official Business Use

- 2.1 I will only use the Card for Business Purposes in accordance with the guidelines detailed in Narrandera Shire Council's Credit Card Policy and as per the National Australia Bank's conditions of use. "Business Purposes" means that the expenditure has been undertaken for a purpose that is in direct connection with, or as a direct consequence of, my role/position responsibilities within Narrandera Shire Council.
- 2.2 I will comply with Narrandera Shire Council's policies, processes and procedures for authorised expenditure.
- 2.3 I understand that all expenditure charged to my Card is subject to examination and approval by a delegated Employee of Narrandera Shire Council
- 2.4 I understand the relevant expenditure categories which are authorised for Card expenditure.
- 2.5 I will collect and retain the required documentation to support all transactions made with the Card. Where the required documentation to support a transaction has not been retained, I will complete a statutory declaration detailing the nature of the expense and confirming that the expense was for Business Purposes only.
- 2.6 I understand that I must not make cash withdrawals or seek cash advances using the Card.
- 2.7 I will not exceed my credit limit on the Card unless I have obtained prior documented approval.
- 2.8 I will not split transactions on the Card to avoid exceeding transaction limits.
- 2.9 I will not make deposits into the Card account.
- 2.10 I acknowledge that my monthly credit limit is \$ _____ and the maximum transaction amount is \$ _____.

Disciplinary Sanctions

- 3.1 I understand that if I use the Card for purposes other than Business Purposes, or in a manner which is inconsistent with the conditions of use, I may have my Card withdrawn, and/or suspended or cancelled.
- 3.2 I understand that if I use the Card for purposes other than Business Purposes, or otherwise engage in inappropriate use of the Card, I may be subject to disciplinary action.
- 3.3 I understand that in the event of loss or theft through negligence or non-compliance with the conditions of use, I may be responsible for any liability incurred.

Termination or Suspension of Employment

- 4.1 I agree to notify and return my Card to the Finance Manager in the following circumstances:
 - if I leave my employment of my own accord.
 - if I have my employment terminated.
 - if I am suspended pending an investigation into my conduct (whether related to Card use or not).
 - if I am reassigned to a role or position where a Card is not deemed necessary to the performance of my duties.

Privacy

- 5.1 I am aware that my personal information has been collected and will be held by Narrandera Shire Council on an ongoing basis to meet the various requirements in relation to the administration of Cards. I understand that Narrandera Shire Council may need to disclose my personal information to any party that is legally entitled to access the information.

5.2 I am aware that any personal information related to the administration of Cards will be collected, retained, protected and disposed of by Narrandera Shire Council under the provisions of the Privacy and Personal Information Act 1998, and in line with Narrandera Shire Council’s privacy management plan.

Acceptance of Conditions

I acknowledge that I have read and understand the conditions of use as detailed above and will comply with the requirements as stated.

Name of Card holder	
Role/Position	
Signature of Cardholder	
Date	
Name of Witness	
Role/Position	
Signature of Witness	
Date	

I hereby acknowledge that I have received, read and understood a copy of Council's Credit Card Policy.	
Employee Name	
Position Title	
Signature	
Date	

20.2 MARCH INCOME STATEMENT

Document ID: 550477

Author: Senior Finance Officer

Authoriser: Deputy General Manager Corporate and Community

Theme: Statutory and Compulsory Reporting – Financial / Audit

Attachments: 1. [2020-2021 Income Statement.xlsx](#) 

RECOMMENDATION

That Council:

1. Receives and notes the information contained in the Income Statement report for the period ending 31 March 2021.

PURPOSE

The purpose of this report is to present Council with the Statement of Income for the period ending 31 March 2021.

SUMMARY

This report contains operating income and expenditure for Council's General, Water and Sewer Funds. This statement will differ from that in the Annual Financial Statements due to the accrual process and calculation of depreciation.

BACKGROUND

Adopted Budget

The original budget was adopted by Council on 2 June 2020. The budget will be reviewed at the end of each quarter during the year; subsequent reports will have the revised budget disclosed.

Rates & Annual Charges

Rates & Charges are reported as fully received because revenue is accounted for once the rates levy has been run. Rates notices for 2020/2021 were issued on 1 July 2020.

Depreciation

Depreciation is run on a quarterly basis and has been calculated to March.

Major Variations to Budget

There are no major variations to budget evident.

RECOMMENDATION

That Council:

1. Receives and notes the information contained in the Income Statement report for the period ending 31 March 2021.

Narrandera Shire Council

Consolidated Income Statement

for the period ending 31 March 2021

	Original Budget	Revised Budget	Actual YTD
Income from continuing operations			
Rates and annual charges	8,040	8,066	8,260
User charges and fees	3,309	3,372	1,870
Other revenues	550	619	346
Grants and contributions provided for operating purposes	7,475	5,104	4,017
Grants and contributions provided for capital purposes	13,416	17,954	4,772
Interest and investment revenue	361	361	125
Other income	235	242	176
Net gain from the disposal of assets	92	92	143
Total income from continuing operations	33,478	35,810	19,709
Expenses from continuing operations			
Employee benefits and on-costs	8,307	8,192	5,512
Materials and services	3,892	4,395	3,221
Borrowing costs	6	10	13
Depreciation and amortisation	5,087	5,087	3,815
Other expenses	1,878	1,929	1,475
Net loss from the disposal of assets	-	-	-
Total expenses from continuing operations	19,170	19,613	14,036
Operating result from continuing operations	14,308	16,197	5,673
Operating result from discontinued operations	-	-	-
Net operating result for the year attributable to Council	14,308	16,197	5,673
Net operating result for the year before grants and contributions provided for capital purposes	892	(1,757)	901

Narrandera Shire Council

General Fund Income Statement

for the period ending 31 March 2021

	Original Budget	Revised Budget	Actual YTD
Income from continuing operations			
Rates and annual charges	5,928	5,932	6,063
User charges and fees	1,688	1,751	1,014
Other revenues	550	619	346
Grants and contributions provided for operating purposes	7,432	5,061	3,976
Grants and contributions provided for capital purposes	9,268	13,677	4,822
Interest and investment revenue	218	218	92
Other income	235	242	176
Net gain from the disposal of assets	92	92	143
Total income from continuing operations	25,411	27,592	16,632
Expenses from continuing operations			
Employee benefits and on-costs	6,653	6,538	4,384
Materials and services	3,403	3,906	2,728
Borrowing costs	6	10	13
Depreciation and amortisation	4,265	4,265	3,199
Other expenses	1,459	1,510	1,205
Net loss from the disposal of assets	-	-	-
Total expenses from continuing operations	15,786	16,229	11,529
Operating result from continuing operations	9,625	11,363	5,103
Operating result from discontinued operations	-	-	-
Net operating result for the year attributable to Council	9,625	11,363	5,103
Net operating result for the year before grants and contributions provided for capital purposes	357	(2,314)	281

Narrandera Shire Council

Water Fund Income Statement

for the period ending 31 March 2021

	Original Budget	Dec Revised Budget	Actual YTD
Income from continuing operations			
Rates and annual charges	756	766	792
User charges and fees	1,459	1,459	751
Other revenues	-	-	-
Grants and contributions provided for operating purposes	23	23	22
Grants and contributions provided for capital purposes	20	124	4
Interest and investment revenue	125	125	28
Other income	-	-	-
Net gain from the disposal of assets	-	-	-
Total income from continuing operations	2,383	2,497	1,597
Expenses from continuing operations			
Employee benefits and on-costs	952	952	666
Materials and services	284	284	276
Borrowing costs	-	-	-
Depreciation and amortisation	510	510	383
Other expenses	261	261	193
Net loss from the disposal of assets	-	-	-
Total expenses from continuing operations	2,007	2,007	1,518
Operating result from continuing operations	376	490	80
Operating result from discontinued operations	-	-	-
Net operating result for the year attributable to Council	376	490	80
Net Operating Result for the year before Grants and Contributions provided for Capital Purposes	356	366	76

Narrandera Shire Council

Sewer Fund Income Statement

for the period ending 31 March 2021

	Original Budget	Dec Revised Budget	Actual YTD
Income from continuing operations			
Rates and annual charges	1,356	1,368	1,405
User charges and fees	162	162	105
Other revenues	-	-	-
Grants and contributions provided for operating purposes	20	20	19
Grants and contributions provided for capital purposes	4,128	4,153	(54)
Interest and investment revenue	18	18	5
Other income	-	-	-
Net gain from the disposal of assets	-	-	-
Total income from continuing operations	5,684	5,721	1,480
Expenses from continuing operations			
Employee benefits and on-costs	702	702	462
Materials and services	205	205	217
Borrowing costs	-	-	-
Depreciation and amortisation	312	312	234
Other expenses	158	158	77
Net loss from the disposal of assets	-	-	-
Total expenses from continuing operations	1,377	1,377	990
Operating result from continuing operations	4,307	4,344	490
Operating result from discontinued operations	-	-	-
Net operating result for the year attributable to Council	4,307	4,344	490
Net operating result for the year before grants and contributions provided for capital purposes	179	191	544

20.3 MARCH STATEMENT OF INVESTMENTS

Document ID: 550480
Author: Senior Finance Officer
Authoriser: Deputy General Manager Corporate and Community
Theme: Statutory and Compulsory Reporting – Financial / Audit
Attachments: Nil

RECOMMENDATION

That Council:

1. Receives and notes the information contained in the Statement of Investments report as at 31 March 2021.

PURPOSE

The purpose of this report is to enable Council to track the progress of its investments.

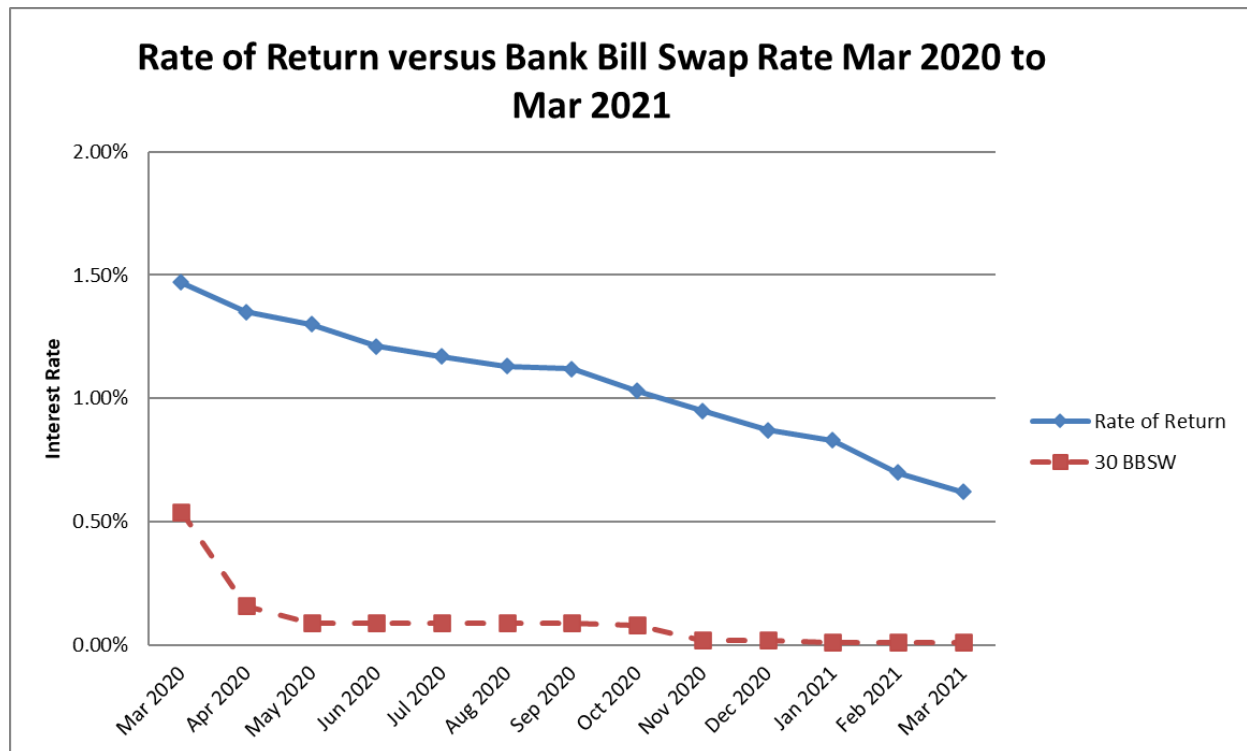
SUMMARY

Fund Balance (GL)	
General	15,006,438.61
Water	7,469,223.61
Sewerage	1,184,057.97
Trust	85,204.14
	23,744,924.33

BACKGROUND

Council Funds				
Banking Authority	Amount	%	Yield	Due Date
Direct Investments A to BBB-				
Elders Rural Bank	1,000,000.00	4.23%	1.51%	18 Apr 2021
Elders Rural Bank	1,000,000.00	4.23%	1.25%	3 May 2021
Elders Rural Bank	1,000,000.00	4.23%	1.40%	26 May 2021
Elders Rural Bank	1,000,000.00	4.23%	0.70%	18 Nov 2021
Bendigo Bank	1,000,000.00	4.23%	0.80%	24 Jul 2021
Bendigo Bank	750,000.00	3.17%	0.78%	11 Aug 2021
Bendigo Bank	1,000,000.00	4.23%	0.50%	19 Aug 2021
Bendigo Bank	1,000,000.00	4.23%	0.50%	3 Dec 2021
Direct Investments AA- to A		7,750,000.00	32.78%	

