

December 04, 2019

ORDINARY MONTHLY MEETING

TO BE HELD

**WEDNESDAY, DECEMBER 11, 2019**

Please address all communications to:  
The General Manager  
240 Blende Street  
PO Box 448  
Broken Hill NSW 2880  
Phone 08 8080 3300  
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Dear Sir/Madam,

Your attendance is requested at the Ordinary Meeting of the Council of the City of Broken Hill to be held in the Council Chamber, Sulphide Street, Broken Hill on **Wednesday, December 11, 2019** commencing at 6:30 pm to consider the following business: ABN 84 873 116 132

- 1) Opening Meeting
- 2) Apologies
- 3) Prayer
- 4) Acknowledgement of Country
- 5) Minutes for Confirmation
- 6) Disclosure of Interest
- 7) Mayoral Minute(s)
- 8) Notice of Motion
- 9) Notices of Rescission
- 10) Reports from Delegates
- 11) Reports
- 12) Committee Reports
- 13) Questions Taken on Notice from Previous Council Meeting
- 14) Questions for Next Meeting Arising from Items on this Agenda
- 15) Confidential Matters
- 16) Conclusion of the meeting

  
JAMES RONCON  
GENERAL MANAGER

**LIVE STREAMING OF COUNCIL MEETINGS**

***PLEASE NOTE:** This Council meeting is being streamed live, recorded, and broadcast online via Facebook. To those present in the gallery today, by attending or participating in this public meeting you are consenting to your image, voice and comments being recorded and published. The Mayor and/or General Manager have the authority to pause or terminate the stream if comments or debate are considered defamatory or otherwise inappropriate for publishing. Attendees are advised that they may be subject to legal action if they engage in unlawful behaviour or commentary.*

## **MINUTES FOR CONFIRMATION**

Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held Wednesday,  
November 27, 2019.

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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
NOVEMBER 27, 2019

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Meeting commenced at 6:30p.m.

**PRESENT:** Councillor D. Turley AM (Mayor) Councillor C. Adams (Deputy Mayor)  
Councillors, B. Algate, M. Browne, M. Clark, D. Gallagher, T. Kennedy,  
B. Licul, J. Nolan and R. Page.

General Manager, Chief Financial Officer, Director Corporate,  
Manager Communications, Governance Officer and Executive Support  
Officer.

Media (3), Members of the Public (55).

**APOLOGIES:** Nil

### **ACKNOWLEDGEMENT OF THE LATE FRAN MCKINNON OAM**

*A minute silence was observed for the late Fran McKinnon OAM who was a former Councillor, who served for many terms on Council. Recognition was made of her hard work and dedication to the prosperity of the City. Fran McKinnon OAM was also the first female Deputy Mayor.*

### **PRAYER**

Councillor Adams delivered the prayer.

### **ACKNOWLEDGEMENT OF COUNTRY**

Councillor Gallagher delivered the Acknowledgment of Country.

### **MINUTES FOR CONFIRMATION**

#### **RESOLUTION**

Minute No. 46123

Councillor C. Adams moved )  
Councillor B. Algate seconded )

That the Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held October 30, 2019 be confirmed, with a correction to the reflect that the question asked by Councillor Algate was regarding when the stump/s would be removed from the footpath adjacent to his property which remain in-situ after Council cut down the dead tree/s.

CARRIED UNANIMOUSLY

#### **RESOLUTION**

Minute No. 46124

Councillor M. Clark moved )  
Councillor C. Adams seconded )

That the Minutes of the Extraordinary Meeting of the Council of the City of Broken Hill held November 12, 2019 be confirmed.

CARRIED

FOR: Crs Adams, Algate, Browne, Clark, Kennedy, Licul, Nolan, Page and Turley  
AGAINST: Cr Gallagher

### **DISCLOSURE OF INTEREST**

Mayor Turley declared:

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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
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- a non-pecuniary conflict of interest in Report No. 195/19 as a partnership exists between the applicant and the Mayor's employer and advised that she will leave the Council Chambers whilst the item is considered.

Councillor Licul declared:

- a non-pecuniary conflict of interest in Report No. 195/19 as a partnership exists between the applicant and Councillor Licul's employer and advised that he will leave the Council Chambers whilst the item is considered.

## MAYORAL MINUTES

### ITEM 1 - MAYORAL MINUTE NO. 8/19 - DATED NOVEMBER 25, 2019 - NATION DANCE - 1 DECEMBER 2019

11/117, 11/426

#### Resolved

1. That Mayoral Minute No. 8/19 dated November 25, 2019, be received.
2. That park booking fees and entry fees be waived at the Living Desert Flora and Fauna Sanctuary on Sunday 1 December 2019 (all day) in order for the Nation Dance to be conducted.
3. That the usual park booking processes are undertaken by the Barkandji Language Group (completed booking form, Risk Assessment and Public Liability Insurance).

#### **RESOLUTION**

##### Minute No. 46125

Councillor D. Turley moved )

Councillor M. Browne seconded )

CARRIED UNANIMOUSLY

## NOTICES OF MOTION

Nil.

## RESCISSION MOTIONS

*Councillor Kennedy tabled a petition calling upon Council to work with Deanna Spicer to produce and install the five gateway signs developed by Deanna Spicer at the gateway entrances to Broken Hill to help ensure a prosperous future for Broken Hill.*

#### Motion

Councillor T. Kennedy moved )

Councillor B. Algate seconded )

That Councillor Kennedy receive an extension  
of time to speak to his Rescission Motion.

LOST

FOR: Crs Algate, Gallagher, Kennedy and Page  
AGAINST: Crs Adams, Browne, Clark, Licul, Nolan and Turley



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**ITEM 2 - RESCISSION MOTION NO. 1/19 - DATED NOVEMBER 15, 2019 - RESCISSION MOTION  
REGARDING BROKEN HILL GATEWAY SIGNAGE** 17/133

- Councillor R. Page moved )  
Councillor T. Kennedy seconded )
1. That Rescission Motion No. 1/19 dated November 15, 2019, be received.
  2. That Council rescinds the resolution passed at the Extraordinary Council Meeting held 12 November 2019 (minute number:46122).

LOST

FOR: Crs Algate, Gallagher, Kennedy and Page  
AGAINST: Crs Adams, Browne, Clark, Licul, Nolan and Turley

## REPORTS FROM DELEGATES

Nil.

## REPORTS

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 188/19 - DATED NOVEMBER 15, 2019 -  
CORRESPONDENCE REPORT - NATIONAL DISABILITY INSURANCE SCHEME** 11/490

Resolved

1. That Broken Hill City Council Report No. 188/19 dated November 15, 2019, be received.
2. That correspondence received from Federal Member for Parkes, The Hon Mark Coulton MP dated 25 October 2019 regarding the National Disability Insurance Scheme and forwarding a copy of correspondence from The Hon Stuart Robert MP, Minister for the National Disability Insurance Scheme dated 17 October 2019 be received and noted and referenced correspondence dated 14 August 2019 be received and noted.

### RESOLUTION

Minute No. 46126

Councillor B. Algate moved )  
Councillor M. Clark seconded ) CARRIED UNANIMOUSLY

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 205/19 - DATED OCTOBER 30, 2019 -  
CODE OF CONDUCT COMPLAINTS STATISTICS ANNUAL REPORT - 2018/2019** 11/171

Resolved

1. That Broken Hill City Council Report No. 205/19 dated October 30, 2019, be received.
2. That the Code of Conduct Complaints Statistics Annual Report for the Broken Hill City Council for the period of 1 September 2018 – 31 August 2019 be forwarded to the Office of Local Government.

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**RESOLUTION**

Minute No. 46127

Councillor M. Browne moved )

Councillor M. Clark seconded )

CARRIED UNANIMOUSLY

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 189/19 - DATED OCTOBER 30, 2019 -  
DRAFT 2018/2019 ANNUAL REPORT**

18/132

Resolved

1. That Broken Hill City Council Report No. 189/19 dated October 30, 2019, be received.
2. That the Draft 2018/2019 Annual Report, inclusive of Delivery Program Achievements, Disability Inclusion Action Plan Achievements and audited Annual Financial Statements, for the reporting period 1 July 2018 to 30 June 2019, be adopted.
3. That the Draft 2018/2019 Annual Report, inclusive of Delivery Program Achievements, Disability Inclusion Action Plan Achievements and audited Annual Financial Statements for the reporting period 1 July 2018 to 30 June 2019, be posted on Council's website.
4. That Council's web link of 2018/2019 Annual Report, inclusive of Delivery Program Achievements, Disability Inclusion Action Achievements and audited Annual Financial Statements for the reporting period 1 July 2018 to 30 June 2019, be provided to the Minister via the Office of Local Government and Minister for Disability Services, by 30 November 2019.

**RESOLUTION**

Minute No. 46128

Councillor D. Gallagher moved )

Councillor C. Adams seconded )

CARRIED UNANIMOUSLY

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 190/19 - DATED OCTOBER 30, 2019 - 2017-  
2021 DISABILITY INCLUSION ACTION PLAN KEY PERFORMANCE INDICATORS PROGRESS  
REPORT FOR PERIOD ENDING 30 JUNE 2019**

16/82

Resolved

1. That Broken Hill City Council Report No. 190/19 dated October 30, 2019, be received.
2. That Council adopt the Disability Inclusion Action Plan 2017-2021 – Key Performance Indicators Progress Report for the reporting period ending 30 June 2019.

**RESOLUTION**

Minute No. 46129

Councillor B. Algate moved )

Councillor M. Clark seconded )

CARRIED UNANIMOUSLY

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 191/19 - DATED NOVEMBER 01, 2019 -  
DRAFT AGENCY INFORMATION GUIDE**

11/118

Resolved

1. That Broken Hill City Council Report No. 191/19 dated November 1, 2019, be received.
2. That Council endorse the reviewed and Draft Agency Information Guide for release to the Information Commissioner for its review and comment.

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**RESOLUTION**

Minute No. 46130

Councillor C. Adams moved )

Councillor B. Licul seconded )

CARRIED UNANIMOUSLY

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 192/19 - DATED OCTOBER 01, 2019 -  
ADOPTION OF DRAFT COMMUNICATION AND ENGAGEMENT STRATEGY**

12/14

Resolved

1. That Broken Hill City Council Report No. 192/19 dated October 1, 2019, be received.
2. That Council adopts the draft Communication and Engagement Strategy as a Strategy of Council.

**RESOLUTION**

Minute No. 46131

Councillor M. Browne moved )

Councillor M. Clark seconded )

CARRIED

FOR: Crs Adams, Algate, Browne, Clark, Gallagher, Licul, Nolan, Page and Turley

AGAINST: Cr Kennedy

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 193/19 - DATED NOVEMBER 16, 2019 -  
DRAFT ASSET MANAGEMENT POLICY, ASSET MANAGEMENT STRATEGY AND BENCHMARKS  
FOR BUILDING ASSETS RATIONALISATION**

13/163

Resolved

1. That Broken Hill City Council Report No. 193/19 dated November 16, 2019, be received.
2. That the draft Asset Management Policy, Asset Management Strategy and Benchmarks for Building Asset Rationalisation be publicly exhibited for a period of not less than 28 days.
3. That a further report be presented to Council following the public exhibition for Council's consideration and adoption.

**RESOLUTION**

Minute No. 46132

Councillor J. Nolan moved )

Councillor M. Clark seconded )

CARRIED

FOR: Crs Adams, Algate, Browne, Clark, Gallagher, Licul, Nolan, Page and Turley

AGAINST: Cr Kennedy

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 194/19 - DATED OCTOBER 21, 2019 -  
ACQUISITION OF FEDERATION WAY**

18/200

Resolved

1. That Broken Hill City Council Report No. 194/19 dated October 21, 2019, be received.
2. That Council make an application to the Minister and Governor to compulsorily acquire Federation Way, otherwise known as part lots 11-14 Section 57 DP 759092, part lots 1-8 Section 58 DP 759092, part lots 7428-7431 DP 1178911 and part lot 7421 DP 1183597 (as identified in the plan of acquisition).

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3. That the acquisition be undertaken in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*, under Section 186 of the *Local Government Act 1993* and for the purposes of a public road under Section 177 of the *Roads Act 1993*.
4. That upon acquisition, Council undertake the required actions to open the subject road by registration of a plan in accordance with Section 7 of the *Roads Act 1993*.
5. That the Mayor and General Manager be authorised to sign and execute any documents related to the acquisition or road opening under the Common Seal of Council.