Direct Investments AAA to AA-				
NAB Cashmaximiser	1,159,720.19	4.90%	0.10%	31 Mar 2021
NAB	1,000,000.00	4.23%	1.02%	23 Apr 2021
NAB	1,000,000.00	4.23%	1.00%	8 Jun 2021
NAB	1,000,000.00	4.23%	0.85%	9 Aug 2021
NAB	1,000,000.00	4.23%	0.50%	30 Sep 2021
NAB	1,000,000.00	4.23%	0.50%	1 Oct 2021
NAB	1,000,000.00	4.23%	0.32%	24 Jan 2022
St George	750,000.00	3.17%	1.12%	4 Jun 2021
St George	1,000,000.00	4.23%	0.92%	10 Jul 2021
St George	1,000,000.00	4.23%	0.75%	10 Sep 2021
St George	1,000,000.00	4.23%	0.60%	23 Nov 2021
CBA	1,000,000.00	4.23%	0.42%	24 Feb 2022
CBA	1,000,000.00	4.23%	0.42%	24 Feb 2022
CBA	1,000,000.00	4.23%	0.42%	16 Mar 2022
Westpac	1,000,000.00	4.23%	0.95%	26 May 2021
Westpac	1,000,000.00	4.23%	0.77%	1 Sep 2021
	15,909,720.19	67.29%		
Council Funds	23,659,720.19	100%		
Monthly Investment Performance				
Period Ending	Investments	Weighted Average	BBSW 30 day rate	Variance
Mar 2020	25,204,172.57	1.47%	0.540%	0.93%
Apr 2020	25,204,242.60	1.35%	0.160%	1.19%
May 2020	27,549,312.61	1.30%	0.090%	1.21%
Jun 2020	28,469,399.48	1.21%	0.090%	1.12%
Jul 2020	27,469,472.15	1.17%	0.090%	1.08%
Aug 2020	27,469,534.55	1.13%	0.090%	1.04%
Sep 2020	26,909,579.32	1.12%	0.090%	1.03%
Oct 2020	26,959,617.52	1.03%	0.080%	0.95%
Nov 2020	27,209,684.39	0.95%	0.020%	0.93%
Dec 2020	26,009,696.10	0.87%	0.020%	0.85%
Jan 2021	24,259,702.13	0.83%	0.010%	0.82%
Feb 2021	24,659,709.71	0.70%	0.010%	0.69%
Mar 2021	23,659,720.19	0.62%	0.010%	0.61%
Trust Funds				
Banking Authority	Amount	%	Yield	Due Date
Direct Investments AAA to AA-				
National Australia Bank (Art Trust)	53,153.58	67.62%	1.45%	2/08/2021
Bendigo Bank (Tourist Trust)	32,050.56	32.38%	1.10%	21/03/2022
Trust Funds	85,204.14			



Individual Limits					
Institution	Rating		Amount Invested	Council %	
Bendigo Bank	BBB+	A2	\$ 3,782,050.56	15.9%	Max 20%
Elders Rural Bank	BBB+	A2	\$ 4,000,000.00	16.9%	Max 20%
IMB	BBB	A2	\$ -	0.0%	Max 20%
NAB	AA-	A1+	\$ 7,212,873.77	30.4%	Max 35%
Suncorp	A+	A1	\$ -	0.0%	Max 25%
StGeorge	AA	A1+	\$ 3,750,000.00	15.8%	Max 35%
Macquarie Bank	A-	A1	\$ -	0.0%	Max 25%
Commonwealth Bank	AA-	A1+	\$ 3,000,000.00	12.6%	Max 35%
Westpac	AA	A1+	\$ 2,000,000.00	8.4%	Max 35%

RELEVANCE TO COMMUNITY STRATEGIC PLAN AND OTHER STRATEGIES / MASTERPLANS / STUDIES

The investments listed above have been made in accordance with the Local Government Act, the Regulations and Council’s Investment Policy.

ISSUES AND IMPLICATIONS

Policy

- N/A

Financial

- N/A

Legal / Statutory

- Compliance with Clause 212 Local Government Regulation 2005

Community Engagement / Communication

- N/A

Human Resources / Industrial Relations (if applicable)

- N/A

RISKS

- The Reserve Bank has announced interest rates are anticipated to remain low for two years. This presents a risk to the return received on investments placed in 2020/21.

RECOMMENDATION

That Council:

1. Receives and notes the information contained in the Statement of Investments report as at 31 March 2021.

20.4 MARCH CAPITAL WORKS PROGRAM

Document ID:	550482
Author:	Costing Officer
Authoriser:	Deputy General Manager Corporate and Community
Theme:	Statutory and Compulsory Reporting – Financial / Audit
Attachments:	1. March 2021 Capital Works Program.pdf ↓ 2. March 2021 Capital Expenditure.pdf ↓ 3. March 2021 Operating Expenditure.pdf ↓

RECOMMENDATION

That Council:

1. Receives and notes the information contained in the Capital Works report as of 31 March 2021.

PURPOSE

The purpose of this report is to enable Council to track the progress of capital works programs. This report is for the period ending 31 March 2021.

BACKGROUND

Works listed in the attachment are for works against new budgeted projects for the 2020/2021 year. Key operational expenses are also included in this report and have been highlighted separately.

PROGRESS TO DATE IN EACH AREA

Administration

Administration projects are scheduled as follows:

- Replace Desktops/Laptops (May 2021).
- Project is being scoped for IT Review.
- Quotes are being reviewed for the SQL Server Software Licenses.
- NBN Router with 4G backup is being reviewed.
- Quotes are being reviewed for the Azure Premium P1 Implementation.
- GDA and SSA Implementation has commenced and will continue throughout the year.
- Software Licenses will be reviewed throughout the year and purchased if required.
- The Network Penetration Testing, Replace Virtualising Hardware & Software and the Business Continuity Site projects are complete.

Public Order & Safety

- Project is being scoped for the Pound Cattery Holding system.

Environment

- The Penstock Gate was scheduled to be installed mid-March for Larmer Street Flood Mitigation Works - Stage 2.
- Narrandera West Drainage Improvements is awaiting land access approval from the Local Aboriginal Lands Council.
- The survey is complete for Drainage Improvements Driscoll Road with the concept design pending.
- The Narrandera Waste Facility Masterplan, external fence improvements and operational control room long-term management masterplan was presented to the December Council with the final report tabled at the March Council meeting.

Housing & Community Amenities

- Quotes and design are in progress for the Barellan Cemetery entrance gate.
- Furniture has been delivered for the Grong Grong Cemetery, awaiting installation in April 2021.
- Narrandera Cemetery fence quotes were sourced in March 2021.

Recreation & Culture

- Lake Talbot Pool Masterplan works are nearing completion with the pool open to the public. Disabled Gate has been completed with remaining signage pending completion. Remaining balance to be transferred to reserve.
- Book & Resources annual replacement purchasing is on target.
- Design is being reviewed for the Narrandera Sportsground drainages and soak. Project has been deferred to 2021-2022.
- Henry Mathieson Oval Level and Resurface commenced in February with works carrying through to April 2021.
- Contracts are now signed, with works underway for the Narrandera Sportsground Clubrooms.
- Narrandera Sportsground Grandstand improvements scoping is underway.
- Outdoor Court Furniture and shelters concept designs were requested from the stadium committee and netball clubs.
- Procurement is complete for the Henry Mathieson Oval perimeter fencing.
- Barellan Netball Courts design is under review by the football/netball club, with additional funds required to complete the entire project.
- Bottle re-filler being purchased to be installed at the skate park.
- Other Town Park upgrades landscaping is scheduled for April 2021.
- Brewery Flats landscaping funds transferred to reserve for future capital works.
- Tree Audit is being reviewed by the consultant. Visual inspections commenced in March 2021.
- Specifications for the Biosecurity Mapping System are being developed; specialised companies are being engaged.

- Narrandera Victoria Avenue Stage 3 quotation specifications are complete. Quotations to closed mid-March 2021.
- Remote Signage is planned for June 2021.
- Works are underway for the Barellan Rural Fire Service Station amenities upgrade.
- Detailed designs for the completion of the Wiradjuri Wall are complete; additional funding is being sought.
- Scope is being prepared for the Lake Talbot seating and shelter revamp.
- Marie Bashir Park Up Lighting Adventure Playground project has been deferred to 2021-2022.
- Completed projects include Barellan Playground upgrades, Festive Mega Tree, Marie Bashir Park Pocket Park Upgrades, Victoria Avenue Stage 2, Barellan Pool Installation of Marine Carpet works and The Barellan Pool Upgrade Filtration system works.

Drought Community Funding (Round 2)

- The changerooms are nearing completion for the Henry Mathieson Oval Facilities improvement project. Kiosk upgrade has commenced and is on track for end of April completion.
- Narrandera Stadium Upgrade roof sheeting quotes have been awarded, awaiting contractor.
- Council is working with RAMJO to deliver a joint Adverse Event Management Plan. Draft has been adopted by Council.
- The Lake Talbot Pool Road beautification project retaining wall installation is complete. Landscaping of entrance is 95% complete. Final items to include upgraded pool features onto story board. The disabled carparking bays to commence following closure of the water park.
- Street scape plan is to be developed for the Grong Grong Improvement Projects.
- Completed projects include Sunsafe playgrounds, Barellan Improvements Project, Rural Assistance Program (Grong Grong, Sandigo and Barellan), Village Halls Improvement Project (Grong Grong Hall, Sandigo Hall, Barellan Hall, Binya Hall, Kamarah Hall)

Stronger Country Communities (Round 3)

- Construction for the Barellan Footpath project is well underway; project is due for completion in April.
- Graphic designer has been engaged to complete exterior artwork for the Youth Food Van; interior requirements are being finalised.
- Grant approval has been received for the Creating Future Farmers project.
- Completed projects include Barellan Hall, Sandigo Hall, Binya Hall, Kamarah Hall, Grong Grong Hall and Parkside Cottage Museum.

Playground on the Murrumbidgee

- Community consultation has been undertaken for the Narrandera Destination and Discovery Hub. Quotations called for detailed design.

- Northbank Walking Track detailed survey is underway. Engineering firm has been engaged to complete the detailed design of walkway and kerb and gutter. Residents to be consulted with concept design.
- Community engagement has been completed for the Northbank Bridge. Expressions of Interest for design and construction is being prepared.
- Negotiations with John Holland Rail for the Railway Heritage Bridge are progressing well; stakeholder engagement has commenced.
- The Lake Talbot Tourist Park Amenity Block and Camp Kitchen plans and specifications have been finalised; tender released 5 March 2021.
- Completed works are Lake Talbot Tourist Park level sites project, Sewer connection and Lake Talbot Tourist Park family unit conversion project.

Local Roads and Community Infrastructure

- Quotations are being sought for the Narrandera Stadium Heating and Henry Mathieson Oval level slope and fencing.
- Narrandera Stadium Upgrade Toilet Amenities design is being reviewed. Quotations have come in over budget.
- Costing and design works have commenced for the Arts Centre Deck and Storage.
- The Parks and Gardens Committee to determine the scope for the Kiesling Lane Beautification with costings being prepared.
- Water Tower Surrounds is currently in the design phase.
- Secondary plantings are currently being sourced for the Tree Planting - All Towns project.
- The design for the Brewery Flat Improvements (fire pits, seating, shelters) is under review.
- Glenmoor Road gravel sheeting and Buckingbong Road safety upgrade works have commenced.
- Weir Park Road gravel, re-sheet and Otta seal works are to be scheduled.
- Detailed survey has commenced for Melbourne Street kerb and gutter works. Engineering firm has been engaged to complete the detailed design of walkway, kerb and gutter. Residents to be consulted with concept design.
- Laneway Upgrades include Kings, Larmer, Arthur, Jonsen and Hay Lanes; works have commenced.
- Works yet to be scheduled include Prince, Audley and Peters Lanes.
- Designs are being undertaken for the Drainage Works (various). King Street culvert replacement is scheduled for April.
- Quotes are being finalised with the funding body for the Art on the Water Tower Stage 2.

Local Roads and Community Infrastructure Round 2

- Wiradjuri Memorial Wall stage 1 grant has been confirmed – construction and installation of a Wiradjuri Aboriginal Memorial wall, including stonework, paving, fire pit and signage.

- The Barellan Pump Track - the creation of a bike pump track or alike for the youth of Barellan.
- The Grong Grong Village – a storage facility, toilet and associated equipment for Grong Grong residents to maintain trees and public areas.
- Narrandera Sportsground – disabled spectator access areas; installation of a digital scoreboard with video capability.
- Barellan Cemetery – installation of an accessible unisex toilet at the cemetery, including onsite sewerage management system.
- Narrandera Flora and Fauna reserve – upgrade of the carpark and entrance to the reserve.

Crown lands Infrastructure

- Grant funding has been received to construct drainage and seal the remaining access road at Rocky Water Hole.