**RESOLUTION**

Minute No. 46133

Councillor J. Nolan moved )

Councillor C. Adams seconded )

CARRIED

FOR: Crs Adams, Browne, Clark, Gallagher, Licul, Nolan and Turley

AGAINST: Crs Algate, Kennedy and Page

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 195/19 - DATED NOVEMBER 11, 2019 -  
MAARI MA KNOWLEDGE AND HEALING CENTRE**

11/161

*Mayor Turley and Councillor Licul both declared a non-pecuniary conflict of interest in Item 11 and left the Council Chambers at 7:39 p.m.*

*The Deputy Mayor assumed the Chair.*

Resolved

1. That Broken Hill City Council Report No. 195/19 dated November 11, 2019, be received.
2. That Council note the proposal by Maari Ma Inc for the development of a Knowledge and Healing Centre.
3. That Council continue to liaise with Maari Ma Inc and that a further report is provided to Council once a more detailed project scope is available for consideration.

**RESOLUTION**

Minute No. 46134

Councillor J. Nolan moved )

Councillor D. Gallagher seconded )

CARRIED UNANIMOUSLY

*Mayor Turley and Councillor Licul returned to the Council Chambers at 7:40 p.m.*

*The Deputy Mayor advised that the report recommendation of Report No. 195/19 had been adopted.*

*The Mayor resumed the Chair.*

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 196/19 - DATED NOVEMBER 12, 2019 -  
MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 18  
OCTOBER 2019**

13/19

Resolved

1. That Broken Hill City Council Report No. 196/19 dated November 12, 2019, be received.

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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
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**RESOLUTION**

Minute No. 46135

Councillor D. Gallagher moved )

Councillor B. Licul seconded )

CARRIED UNANIMOUSLY

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 197/19 - DATED NOVEMBER 06, 2019 -  
INVESTMENT REPORT FOR OCTOBER 2019**

17/82

Resolved

1. That Broken Hill City Council Report No. 197/19 dated November 6, 2019, be received.

**RESOLUTION**

Minute No. 46136

Councillor M. Clark moved )

Councillor D. Gallagher seconded )

CARRIED UNANIMOUSLY

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 198/19 - DATED NOVEMBER 13, 2019 -  
MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 398 HELD WEDNESDAY  
NOVEMBER 6, 2019**

11/397

Resolved

1. That Broken Hill City Council Report No. 198/19 dated November 13, 2019, be received.
2. That the minutes for the Local Traffic Committee Meeting No.398 held November 6, 2019 be received.

**RESOLUTION**

Minute No. 46137

Councillor M. Browne moved )

Councillor C. Adams seconded )

CARRIED UNANIMOUSLY

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 199/19 - DATED NOVEMBER 14, 2019 -  
ACTION LIST REPORT**

11/21

Resolved

1. That Broken Hill City Council Report No. 199/19 dated November 14, 2019, be received.

**RESOLUTION**

Minute No. 46138

Councillor J. Nolan moved )

Councillor C. Adams seconded )

CARRIED UNANIMOUSLY

**COMMITTEE REPORTS**

**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 200/19 - DATED NOVEMBER 08, 2019 -  
MINUTES OF THE PICTON OVAL COMMUNITY COMMITTEE MEETINGS HELD 21 OCTOBER  
2019 AND 11 NOVEMBER 2019**

12/54

Resolved

1. That Broken Hill City Council Report No. 200/19 dated November 8, 2019, be received.

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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
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2. That minutes of the Picton Oval Community Committee Meetings held 21 October 2019 and 11 November 2019, be received.

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 201/19 - DATED NOVEMBER 12, 2019 - MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE MEETINGS HELD OCTOBER 15, 2019** 12/51

Resolved

1. That Broken Hill City Council Report No. 201/19 dated November 12, 2019, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held October 15, 2019 be received.

**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 202/19 - DATED NOVEMBER 12, 2019 - MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETING HELD 1 OCTOBER 2019** 12/52

Resolved

1. That Broken Hill City Council Report No. 202/19 dated November 12, 2019, be received.
2. That minutes of the Memorial Oval Community Committee Meeting held 2 July 2019 be received.

Minute No. 46139

Councillor C. Adams moved	)	That the recommendations of items 16 to 18 be
Councillor M. Clark seconded	)	adopted.

CARRIED UNANIMOUSLY

## QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

**ITEM 19 - QUESTIONS ON NOTICE NO. 11/19 - DATED OCTOBER 31, 2019 - COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE OCTOBER 2019 COUNCIL MEETING** 12/160, 11/229, 11/390

Resolved

1. That Questions On Notice No. 11/19 dated October 31, 2019, be received.

**RESOLUTION**

Minute No. 46140

Councillor B. Licul moved	)	
Councillor B. Algate seconded	)	CARRIED

FOR: Crs Adams, Browne, Clark, Gallagher, Licul, Nolan and Turley  
AGAINST: Crs Algate, Kennedy and Page

## QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

Willyama Common matter being considered at Ordinary Council Meetings

11/63

*The Mayor took a question on notice from Councillor Kennedy whether matters pertaining to the Willyama Common can be dealt with at Ordinary Council Meetings or whether Council should hold Extraordinary Council Meetings as was the practice some years ago.*

Gateway Signage Competition (From Item 2)

17/133

*The Mayor took a question on notice from Councillor Kennedy regarding whether the emails previously sent to Councillors regarding the processes for the Gateway Signage Competition can be circulated to Councillors, media and public.*

Code of Conduct Complaint Statistics Annual Report 2018/2019 (From Item 4)

11/171

*The Mayor took a question on notice from Councillor Kennedy as to why it is not recorded in the report if a Code of Conduct complaint is made by a Councillor about the conduct of another Councillor?*

Street Tree Replacement Program (From Item 19)

11/390

*Councillor Licul who asked if part of his question regarding the number of street trees that need replacing be answered as it was not answered in Questions on Notice Report No. 11/19 presented to this meeting.*

Street Tree Replacement Program (From Item 19 and confirmation of minutes)

11/390

*Councillor Algate asked when the stump/s would be removed from the footpath adjacent to his property, which remain in-situ after Council cut down the dead tree/s (question corrected at Minutes for Confirmation form Question Taken on Notice at October 2019 Council Meeting).*

## CONFIDENTIAL MATTERS

**ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 203/19 - DATED NOVEMBER 04, 2019 -  
CONFIDENTIAL MINUTES OF THE ORDINARY COUNCIL MEETING HELD 30 OCTOBER 2019 -  
CONFIDENTIAL**

19/11

**(General Manager's Note:** This report considers confidential minutes of the Ordinary Council Meeting held 30 October 2019 and is deemed confidential under Section 10A(2) (e) (g) of the Local Government Act, 1993 which provides for information that would, if disclosed, prejudice the maintenance of law; AND which contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege).

### RESOLUTION

Minute No. 46141

Councillor B. Licul moved )

Councillor J. Nolan seconded )

1. That Report No. 203/19 be considered in open session.

2. That Broken Hill City Council Report No. 203/19 dated November 4, 2019, be received.

3. That the confidential minutes of the Ordinary Council Meeting held 25 September 2019 be confirmed.

CARRIED UNANIMOUSLY

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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
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**ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 204/19 - DATED NOVEMBER 11, 2019 -  
WATER NSW ACQUISITION OF WATER PIPELINE EASEMENT FROM WILLYAMA COMMON  
TRUST - CONFIDENTIAL**

11/63

**(General Manager's Note:** This report considers a deed of agreement and is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).

**RESOLUTION**

Minute No. 46142

Councillor D. Gallagher moved )

Councillor J. Nolan seconded )

1. That Report No. 204/19 be considered in open session.
2. That Broken Hill City Council Report No. 204/19 dated November 11, 2019, be received.
3. That the Willyama Common Trust consent to Water NSW's proposed acquisition of a water pipeline easement across Lot 302 Deposited Plan 1242250.
4. That the Willyama Common Trust agree to the proposed terms and conditions proposed by Water NSW, including any compensation.
5. That the Mayor and General Manager be authorised to sign and execute any documents relating to the acquisition of the easement under the Common Seal of Council, in the absence of a Trust Seal.

CARRIED UNANIMOUSLY

There being no further business the Mayor closed the meeting at 7:52 p.m.

THE FOREGOING MINUTES WERE READ )  
AND CONFIRMED AT THE ORDINARY )  
MEETING OF THE BROKEN HILL CITY )  
COUNCIL HELD ON DECEMBER 11, 2019. )

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CHAIRPERSON



**MAYORAL MINUTES**

1. MAYORAL MINUTE NO. 10/19 - DATED NOVEMBER 29, 2019 -  
ONGOING FUNDING OF THE BROKEN HILL ENVIRONMENTAL LEAD  
PROGRAM (12/177) .....14

## ORDINARY MEETING OF THE COUNCIL

November 29, 2019

**ITEM 1**MAYORAL MINUTE NO. 10/19

SUBJECT: ONGOING FUNDING OF THE BROKEN HILL ENVIRONMENTAL LEAD PROGRAM 12/177

**Summary**

I am calling on Councillors to support the New South Wales Environment Protection Authority (NSW EPA) in its advocacy to request the NSW Government to commit ongoing funding to the Broken Hill Environmental Lead Program from 1 July 2020.

**Broken Hill Environmental Lead Program - Origins**

In 1993 the National Health and Medical Research Council (NHMRC) set a goal for all Australians to have a blood lead level less than 10 micrograms of lead per decilitre of blood (ug/dL).

In response, in 1994, the NSW Government established a Broken Hill Environmental Lead Centre and associated programs to address the problem of the high incidence of significantly elevated blood lead levels among Broken Hill's children. The program was funded until 2006.

After the program ceased the screening, monitoring and education focus areas went through a succession of delivery mechanisms until they were eventually downscaled to screening only mechanisms and incorporated into point-of-car-services, not by the mainstream immunisation schedule of local health service providers – Far West Local Health District (Child & Family Health), Maari Ma Health Aboriginal Corporation.

When the previous program operated, the mean blood lead level of children in Broken Hill dropped markedly from 16.7 µg/dL to 5.7 µg/dL. Since the cessation of the program, the downward trend in blood lead levels did not continue – with mean blood lead levels increasing from 2010. In addition, there was an increasing trend in the number of children exceeding the NHMRC guideline level - 12.6% (2010), 13% (2011) and 21% (2012).

In 2014, the NHMRC issued a draft paper outlining a recommendation of lowering the investigation guideline level from 10 to 5µg/dL. Based on data available at the time, 47% of all children and 79% of Aboriginal children aged 1 to 4 exceeded a blood lead level of 5 µg/dL.

In response to these issues, as well as the results of a study by Professor Mark Taylor - that revealed contamination at a number of playgrounds potentially impacting on the health of children - the NSW EPA and NSW Health developed a proposal and lobbied the NSW Government to consider funding to commence immediate works to reduce lead exposure in the community and rejuvenate the Broken Hill Environmental Lead Program.

In February 2015 the NSW Government announced it would provide \$13 million in funding to address lead exposure issues in Broken Hill from 1 July 2015 to 30 June 2020.

**Broken Hill Environmental Lead Program – overview**

The funding reinvigorated the Broken Hill Environmental Lead Program (BHELP), with an aim of developing cost-effective and sustainable solutions to address lead exposure issues and elevated blood lead levels to ensure children aged 1 to 4 years in Broken Hill meet the NHMRC investigation levels into the future. The program has an emphasis on Aboriginal children who have been shown to have higher incidences of elevated blood lead levels.

The BHELP is an independent, government-funded program overseen by a Steering Committee process.

The BHELP has three key focus areas – research and monitoring; community education, engagement and funding; and remediation works.

**Program progress and achievements**

The re-established BHELP has passed the 4-year mark. The BHELP Steering Committee reports annually on the progress and activities of the program to the CEO of NSW EPA, Secretary of NSW Health and the Broken Hill Lead Reference Group – facilitated by Council. The first three BHELP Steering Committee annual reports can be found in the [resources section](#) of the LeadSmart website. The 2018 -2019 Steering Committee Annual Report is being finalised, however Chairperson Marion Browne has advised that results and achievements outlined in the report, consolidate the success and cumulative effect of the individual strategies and programs undertaken by the BHELP under its three key focus areas, year on year since it was established in 2015.

Most compelling is the independently compiled [Lead Report 2018: Broken Hill children under 5 years of age](#), (Public Health Unit, Health Protection, NSW Ministry of Health, May 2019), highlighting significant improvements across a range of key indicators relating to the ongoing public health issue of elevated blood lead levels in local children. In particular:

- The proportion of all children with blood lead levels below the notifiable level of 5 micrograms of lead per decilitre of blood (ug/dL), increased from 42% to 46% from 2017 to 2018.
- The geometric lead mean level (age-sex standardized) for all children (1 to < 5 years) decreased [from 5.7](#) in 2017 to 4.7 in 2018 – the lowest since 2010 and equal lowest on record.
- The mean result for non-Aboriginal children decreased, [from 4.6](#) to 4.0 µg/dL – the lowest on record.
- The mean result for Aboriginal children improved from 8.7 to 7.9 µg/dL in 2018.
- The 2018 results show 62% of non-Aboriginal children in Broken Hill had a blood lead level below 5 µg/dL, a 4% improvement from 58% in the previous year.
- 24% of Aboriginal children had a blood lead level below 5.0 ug/dL – an increase from 22% in the previous year.
- The percentage of all children with blood lead levels above 5.0 ug/dL has decreased – from 54% in 2017 to 51% in 2018.
- The proportions of children in all the higher blood lead categories >10 ug/dL decreased to less than 20% (17% in 2018) for the first time since 2012.
- In 2018, numbers of children in the 10 to <15µg/dL category dropped by a third and in the 15 to <20 µg/dL category halved compared to 2017.

**Need for ongoing funding of a similar program**

The current five-year program is funded by Treasury until 30 June 2020. The BHELP has made significant inroads to address the issue of lead exposure and elevated blood lead levels in local children.

However, the Broken Hill lead issue is complex and ongoing. There is a demonstrated need for ongoing funding in Broken Hill, given the number of children that exceed the NHMRC guideline level of 5 ug/dL and the fact that lead contamination is widespread across the city - despite heavily contaminated areas being targeted and remediated through the current program. In addition, history has shown that whilst a BHELP-type program is active the profile and awareness of the lead issue is high and the community manages lead issues well. However, once an integrated and multifaceted program ceases the profile drops and blood lead levels increase.

**Ongoing issues:**

- The geometric mean blood lead level for all children aged 1 to 4 years dropped [from 5.7](#) ug/dL in 2015 to 4.7 ug/dL in 2018. Currently 49% of all children have blood lead levels that exceed 5 ug/d. An ongoing multifaceted approach is required to maintain the gains that have been made since the commencement of the revitalised BHELP and help protect local children from lead harm into the future.
- Maari Ma Health Aboriginal Corporation and Child & Family Health require ongoing funding to ensure that the current enhanced early intervention, monitoring and surveillance programs are maintained.
- Community engagement and education programs are critical to maintain the profile of the local lead issue and educate the community about how they can be LeadSmart so individuals are empowered with the skills to reduce risks of lead exposure for themselves and others. Previous experience has shown that community-level control of lead issues can falter when the profile and awareness of lead issues is not maintained through the active delivery of educational and engagement activities. The lack of community engagement and education activities following the end of the previous program has been linked to complacency in the community and low presentation rates at blood lead monitoring clinics. There is a need to continuously educate new parents, new residents and reinforce positive messages in the broader community.
- Lead contamination of soils and dust in and around homes and public land across the city is an ongoing issue. Current sources of exposure to lead in dust, dirt and soil include: the remobilisation of legacy lead on public and private land; fugitive emissions from non-active areas of mine leases; and sites associated with current mining activities and mining operations. Many homes and buildings in Broken Hill were built before lead-based paint was phased out in the 1970s. This means lead based paint is also a source of lead exposure. Despite over 10 hectares of public land being remediated as part of the current program and the implementation of a home remediation program significant work still needs to be done through the ongoing funding of lead abatement strategies, to reduce risks of lead exposure on public and private land.

Whilst there is no safe level of lead in blood, a number of countries in the world have already lowered the level of concern / intervention to 3.5 ug/dL or lower as a precautionary measure. It is possible that Australia through the NHMRC will consider lowering the current guideline level of 5 ug/dL. If this occurred 67% of all Broken Hill children and 91% of Aboriginal children aged 1 to 4 years would exceed the new precautionary level.

**Recommendation**

1. That Mayoral Minute No. 10/19 dated November 29, 2019, be received.
2. That Council support ongoing funding of the Broken Hill Environmental Lead Program once the current program funding ceases on 30 June 2020.
3. That Council write to New South Wales Environmental Protection Authority supporting its request or representations to the NSW Government to commit further funding.

**Attachments**

There are no attachments for this report.

D TURLEY AM  
MAYOR

## **REPORTS FROM DELEGATES**

1. REPORTS FROM DELEGATES NO. 4/19 - DATED DECEMBER 02, 2019  
- ATTENDANCE AT MURRAY DARLING ASSOCIATION NATIONAL  
CONFERENCE HELD IN TOOWOOMBA FROM 22-24 OCTOBER 2019  
(11/501).....19
2. REPORTS FROM DELEGATES NO. 5/19 - DATED DECEMBER 02, 2019  
- ATTENDANCE AT THE 2019 NSW LOCAL GOVERNMENT  
CONFERENCE, HELD AT WARWICK FARM FROM 14-16 OCTOBER  
2019 (13/147).....26
3. REPORTS FROM DELEGATES NO. 6/19 - DATED DECEMBER 02, 2019  
- ATTENDANCE AT ASSOCIATION OF MINING AND ENERGY RELATED  
COUNCILS (NSW) MEETINGS HELD 7-8 NOVEMBER 2019 (11/195) ....70

ORDINARY MEETING OF THE COUNCIL

December 2, 2019

**ITEM 1**

REPORTS FROM DELEGATES NO. 4/19

SUBJECT: ATTENDANCE AT MURRAY DARLING ASSOCIATION NATIONAL  
CONFERENCE HELD IN TOOWOOMBA FROM 22-24 OCTOBER  
2019 11/501

**Summary**

Council has received a Delegates Report from Councillor Browne regarding her attendance at the 75<sup>th</sup> National Conference of the Murray Darling Association. The Conference was held in Toowoomba from 22-24 October 2019.

Councillor Browne's Delegates Report is attached.

**Recommendation**

1. That Reports from Delegates No. 4/19 dated December 2, 2019, be received.

**Attachments**

1. [↓](#) Delegates Report - Murray Darling Association National Conference
2. [↓](#) Guest Presentations List

M BROWNE  
COUNCILLOR

Councillor Marion Browne

Attendance at 75<sup>th</sup> National Conference, Murray Darling Association, Toowoomba 22-24 October

I am very pleased to have been able to attend this conference and thank council for the opportunity. Broken Hill has been a member of the 75 year-old Murray Darling Association for many years and because membership includes local government, farmers and irrigators, agribusinesses, senior government bureaucrats and interested private members from all basin states, the annual conference provides a valuable opportunity to hear views from all sides of the current water debates and from all parts of the basin as well as many of the most informed scientists and influencers in the water space. What was notable to me was that there now appears to be consensus from all sides that the Basin is in a state of crisis and that climate change is not only a real thing but one of the major contributing factors to the situation.

Following are brief notes about some of the presentations, which are also available on the MDA website.

**Mayor Paul Antonio**, Mayor of Toowoomba

In his opening address, Mayor Antonio called for treated effluent to be piped from Brisbane to support the emerging industries in his area. He noted that 96.45% of the Toowoomba area is used for agriculture and their new airport (privately developed and owned) is within 12 hours flying time to half the world's population

**Mr Ramzi Jabbour**: Deputy Inspector General, Murray Darling Basin Water Resource

[Role and function of Inspector General](#)

Mr Jabbour, who appeared by teleconference, stressed the need to restore confidence in the integrity of the Basin Plan. The Authority will establish an office in Mildura and the Annual Report will be released in December. There were a number of questions from attendees including how the Authority will work with the NRAR (Natural Resources Access Regulator)

**Ian McConnel**: Global Commodity Leader - Beef, WWF: [More with Less: The Need and the Value](#)

This presentation concerned the efforts being made to create value out of sustainable agriculture. From August 25 each year the earth is running into ecological debt. He outlined the slow progress towards making the red meat industry sustainable, but it will be possible by 2030. Investment movement is far and away the leading player in the sustainability movement.

**Grant Barnes**: Chief Regulatory Officer, Natural Resource Access Regulator : [Cultivating the Right Conditions for Compliance](#)

This presentation detailed climate change during the current drought. The Regulator was established in May 2018 and has seen a 30% increase in alleged breaches since 2017. So far



there have been ten prosecutions, three as a direct result of the 4 Corners program. According to him, the bad behaviour of the few has had an unfair impact on the reputation of the many. He stressed the importance of the Regulator's independence and lack of bias and dependence on the government of the day. In answer to a question about groundwater extraction he stated that in just a few years almost all water in NSW will be metered.

**Panel discussion**

**Ben Gawne:** Climate Change and Water Availability, MDBA: [Climate change and the Northern MDB](#)

**Representative from National Farmers' Federation:** [2030 Roadmap explained](#)

**Thomas Hall:** Director of Strategy and Innovation, AATLIS: [Rural Economies](#)

Some take away messages from this session: Climate change is affecting the Northern Basin disproportionately severely. The area of the world closest is the Colorado River which no longer flows to the sea. The last three years have been the driest on record and soil moisture is also declining. A 10% decline in rainfall means a 30% decline in runoff. The Northern Basin Toolkit is a \$180M Commonwealth investment. The speaker from AATLIS (Toowoomba-based company) stated that the key driver is energy and "data is the new oil". Skill sets needed for agricultural work not the same as a few years ago and the family farm is less and less part of the landscape. The question was asked of panellists: what happens if the 450G of water is not able to be recovered. Answer: Very difficult issue. The NFF takes the view that there must be no negative social impact. Panellists reminded conference that Basin Plan is a living document and subject to regular review.

**Phillip Glyde:** Chief Executive Officer, MDBA: [Agency Update](#)

Urged delegates to keep the faith and see the full implementation of the Plan. Has re-signed an MOU with the MDA. As a response to recent negative media, will have 30% of staff in regions. The Authority is asked to do many impossible and opposing things. "It's the least worst plan we could have had. We don't seem to be able to recognise how world-leading this legislation is" Some necessary investment to address climate change has been made earlier than originally contemplated. The whole economy of the Murray Darling Basin has grown from \$6.8B to \$8.6b over the last five years. It's now a requirement to involve aboriginal communities in developing Water Sharing Plans. He referred to the Menindee Lakes and stated that the release from the last flood was slowed to help the fish breeding program." The Basin Plan can't survive without NSW". When the Environmental Water Holder has to sell water, it has to be offered to the whole market. Therefore, those with the deepest pockets tend to benefit.

**Bruce McConnell:** General Manager, Food Leaders Australia: [About TSBE](#)

Spoke about the transformational effect of Inland Rail in developing the economy of the Toowoomba region. He described some new agricultural initiatives of the region; freeze-

dried eggshells as sweetener, beef hides to biochar increases their value from \$10 to \$80. Toowoomba has taken on more refugees in the past year than New Zealand.

**Paul Brimblecombe:** Chief Executive Officer, Cubbie Ag: [The role of cotton in the Murray Darling Basin's food and fibre future.](#)

As one of the sponsors of the conference and host of the optional conference tour, Cubbie Station was clearly anxious to restore Cubbie's reputation. He noted their commitment to supply 10GL of water to the lower catchment in dry times. The Cubbie Water Initiative has the full endorsement in the Murray Darling Basin Plan. Cubbie has used a very small proportion of their entitlement over the last three years and it is a fully enclosed system, so no water leaves the farm. Even though they have looked at other crops, cotton is way ahead of hemp at the present time.

**Dr David Post:** CSIRO: Overview of Research

Some current research projects: Effects of climate change- the MDB has warmed by approximately 1 degree C since 1910. Main source of rainfall north west cloud now hitting Tasmania rather than the Basin. Remote sensing of evapotranspiration being developed, and the environmental benefits of water releases studied. Ongoing research into effects of releasing carp virus.