Transport & Communication

- Works are being scheduled for: Urban Reseals (council funded), Intersections Upgrade Local & Regional Roads, Urban Pavement Rehabilitation, Urban Kerb and Gutter Replacement, Improvement of water haulage, Urban Footpath Replacement, Culvert Manderlay Road, Culvert Brookong Street and Culvert Yalgogorin Road.
- Works to commence in April/May for Arthur, Baylis and Box Streets.
- Urban Roads Construction – Laneways project is being combined with LRCI – Laneway upgrade.
- Urban Laneways Upgrade – additional works are scheduled for April to June.
- Works scheduled to commence include: Euratha, Landervale, Stephenson, Ellis, Merribee, Jackson, Beaumont, Bandys, Pattens, Davies, Telephone, Settlers, Birrego, Axehandle, and Williams Roads.
- Rosedale Road works are on hold pending FLR Round 2 funding.
- Works have been completed for Brobenah Hall, Buckingham, Erigolia and Federal Park Roads, with invoices pending.
- HVSPK Kamarah Road works have commenced.
- Works have commenced for Fixing Local Roads Paintings Bridge Road, awaiting final seal. Roads to Recovery Urban road reseals works and Pamandi Road are complete with invoices pending.
- Design is underway for Buckingham Road. The works have commenced for the Buckingham Road Guard railing.
- Consultant has been engaged to undertake design and costings for the Brewarrana Bridge Retrofitting.
- Grant application was unsuccessful for the PAMP at 50% RMS Funding and Active Transport Cycling (Funds to be reallocated in March QBR). Council funds to complete one of the identified footpaths in Barellan from the Active Transport Walking programs project.
- Narrandera Business Centre Master Plan has been deferred to complete time sensitive grant projects first.

- The completion of water modelling is to be scheduled for the Barellan Stormwater Design.
- The Drone Purchase for Survey/Inspection and 12d software upgrade is complete. Procurement for the air band radio and protective case is pending. Training to be undertaken.
- Completed projects include: Broad, Douglas, Larmer, Bolton, Audley, Brookong Streets; Hulmes, Males, Holloway, Paynters Siding, Bells, Cowabbie, Kamarah, Kolkilbertoo, Back Dixonville, Booka, Cliffords, Pamandi, Cowabbie, Kamarah, Sandy Creek, Strontian, Barellan Golf Course Roads; Audley Street Footpath replacement; Fixing Local Roads Old Wagga Road; Fixing Country Roads Colinroobie Roads, Irrigation Way and Canola Way culvert project.

Economic Affairs

- Lake Talbot Tourist Park Fire Service design costings are being prepared, project has been deferred to 2021-2022.
- Economic Development project scope includes the Australian Airport Pilot Academy.
- Red Hill Signage project scope includes the proposal of a new subdivision.
- Project scope for the gateway/entrance signs includes six entrance gate signs and landscaping.
- The design, supply and install quote for 16 Kiesling Drive patio has been accepted, installation complete. Adjustment in project costs to be included in March QBR.
- Investigation and Design of off-street staff/fleet parking for the Chambers has been deferred, with priority being time sensitive grant projects.
- Works are to be scheduled for the Council Chambers cleanout of storage facility. Journals to correct costings required.
- Parkside Museum renewal works are underway. New flooring has been completed, external concrete paths and other works are being undertaken.
- Council Chambers Building Upgrades are continually being scoped and scheduled throughout the year.
- Call for quotes is underway for the external painting at 4 Victoria Square.
- Building Renewal and Upgrades portfolio procurement is scheduled and underway. Request for quotation for replacement of gutters and installation of gutter guards to be called and painting of internal wall of library to be committed.
- Solar Panel Climate Strategy is on exhibition; grant funding to be sought.
- Works are 80% complete for the Runway, Taxiway and Apron resealing and re-marking, with an anticipated completion date April 2021.
- Light Towers installed for the Installation (3) Apron Flood Lights. Concrete works scheduled for April which will complete the project.
- Security and Wildlife Perimeter fencing field survey is complete; tender to be finalised. Works to commence April 2021.
- Design and costings are complete for the Airport Taxiway in preparation for grant submission.

- Banner Poles for Irrigation Way have been constructed with installation scheduled for April 2021.
- Replacement program for Light Vehicles is nearing completion with two on order, seven already arrived and three more to order.
- Trucks & Trailers Replacement program is nearing completion. A tipper has arrived with another on order. The old unit to be transferred to waste. Jet patcher still to be purchased.
- Heavy Plant Purchases are planned to commence, with purchase of two tractors, reel mower, and slasher. The purchase of a grader has been deferred.
- Other Plant Capital Replacements will be undertaken as required.
- Arts Centre Building Works capping of chimneys is complete.

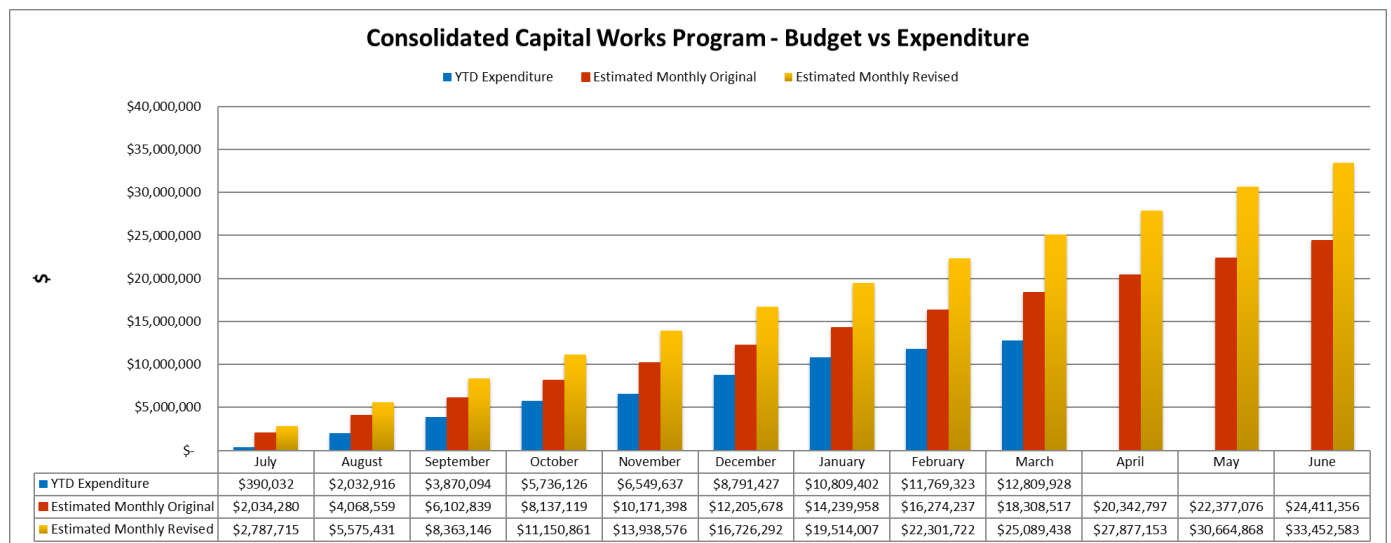
Water Supplies

- Planning is underway for the Reservoir Cleaning and Structural Assessment. Procurement for a diving contractor commenced in March 2021.
- Aerator Gas Scrubbing works have been investigated. No further action at this stage. Remaining funds to be reallocated.
- Flow Meters on all inlet and outlets Reservoirs have been installed.
- Project scope is under development for the North Zone Pressure Pump low pressure issues. Pump capacity upgrade for future development is being investigated.
- Water Main Replacement is complete for Dalgetty Street. Planning is underway for King and Adams Street replacements to complete the project.
- Tender has been accepted for the Pine Hill Reservoir Upgrade and construction is being programmed.
- The Hydrant and Valve Replacements program is complete.
- Service Replacements will be performed as required throughout the financial year.
- Fencing for Bore 1 and 2 design is underway and to be undertaken in May.
- IWCM Additional Works underway with Public Works. June completion is expected.
- Decommission Low Level reservoir is to be re-programmed following the outcome of the IWCM study.
- Taggle Software and Implementation is underway. Pre-implementation meeting to be scheduled. Taggle is reviewing Council meter data. To be completed in June.
- Installation of filters is scheduled for March-April for the Household Filter Project. Additional invitations have been sent out.
- Additional testing of UVT and particle size is underway for the Primary filter – EPA project.
- Solar Panel funds to be held as co-contribution to Building Better Regions grant application.

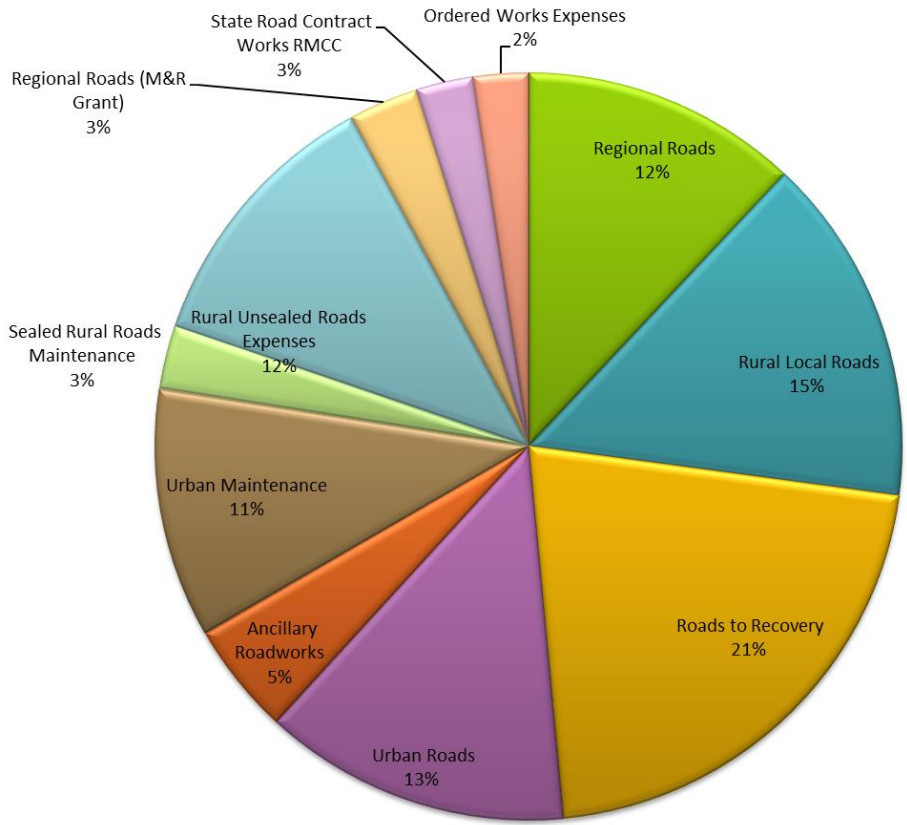
Sewerage Supplies

- The Manhole Replacement program is 80% complete.

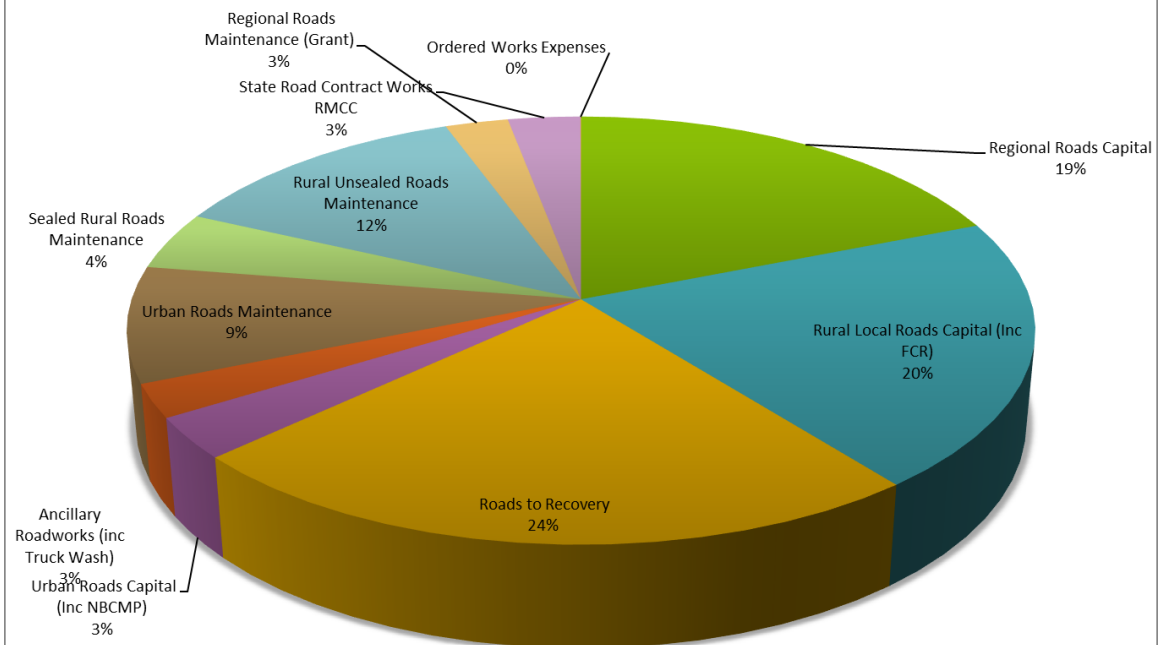
- The Barellan Sewer design tender has been awarded and is underway with anticipated completion July 2021.
- Tenders have been accepted and works underway for the Sewer Main Relines program. To be complete by September 2021.
- Scoping is being undertaken for the Flow Meters for Sewer Pump Stations 2, 3 and 4.
- Solar Panel funds to be held as co-contribution to Building Better Regions grant application.
- Public consultation is underway for the Narrandera West sewer extension.
- The SPS3 Replacement is complete.