**John Madden:** Former Associate Commissioner for Water, Productivity Commission:

[Five-year assessment Final report update](#)

Independence of the Commission is important. The Terms of Reference require review of progress in implementing the Plan. They have been engaged on a review of the states' water trading rules and re-setting the balance has been a lot of the focus for the past five years. The Commission learnt a great deal about transparency from the experience with the Broken Hill pipeline. The managed aquifers in SA, led by Local Government, are world leading. Flood plain harvesting is one of the most challenging water reform/regulatory issues. The Commission is trying to bring it into a regulated framework. In answer to an audience question about evaporation at Menindee Lakes compared to that in private dams, he said that if farmers were able to legally access water for their dams, any water losses due to evaporation would be included as part of their allocations.

**Ashley Bland:** Constructive Energy

An interesting presentation which took us through three case studies of regional towns which have used local solar systems to make money by connecting their own buildings and selling to local businesses. "If it's not you, it's going to be someone else" and "Retailers over the last few years have become the new banks". The risk for councils is when the price goes negative, but they are unique in that they are their own customers. He said that it wouldn't make sense for councils to be disconnected from the grid.

**Andrew Reynolds:** Executive Director River Management MDBA: [River Operations](#)

**David Whiskar:** Executive Director, Department of Natural Resources, Mines and Energy

[Water Resource Management Update](#)

This panel session dealt with Australia's National Water Security Plan. Andrew Reynolds stated that few new sites are available for dams and any new sites would have to be filled using existing SDLs. David Whiskar said that the planning framework is well-established in Queensland and just needs further implementation work post 4 Corners.

**Rachel Connell:** Priority Infrastructure and Regional Water Strategies:

The current infrastructure priority is Wyangala Dam and the proposed Mole River Dam then Regional Water Strategies (Western in 2020?) They are using a more effective grid approach for current storages and aim to work closely with JOs and local councils.

**Agency Updates Panel**

**Jody Swirepik:** Commonwealth Environmental Water Holder

**John Madden:** IPART

**Andrew Reynolds:**

**Phillip Glyde:** MDBA

RAMSAR does have implications for how water is managed. There is a clear reduction of the amount of water in the system. Victoria currently has a greater share of water available because Victorian tributaries have flowed more. There needs to be clarity about the distinction between Water Sharing Plans and the requirements of the Murray Darling Basin Plan. Spring is the peak use time for environmental water. Statutorily part of the charter of the Environmental Water Holder is to permit water to run the whole length of the river. Need for better quality information about use of water as there is much misinformation.

**MDA AGM**

All motions previously circulated were carried, including two from Region 4 (Wentworth). The next conference is to be in Shepparton.

Guest Presentations

Name	Position	Presentation
<b>Mr Ramzi Jabbour</b>	Deputy Inspector General, Murray Darling Basin Water Resource	<a href="#">Role and function of Inspector General</a>
<b>Ian McConnel</b>	Global Commodity Leader - Beef, WWF	<a href="#">More with Less: The Need and the Value</a>
<b>Grant Barnes</b>	Chief Regulatory Officer, Natural Resource Access Regulator	<a href="#">Cultivating the Right Conditions for Compliance</a>
<b>Tony Mahar</b>	Chief Executive Officer, National Farmers Federation	<a href="#">2030 Roadmap explained</a>
<b>Thomas Hall</b>	Director of Strategy and Innovation, AATLIS	<a href="#">Rural Economies</a>
<b>Ben Gawne</b>	Climate Change and Water Availability, MDBA	<a href="#">Climate change and the Northern MDB</a>
<b>Brent Kinnane</b>	General Manager, TAFE Queensland Executives	<a href="#">TRANSFORMING SKILLS FOR THE FUTURE. SUSTAINABILITY, DIGITISATION AND A NEW GENERATION OF FARMERS</a>
<b>Phillip Glyde</b>	Chief Executive, MDBA	<a href="#">Rivers. Worth it.</a>
<b>Bruce McConnel</b>	General Manager, Food Leaders Australia	<a href="#">About TSBE</a>

Name	Position	Presentation
<b>Paul Brimblecombe</b>	Chief Executive Officer, Cubbie Ag	<a href="#">The role of cotton in the Murray Darling Basin's food and fibre future.</a>
<b>Darryl Ebenezer</b> <b>Paul McDonad</b>	Executive Officer, Queensland Water and Land Carers Chief Executive Officer, Southern Queensland Landscapes NRM	<a href="#">Lessons from Community based NRM and Landcare</a>
<b>John Madden</b>	Former Associate Commissioner for Water, Productivity Commission	<a href="#">Five year assessment Final report update</a>
<b>David Wiskar</b>	Executive Director, Department of Natural Resources, Mines and Energy	<a href="#">Water Resource Management Update</a>
<b>Andrew Renolds</b>	Executive Director River Management MDBA	<a href="#">River Operations</a>
<b>Rebecca Pickering</b> <b>Jo Tait</b>	Director- Engagement, Environment and Property, ARTC Business Development Manager, ARTC	<a href="#">Benefits of Inland Rail for Australia</a>
<b>Jody Swirepik</b>	Commonwealth Environmental Water Holder	<a href="#">Healthy rivers, healthy communities, healthy industries</a>
<b>Phillip Glyde</b>	Chief Executive Officer, MDBA	<a href="#">Agency Update</a>
<b>Dennis Patterson</b>	Chair of Region 2	2020 Conference
<b>John Quinn</b>	Managing Director, Taggle	<a href="#">Monitoring for Compliance, A Basin Scale Solution</a>

ORDINARY MEETING OF THE COUNCIL

December 2, 2019

**ITEM 2**

REPORTS FROM DELEGATES NO. 5/19

SUBJECT: ATTENDANCE AT THE 2019 NSW LOCAL GOVERNMENT  
CONFERENCE, HELD AT WARWICK FARM FROM 14-16  
OCTOBER 2019 13/147

**Summary**

Council has received a Delegates Report from Councillor Browne regarding attendance at the 2019 NSW Local Government Conference which was held at Warwick Farm from 14-16 October 2019. Council was represented by Mayor Turley, Deputy Mayor Adams, Councillor Browne and Acting General Manager Jay Nankivell.

Councillor Browne's Delegates Report is attached.

**Recommendation**

1. That Reports from Delegates No. 5/19 dated December 2, 2019, be received.

**Attachments**

1. [↓](#) Delegates Report - 2019 NSW Local Government Conference

M BROWNE  
COUNCILLOR

## LGNSW 2019 Annual Conference Report

Mayor Darriea Turley, Councillors Adams and Browne and Acting General Manager Jay Nankivell represented Broken Hill City Council at the 2019 Annual Conference held at Warwick Farm 14-16 October 2019.

Meet the Politicians Breakfast was the first event at which speakers were: Hon. Gladys Berejiklian MP, Premier of NSW; the Hon. Shelley Hancock MP, Minister for Local Government and Mrs Jodi McKay, Leader of the Opposition. This was followed by a panel consisting of:

The Hon. John Barilaro MP, Deputy Premier, Minister for Regional NSW Trade and Industry.

The Hon. Shelley Hancock MP. Minister for Local Government

The Hon. Melinda Pavey MP, Minister for Water Property and Housing.

The Hon. Adam Marshall MP. Minister for Agriculture and Western NSW

Mr Greg Warren MP, Shadow Minister for Local Government.

Mr David Shoebridge MLC.

All gave updates on their portfolios and questions followed. Overall it was a polite and restrained session.

Delegates then attended workshops of their choice.

123 Motions were submitted at the Conference and were dealt with within the time frame allocated which was due mainly to the professionalism of the Chair of LGNSW, Linda Scott. She was re-elected to that position during the conference. Our Mayor, Darriea Turley, was also successful in gaining re-election to the Board of LGNSW, the first rural and Regional Director to be elected.

As one would expect, a large number of motions on water supply/security, disaster management, grant funding issues, drought conditions and waste/recycling were submitted by councils all over the state. FAGS grants came up for discussion once again and the motions carried asked for an increase in the amount of the grants rather than the methodology of their distribution. Many similar motions from different councils were condensed to be presented under one motion to ensure all would be dealt with during the conference. The following is an example of motions that were overwhelmingly supported by delegates:

**Water Security.** (this motion included Bourke's original motion) That Local Government NSW calls on the NSW Government to develop in consultation with local government and communities:

1. A comprehensive integrated and funded emergency plan to address the immediate water supply crisis afflicting NSW towns and communities and a disaster recovery plan for when the drought breaks.
2. Long term (30-40) water supply strategies for catchments throughout the state that mitigate the risks from future droughts and the predicted impact of climate change to help ensure population and economic growth targets can be achieved and supported.

**Water and Recycling:** A motion was passed to call on the government to reinvest the waste levy by financially assisting councils with their waste plans and projects. The State Government collects more

than \$770M each year through the waste levy but returns less than 20% to waste and recycling services in NSW.

Following this motion, the LGNSW Chair Linda Scott encouraged all councils to support a new media campaign. Revenue from the Waste Levy is expected to increase by about 70% from 2012/13 to 2022/23 at which time the levy is expected to reach \$800M: the equivalent to \$100 for every man woman and child in NSW. At the moment, only one fifth of this revenue is invested back into waste and recycling programmes. The slogan for the media campaign: Make Waste a Product- Not a problem. The Mayor addressed this issue at our October Council Meeting.

**Crown Lands Management:** that the Government provide increased assistance to enable them to effectively perform their new roles and responsibilities under the Crown land management Act (2016). This motion included a request that the government fully fund the development and implementation of Plans of Management for Crown Lands Reserves within each local government area; extend the deadline for councils to prepare such a plan; fully fund costs in relation to native title matters; stop charging councils commercial rent for crown lands used for council purposes.

Other motions that created discussion and interest:

Emergency Services levy

Investment in Critical Local Infrastructure.

Gifts and Benefits Policy

Stray cats and feral cats

Biodiversity conservation

Use of glyphosate spray

Climate emergency recognition

Broken Hill's motions were passed without amendment as was the Central Darling Shire motion seeking recognition of the Menindee Lakes as a Ramsar site

One of the main themes of the conference was encouraging innovation and new ways of tackling old problems. Presentations by James O'Loughlin, and the founder of a company called "Crazy Might Work" carried through on this theme. This was complemented by a panel discussion with representatives from councils who have solved common problems in unusual and innovative ways.

Overall it was a well-attended interesting conference that once again reinforced the need for councils to support LGNSW and work as a united front for the benefit of all.

Deputy Mayor Christine Adams

Councillor Marion Browne

Mayor Darriea Turley



Attachment:

## LGNSW Annual Conference 2019

### Record of Decisions

#### FEDERAL CONFERENCE

##### **F1 LGNSW Board**

##### **Standing Orders**

That the Standing Orders as set out in the preceding pages 9 to 12 be adopted.

Decision: Carried

#### STATE CONFERENCE

##### **1 LGNSW Board**

##### **Standing Orders**

That the Standing Orders as set out in the preceding pages 17 to 20 be adopted.

Decision: Carried

##### **2 LGNSW Board**

##### **LGNSW Fundamental Principles**

That the LGNSW Fundamental Principles, as set out below, be re-endorsed:

##### **Economic**

- A - Local government must have control of its revenue raising and investment decisions and be fairly funded by the Commonwealth and State/NSW Governments to meet its infrastructure and service responsibilities.
- B - Local government promotes local and regional economic development and employment growth.

##### **Infrastructure**

- C - Local government is best placed to plan for, deliver and manage essential local infrastructure.

##### **Planning**

- D - Local government is best placed to lead and influence local and regional planning processes according to the needs and expectations of local communities
- E - Our communities' quality of life is a priority of local government planning.

##### **Environment**

- F - Local government actions reflect Ecologically Sustainable Development. ESD requires the effective integration of economic, environmental and social considerations in decision making processes and is based on the following principles:
  - Intergenerational equity – today's actions maintain or enhance the environment for future generations
  - Precautionary principle – prevent environmental degradation and manage and mitigate risk

- Conservation of biological diversity and ecological integrity
- Improved valuation and pricing of environmental resources – recognising the value of the environment to the community

#### **Social and Community**

- G - Local government is committed to the principles of:
  - Equity – fair distribution of resources
  - Rights – equality for all people
  - Access – to services essential to quality of life
  - Participation – of all people in their community
  - Recognition – of the unique place of Aboriginal people in NSW and the right of Aboriginal people to be involved in all decisions affecting Aboriginal communities
  - Health and Safety – for all in the community

#### **Governance**

- H - Local government must be constitutionally recognised and respected as an equal sphere of government
- I - Local government is democratically elected to shape, serve and support communities
- J - Local government is committed to the principles of good governance

#### **Accountability**

- K - Local government is responsible and accountable to the citizens and the communities it represents, through consultative processes, legislative accountabilities, efficient delivery of services and effective customer service
- L - Local government is recognised as a responsible and place-based employer

**Decision:** Carried

### **3 Uralla Shire Council**

#### **Drought recovery**

That Local Government NSW lobbies the NSW and Federal Government to provide funding to assist communities to deal with the effects of drought locally, and that funding be set aside to assist the community to recover from the drought after the immediate effects have diminished and that recovery coordinators be appointed through the Joint Organisations to facilitate drought recovery.