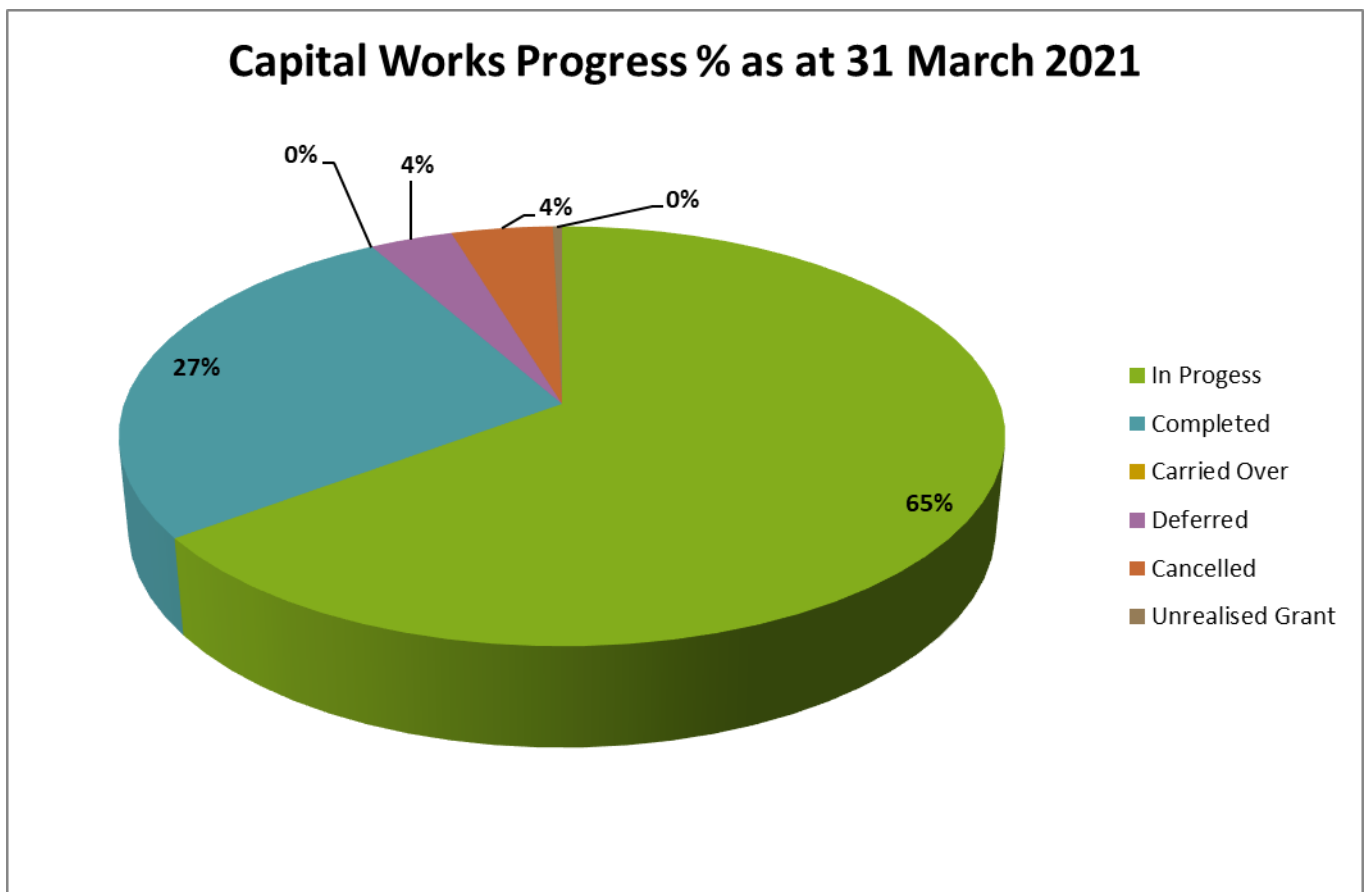
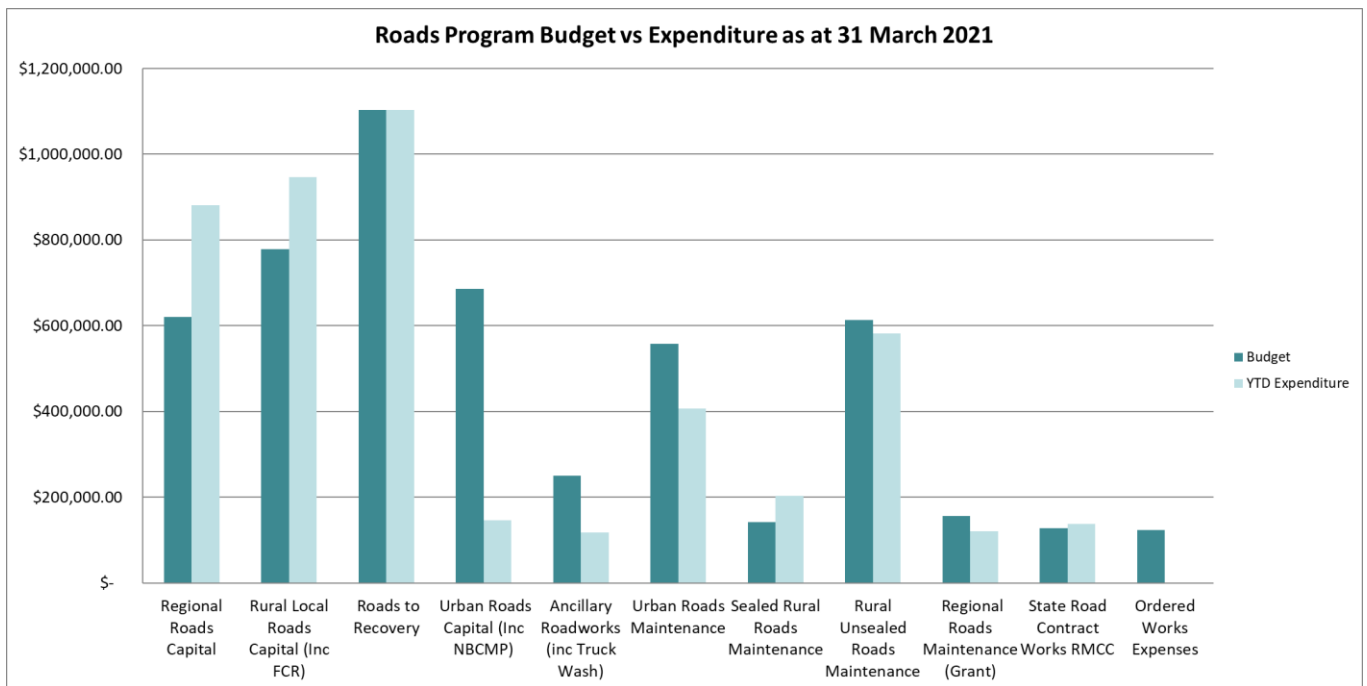


% Total Roads Budget as at 31 March 2021 - 75% of year lapsed



% of Roads Expenditure as at 31 March 2021 - 75% of year lapsed





TERMINOLOGY

This report contains an explanation of terminology and headings used in the capital works report. Key terms and terminology are as follows:

Ledger Number - This is a reference number for staff to link the report to Council’s accounting records.

Capital works are funded from several sources. Codes that denote revenue sources are:

- **Revenue** – Projects funded from revenue raised from Rates & Annual charges, User Fees and Other Revenue.
- **Reserve** – Jobs funded from Council’s reserves and unspent grants.
- **Grant & Contributions** - Funding from other Government departments, Councils or organisations.

Budget – This is the total allocation to complete the project.

YTD Exp – Total expenditure allocated to project as of report date, including commitments.

Balance – Amount of unspent funds for each program at reporting date.

Graph – The graph at the top of the report displays the original budget adopted by Council, the revised budget and year to date expenditure, including commitments.

RELEVANCE TO COMMUNITY STRATEGIC PLAN AND OTHER STRATEGIES / MASTERPLANS / STUDIES

Theme

Our Infrastructure

Goal

To have an improved and adequately maintained road network

Strategy

56 - Commence identified actions from the Roads Review including implementation of an effective road hierarchy

Action

56.1 - Funding for and any identified projects and opportunities from the strategy to be included and considered by Council as part of the annual budget process

ISSUES AND IMPLICATIONS

Policy

- Nil

Financial

- Advises Council of the status of the Capital Works Program

Legal / Statutory

- N/A

Community Engagement / Communication

- N/A

Human Resources / Industrial Relations (if applicable)

- N/A

RISKS

N/A

RECOMMENDATION

That Council:

1. Receives and notes the information contained in the Capital Works report as of 31 March 2021.

KEY OPERATIONAL & CAPITAL WORKS EXPENSES 2020-21 - as at 31/03/2021

Complete	Unrealised Grant	Cancelled
Carryover	Key Operational	Deferred

75.00%

Project	Proposed Budget	Commitment	Revised Budget	YTD Expenditure	Balance	%	Comments
1 Network Penetration Testing	-		\$10,000	\$10,000.00	\$0.00	100%	Completed
2 IT Review	-	\$ 4,332.00	\$5,000	\$0.00	\$668.00	0%	Project being scoped.
3 Replace Desktops/Laptops	20,000	\$ 125.00	\$20,000	\$7,264.00	\$12,611.00	36%	Will commence in May 2021
4 SQL Server Software Licenses	30,000		\$30,000	\$0.00	\$30,000.00	0%	Reviewing Quotes
5 Software Licencing	10,000	\$ 94.50	\$10,000	\$2,071.90	\$7,833.60	21%	Will be reviewed throughout the year.
6 NBN Router with 4G backup	\$10,000		\$10,000	\$0.00	\$10,000.00	0%	Reviewing if still required
7 Replace Virtualising Hardware & Software	\$95,000		\$95,000	\$81,768.73	\$13,231.27	86%	Completed. Adjustment in March QBR.
8 Business Continuity Site	\$30,000		\$30,000	\$37,195.00	-\$7,195.00	124%	Completed. Adjustment in March QBR.
9 Azure Premium P1 Implementation	\$15,000		\$15,000	\$0.00	\$15,000.00	0%	Reviewing Quotes
10 GDA and SSA Implementation	\$5,000		\$5,000	\$256.36	\$4,743.64	5%	Work has started and will continue throughout the year
11 Repairs to Electricity Pole Depot	\$0	\$ 4,518.75	\$0	\$471.34	-\$4,990.09	#DIV/0!	
12 Pound: Cattery Holding System	\$6,000	\$ 422.90	\$10,000	\$226.88	\$9,350.22	2%	Project being scoped.
13 CCTV Combined	-		\$15,000	\$0.00	\$15,000.00	0%	Project being scoped. Adjustment in March QBR.
14 Colinroobie Amenities Block	-		\$0	\$490.00	-\$490.00	#DIV/0!	
15 Barellan RFS Station Amenities	-	\$ 56,009.09	\$87,950	\$39,151.37	-\$7,210.46	45%	Works underway.
16 Narrandera Waste Facility -External fence & improved public access	-		\$9,297	\$0.00	\$9,297.00	0%	Long term/ management masterplan draft has been presented to Council in December and final report to be tabled at March Council meeting. Adjustment in March QBR.
17 New Cell Narrandera Depot	-	\$ 427.09	\$0	\$16,721.99	-\$17,149.08	#DIV/0!	Adjustment in March QBR.
18 Ndra Landfill Masterplan improvement works - possibility of grant	-	\$ 9,963.64	\$326,979	\$23,563.64	\$293,451.72	7%	Long term/ management masterplan draft has been presented to Council in December and final report to be tabled at March Council meeting. Adjustment in March QBR.
19 Ndra Landfill Operational control room (transportable, dust-free)	-		\$20,000	\$0.00	\$20,000.00	0%	Long term/ management masterplan draft has been presented to Council in December and final report to be tabled at March Council meeting. Adjustment in March QBR.
20 Larmer St Flood Mitigation Works - Stage 2		\$ 8,850.91	\$21,810	\$16,619.10	-\$3,660.01	76%	Penstock Gate scheduled to be installed mid March.
21 Narrandera West Drainage Improvements			\$29,967	\$1,061.52	\$28,905.48	4%	Waiting land access approval from Local Aboriginal Lands Council. Adjustment in March QBR.
22 Drainage Improvement Driscoll Rd	-		\$66,177	\$172.68	\$66,004.32	0%	Survey completed. Concept design pending. Adjustment in March QBR.
23 Barellan Cemetery Entrance gate	-		\$8,000	\$0.00	\$8,000.00	0%	Quotes and design in progress
24 GG Cemetery Furniture	-		\$3,834	\$0.00	\$3,834.00	0%	Furniture delivered, awaiting install April 2021
25 Ndra Cemetery Fencing (rear boundary)	\$25,000		\$25,000	\$0.00	\$25,000.00	0%	to be quoted in March 2021
26 Book & Resources annual replacement	\$34,290	\$ 569.72	\$47,136	\$16,484.57	\$30,081.71	35%	Purchasing on target. Credit card purchases not yet registered.
27 LTP Masterplan - Water Play Park	\$3,950,772		\$4,807,708	\$4,644,811.43	\$162,896.57	97%	Total Creations and Services Works Completed - Pool open to the public. Disabled gate works contractor works completed , Signage still pending. Still waiting on some invoices for completed works. Remaining expenditure to be journalled to LTWP reserve. Adjustment in March QBR.
28 LTWP Remediation Works	\$0		\$0	\$0.00	\$0.00	#DIV/0!	
29 Brln Pool Upgrade Filtration system / Waste water irrigation	-		\$49,254	\$42,503.91	\$6,750.09	86%	Works completed. Pool open to patrons
30 Brln Pool Installation of Marine Carpet	-		\$5,700	\$5,477.09	\$222.91	96%	Works Completed - Invoice Pending
31 Ndra Sportsground drainages and soak	-		\$100,000	\$0.00	\$100,000.00	0%	Design reviewed. Adjustment in March QBR.
32 HM Oval Level and Resurface	-		\$25,000	\$0.00	\$25,000.00	0%	Scheduled to commence in Feb to April. Adjustment in March QBR.
33 Ndra Sportsground Clubrooms	-	\$ 1,235,973.75	\$1,911,277	\$489,982.84	\$185,320.41	26%	Contracts are now signed, with works underway.
34 Ndra Sportsground Grandstand improvements	\$12,000		\$12,000	\$0.00	\$12,000.00	0%	Works being scoped.

KEY OPERATIONAL & CAPITAL WORKS EXPENSES 2020-21 - as at 31/03/2021

Complete	Unrealised Grant	Cancelled
Carryover	Key Operational	Deferred

75.00%

	Project	Proposed Budget	Commitment	Revised Budget	YTD Expenditure	Balance	%	Comments
35	Outdoor Courts Furniture/Shelters	\$15,000		\$15,000	\$0.00	\$15,000.00	0%	Raised at the stadium committee netball clubs to bring back concept designs.
36	HM Oval - Perimeter Fencing	\$25,000		\$25,000	\$0.00	\$25,000.00	0%	Procurement underway. Adjustment in March QBR.
37	Barellan Netball Courts	-	\$ 3,645.45	\$103,500	\$0.00	\$99,854.55	0%	meeting with football/netball club to review designs.
38	Flag Poles for Festive Flags	-		\$0	\$0.00	\$0.00	#DIV/0!	Reallocate funds to Brln playground upgrades
39	Completion of Wiradjuri wall	-		\$19,964	\$0.00	\$19,964.00	0%	Detailed designs complete, additional funding being sort. Adjustment in March QBR.
40	MBP Up Lighting adventure playground	-		\$15,000	\$0.00	\$15,000.00	0%	Deferred until 2021-2022. Adjustment in March QBR.
41	MBP Drinking fountains/ bottle fillers	-		\$8,000	\$0.00	\$8,000.00	0%	Bottle re-filler being purchased to be installed at the skate park.
42	MBP Pocket park upgrades	-		\$0	\$0.00	\$0.00	#DIV/0!	Complete. Funds to be re-allocated
43	Victoria Ave stage 2 - level, irrigate, formalise driveways, curb	-		\$102,663	\$93,982.14	\$8,680.86	92%	Complete - dcf
44	Brewery Flats landscaping, furniture replacement, painting etc.	-		\$5,000	\$0.00	\$5,000.00	0%	Funds transferred to reserve for future capital works. Adjustment in March QBR.
45	Other Town Park upgrades	\$20,000		\$20,000	\$0.00	\$20,000.00	0%	Landscaping works scheduled for April 2021
46	2020-25 Tree Audit	\$50,000	\$ 42,075.75	\$50,000	\$0.00	\$7,924.25	0%	Tree audit reviewed by the consultant. Visual inspections to commence March.
47	Biosecurity Mapping System	\$30,000		\$30,000	\$6,940.00	\$23,060.00	23%	Developing specification and engaging specialised companies.
48	Remote Signage	\$7,500		\$7,500	\$0.00	\$7,500.00	0%	Scheduled for June 2021
49	Brln Playground Upgrades	\$5,000		\$6,222	\$6,272.73	-\$50.73	101%	Completed. Overspend to come from flag poles
50	Ndra Victoria Ave Stage 3 - Irrigation, Formalise driveways, Curb e	\$60,000		\$60,000	\$0.00	\$60,000.00	0%	Quotation Spec complete. Quotations to close mid march.
51	Festive Mega Tree (additional sequencing)	\$6,000		\$6,000	\$6,000.00	\$0.00	100%	Completed
52	DCF - Adverse Event Plan	-		\$49,550	\$25,000.00	\$24,550.00	50%	Council working with RAMJO to deliver plan. Draft plan has been adopted by Council. Adjustment in March QBR.
53	DCF - Rural Assistance Program - Grong Grong Community Project	-		\$48,324	\$39,087.05	\$9,236.95	81%	Project completed
54	DCF - Rural Assistance Program - Sandigo Community Project	-		\$47,550	\$31,420.74	\$16,129.26	66%	Project completed
55	DCF - Rural Assistance Program - Barellan Community Project	-		\$48,402	\$42,542.29	\$5,859.71	88%	Project completed
56	DCF - Road beautification Project - Lake Talbot Water Park.	-	\$ 36,399.03	\$150,000	\$136,103.01	-\$22,502.04	91%	Disabled carparking bays works to commence following closure of water Park additional funds for the works to be reallocated at March QBR. Retaining walls and Landscaping of Entrance 99% complete, final item is to include images of upgraded pool features onto story board. Adjustment in March QBR.
57	DCF - Sunsafes playgrounds	-	\$ 2,400.00	\$80,000	\$88,200.00	-\$10,600.00	110%	Project complete -overspend to be covered from savings in other grant funded projects. Committed order? Check with Paul for DCF
58	DCF - Barellan Improvements Project	-	\$ 272.73	\$69,231	\$67,608.91	\$1,349.36	98%	Complete - awaiting final invoice
59	DCF - Grong Grong Improvement Project	-		\$6,468	\$590.00	\$5,878.00	9%	Street scape plan to be developed.
60	DCF - Village Halls Improvement Project - Grong Grong Town Hall	-		\$18,232	\$350.26	\$17,881.74	2%	Project completed.
61	DCF - Village Halls Improvement Project - Sandigo Hall	-		\$5,691	\$4,173.42	\$1,517.58	73%	Project completed
62	DCF - Village Halls Improvement Project - Barellan Hall	-		\$29,018	\$25,746.67	\$3,271.33	89%	Project completed
63	DCF - Village Halls Improvement Project - Binya Hall	-		\$17,361	\$10,246.97	\$7,114.03	59%	Project completed
64	DCF - Village Halls Improvement Project - Kamarah Hall	-		\$28,675	\$12,831.59	\$15,843.41	45%	Project completed
65	DCF - Narrandera Stadium Upgrade	-	\$ 16,778.18	\$40,000	\$0.00	\$23,221.82	0%	Awaiting Contractor. Adjustment in March QBR.
66	DCF - Henry Mathieson Oval facilities Improvement Project	-	\$ 56,241.78	\$299,000	\$232,206.93	\$10,551.29	78%	Kiosk upgrade has commenced on track for completion by 30th April.
67	SCCF - Barellan Footpath Project	-		\$120,000	\$126,184.61	-\$6,184.61	105%	Construction works are well advanced and project is due to be completed end of March

KEY OPERATIONAL & CAPITAL WORKS EXPENSES 2020-21 - as at 31/03/2021

Complete	Unrealised Grant	Cancelled
Carryover	Key Operational	Deferred

75.00%

	Project	Proposed Budget	Commitment	Revised Budget	YTD Expenditure	Balance	%	Comments
68	SCCF - Youth Food Van Project	-	\$ 397.97	\$50,000	\$24,151.47	\$25,450.56	48%	Graphic designer engage to complete exterior artwork, finalising many and interior requirements
69	SCCF - Parkside Cottage Museum	-		\$48,182	\$46,707.50	\$1,474.50	97%	Completed - Overspend to be journaled to JC 9300-1013-0000
70	SCCF - Grong Grong Hall	-		\$19,283	\$35,114.71	-\$15,831.71	182%	Project completed. Adjustment in project costs to be included in March QBR
71	SCCF - Barellan Hall	-		\$19,361	\$12,337.39	\$7,023.61	64%	Project completed
72	SCCF - Sandigo Hall	-		\$19,203	\$14,692.75	\$4,510.25	77%	Project completed
73	SCCF - Binya Hall	-		\$19,070	\$17,058.41	\$2,011.59	89%	Project completed
74	SCCF - Kamarah Hall	\$0		\$11,029	\$9,312.91	\$1,716.09	84%	Project completed
75	SCCF - Creating Future Farmers	-		\$0	\$0.00	\$0.00	#DIV/0!	Grant approval received
76	POM - Destination & Discovery Hub	\$3,025,000	\$ 154,882.00	\$3,025,000	\$22,647.29	\$2,847,470.71	1%	Community consultation undertaken. Quotations called for detailed design.
77	POM - Northbank Walkway - Bike & Hike Trails	\$0		\$0	\$38.18	-\$38.18	#DIV/0!	Project planned for 2021-2022
78	POM - Railway Heritage Bridge	\$0	\$ 6,100.64	\$0	\$10,454.84	-\$16,555.48	#DIV/0!	Negotiations with John Holland Rail for the Railway Heritage bridge are progressing well; stakeholder engagement has commenced. Adjustment in March QBR.
79	POM - LTTP Upgrades to Family Unit	\$319,496		\$319,496	\$232,831.98	\$86,664.02	73%	Completed
80	POM - LTTP Upgrades to Amenity block & Camp Kitchen	\$939,052	\$ 909.09	\$939,052	\$14,202.39	\$923,940.52	2%	Plans and specifications finalised. Tender to be released 5th March.
81	POM - LTTP Level Sites	\$156,711		\$156,711	\$128,459.22	\$28,251.78	82%	Contractors finished, sewer connection completed. Additional works being planned.
82	POM - LTTP - Playground	\$0	\$ 51,960.00	\$0	\$377.64	-\$52,337.64	#DIV/0!	
83	POM - Northbank Walking Track	\$390,393	\$ 9,515.00	\$390,393	\$3,814.03	\$377,063.97	1%	Detailed survey underway. Engineering firm engaged to complete detailed design of walkway and kerb & gutter. Residents to be consulted with concept design.
84	POM - Northbank Bridge	\$0		\$0	\$1,381.55	-\$1,381.55	#DIV/0!	Community engagement completed. EOI for design and construction of bridge being prepared. Adjustment in March QBR.
85	LRCI - Narrandera Stadium Heating	\$35,000		\$35,000	\$180.00	\$34,820.00	1%	Seeking quotations. Adjustment in March QBR.
86	LRCI - Narrandera Stadium Upgrade Toilet Amenities	\$80,000		\$80,000	\$180.00	\$79,820.00	0%	Reviewing design, quotations come in over budget. Adjustment in March QBR.
87	LRCI - Brewery Flat Improvements - Fire Pits, Seating, Shelters.	\$60,000		\$60,000	\$180.00	\$59,820.00	0%	Design under review
88	LRCI - Art Centre Storage - Deck and Storage at the rear of the Art	\$50,000		\$50,000	\$1,030.67	\$48,969.33	2%	Costing and design works have commenced. Adjustment in March QBR.
89	LRCI - Kiesling Lane Beautification	\$25,000		\$25,000	\$180.00	\$24,820.00	1%	Parks and Gardens committee have determined scope. Costings being prepared.
90	LRCI - Water Tower Surrounds - Tidy up and make usable (Garden	\$50,000		\$50,000	\$180.00	\$49,820.00	0%	Currently in design phase
91	LRCI - Tree planting - All towns (Subject to consultation)	\$120,000		\$120,000	\$44,148.34	\$75,851.66	37%	Secondary plantings currently being sourced
92	LRCI - Henry Mathieson Oval - Levelling Slope and fencing	\$80,000		\$80,000	\$180.00	\$79,820.00	0%	Fencing quotes being obtained.
93	LRCI - Buckingbong Road - Safety upgrade (Guard Railing and asso	\$60,000	\$ 54,545.45	\$60,000	\$180.00	\$5,274.55	0%	Works Commenced
94	LRCI - Glenmoor Road Gravel Sheeting of 2.6km	\$87,000		\$87,000	\$62,443.78	\$24,556.22	72%	Works Commenced
95	LRCI - Melbourne Street - Kerb & Gutter works, 390m to co- inside with the new footpath works on the southern side.	\$99,000	\$ 9,515.00	\$99,000	\$10,028.24	\$79,456.76	10%	Detailed survey underway. Engineering firm engaged to complete the detailed design of the walkway and kerb & gutter. Residents to be consulted with concept design.
96	LRCI - Laneway Upgrade - Drain and seal a selected laneway.	\$41,363	\$ 7,966.66	\$41,363	\$17,819.65	\$15,576.69	43%	Works Commenced
97	LRCI - Hay Lane	\$0		\$0				Works Commenced
98	LRCI Arthur Lane	\$0		\$0				