**Decision:** Carried

### **4 LGNSW Board**

#### **Water Security**

That Local Government NSW calls on the NSW Government to develop, in consultation with local government and communities:

1. A comprehensive, integrated and funded emergency plan to address the immediate water supply crisis afflicting NSW towns and communities and a disaster recovery plan for when the drought breaks. These plans should:
  - a) provide greater flexibility, such as allowing temporary transfer of water, where the water does not have current allocations/licensing and it is within the same water source;
  - b) ensure that town water supplies will be secured and maintained; and

- c) ensure that appropriate consultation is undertaken, when issuing bore licences and other relief measures.
- 2. Long term (30-40 year) water supply strategies for catchments throughout the State that mitigate the risks from future droughts and the predicted impact of climate change to help ensure population and economic growth targets can be achieved and supported. These strategies should not exclude ambitious infrastructure projects of the scale of the Snowy Mountain Scheme, while storm water harvesting, reuse and recycling and demand management initiatives should feature as key elements of those plans.

**Decision:**

**Amendment**

That Local Government NSW calls on the NSW Government to develop via a multi agency taskforces a scientifically based approach, in consultation with local government and communities:

1. A comprehensive, integrated and funded emergency plan to address the immediate water supply crisis afflicting NSW towns and communities and a disaster recovery plan for when the drought breaks. These plans should include:
  - a) 100% subsidy for water cartage from the State government;
  - b) town water supplies will be secured and maintained; and
  - c) ensure that appropriate consultation is undertaken, when issuing bore licences and other relief measures.
  - d) To prioritise town water supply security and environmental flows over non- essential water use
2. Long term (30-40 year) water supply strategies for catchments throughout the State that mitigate the risks from future droughts and the predicted impact of climate change to help ensure population and economic growth targets can be achieved and supported. These strategies should include storm water harvesting, reuse, recycling, demand management, and large scale landscape management (regenerative agriculture, natural sequence farming, water retention landscapes) initiatives.

**Amendment Lost**

**Amendment**

That Local Government NSW calls on the NSW Government to develop, in consultation with local government and Aboriginal custodial communities:

1. A comprehensive, integrated and funded emergency plan to address the immediate water supply crisis afflicting NSW towns and communities and a disaster recovery plan for when the drought breaks. These plans should:
  - d) provide greater flexibility, such as allowing temporary transfer of water, where the water does not have current allocations/licensing and it is within the same water source;
  - e) ensure that town water supplies will be secured and maintained; and
  - f) ensure that appropriate consultation is undertaken, when issuing bore licences and other relief measures.
2. Long term (30-40 year) water supply strategies for catchments throughout the State that mitigate the risks from future droughts and the predicted impact of climate change to help ensure population and economic growth targets can be achieved and supported. These strategies should not exclude ambitious infrastructure projects of the scale of the Snowy Mountain Scheme, while storm water harvesting, reuse and recycling and demand management initiatives should feature as key elements of those plans.

**Amendment becomes the motion**

**Amendment**

That Local Government NSW calls on the NSW Government to develop, in consultation with local government and Aboriginal custodial communities:

1. A comprehensive, integrated and funded emergency plan to address the immediate water supply crisis afflicting NSW towns and communities and a disaster recovery plan for when the drought breaks. These plans should:
  - a) provide greater flexibility, such as allowing temporary transfer of water, where the water does not have current allocations/licensing and it is within the same water source;
  - b) ensure that town water supplies will be secured and maintained; and
  - c) ensure that appropriate consultation is undertaken, when issuing bore licences and other relief measures.
2. Long term (30-40 year) water supply strategies for catchments throughout the State that mitigate the risks from future droughts and the predicted impact of climate change to help ensure population and economic growth targets can be achieved and supported. These strategies should not exclude ambitious infrastructure projects of the scale of the Snowy Mountain Scheme, while storm water harvesting, reuse and recycling and demand management initiatives and regenerative landscaping should feature as key elements of those plans.

**Amendment lost Motion**

carried

**4.1 LGNSW Board**

**Drought Responses**

That LGNSW calls for the development and implementation of integrated long term National, State Drought Policies and Plans. Elements of the policy must include:

1. A commitment to provide long term water security and related initiatives such as fodder banks
2. Bringing forward planned water infrastructure projects and identifying new infrastructure projects that will assist in providing long term water security
3. Supports demand managements and water saving initiatives down to the household level
4. Removal of unnecessary red tape on water projects
5. Stronger support for emergency responses such as water carting
6. A review of Water Sharing Plans, particularly in relation to need for optimisation of the management of environmental flows
7. Commitment to actively engage councils in development of all policies and plans
8. Provision for funding local government drought coordinators
9. Explicit recognition by the State and Federal Governments that they have a community service obligation (CSO) to subsidise water and sewerage infrastructure and services in small rural and regional communities
10. Increased provision of financial and mental health support for communities impacted by drought (supported by roadshows to make people aware of available assistance).

**Decision:**

**Amendment**

That LGNSW calls for the development and implementation of integrated long term National, State Drought Policies and Plans. Elements of the policy must include:

1. A commitment to provide long term water security and related initiatives such as fodder banks
2. Bringing forward planned water infrastructure projects and identifying new infrastructure projects that will assist in providing long term water security

3. Supports demand managements and water saving initiatives down to the household level
4. Stronger support for emergency responses such as water carting
5. A review of Water Sharing Plans, particularly in relation to need for optimisation of the management of environmental flows
6. Commitment to actively engage councils in development of all policies and plans
7. Provision for funding local government drought coordinators
8. Explicit recognition by the State and Federal Governments that they have a community service obligation (CSO) to subsidise water and sewerage infrastructure and services in small rural and regional communities
9. Increased provision of financial and mental health support for communities impacted by drought (supported by roadshows to make people aware of available assistance).

**Amendment becomes the motion**

Motion carried

## **5 LGNSW Board**

### **Waste and resource recovery**

That Local Government NSW calls on the NSW Government to reinvest the waste levy to:

1. Fund regions of councils to develop regional waste plans for the future of waste and resource recovery in their regions, which include infrastructure and circular economy solutions to address the needs of our cities and regions.
2. Fund the delivery of priority infrastructure and other projects, procured by local government, that are needed to deliver the regional-scale plans, particularly where there is market failure identified in the regional plans.
3. Increase local and state government procurement of recycled goods made with domestic content, for example by:
  - a) adopting recycled content targets to help drive demand and provide incentives to deliver on these targets.
  - b) funding further research, development and delivery of recycling technologies and products generated from recyclables, particularly by local or regional councils.
4. Fund and deliver state-wide education campaigns on the importance of recycling to encourage the right way to recycle, the purchase of products with recycled content, as well as promote waste avoidance.
5. Work with the Federal Government to introduce producer responsibility schemes for soft plastics and other emerging problem wastes.

**Decision:**

Carried

## **6 North Sydney Council**

### **Mixed waste organics**

That Local Government NSW presses the NSW Government to resolve the current impasse in processing and use of "mixed waste organics", towards restoration of a sustainable system for use of this product.

**Decision:**

Carried

**7 Federation Council**

**Waste to energy**

That the NSW Government more urgently commits to working with NSW councils to progress waste to energy proposals including using some of the waste levy funding to assist this.

**Decision:**

**Amendment**

That Local Government NSW calls on the NSW Government to:

1. Initiate research to determine world best practice in the establishment and management of waste to energy facilities; and
2. Ensure that any approvals granted for any Energy from Waste plant include conditions that adopt world's best practices in emissions, emissions monitoring and residual waste disposal and incorporate any scientific or technology advances that have an impact on energy-from-waste development, and
3. Incorporate findings on community and environmental impacts on health, safety and the environment into existing or new legislation; and
4. Urgently commit to working with LGNSW and NSW Councils where waste to energy proposals are being considered; and
5. use some of the waste levy funding to facilitate the research and engagement process

Amendment becomes the motion

Carried

**8 Federation Council**

**Trade waste**

That the NSW Government engages with local government and relevant State Government agencies, and industry representatives, to develop a strategy to strengthen end point disposal solutions for trade-waste, especially in regional and rural NSW.

**Decision:**

Carried

**9 Wollongong City Council**

**Building and construction waste  
management**

That Local Government NSW lobbies the NSW Government to investigate ways of ensuring that waste from building and construction sites is minimised, properly managed, recycled and disposed, with appropriately scaled fines for non-compliance.

**Decision:**

Carried

**10 LGNSW Board**

**IPART – Review of Rating System**

That Local Government NSW calls on the NSW Government to:

- a) Open the IPART recommendations on rate exemptions for consultation (Recommendations 14-25). This includes recommendations to remove the rate exemptions for commercial forestry operations, private and commercial leases in national parks and social housing.
- b) Accept and expedite implementation of the recommendations to improve rating flexibility through increased categorisation and sub-categorisation options (Recommendations 29- 34).



- c) Adopt the recommendations to introduce Capital Improved Value (CIV) to the NSW rating system as an option available to all councils (Recommendations 1-7).
- d) Adopt the recommendation that growth in rates revenue outside the rate peg be calculated on changes in CIV. This would enable growth in the rate base to keep pace with real growth and the associated increase in demand for council infrastructure and services (Recommendations 1-7).
- e) Reject the IPART recommendations in relation to pensioner rate concessions (Recommendations 26-28).
- f) Accept the recommendation to provide a "catch-up" provision for councils that do not take advantage of the "full percentage increase available to it" to be more flexible. It increases the ability for councils to set rates at a level lower than the permissible maximum if the community experiences a downturn, such as drought. This will remove an unnecessary anomaly (Recommendation 9).
- g) Work closely with local government in reviewing and implementing the supported IPART recommendations.

Decision:

Carried

#### **11 Moree Plains Shire Council**

#### **Natural disaster funding arrangements**

That Local Government NSW makes representations to the NSW and Federal Treasurers regarding concerns over current and potential future natural disaster funding arrangements. In particular:

- a) The definition of a natural disaster should be linked to the capacity of a community to recover from an event, rather than a definition of "serious disruption";
- b) That funding be directed to outcomes that are more resilient to future natural disasters so that community betterment is achieved;
- c) That no further cost shifting occur to local government, noting proposals to increase the level of contribution that councils are required to make;
- d) Relief funding recognises the needs of business, in particular small business, to require support to recover from a range of natural disasters; and
- e) That support be provided post-disaster to improve community social and economic resilience to future events.

Decision:

Carried

#### **12 LGNSW Board**

#### **Emergency Services Levy**

That Local Government NSW calls on the NSW Government to:

1. Commit to the introduction of a broad-based property tax to replace the Emergency Services Levy on both local government and insurance policies; and
2. Work closely with local government in designing and transitioning to a new funding system.

Decision:

Carried

**13 Carrathool Shire Council**

**Grant funded projects**

That Local Government NSW lobbies the NSW and Federal governments to allow reasonable timeframes for remote councils to submit applications for projects, and reasonable timeframes for project completion.

**Decision:**  
**Carried**

**14 Bourke Shire Council**

**Budgetary commitment for delivery programs**

That the NSW Government be asked to provide a commitment of longer-term funding to councils to allow them to prepare their four Delivery Programs with an increased degree of surety and, importantly, make provision for and undertake appropriate purchases of plant and equipment and ensure the availability of adequate staff resources.

**Decision:**  
**Carried**

**15 Hawkesbury City Council**

**Announcement of grant funding**

That the NSW Local Government Grants Commission moves the announcement date of Local Road and Bridges Grant Funding from September to May each year to enable the proposed income to be incorporated into council operational plans.

**Decision:**  
**Carried**

**16 Wingecarribee Shire Council**

**Review of grant funding distribution**

That the NSW Government:

1. Reviews the methodology used when determining the level of funding distributed to councils and that councils be invited to be part of the review process.
2. Considers an annual allocation of funding to all councils across the State to reduce the complexity of funding programs and that this annual allocation should take into consideration the size, population and infrastructure requirements of each council.

**Decision:**  
**Amendment**

That the NSW Government:

1. Reviews the methodology used when determining the level of grant funding distributed to councils and that councils be invited to be part of the review process.
2. Consideration of allocations of funding to council on an as needs basis.
3. Consideration be given to reducing the complexity of funding program application processes.

**Amendment becomes the motion**

**Carried**



**17 Forbes Shire Council**

**Increase in the funds available through FAGs**

That the Federal Government increase Financial Assistance Grants (FAGs) funding to 1% of Commonwealth tax revenue, prior to any changes to the formula.

**Note from Board**

This motion establishes the position that the quantum of Financial Assistance Grants (FAGs) needs to be increased before changes are made to the FAGs methodology. Therefore, if carried, this motion would negate motions 18 from Kyogle, 19 from Parramatta and part 2 of the covered motion below from Lismore, which propose changes to FAGs methodology (i.e. they would not be debated).

**Decision:**

**Amendment**

That the Federal Government increase FAGs funding to 1% of Commonwealth tax revenue.

**Lost**

**Motion carried**

**18 Kyogle Council**

**FAGS minimum per capita**

That Local Government NSW calls on the Federal Government to remove Part 1 Sec 6 2b of the *Local Government Financial Assistance Act 1995* to remove the minimum per capita amount grant.

**Note from Board**

If 17 from Forbes is carried, it would negate this motion and 19 from Parramatta (i.e. they would not be debated). See Note from Board under 17.

**Decision:**

**Lost as a result of carried motion 17**

**19 City of Parramatta Council**

**Indexation of Financial Assistance Grant**

That Local Government NSW advocates to the NSW and Federal governments in the strongest possible terms for incorporating GDP growth factor into the escalation methodology of the general component of the Financial Assistance Grant (FAG).

**Decision:**

**Lost as a result of carried motion 17**

**Note from Board**

If 17 from Forbes is carried, it would negate this motion and 18 from Kyogle (i.e. they would not be debated). See Note from Board under 17.

**20 City of Canterbury Bankstown Council**

**Investing in critical local  
infrastructure**

That:

1. Local Government NSW calls upon the NSW Government to investigate the establishment of a capital investment funding framework for local government, with the view to bringing forward the funding of critical local infrastructure.
2. Such a framework is to also consider the option whereby the NSW Government forward-funds critical local infrastructure listed in Councils' Contributions Plans.

**Decision:**  
Carried

**21 Armidale Regional Council**

**Establishment of regional marketing fund**

That:

1. Local Government NSW calls on the NSW Government for the immediate creation of a \$5 million per annum Regional Marketing Fund for five years to promote living, working and investing in regional NSW; and
2. The Fund be administered by a representative body of councils with membership to be made up of two from regional cities (population over 25,001), two from coastal cities (population over 25,001), two from provincial centres (population from 10,000 to 25,000) and two from smaller country communities (population up to 10,000).

**Decision:**  
Carried

**22 Lismore City Council**

**Insurance companies association with fossil fuel  
projects**

That Local Government NSW pressure Statewide Mutual Scheme to commit to refusing insurance for fossil fuel projects and provides a timeframe and target for achieving same.

**Decision:**  
**Amendment**

That LGNSW enquires with entities providing insurance to NSW councils as to whether they invest in fossil fuel projects and these responses be provided to NSW councils to assist in selecting their preferred insurers.

**Amendment becomes the motion**

Lost

**23 City of Sydney**

**Principles-based procurement**

That Local Government NSW undertakes a review of the legislation and practice that guides local government procurement and prepares a guide for local government on how the existing requirement to obtain 'best value' in the procurement process could incorporate local values and strategic objectives, such as 'buy local', or give adequate consideration to environmental concerns.

**Decision:**

**Procedural motion – That the motion be put Carried**

Carried

**24 Armidale Regional Council**

**Pensioner concessions for low-income  
renters**

That Local Government NSW lobbies the NSW Government to consider extending pensioner concessions to low-income renters.

Decision:

Carried

**25 Hornsby Shire Council**

**Flexibility in procurement**

That Local Government NSW requests the NSW Government to introduce greater flexibility in procurement for local councils and with similar provisions as those available for State Government agencies and the Small and Medium Enterprises (SMEs) Procurement Innovation Stream, including:

1. For Small and Medium Enterprises (SMEs), the Procurement Innovation Stream upper limit – change from \$250,000 to \$1 million.
2. For proof of concept or outcomes-based trials, engagement of suppliers (SMEs) through direct negotiation on short-term contracts valued up to the set procurement innovation stream limit. Once a trial is complete, a competitive tender process takes place.
3. Tender threshold for local government of \$250,000 be raised by introducing bands according to council's organisation scale, such as:
  - a) Councils with budget under \$25 million = tender threshold of \$250,000.
  - b) Councils with budget of \$25 million to \$50 million = \$500,000 and so forth.
  - c) Up to the highest maximum threshold comparable to the State Government.

Decision:

Carried

**26 Blacktown City Council**

**Local Infrastructure Growth Scheme  
guarantee**

That Local Government NSW calls on the NSW Government to guarantee funding to councils in designated Local Infrastructure Growth Scheme transition areas.

Decision:

Carried

**27 Bayside Council**

**Rates harmonisation for amalgamated councils**

That:

1. Local Government NSW lobbies the NSW Government to adopt a process for the harmonisation of rates for amalgamated councils which does not require the new council to harmonise rates within a 12-month period as currently prescribed in the Local Government Act, and
2. Serious consideration be given to the Local Government - Final Report December 2016 of the Independent Pricing and Regulatory Tribunal, with a view to addressing the constraints of the limitation of the proposed limit of 10% (plus the rate peg) rates

increase in the gradual equalisation process, in the case where the difference in rates are significant in the pre-merger areas.

Decision:

Carried

## **28 Central Tablelands County Council**

### **Developer contributions for LWUs**

That Local Government NSW advocates that local water utilities (LWUs) regulated under the *Water Management Act 2000* be afforded the same flexibility in recovering contributions from developers toward the cost of water and sewer works as applies to metropolitan utilities regulated under the *Water Industry Competition Act 2006*. In particular:

1. LWUs should have the flexibility to recover the cost of existing and new infrastructure (calculated under the utility's Development Servicing Plan):
  - a) entirely from developers of new developments;
  - b) entirely from all existing and new customers; or
  - c) from a combination of both (eg through a cap less than the full developer charge).
2. The manner and extent of the disclosure of any cross-subsidy should be at the discretion of the LWU, in both cases without the LWU being in breach of the Best Practice Guidelines for Water and Sewerage and, therefore, without it impacting on their eligibility for grant funding.

Decision:

Carried

## **29 Blue Mountains City Council**

### **Delayed implementation of development consents**

That Local Government NSW writes to the NSW Minister for Planning to seek regulatory reform of the NSW planning system to address the delayed implementation of development consents, which currently permit development some 28 or more years after the consent was secured, without obligation to review against contemporary planning and environmental standards or the views of the present community.

Decision:

Carried

## **30 Port Macquarie-Hastings Council**

### **Addition to Section 5 of the LGNSW**

#### **Building Regulation and Certification Position Statement**

That Local Government NSW amends Section 5 of the Building Regulation and Certification Position Statement (of the [LGNSW Policy Platform](#)), by adding the following new clause:  
5.7 - More affordable access to the full suite of Australian Standards for the local government sector and requests the NSW Government supports that access.

Decision:

Carried

**31 Cumberland Council**

**NSW Environmental Planning Policy (Educational**

**Establishments and Child Care Facilities) 2017**

That Local Government NSW advocates for the NSW Government to review the NSW Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (the Child Care SEPP) and the Child Care Planning Guideline with a view to restoring planning decisions relating to the location, type and design of child care services to local councils.

**Decision:**

Carried

**32 Port Stephens Council**

**Amendments to derelict building regulation**

That Local Government NSW lobbies the NSW Government to increase councils' legislative powers to manage derelict sites.

(Note: This motion covers the following motions set out in small font)

**Decision:**

Carried

**33 City of Parramatta Council**

**Cladding on public and privately owned  
buildings**

That Local Government NSW calls on the State and Federal governments to:

- a) Provide support and funding to assist in the reduction of the significant financial stress and risk posed by the non-complaint combustible cladding installed on public and privately owned buildings, but especially to those premises with cladding already installed prior to legislative certification changes now deemed non-compliant due to products with removed certifications, and
- b) Introduce additional measures to implement increased resources to the monitoring and inspecting of cladding imports to ensure they meet the legislative certificate ratings required for installation on buildings.

**Decision:**

**Amendment**

That Local Government NSW calls on the State and Federal governments to:

- a) Provide support and funding to assist in the reduction of the significant financial stress and risk posed by the non-complaint combustible cladding installed on public and privately owned buildings, but especially to those premises with cladding already installed prior to legislative certification changes now deemed non-compliant due to products with removed certifications, and
- b) Introduce additional measures to implement increased resources to the monitoring and inspecting of cladding imports to ensure they meet the legislative certificate ratings required for installation on buildings.
- c) In the interests of safety, and to provide certainty to homeowners and investors, the NSW government must release the details surrounding the 600 plus high risk buildings already identified as being at risk and at the same time as outlining measures it will take to rectify the combustible cladding problem

Amendment becomes the motion

Carried

**34 Northern Beaches Council**

**Return of certification to councils**

That:

1. Local Government NSW encourages the NSW Government to conduct a review of its policy that allows private accredited certifiers to issue development certificates.
2. This review strongly consider a gradual return of development certificates, construction certificates and complying development certificates to councils, and that the principal certifying authority for developments are gradually returned to council in the relevant local government area.

**Note from Board**

LGNSW's current policy is to call for stronger

Decision:  
Carried

**35 LGNSW Board**

**Private certification – conflicts of interest**

That Local Government NSW calls on the NSW Government to identify how it intends to address unresolved conflict-of-interest concerns highlighted in the 2018 Options Paper; and to undertake a review, in consultation with local government, of alternative solutions to address conflicts of interest with private certification. The review should include consideration of:

1. Introducing a system whereby certifiers are allocated from a register rather directly engaged by the applicant or builder;
2. Random appointment of certifiers from a panel or by some other method that significantly reduces the conflict of interest issues inherent in the current system; and
3. Councils having a pool of Certifiers that residents can use, with council retaining overarching control of the process.

Decision:  
Carried

**36 Bayside Council**

**Fire safety practitioners**

That Local Government NSW lobbies the NSW Government to increase the qualifications for competent fire practitioners and include continual development and training requirements.

Decision:  
Carried

**37 Bega Valley Shire Council**

**Consistent definition of tiny houses**

That Local Government NSW calls on the NSW Government to amend the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* to include a definition of tiny houses in NSW planning legislation, to offer a flexible, legitimate housing model.