KEY OPERATIONAL & CAPITAL WORKS EXPENSES 2020-21 - as at 31/03/2021

Complete	Unrealised Grant	Cancelled
Carryover	Key Operational	Deferred

75.00%

Project	Proposed Budget	Commitment	Revised Budget	YTD Expenditure	Balance	%	Comments
99 LRCI - Drainage Works (Various) - New Culverts and causeways (Brobenah Road and Ridgeview Rd) and complete works to causeways constructed under flood recovery.	\$100,000	\$ 21,175.00	\$100,000	\$180.00	\$78,645.00	0%	Designs being undertaken. King Street culvert replacement scheduled for April.
100 LRCI - Brobenah Hall Road	\$0		\$0				
101 LRCI - Ridgeview Road	\$0		\$0				
102 LRCI - King Street Culverts	\$0		\$0				
103 LRCI - Weir Park Road - 1200m gravel Resheet and Otta seal	\$110,000		\$110,000	\$180.00	\$109,820.00	0%	Works yet to be scheduled
104 Art on the Water Tower Stage 2	-		\$0	\$0.00	\$0.00	#DIV/0!	Finalising quotes with funding body
105 LCRI R2 - Barellan Pump Track - Creation of a bike pump track or alike for the youth of Barellan.	-		\$160,000	\$0.00	\$160,000.00	0%	Awaiting confirmation of grant
106 LCRI R2 - Grong Grong Village - Storage facility, toilet, and associated equipment for Grong Grong residents to maintain trees and public areas.	-		\$110,000	\$1,800.00	\$108,200.00	2%	Awaiting confirmation of grant
107 LCRI R2 - Wiradjuri Memorial Wall Stage 1 - construct and install Wiradjuri Aboriginal memorial wall, including stonework, paving, fire pit and signage.	-		\$260,000	\$0.00	\$260,000.00	0%	Grant confirmed. Adjustment in March QBR.
108 LCRI R2 - Narrandera Sportsground - Disabled spectator access areas.	-		\$40,000	\$0.00	\$40,000.00	0%	Awaiting confirmation of grant
109 LCRI R2 - Narrandera Sportsground - Installation of a digital scoreboard, with video capability.	-		\$120,000	\$0.00	\$120,000.00	0%	Awaiting confirmation of grant
110 LCRI R2 - Barellan Cemetery - Installation of an accessible unisex toilet at the cemetery, including onsite sewerage management system.	-		\$75,000	\$0.00	\$75,000.00	0%	Awaiting confirmation of grant
111 LCRI R2 - Narrandera Flora and Fauna reserve - Upgrade of the carpark and entrance to the reserve.	-		\$54,975	\$0.00	\$54,975.00	0%	Awaiting confirmation of grant
112 CRIF - Construct drainage and seal the remaining access road at Rocky Water Hole	-		\$96,901	\$1,656.10	\$95,244.90	2%	Works to be scheduled
113 LT Rec Seating and Shelter Revamp	-		\$10,000	\$0.00	\$10,000.00	0%	Scope being prepared.
114 LT Deepening Works	\$400,000		\$400,000	\$0.00	\$400,000.00	0%	Grant dependant. Adjustment in March QBR.
115 NBCMP	-		\$166,451	\$0.00	\$166,451.00	0%	Project deferred - Priority is the completed time sensitive grant projects first. Adjustment in March QBR.
116 Barellan Stormwater Design	-		\$3,388	\$0.00	\$3,388.00	0%	Completion of water modelling to be scheduled
117 Urban Roads Construction	\$200,000		\$200,000		\$186,894.71	7%	
118 Arthur St (Victoria to Audley) Extend to kerb	-		\$0	\$0.00			Works scheduled for April/May
119 Baylis St (Jonsen St to May St) Extend to kerb	-		\$0	\$0.00			Works scheduled for April/May
120 Box Street (Barellan)	-		\$0	\$0.00			Works scheduled for April/May
121 Brookong St Grong Grong (Lachlan St to Willandra St	-		\$0	\$13,105.29			Complete
122 Urban Roads Construction - Laneways	-		\$34,105	\$0.00	\$34,105.00	0%	Project combined with LRCI - Laneway upgrade
123 Intersections Upgrade Local & Reg. Rds	-		\$90,000	\$0.00	\$90,000.00	0%	Works yet to be scheduled
124 Culvert/bridge assessment works	-		\$35,050	\$19,367.00	\$15,683.00	55%	Council co-contribution to FLR - Brewarrana Bridge repairs
125 Urban Roads Construction - Laneways	\$39,924		\$39,924		-\$17,749.48	40%	
126 Prince Lane	-	\$ 8,273.94	\$0	\$14,474.85			Works yet to be scheduled
127 Audley Lane	-	\$ 676.18	\$0	\$611.85			Works yet to be scheduled

KEY OPERATIONAL & CAPITAL WORKS EXPENSES 2020-21 - as at 31/03/2021

Complete	Unrealised Grant	Cancelled
Carryover	Key Operational	Deferred

75.00%

	Project	Proposed Budget	Commitment	Revised Budget	YTD Expenditure	Balance	%	Comments
128	Peters Lane	-	\$ 676.18	\$0	\$546.70			Works yet to be scheduled
129	Jonsen Lane	-	\$ 676.18	\$0	\$472.19			Works Commenced
130	Larmer Lane	-	\$ 9,746.66	\$0	\$21,518.75			
131	Urban Reseals	\$100,000		\$100,000		\$42,718.06	42%	
132	Urban Road Reseal Council fund	-		\$0	\$0.00			Works yet to be scheduled
133	Broad St	-		\$0	\$157.59			Works complete, invoices pending.
134	Douglas St	-		\$0	\$30,301.52			Works complete, invoices pending.
135	Larmer Street	-		\$0	\$11,079.58			Works complete, invoices pending.
136	Bolton St	-		\$0	\$15,743.25			Works complete, invoices pending.
137	Urban Pavement Rehabilitation	\$100,000		\$100,000	\$0.00	\$100,000.00	0%	Works yet to be scheduled
138	Urban Laneways Upgrade-additional	-		\$46,953	\$18,472.10	\$28,480.90	39%	Works scheduled April to June
139	Improvement of water haulage	-		\$15,000	\$0.00	\$15,000.00	0%	Works yet to be scheduled
140	Innovation for Rural infrastructure Mgmt	-		\$11,995	\$0.00	\$11,995.00	0%	Funds to be reallocated
141	Urban K&G Replacement	\$15,375		\$58,884	\$0.00	\$58,884.00	0%	Works yet to be scheduled
142	Urban Footpath Replacement	\$10,250	\$ 275.27	\$12,941	\$0.00	\$12,665.73	0%	Works yet to be scheduled
143	Roads to Recovery (25 % of R2R proposed to expend in Urban A	\$368,171		\$368,171		\$221,584.89	40%	
144	Roads to Recovery (75 % of R2R proposed to expend on Rural A	\$1,101,874		\$991,874				
145	Urban Road reseal from R2R	-		\$0	\$0.00			Works complete, invoices pending.
146	Paynters Siding Road 6.7-8 km	-		\$0	\$4,940.22			
147	Hulmes Road 4.9km-8.0km	-		\$0	\$29,106.64			Completed
148	Males Rd Resheet 2.0-3.0km	-		\$0	\$44,540.10			Completed
149	Buckingbong Road	-		\$0	\$0.00			Design being undertaken currently
150	Reseals	-		\$0	\$0.00			Works complete, invoices pending.
151	Holloway Rd	-		\$0	\$33,252.11			Completed
152	Euratha Rd	-		\$0	\$0.00			Works to commence 2021
153	Buckingbong Road Guard railing	-	\$ 23,686.61	\$0	\$23,640.11			Works Commenced
154	Paynters Siding Road	-		\$0	\$102,703.04			Completed
155	Brobenah Hall Rd	-		\$0	\$72,666.69			Works complete, invoices pending.
156	Buckingbong Rd	-	\$ 4,945.45	\$0	\$150,137.77			Works complete, invoices pending.
157	Erigolia Rd	-		\$0	\$40,497.25			Works complete, invoices pending.
158	Federal Park Rd	-		\$0	\$36,810.42			Works complete, invoices pending.
159	Landervale Rd	-		\$0	\$1,032.26			Works to commence
160	Pamandi Rd 1.7 - 5.4km	-		\$0	\$144,120.87			Works complete, invoices pending.
161	Stephensons Rd	-		\$0	\$0.00			Works to commence
162	Merribee Rd	-		\$0	\$259.26			Works to commence
163	Jacksons Rd	-	\$ 2,472.73	\$0	\$9,473.75			Works to commence
164	Ellis Rd	-		\$0	\$0.00			Works to commence
165	Williams Rd	-		\$0	\$283.78			Works to commence
166	Rosedale Rd	-		\$0	\$0.00			Works to commence
167	Telephone Rd	-		\$0	\$11,088.22			Works Commenced
168	Settlers Rd	-		\$0	\$0.00			Works to commence
169	Birrego Rd	-	\$ 1,275.00	\$0	\$8,880.13			Works Commenced
170	Bandys Rd	-		\$0	\$0.00			Works to commence
171	Pattens Rd	-		\$0	\$14,331.17			Works to commence

KEY OPERATIONAL & CAPITAL WORKS EXPENSES 2020-21 - as at 31/03/2021

Complete	Unrealised Grant	Cancelled
Carryover	Key Operational	Deferred

75.00%

	Project	Proposed Budget	Commitment	Revised Budget	YTD Expenditure	Balance	%	Comments
172	Davies Rd	-		\$0	\$42,751.73			Works to commence
173	Axehandle Rd	-	\$ 2,550.00	\$0	\$3,315.70			Works Commenced
174	Audley St	-		\$0	\$105,077.66			Works complete awaiting invoices
175	Bells Rd	-		\$0	\$50,832.34			Works complete awaiting invoices
176	Cowabbie Rd	-		\$0	\$60,489.39			Works complete awaiting invoices
177	Kamarah Rd	-		\$0	\$66,706.97			Works complete awaiting invoices
178	Kolkilbertoo Rd	-		\$0	\$46,592.74			Works complete awaiting invoices
179	Beaumont Rd	-		\$0	\$0.00			Works to commence
180	Rural Sealed Roads Construction	\$350,000		\$240,000		\$50,643.93	61%	
181	Centenary Road 4.16 km- 9.11 km	-	\$ 4,165.00	\$0	\$28,624.89			
182	Back Dicksonville Rd	-		\$0	\$37,343.05			Completed
183	Booka Rd	-		\$0	\$31,999.36			Completed
184	Cliffords Rd	-		\$0	\$36,765.35			Completed
185	Pamandi Rd - Cowabbie causeway	-		\$0	\$36,057.24			Completed
186	Rosedale Rd	-		\$0	\$4,032.45			Works on hold pending FLR Round 2 funding
187	McLays Road	-		\$0	\$10,368.73			
188	Culvert Manderlay Road 9.27 km	-		\$5,676	\$0.00	\$5,676.00	0%	Works yet to be scheduled
189	Culvert Manderlay Road 7.78 km	-		\$2,764	\$0.00	\$2,764.00	0%	Works yet to be scheduled
190	Culvert Brookong St 0.0 km	-		\$6,255	\$0.00	\$6,255.00	0%	Works yet to be scheduled
191	Culvert Yalgogorin Road 0.262	-		\$10,241	\$0.00	\$10,241.00	0%	Works yet to be scheduled
192	FLR - Old Wagga Rd	-	\$ 5,516.83	\$380,000	\$393,789.31	-\$19,306.14		Completed
193	FLR - Paintings Bridge Rd	-	\$ 242,311.82	\$540,000	\$150,456.66	\$147,231.52		Works commenced, awaiting final seal
194	Roads Resheeting - (Unsealed)	\$340,000		\$206,934	\$0.00	\$206,934.47	203%	
195	FCR - Colinroobie Leeton Road	-		\$21,981	\$36,904.48	-\$14,923.11	168%	Completed
196	FLR - Brewarrana Bridge Retrofitting	-	\$ 57,188.31	\$600,000	\$16,116.19	\$526,695.50	3%	Consultant engaged to undertake design and costings
197	HVSPP Kamarah Road	-	\$ 146,073.82	\$88,194	\$8,685.40	-\$66,565.22	10%	Works Commenced
198	Rural Roads Reseals	\$150,239		\$155,774		\$0.00	100%	
199	Cowabbie Rd	-		\$0	\$25,541.14			Completed
200	Kamarah Rd	-		\$0	\$26,621.27			Completed
201	Sandy Creek Rd	-		\$0	\$26,723.15			Completed
202	Strontian Rd	-		\$0	\$53,949.60			Completed
203	Barellan Golf course Rd	-		\$0	\$22,939.00			Completed
204	Regional Roads Capital Works (Capital Component of Block Grant)	\$265,200	\$ 26,736.36	\$281,002	\$51,062.01	\$203,203.63	18%	
205	Repair Grant (with 50 % contribution from Block Grant)	\$170,000	\$ 1,818.18	\$170,000	\$153,451.18	\$14,730.64	90%	
206	FCR -Canola Way Culvert	-		\$485,218	\$676,063.54	-\$190,845.54	139%	Works Complete.
207	Active Transport - Cycling	\$198,100		\$24,849	\$550.00	\$24,299.43	2%	Council Funds reallocated in March QBR
208	Active Transport - Walking	\$66,000		\$34,000	\$0.00	\$34,000.00	0%	Council Funds to complete one of the identified footpaths in Barellan
209	Shared Cycleway (Active Transport - 50/50 Funding) Marie Bashir	-		\$5,000	\$5,000.00	\$0.00	100%	Budget for carry over funds to be allocated in QBR
210	PAMP (At 100% RMS Funding)	-		\$34,780	\$108,980.57	-\$74,200.57	313%	Carry over PAMP project completed - Funds for additional costs to be found from underspent transport projects and be report in December QBR .
211	Banner Poles Leeton Road	-		\$8,580	\$303.96	\$8,276.04	4%	Banners poles constructed installation April 2021
212	Drone Purchase for Survey / Inspection	-		\$7,899	\$2,914.55	\$4,984.45	37%	Procurement of air band radio and protective case pending. Drone and Upgrade of 12d Software completed. Training to be undertaken. Adjustment in March QBR.