Decision:

Carried

**38 LGNSW Board**

**Review of state policies on housing**

That Local Government NSW calls on the NSW Government to:

1. Review all housing-related State Environmental Planning Policies (SEPPs) so they allow for locally-based planning to occur in line with the new emphasis on local strategic planning in the *Environmental Planning and Assessment Act 1979*.
2. Urgently progress its comprehensive review of state policies, giving priority to the following housing-related SEPPs (so that local housing solutions aren't undermined):
  - a) *State Environmental Planning Policy (Affordable Rental Housing) 2009*
  - b) *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
  - c) *Draft State Environmental Planning Policy (Short-term Rental Accommodation) 2019*

Decision:

**Amendment**

That Local Government NSW calls on the NSW Government to

1. Review all housing-related State Environmental Planning Policies (SEPP's so they allow for locally based planning to occur in line with the new emphasis on local strategic planning in the *Environmental Planning and Assessment Act 1979*.
2. Urgently progress its comprehensive review of all state policies, giving priority to the following housing related SEPP's (so that local housing solutions aren't undermined):
  - a) *State Environment Planning Policy (Affordable Rental Housing) 2009*
  - b) *State Environment Planning Policy (Exempt and Complying Development Codes) 2008*
  - c) *Draft State Environmental Planning Policy (Short-term Rental Accommodation) 2019*
  - d) *State Environment Planning Policy (Sydney Regional Growth Centres) 2006*

**Amendment becomes the motion**

**Amendment**

That Local Government NSW calls on the NSW Government to

1. Review all housing-related State Environmental Planning Policies (SEPP's so they allow for locally based planning to occur in line with the new emphasis on local strategic planning in the *Environmental Planning and Assessment Act 1979*.
2. Urgently progress its comprehensive review of all state policies, giving priority to the following housing related SEPP's (so that local housing solutions aren't undermined):
  - a) *State Environment Planning Policy (Affordable Rental Housing) 2009*
  - b) *State Environment Planning Policy (Exempt and Complying Development Codes) 2008*
  - c) *Draft State Environmental Planning Policy (Short-term Rental Accommodation) 2019*
  - d) *State Environment Planning Policy (Sydney Regional Growth Centres) 2006*
  - e) *State Environmental Planning Policy (Housing for Seniors People with a Disability) 2004*

**Amendment becomes the motion Carried**



**39 Gwydir Shire Council**

**Acquisition of land owned by an ALC**

That the NSW Government amends the *Aboriginal Land Rights Act 1983* to:

1. Permit land vested in an Aboriginal Land Council (ALC) to be appropriated or resumed with the approval of the ALC and where the Chief Executive Officer of the NSW ALC has issued a dealing approval certificate.
2. Lower the voting threshold in section 42G (5) for Local Aboriginal Land Councils to approve a land dealing for public projects proposed by the NSW Government or a local council, from "not less than 80%" to "not less than 50%" of the voting members of the ALC present at the meeting.
3. Consider alternatives to Native Title restrictions on certificates of title on land granted under the *Aboriginal Land Rights Act 1983* where there is evidence that native title over the land has been extinguished

**Decision:**

**Procedural motion – defer motion until next LGNSW Conference Carried**

**40 Blue Mountains City Council**

**Strengthening heritage provisions**

That Local Government NSW:

1. Writes to the Department of Premier and Cabinet (Heritage Division) to advocate for the provision of stronger powers to State Government and local government agencies, to require that locally listed heritage items meet minimum standards of maintenance and repair; and the power to enforce these requirements; and
2. Recommends to the Department of Premier and Cabinet (Heritage Division) that these minimum standards align with those required for State-listed heritage items under the *Heritage Act 1977*.

**Decision:**

**Carried**

**41 Wingecarribee Shire Council**

**Review of developer contributions  
system**

That the NSW Government undertakes an urgent holistic review of the developer contributions system in NSW, with the aim of reducing the financial burden placed on councils in providing infrastructure to support population growth and/or the changing needs of communities throughout NSW.

**Decision:**

**Carried**

**42 Central Coast Council**

**Consultant reports**

That Local Government NSW calls on the NSW Government to introduce a system that guarantees independence and integrity in consultant reporting in the Development Application process, including the following elements:

- a) Councils establish a list of independent consultants, through an EOI process, available to undertake consultant reports needed for development applications including (but not limited to) Environment Impact Statements, Statement of Environment Effects, Traffic Management Reports, engineer reports, and the like.



- b) Councils establish an independent consultancy fund to procure services from independent consultants.
- c) Applicants contribute a fee, payable to the independent consultancy fund, to cover the cost of procuring an independent consultant.
- d) Councils allocate a consultant, from the approved list of consultants, to undertake work required for a development proposal.
- e) Consultant's report to be provided to councils directly to consider as part of the Development Application process.
- f) Introduce an audit system to ensure independence and transparency in the Independent Consultant process.

Decision:

Carried

#### 43 Lismore City Council

#### DA and plan making processes

That Local Government NSW requests that the NSW Government:

1. Undertakes fundamental reform to create one statutory local planning instrument, and to streamline Development Assessment and State Environmental Planning Policies into a single system.
2. Develops a new planning system that has its primary purpose of achieving ecologically sustainable development including climate change, Aboriginal & Torres Strait Islander peoples, knowledge and culture, housing diversity, transport networks and infrastructure provision.
3. Embeds the right for community decision-making in strategic planning and development assessment.

Decision:

Carried

#### 44 Kiama Municipal Council

#### Councils rights to challenge regional planning panels

That Local Government NSW advocates for the NSW Government to review the processes of the regional planning panels, including the current Code of Conduct, with a view to ensuring that, in practice, genuine local representation on these panels is preserved.

Decision:

Amendment

That Local Government NSW advocates for the NSW Government to review the processes of the regional planning panels, including the current Code of Conduct, with a view to ensuring that, in practice, genuine local representation including councillors on these panels is preserved.

Amendment becomes the motion

Carried

#### 45 Hunters Hill Council

#### Right of appeal from decisions of the IPC

That Local Government NSW advocates for legislative reform of the *Environmental Planning and Assessment Act 1979*, including repeal of section 8.6 (3) (a) of that Act and related regulations to ensure:

- a) that decisions made by the Independent Planning Commission (IPC) are not exempt from judicial appeal following the IPC's holding of a public hearing; and
- b) both merits and judicial appeal rights to courts of appropriate jurisdiction are available to parties affected by decisions of the IPC.

Decision:

Carried

#### **46 Forbes Shire Council**

#### **Regional roads and bridges**

That Local Government NSW lobbies the NSW Government to commit to ensuring that councils affected by the Regional Roads Reclassification Review have their RMCC contracts retained in any proposed transfer where those roads are currently managed by the council.

Decision:

Carried

#### **47 Forbes Shire Council**

#### **Amendments to Heavy Vehicle National Law**

That the National Heavy Vehicle Regulator amends Heavy Vehicle National Law to:

- a) Change the definition of the loading manager from the person who manages or is responsible for the operation of the premises to the person who is managing the loading activity;
- b) Harmonise the legislation, especially as it relates to different mass limits, across jurisdictions; and
- c) Recognise the unique aspects of transporting livestock with regards to animal welfare and volumetric loading for livestock.

Decision:

Carried

#### **48 Lismore City Council**

#### **Regional roads funding**

That Local Government NSW welcomes the NSW Government's election commitment as outlined below and lobbies for the reviews for implementation to be fast tracked, including:

1. The establishment of a \$500 million Fixing Local Rural and Regional Roads program to assist councils in repairing, maintaining and sealing important local roads;
2. The establishment of a \$500 million Fixing Country Bridges program to replace the worst timber bridges in regional and rural communities;
3. A process to transfer up to 15,000 kilometres of council-owned regional roads across NSW back to the State Government; and
4. The establishment of an independent expert panel to oversee the asset transfer process.

Decision:

Carried

#### **49 Leeton Shire Council**

#### **Review of speed limit criteria**

That Local Government NSW lobbies the NSW Government to:

- a) Review the NSW Speed Zoning Guidelines to ensure the focus remains on public safety in built-up areas, and

- b) Ensure that the adopted RMS criteria for 50 kilometre per hour zones are uniformly and appropriately applied across NSW without variation in order to preserve their value as a road trauma reduction tool in built-up areas only.

**Decision:**

**Amendment**

That Local Government NSW lobbies the NSW Government to:

- a) Review the NSW Speed Zoning Guidelines specifically the definition of built up areas to ensure the focus remains on public safety in built-up areas, and
- b) Ensure that the adopted RMS criteria for 50 kilometre per hour zones are uniformly and appropriately applied across NSW without variation in order to preserve their value as a road trauma reduction tool in built-up areas only.

**Amendment becomes the motion**

**Amendment**

That Local Government NSW lobbies the NSW Government to:

- a) Review the NSW Speed Zoning Guidelines specifically the definition of built up areas to ensure the focus remains on public safety in built-up areas, and
- b) Ensure that the adopted RMS criteria for 50 kilometre per hour zones are applied and for 30km zones in highly pedestrianised urban areas uniformly and appropriately applied across NSW without variation in order to preserve their value as a road trauma reduction tool in built-up areas only.

**Lost**

**Motion carried**

**50 Bland Shire Council**

**Regional roads taskforce**

That Local Government NSW lobbies the NSW Government so that Local Government NSW has concurrence over the Terms of Reference of the Taskforce being established to identify those roads to be returned to the State Government, along with concurrence of its membership so it consists of experts with local government knowledge and experience.

**Decision:**

**Carried**

**51 Georges River Council**

**Delivering on the promise of the 30-minute city**

To support the delivery of the 30-minute city, the NSW Government acknowledges that the accessibility levels in the Greater Sydney Area (as reported by the Greater Sydney Commission) do not reflect this aim, and the NSW Government reviews infrastructure priorities and looks to decentralise government jobs to specialised centres and support local job creation outside of the three cities to improve the possibility of Greater Sydney becoming a 30-minute city.

**Decision:**

**Carried**

**52 Hay Shire Council**

**Electronic water quality and level sensors for river  
systems**

That Local Government NSW lobbies the NSW Government to install a network of electronic water quality and level sensors throughout NSW river systems to provide accurate real time data on river heights, flows and water quality to government agencies to assist with better management of the systems, especially in times of floods, droughts, algal blooms and low dissolved oxygen levels.

**Decision:**

Carried

**53 Rous County Council**

**NSW Government's Integrated Mining Policy**

That Local Government NSW lobbies the NSW Government to expand the scope of its Integrated Mining Policy to incorporate water mining (including ground water mining) to ensure effective planning, assessment and regulation of activity in NSW, with particular regard for:

- a) regional water security (water quality and quantity)
- b) environmental and social impact
- c) consultation in decision making.

**Decision:**

Carried

**54 Kyogle Council**

**Essential Energy reduced service**

That Local Government NSW calls on the NSW Government to act to mitigate staff reductions at Essential Energy impacting on rural councils.

**Decision:**

Carried

**55 LGNSW Board**

**Crown lands management**

That Local Government NSW calls on the NSW Government to provide increased assistance to councils to enable them to effectively perform their new roles and responsibilities under the *Crown Lands Management Act* (2016). Specifically, the Government is requested to:

- a) Fully fund the development and implementation of Plans of Management for Crown Lands Reserves within each local government area;
- b) Extend the 30 June 2021 deadline for councils to prepare the Plans of Management for Council Reserves as required under the new *Crown Land Management Act 2016*;
- c) Fully fund the costs of training staff to assess native title matters associated with management of Crown land and any related costs resulting from the need to engage expert advice and guidance;
- d) Expedite the Crown Land Review Program so that ownership of more land agreed to be primarily of local significance is transferred to councils;
- e) Provide additional funding for the implementation of the *Biosecurity Act 2015* for land being transferred to councils and a statement of Biosecurity Risks be provided to councils prior to the handover; and
- f) Stop charging councils commercial rents for crown land used for council purposes (eg: easements) to enable councils to apply the savings to Crown land management.

**56 Central Coast Council**

**5G rollout**

That Local Government NSW calls on the Federal Government to:

- a) Consult with local government and communities about the rollout of the next generation 5G networks, particularly in the placement of enabling infrastructure.
- b) Note community concerns about the possible health impacts of the new 5G network.
- c) Obtain, and regularly update, advice from independent experts, addressing these health concerns, and the advice be made accessible to public on the appropriate Federal Government website.

**Decision:**

**Amendment**

That Local Government NSW calls on the Federal Government to consult with local government and communities about the rollout of the next generation 5G networks, particularly in the placement of enabling infrastructure.

Amendment becomes the motion

Carried

**57 City of Parramatta Council**

**Utility infrastructure**

That Local Government NSW:

1. Lobbies the NSW Government and Federal Government to recognise the impact of poor regulation of utility and telecommunications implementation and service augmentation on the streets and footpaths of our cities and towns.
2. Advocates for providing councils a greater voice in the location and management of the impacts of infrastructure elements such as pits, boxes and other elements that disrupt pedestrian flow in the public domain.
3. Strongly advocates for changes to legislation at Federal and State level to enable councils to impose costs on providers who do not pursue common trenching, coordinated augmentation activities and efficient use of footpaths for services.

**Decision:**

Carried

**58 LGNSW Board**

**Skills and education**

That LGNSW advocates to the State Government and Federal Government to address the skill shortages and impediments to employment and training by:

- a) Allowing occupational licensing portability by mutually recognising State/Territory based occupational qualifications and licensing for building, construction, and maintenance related services.
- b) Increasing access to vocational and higher education providers and pathways in regional, rural and remote NSW, following a review of current regional education offerings.
- c) Working with TAFE NSW and registered training organisations to develop and deliver accredited training programs in specialist skill areas such as tradewaste.
- d) Reducing or removing the HELP liability for new graduates who secure employment in rural and remote local government areas.
- e) Injecting significant funds into TAFE and the higher education system to redress recent funding cuts and the impacts of TAFE deregulation.