KEY OPERATIONAL & CAPITAL WORKS EXPENSES 2020-21 - as at 31/03/2021

Complete	Unrealised Grant	Cancelled
Carryover	Key Operational	Deferred

75.00%

Project	Proposed Budget	Commitment	Revised Budget	YTD Expenditure	Balance	%	Comments
213 GPS Trip Meter Purchase	-		\$0	\$0.00	\$0.00	#DIV/0!	Adjustment in March QBR.
214 Arts Centre Building Works	-		\$4,614	\$2,560.27	\$2,053.73	55%	Chimney capping complete. Adjustment in March QBR.
215 Red Hill Signage	-		\$3,700	\$0.00	\$3,700.00	0%	New subdivision proposal
216 Lake Talbot Tourist Park fire service upgrades	-		\$15,524	\$0.00	\$15,524.00	0%	Design work is complete. Costings being prepared. Adjustment in March QBR.
217 Economic Development	\$10,000		\$10,000	\$888.41	\$9,111.59	9%	AAPA at airport
218 Gateway/Entrance signs	\$20,000		\$20,000	\$1,404.12	\$18,595.88	7%	Additions to 6 entrance signs/landscape
219 16 Kiesling Drive Building Works	-		\$5,250	\$0.00	\$5,250.00	0%	Patio Quote accepted - Installation complete. Adjustment in project costs to be included in March QBR. Adjustment in March QBR.
220 Council Chambers Cleanout of Storage Facility	-	\$ 72.73	\$8,169	-\$1,108.83	\$9,205.10	-14%	Works are to be scheduled Journals to correct costings required
221 Investigation and Design of off street staff/fleet parking for Cham	-		\$20,000	\$920.46	\$19,079.54	5%	Project deferred - Priority is the completed time sensitive grant projects first. Adjustment in March QBR.
222 Museum - Ext. paint, disabled ramp, public toilets	-		\$50,404	\$19,356.28	\$31,047.72	38%	New flooring completed, external concrete paths and other works being undertaken.
223 Council Chambers Building Upgrades	-		\$20,120	\$0.00	\$20,120.00	0%	Works are continually being scoped and scheduled. Adjustment in March QBR.
224 4 Victoria Square	-		\$3,096	\$0.00	\$3,096.00	0%	Call for quotes underway for external painting. Adjustment in March QBR.
225 Building renewal and upgrades in portfolio of Asset Manager	\$140,000	\$ 23,346.92	\$153,102	\$73,258.40	\$56,496.68	48%	Works procurement and scheduled underway - RFQ to Replacement of Gutters and installation of gutter guards to be called and Painting of internal wall of library to be committed. Adjustment in March QBR.
226 Solar Panels	\$ 100,000.00		\$100,000	\$0.00	\$100,000.00	0%	Climate strategy on exhibition - Council to lodge a grant application and use current budget funds as a 50% contribution towards works. Adjustment in March QBR.
227 Purchase of Airport Hanger	\$0		\$50,000	\$50,000.00	\$0.00	100%	
228 Runway, Taxiway & Apron resealing & re-mark	\$950,000	\$ 21,897.58	\$950,000	\$534,147.42	\$393,955.00	56%	Works occurred week 16 - 20 November second visit for line marking anticipated Feb 2021 on target to complete by April 2021.
229 Installation (3) Apron Flood Lights	\$120,000	\$ 2,725.13	\$120,000	\$80,963.01	\$36,311.86	67%	Light towers to be installed 2 February project on target for close out by end March.
230 Security & Wildlife Perimeter fencing	\$437,550		\$437,550	\$10,808.01	\$426,741.99	2%	Field survey now completed, tender/quote to be finalised. Works to commence this quarter.
231 Airport Taxiway	-	\$ 40,160.00	\$0	\$50,751.99	-\$90,911.99	#DIV/0!	Design and costings complete for grant submission
232 Light Vehicles	\$277,296		\$277,296	\$231,401.78	\$45,894.22	83%	12 Light vehicles to replace, 2 on order, 7 arrived and 3 to order
233 Trucks & Trailers	\$564,500		\$564,500	\$545,744.00	\$18,756.00	97%	Tipper arrived and another on order (old unit to be transferred to waste), quotes being sought for small tipper, jet patcher to be purchased
234 Heavy Plant Purchases	\$529,300	\$ 69,554.55	\$529,300	\$74,592.40	\$385,153.05	14%	Purchases planned for tractor x 2, reel mower, slasher, grader purchase deferred
235 Other Plant Capital	\$20,000		\$20,000	\$5,816.99	\$14,183.01	29%	Replacements undertaken as required.
236 Flow meters on all inlet and outlets Reservoirs	-		\$41,090	\$9,612.48	\$31,477.52	23%	Meters installed, possible reallocation of unspent funds. Adjustment in March QBR.
237 Reservoir cleaning and structural assessment	-		\$16,128	\$0.00	\$16,128.00	0%	Procurement for a diving contractor began in March.
238 Aerator gas scrubbing	-		\$18,962	\$3,478.82	\$15,483.18	18%	Investigations completed. No further action at this stage. Remaining funds to be reallocated. Adjustment in March QBR.
239 WTP filter/Upgrade design	-	\$ 2,272.73	\$49,618	\$0.00	\$47,345.27	0%	No progress - IWCM additional works still underway with Public Works expected completion June.

KEY OPERATIONAL & CAPITAL WORKS EXPENSES 2020-21 - as at 31/03/2021

Complete	Unrealised Grant	Cancelled
Carryover	Key Operational	Deferred

75.00%

	Project	Proposed Budget	Commitment	Revised Budget	YTD Expenditure	Balance	%	Comments
240	Non Return Valve Bore 4	-	\$ 540.00	\$0	\$6,394.99	-\$6,934.99	#DIV/0!	Journals to be processed, costing error.
241	North Zone Pressure Pump - low pressure issues	-		\$42,659	\$1,736.58	\$40,922.42	4%	Scope under development. Pump capacity upgrade for future development being investigated. Adjustment in March QBR.
242	Water Main Replacements	250,000	\$ 33,611.51	\$291,164	\$299,165.29	-\$41,612.80	103%	Dalgetty Street Complete. King and Adams Street replacements underway to complete the program. Adjustment in March QBR.
243	Hydrant and Valve replacements	50,000	\$ 6,172.64	\$50,000	\$97,418.39	-\$53,591.03	195%	Adjustment in March QBR.
244	Pine Hill Reservoir Upgrade	315,000		\$580,191	\$181,859.74	\$398,331.26	31%	Tender accepted and construction being programmed.
245	Bore 5 Replacement	-		\$0	\$21,616.00	-\$21,616.00	#DIV/0!	Adjustment in March QBR.
246	Services Replacements	\$50,000	\$ 161.93	\$50,000	\$42,408.65	\$7,429.42	85%	Ongoing commitment - as needed
247	Fencing Bore 1	\$20,000		\$20,000	\$453.92	\$19,546.08	2%	Design underway. To be undertaken in May.
248	Fencing Bore 2	\$20,000		\$20,000	\$0.00	\$20,000.00	0%	Design underway. To be undertaken in May.
249	Decommission Low Level reservoir	\$200,000		\$200,000	\$0.00	\$200,000.00	0%	To be re-programmed pending outcome of IWCM. Adjustment in March QBR.
250	Solar	\$100,000		\$100,000	\$670.04	\$99,329.96	1%	Funds to be held as co-contribution to Better regions grant. Adjustment in March QBR.
251	IWCM Additional Works	-	\$ 126,067.27	\$138,674	\$0.00	\$12,606.73	0%	Underway with Public Works. June completion expected.
252	Taggle Software & Implementation	-	\$ 36,381.82	\$60,000	\$0.00	\$23,618.18	0%	Project underway. Pre-implementation meeting to be scheduled. Taggle reviewing Council meter data. To be completed in June
253	Household Filter Project	-	\$ 2,272.73	\$100,000	\$13,464.35	\$84,262.92	13%	Filters to be installed throughout March - April. Additional invitations sent out.
254	Primary filter - EPA	-	\$ 1,096.09	\$118,240	\$780.88	\$116,363.03	1%	Additional testing of UVT and particle size underway.
255	Manhole Replacements	-		\$57,290	\$44,586.39	\$12,703.61	78%	Program 80% complete.
256	Flow meters for Sewer Pump Stations 2, 3, 4	-		\$35,653	\$197.22	\$35,455.78	1%	Scoping being undertaken.
257	Sewer Main Replacements	-		\$0	\$463.34	-\$463.34	#DIV/0!	Journal costs to Sewer Main Relines
258	SPS3 Replacement	-	\$ 95.89	\$200,000	\$51,131.88	\$148,772.23	26%	Complete. Adjustment in March QBR.
259	Barellan Sewer	\$5,490,000		\$5,490,000	\$17,932.17	\$5,472,067.83	0%	Design tender awarded and design underway. Design to be complete by July 2021.
260	Narrandera West Sewer Extension	-		\$33,205	\$16,693.26	\$16,511.74	50%	Report complete, Public consultation underway.
261	Sewer Main Relines	\$375,000		\$375,000	\$16,142.69	\$358,857.31	4%	Tenders accepted and works underway. To be completed by September 2021.
262	Solar	\$100,000		\$100,000	\$1,681.13	\$98,318.87	2%	Funds to be held as co-contribution to Better regions grant. Adjustment in March QBR.
263	Branding Strategy	-		32,410	\$1,069.09	\$31,340.91	3%	signage for Narrandera/decals
264	Independent Living Village	-		\$30,060	\$21,011.41	\$9,048.59	70%	Final payment due end of October. Adjustment in March QBR.
265	Aust Airline Airport Academy	-		14,958	\$10.91	\$14,947.09	0%	Project opportunity. Adjustment in March QBR.
266	CCTV Review	-		\$5,000	\$0.00	\$5,000.00	0%	Project being scoped. Adjustment in March QBR.
267	Grong Grong Earth Park - RMS	-	\$ 5,854.55	110,161	\$2,025.00	\$102,281.45	2%	Community Project.
268	Newell Hwy Contribution Grong Grong Reseal	-		101,050	\$0.00	\$101,050.00	0%	Inspection required
269	Newell Hwy Contribution Grong Grong town entrance signs	-		8,000	\$0.00	\$8,000.00	0%	Signs being confirmed.
270	Urban Roads Maintenance	\$641,600.00	\$ 4,841.11	641,600	\$406,690.25	\$230,068.64	63%	Ongoing operational costs
271	Sealed Rural Roads Maintenance	\$188,700.00	\$ 3,036.36	188,700	\$203,554.54	-\$17,890.90	108%	Ongoing operational costs
272	Rural Unsealed Roads Expenses	\$817,800.00	\$ 1,530.51	817,800	\$582,198.30	\$234,071.19	71%	Ongoing operational costs
273	Regional Roads (M&R Grant)	\$207,600.00		207,600	\$119,834.36	\$87,765.64	58%	Ongoing operational costs
274	State Road Contract Works RMCC	\$170,500.00	\$ 460.00	170,500	\$137,814.99	\$32,225.01	81%	Ongoing operational costs

KEY OPERATIONAL & CAPITAL WORKS EXPENSES 2020-21 - as at 31/03/2021

Complete	Unrealised Grant	Cancelled
Carryover	Key Operational	Deferred

75.00%

Project	Proposed Budget	Commitment	Revised Budget	YTD Expenditure	Balance	%	Comments
275 Ordered Works Expenses - MR 80	\$82,000.00		82,000	\$0.00	\$82,000.00	0%	Ongoing operational costs
276 Ordered Works Expenses - MR 84	\$82,000.00		82,000	\$1,011.47	\$80,988.53	1%	Ongoing operational costs
277 Noxious Weeds Expenses	\$158,711.00		158,711	\$135,327.97	\$23,383.03	85%	Ongoing operational costs
278 Public Toilets Expenses	\$75,333.00		75,333	\$98,895.01	-\$23,562.01	131%	Ongoing operational costs
279 Cemetery Expenses	\$129,123.00		129,123	\$85,203.83	\$43,919.17	66%	Ongoing operational costs
280 Sports Ground Expenses	\$197,603.00		197,603	\$100,420.47	\$97,182.53	51%	Ongoing operational costs
281 Parks Expenses	\$531,552.00		531,552	\$450,468.52	\$81,083.48	85%	Ongoing operational costs
282 Lawn Areas	\$27,307.00		27,307	\$33,025.41	-\$5,718.41	121%	Ongoing operational costs
283 East Street - Street Scaping	\$17,000.00	\$ 181.82	17,000	\$10,592.75	\$6,225.43	62%	Ongoing operational costs
284 Street Trees	\$228,727.00	\$ 6,128.18	228,727	\$268,166.98	-\$45,568.16	117%	Ongoing operational costs
285 Lake Talbot Expenses	\$24,000.00		24,000	\$11,482.56	\$12,517.44	48%	Ongoing operational costs
286 Sports Stadium Expenses	\$100,671.00		100,671	\$63,497.95	\$37,173.05	63%	Ongoing operational costs
287 Bores Expenses	\$57,395.00	\$ 10,000.00	57,395	\$21,924.74	\$25,470.26	38%	Ongoing operational costs
288 Pump Station Expenses	\$86,900.00	\$ 5,238.55	86,900	\$91,280.15	-\$9,618.70	105%	Ongoing operational costs
289 Mains Expenses	\$316,239.00	\$ 8,996.73	316,239	\$260,290.05	\$46,952.22	82%	Ongoing operational costs
290 Recycled Water	\$49,200.00	\$ 70.00	49,200	\$1,198.26	\$47,931.74	2%	Ongoing operational costs
291 Reservoirs Expenses	\$62,990.00		62,990	\$15,237.71	\$47,752.29	24%	Ongoing operational costs
292 Water Supply Licence	\$31,263.00		31,263	\$24,258.19	\$7,004.81	78%	Ongoing operational costs
293 Chlorine & Chemicals Expenses	\$30,750.00	\$ 7,363.64	30,750	\$14,987.24	\$8,399.12	49%	Ongoing operational costs
294 Meter Reading Expenses	\$10,250.00	\$ 2,951.82	10,250	\$26,214.15	-\$18,915.97	256%	Ongoing operational costs to be rectified with the introduction of the taggle software.
295 Telemetry System Maintenance	\$11,788.00	\$ 12,375.77	11,788	\$2,284.10	-\$2,871.87	19%	Ongoing operational costs
296 Pump Stations Electricity Expenses	\$256,520.00		256,520	\$187,687.58	\$68,832.42	73%	Ongoing operational costs
297 Pump Station Expenses	\$69,162.00	\$ 3,241.41	69,162	\$69,794.29	-\$3,873.70	101%	Ongoing operational costs
298 Mains Expenses	\$258,906.00	\$ 10,479.46	258,906	\$118,536.03	\$129,890.51	46%	Ongoing operational costs
299 Treatment Works Expenses	\$209,688.00	\$ 44,292.80	209,688	\$207,081.01	-\$41,685.81	99%	Ongoing operational costs
300 Sewer Heating & Electricity	\$139,600.00		139,600	\$64,013.11	\$75,586.89	46%	Ongoing operational costs
301 Telemetry System Maintenance	\$7,000.00		7,000	\$600.93	\$6,399.07	9%	Ongoing operational costs

Capital Expenditure as at 31 March 2021

	Sum of Proposed Budget	Sum of Revised Budget	Sum of YTD Expenditure	Sum of Balance
Administration				
Information Technology	\$ 215,000.00	\$ 230,000.00	\$ 138,555.99	\$ 86,892.51
Environment				
Narrandera Landfill	\$ -	\$ 356,276.00	\$ 40,285.63	\$ 305,599.64
Stormwater	\$ -	\$ 117,954.00	\$ 17,853.30	\$ 91,249.79
Housing & Community Amenities				
Barellan Cemetery	\$ -	\$ 8,000.00	\$ -	\$ 8,000.00
Grong Grong Cemetery	\$ -	\$ 3,834.00	\$ -	\$ 3,834.00
Narrandera Cemetery	\$ 25,000.00	\$ 25,000.00	\$ -	\$ 25,000.00
Local Roads Comm. & Infrastructure R2	\$ -	\$ 185,000.00	\$ 1,800.00	\$ 183,200.00
Recreation & Culture				
Local Roads Comm. & Infrastructure R2	\$ -	\$ 420,000.00	\$ -	\$ 420,000.00
Community Building Partnership	\$ -	\$ -	\$ -	\$ -
Transport & Communication				
Ancillary Roadworks	\$ 264,100.00	\$ 115,108.43	\$ 117,749.08	-\$ 2,640.65
Regional Roads	\$ 435,200.00	\$ 936,220.00	\$ 880,576.73	\$ 27,088.73
Roads to Recovery	\$ 1,470,045.00	\$ 1,360,045.00	\$ 1,103,530.32	\$ 221,584.89
Rural Roads	\$ 840,239.00	\$ 2,257,820.00	\$ 946,917.27	\$ 855,646.95
Urban Roads	\$ 465,549.00	\$ 914,691.00	\$ 145,850.67	\$ 748,515.92
Local Roads Comm. & Infrastructure	\$ 497,363.00	\$ 497,363.00	\$ 90,831.67	\$ 313,329.22
Local Roads Comm. & Infrastructure R2	\$ -	\$ 160,000.00	\$ -	\$ 160,000.00
Crown Reserves Improvement Fund Program	\$ -	\$ 96,901.00	\$ 1,656.10	\$ 95,244.90
Economic Affairs				
Airport	\$ 1,507,550.00	\$ 1,507,550.00	\$ 676,670.43	\$ 766,096.86
Buildings	\$ 240,000.00	\$ 414,755.00	\$ 144,986.58	\$ 246,348.77
Plant	\$ 1,391,096.00	\$ 1,391,096.00	\$ 857,555.17	\$ 463,986.28
Tourist Park	\$ -	\$ 15,524.00	\$ -	\$ 15,524.00
Economic Development	\$ 30,000.00	\$ 33,700.00	\$ 2,292.53	\$ 31,407.47
Local Roads Comm. & Infrastructure R2	\$ -	\$ 54,975.00	\$ -	\$ 54,975.00
Public Order and Safety				
Pound	\$ 6,000.00	\$ 10,000.00	\$ 226.88	\$ 9,350.22

Capital Expenditure as at 31 March 2021

Security Cameras	\$ -	\$ 15,000.00	\$ -	\$ 15,000.00
Rural Fire Service	\$ -	\$ 87,950.00	\$ 39,641.37	-\$ 7,700.46
Recreation and Culture				
Barellan Pool	\$ -	\$ 54,954.00	\$ 47,981.00	\$ 6,973.00
Lake Talbot Pool	\$ 3,950,772.00	\$ 4,807,708.00	\$ 4,644,811.43	\$ 162,896.57
Lake Talbot Recreation Area	\$ -	\$ 10,000.00	\$ -	\$ 10,000.00
Library	\$ 34,290.00	\$ 47,136.00	\$ 16,484.57	\$ 30,081.71
Marie Bashir Park	\$ -	\$ 42,964.00	\$ -	\$ 42,964.00
Narrandera Memorial Park	\$ 60,000.00	\$ 162,663.00	\$ 93,982.14	\$ 68,680.86
Narrandera Sportsground	\$ 27,000.00	\$ 2,038,277.00	\$ 489,982.84	\$ 312,320.41
Henry Mathieson Oval	\$ 25,000.00	\$ 50,000.00	\$ -	\$ 50,000.00
Brewery Flats	\$ -	\$ 5,000.00	\$ -	\$ 5,000.00
Noxious Weeds	\$ 30,000.00	\$ 30,000.00	\$ 6,940.00	\$ 23,060.00
Barellan Park	\$ -	\$ -	\$ -	\$ -
Drought Community Funding	\$ -	\$ 937,502.00	\$ 716,107.84	\$ 109,302.44
Stronger Country Community Funding	\$ -	\$ 306,128.00	\$ 285,559.75	\$ 20,170.28
Playground on the Murrumbidgee	\$ 4,830,652.00	\$ 4,830,652.00	\$ 414,207.12	\$ 4,193,078.15
Barellan Playground	\$ 5,000.00	\$ 6,222.00	\$ 6,272.73	-\$ 50.73
Local Roads Comm. & Infrastructure	\$ 500,000.00	\$ 500,000.00	\$ 46,259.01	\$ 453,740.99
Narrandera Parks	\$ 83,500.00	\$ 83,500.00	\$ 6,000.00	\$ 35,424.25

Key Operational as at 31 March 2021

Row Labels	Sum of Proposed Budget		Sum of YTD Expenditure	Sum of Balance
	Sum of Revised Budget			
Economic Affairs				
Economic Development	\$ -	\$ 42,368.00	\$ 22,091.41	\$ 20,276.59
Housing & Community Amenities				
Noxious Weeds	\$ 158,711.00	\$ 158,711.00	\$ 135,327.97	\$ 23,383.03
Public Toilets	\$ 75,333.00	\$ 75,333.00	\$ 98,895.01	-\$ 23,562.01
Cemetery Expenses	\$ 129,123.00	\$ 129,123.00	\$ 85,203.83	\$ 43,919.17
Public Order & Safety				
Security Cameras	\$ -	\$ 5,000.00	\$ -	\$ 5,000.00
Recreation & Culture				
Sports Ground Expenses	\$ 197,603.00	\$ 197,603.00	\$ 100,420.47	\$ 97,182.53
Parks Expenses	\$ 531,552.00	\$ 548,663.00	\$ 452,493.52	\$ 90,314.93
Lawn Areas	\$ 27,307.00	\$ 27,307.00	\$ 33,025.41	-\$ 5,718.41
Lake Talbot Expenses	\$ 24,000.00	\$ 24,000.00	\$ 11,482.56	\$ 12,517.44
Sports Stadium Expenses	\$ 100,671.00	\$ 100,671.00	\$ 63,497.95	\$ 37,173.05
Street Scaping	\$ 17,000.00	\$ 17,000.00	\$ 10,592.75	\$ 6,225.43
Street Trees	\$ 228,727.00	\$ 228,727.00	\$ 268,166.98	-\$ 45,568.16
Transport & Communication				
Ordered Works	\$ 164,000.00	\$ 164,000.00	\$ 1,011.47	\$ 162,988.53
Regional Roads	\$ 207,600.00	\$ 207,600.00	\$ 119,834.36	\$ 87,765.64
State Roads	\$ 170,500.00	\$ 170,500.00	\$ 137,814.99	\$ 32,225.01
Urban Roads	\$ 641,600.00	\$ 742,650.00	\$ 406,690.25	\$ 331,118.64
Sealed Rural Roads	\$ 188,700.00	\$ 188,700.00	\$ 203,554.54	-\$ 17,890.90
Unsealed Rural Roads	\$ 817,800.00	\$ 817,800.00	\$ 582,198.30	\$ 234,071.19
Water Supplies				
Water	\$ 913,295.00	\$ 913,295.00	\$ 645,362.17	\$ 220,936.32
Sewer Supplies				
Sewer	\$ 537,756.00	\$ 537,756.00	\$ 395,411.33	\$ 84,331.00
Grand Total	\$ 5,131,278.00	\$ 5,296,807.00	\$ 3,773,075.27	\$ 1,396,689.02

20.5 MARCH STATEMENT OF BANK BALANCES

Document ID: 550839
Author: Costing Officer
Authoriser: Deputy General Manager Corporate and Community
Theme: Statutory and Compulsory Reporting – Financial / Audit
Attachments: Nil

RECOMMENDATION

That Council:

1. Receives and notes the information contained in the Statement of Bank Balances report as of 31 March 2021.

PURPOSE

The purpose of this report is to make Council aware of the amount of funds held in its operating account.

BACKGROUND

Opening Cashbook Balance	1,018,706.00
Plus Receipt	2,531,162.55
Less Payments	3,231,627.21
Current Cashbook Balance	<u>318,241.34</u>
Statement Summary	
Opening Statement Balance	733,957.49
Plus Receipts	2,858,004.34
Less Payments	3,296,114.47
Current Statement Balance	<u>295,847.36</u>
Plus Unpresented Receipts	23,030.24
Less Unpresented Payments	636.26
Reconciliation Balance	<u>318,241.34</u>
GL BALANCE	<u>318,241.34</u>
Unpaid Creditors	117,852.18
Overdraft Limit arranged with Bank 01/01/1989	350,000.00

RECOMMENDATION

That Council:

1. Receives and notes the information contained in the Statement of Bank Balances report as of 31 March 2021.

20.6 MARCH STATEMENT OF RATES AND RECEIPTS

Document ID: 551069
Author: Revenue Officer
Authoriser: Deputy General Manager Corporate and Community
Theme: Statutory and Compulsory Reporting – Financial / Audit
Attachments: Nil

RECOMMENDATION

That Council:

1. Receives and notes the information contained in the Statement of Rates and Receipts report as at 31 March 2021.

RATES & CHARGES

Arrears as at 01.07.2020	746,364.96
20/21 Rate levies & supplementary levies (excl. postponed amounts)	<u>8,267,897.96</u>
	9,014,262.92
Less Pensioner rebates	<u>210,355.58</u>
NET BALANCE	8,803,907.34
Less receipts to 31.03.2021	<u>6,463,546.67</u>
	<u><u>2,340,360.67</u></u>

Actual % Rate Collection to Net Balance as at 31.03.2021 = **73.42%**

Comparative % Collection to Net Balance as at 31.03.2020 = **72.86%**

Anticipated % Collection Rate as at 30.06.2021 = **94.00%**

WATER CONSUMPTION / SEWER USAGE CHARGES

Arrears as at 01.07.2020	223,515.59
20/21 Water / Sewer usage charges, supplementary levies & interest	<u>807,173.65</u>
NET BALANCE	1,030,689.24
Less receipts to 31.03.2021	<u>837,083.79</u>
	<u><u>193,605.45</u></u>

PURPOSE

The purpose of this report is to present the Statement of Rates and Receipts as at 31 March 2021.

SUMMARY

The Statement of Rates and Receipts are required to be submitted for Council's information each month under Statutory and Compulsory Reporting.

RECOMMENDATION

That Council:

1. Receives and notes the information contained in the Statement of Rates and Receipts report as at 31 March 2021.

21 STATUTORY AND COMPULSORY REPORTING – OTHER REPORTS

Nil

PUBLIC MEETING CLOSES

At this point, members of the Gallery and Press are advised that Council will now move into Closed Session of Council for the consideration of the Confidential Items. They are asked to leave the Chambers and advised that they may return to the Chambers if they wish, upon resumption of Open Council.

22 CONFIDENTIAL BUSINESS PAPER REPORTS**RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the *Local Government Act 1993*:

22.1 Tender - New Amenity Block/Camp Kitchen - Lake Talbot Tourist Park

This matter is considered to be confidential under Section 10A(2) - dii of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council.

RETURN TO PUBLIC MEETING

At this point, members of the Gallery and Press may return to the Chambers for the conclusion of the meeting.