**Decision:**

**Amendment**

That LGNSW advocates to the State Government and Federal Government to address the skill shortages and impediments to employment and training by:

- a) Allowing occupational licensing portability by mutually recognising State/Territory based occupational qualifications and licensing for building, construction, and maintenance related services.
- b) Expediting a review of current regional education offerings, this review would identify current and future regional skills shortages based on current State Governments regional investment strategies and State Significant Development and that priority be given to implementation of action from such a review for trade associated pathways that align with regional investment strategies and State Significant Development.
- c) Working with TAFE NSW and registered training organisations to develop and deliver accredited training programs in specialist skill areas such as trade waste.
- d) Reducing or removing the HELP liability for new graduates who secure employment in rural and remote local government areas.
- e) Injecting significant funds into TAFE and the higher education system to redress recent funding cuts and the impacts of TAFE deregulation.

Amendment becomes the motion

Carried

**59 Ryde City Council**

**10 days domestic violence leave policy**

That Local Government NSW:

- a) Endorses the United Services Union campaign for 10 days domestic violence leave for local government employees.
- b) Includes a 10 day domestic violence leave provision in relevant Local Government Awards as soon as possible.

**Decision:**

Carried

**60 Newcastle City Council**

**Superannuation for councillors**

That Local Government NSW:

1. Notes that as a result of Federal and State taxation and local government legislation, elected councillors in NSW are not paid superannuation;
2. Notes research from the Association of Superannuation Funds of Australia that the average superannuation balance for women in 2016 was 40% less than that for men;
3. Notes that requiring the compulsory payment of superannuation to mayors and councillors in NSW would help bridge the superannuation gender gap and assist in attracting more diversity in local government;
4. Notes that at the 2017 Annual Conference, Local Government NSW adopted the following motion: "That Local Government NSW lobbies the NSW Government and Remuneration Tribunal to make it mandatory that councils make superannuation payments to mayors and councillors and that these payments must be in addition to the stipend paid to elected officials. The superannuation payments would be at the Superannuation Guarantee rate, as determined by the Commonwealth and which varies from time to time. Payments would be made to complying superannuation funds." (2017 LGNSW Annual Conference, Motion No. 80); and



5. Writes to the Federal and State Ministers and Shadow Ministers for Local Government in support of the Local Government NSW motion, requesting amendment to relevant State and Federal legislation requiring councillors to be paid compulsory superannuation, as has been the case since 1991 for all Australians.

**Decision:**

**Amendment**

That Local Government NSW:

1. Notes that as a result of Federal and State taxation and local government legislation, elected councillors in NSW are not paid superannuation;
2. Notes research from the Association of Superannuation Funds of Australia that the average superannuation balance for women in 2016 was 40% less than that for men;
3. Notes that requiring the compulsory payment of superannuation to mayors and councillors in NSW would help bridge the superannuation gender gap and assist in attracting more diversity in local government;
4. Notes that at the 2017 Annual Conference, Local Government NSW adopted the following motion: "That Local Government NSW lobbies the NSW Government and Remuneration Tribunal to make it mandatory that councils make superannuation payments to mayors and councillors and that these payments must be in addition to the stipend paid to elected officials. The superannuation payments would be at the Superannuation Guarantee rate, as determined by the Commonwealth and which varies from time to time. Payments would be made to complying superannuation funds." (2017 LGNSW Annual Conference, Motion No. 80); and
5. Writes to the Federal and State Ministers and Shadow Ministers for Local Government in support of the Local Government NSW motion, requesting amendment to relevant State and Federal legislation requiring councillors to be paid compulsory superannuation, as has been the case since 1991 for all Australians.
6. That the NSW Government engages with councils, and prepares new increased councillor remuneration thresholds for all councils, to more adequately reflect the workload, training and increased representation demanded of councils, especially those in merged councils.

**Amendment becomes the motion Carried**

**61 Central Darling Shire Council**

**Menindee Lakes Ramsar listing**

That Local Government NSW supports the listing of the Menindee Lakes, or a portion of the lake system, to be listed as a Ramsar site in recognition of its importance in protecting the natural value of the area through provision of a native fish nursery, supporting migratory bird species, and other essential wetland processes.

**Decision:**

**Carried**

**62 Wollondilly Shire Council**

**Retention of mature or significant  
vegetation**

That Local Government NSW lobbies the NSW Government to seek a significant change in policy and legislation to incentivise the retention of mature and significant vegetation, and prevent full vegetation removal on sites through the Development Approval process.

**Decision:**

**Amendment**

That LGNSW lobbies the NSW Government to seek a significant change in policy and legislation to incentivise the retention of mature and significant vegetation in residential zone areas and discourage full vegetation removal on these sites through the Development Application process.

Amendment becomes the motion

Carried

**63 Bellingen Shire Council**

**Biodiversity conservation**

That Local Government NSW recognises the crisis in biodiversity in NSW and the escalating economic, social and environmental impacts this will have especially in rural and regional areas and request the NSW Government review the cumulative impacts of legislation governing land, water and natural resource management, and acts to ensure the protection of biodiversity, threatened iconic species, water security, native forests and food security throughout NSW.

**Decision:**

**Amendment**

1. That Local Government NSW recognises the crisis in biodiversity in NSW and the escalating economic, social and environmental impacts this will have especially in rural and regional areas and request the NSW Government review the cumulative impacts of legislation governing land, water and natural resource management, and acts to ensure the protection of biodiversity, threatened iconic species, water security, native forests and food security throughout NSW.
2. Take immediate steps to amend the *Environmental Planning and Assessment Act 1979*, and relevant State Environmental Planning Policies to ensure that all new development is required to meet the highest environmental standards, and funding sources are made available to local government to address the impact of climate change, including measures to:
  - a) Reduce carbon emissions from building and construction;
  - b) Strengthen energy and water efficiency standards in all new developments beyond those currently provided under the BASIX system;
  - c) Introduce a range of funding mechanisms that would allow local councils to build resilience in their communities;
  - d) Improve energy and water efficiency and to reduce heat stress risk in public housing and all NSW Government owned buildings and offices; and
  - e) Set tree canopy targets for all metropolitan areas with commensurate funding to be provided by the NSW Government to meet those targets.

Amendment becomes the motion

Procedural motion – That the motion be put Carried

Motion carried

**64 Tweed Shire Council**

**Funding for environmental protection**

That Local Government NSW requests the NSW Government to dramatically increase funding for environmental protection to at least 5% of the State Budget in light of current



funding levels of \$1,459 million, which equates to only 1.75% of the \$83,300 million 2019/20 operating budget.

**Decision:**

Carried

**65 Liverpool City Council**

**Clean air**

That Local Government NSW lobbies the State Government requesting changes to legislation that:

- a) Will ensure all manufacturing facilities at high risk of causing dust pollution must install air monitoring equipment and procedure to capture data on an hourly basis that is to be available to the Environmental Planning Authority and councils upon request with statutory limits that are enforceable through stringent fines or possible closure of operation;
- b) Remove cars that do not comply with current emission regulations, with the exception of vintage registered vehicles, in order to take high polluting vehicles off the road; and
- c) Introduce tax initiatives to encourage the up-take of electric powered vehicles in order to phase out the reliance on fossil fuels.

**Decision:**

**Amendment**

That Local Government NSW lobbies the State Government requesting changes to legislation that:

- a) Will ensure all facilities at high risk of causing dust pollution must install air monitoring equipment and procedure to capture data on an hourly basis that is to be available to the Environmental Planning Authority and councils upon request with statutory limits that are enforceable through stringent fines or possible closure of operation;
- b) Remove cars that do not comply with current emission regulations, with the exception of vintage registered vehicles, in order to take high polluting vehicles off the road; and
- c) Introduce tax initiatives to encourage the up-take of electric powered vehicles in order to phase out the reliance on fossil fuels.

**Amendment becomes the motion**

**Amendment**

That Local Government NSW lobbies the State Government requesting changes to legislation that:

- a) Will ensure all facilities at high risk of causing dust pollution must install air monitoring equipment and procedure to capture data on an hourly basis that is to be available to the Environmental Planning Authority and councils upon request with statutory limits that are enforceable through stringent fines or possible closure of operation;
- b) Federal and State governments ensure that all vehicles imported into Australia meet the highest EU standard.
- c) Introduce tax initiatives to encourage the up-take of electric powered vehicles in order to phase out the reliance on fossil fuels.

**Amendment becomes the motion Carried**

**66 Armidale Regional Council**

**Breaches of national standards**

That when official monitoring shows serious breaches of National Standards (e.g. the 31 exceedances of National Air Quality standards in Armidale), Local Government NSW lobbies the NSW Government to provide the necessary resources and assistance to councils to enable them to meet national standards as soon as practicable.

**Decision:**  
**Carried**

**67 Newcastle City Council**

**Glyphosate and weed management**

That Local Government NSW:

1. Notes renewed health and safety concerns about the use of glyphosate for weed management;
2. Notes that many local government areas (LGAs) currently use glyphosate-based herbicides for weed control, including in park and road maintenance;
3. Notes that a number of NSW councils, including Fairfield, Georges River, Willoughby, Ku-ring-gai, Sutherland and Waverley, have either banned or are considering banning the use of glyphosate products in their LGAs;
4. Notes that while the Australian regulator (the Australian Pesticides and Veterinary Medicines Authority) has indicated that products remain safe to use, provided safety directions are followed, the Andrews Government has commenced a review into its use in Victoria;
5. Endorses a phase out of the use of products containing glyphosate within local government operations, using alternate methods to control weeds wherever possible.

**Decision:**

**Procedural motion – That Central Coast Council's covered motion be considered separately**  
**Lost Amendment**

That Local Government NSW:

1. Notes renewed health and safety concerns about the use of glyphosate for weed management;
2. Notes that many local government areas (LGAs) currently use glyphosate-based herbicides for weed control, including in park and road maintenance;
3. Notes that a number of NSW councils, including Fairfield, Georges River, Willoughby, Ku-ring-gai, Sutherland and Waverley, have either banned or are considering banning the use of glyphosate products in their LGAs;
4. Notes that while the Australian regulator (the Australian Pesticides and Veterinary Medicines Authority) has indicated that products remain safe to use, provided safety directions are followed, the Andrews Government has commenced a review into its use in Victoria;
5. Notes the need for a State-wide approach to the use of glyphosate due to requirements under the NSW Biosecurity Act 2015; and
6. Requests the NSW Government conduct a scientific review into the safety of using products containing glyphosate in NSW. This review should also include input from the AVPMA, LGNSW and United Services Union.

**Amendment becomes the motion Procedural motion – That the**  
**motion be put**

Carried Motion lost

**68 Nambucca Shire Council**

**Asbestos disposal**

That in an endeavour to encourage the safe removal and disposal of asbestos, the State Government removes the waste levy on asbestos and requests IPART to review the landfill charges for asbestos across NSW.

Decision:

Carried

**69 Warrumbungle Shire Council**

**Changes to asbestos management in NSW**

That Local Government NSW lobbies the NSW Government to provide portable asbestos disposal facilities (in the form of skip bins or similar) at key council locations in each LGA for use by local residents, to accept plastic wrapped asbestos products that can be relocated to an approved landfill when full, with the costs being borne by the State Government, not councils.

Decision:

Procedural motion – That the motion be put Carried

Motion carried

**70 Bourke Shire Council**

**Fire and storm/flood damaged buildings  
containing asbestos**

That the NSW Government be asked to establish a fund similar to that established for the "Mr Fluffy" clean up, whereby abandoned and/damaged homes containing asbestos can be demolished and cleared away at no expense to the councils if they are uninsured or the owners have abandoned the premises.

Decision:

**Amendment**

That the NSW Government be asked to establish a fund similar to that established for the "Mr Fluffy" clean up, whereby abandoned and/damaged homes containing asbestos or other illegal hazardous materials can be demolished and cleared away at no expense to the councils if they are uninsured or the owners have abandoned the premises.

Amendment becomes the motion

Carried

**71 Blue Mountains City Council**

**Attaining Carbon Neutral Certification**

That councils at the Local Government NSW Annual Conference investigate how councils in NSW can advance the aim of achieving carbon neutrality in as much of the sector as possible.

Decision:

Carried

**72 City of Sydney**

**Financial resilience and risk**

That Local Government NSW calls upon the NSW Government to develop an equivalent government framework to enable mandatory reporting of its climate risk exposure in line with the industry-led Task Force on Climate-related Financial Disclosures (TCFD).

Decision:

Carried

**73 Rous County Council**

**Voluntary house raising**

That Local Government NSW lobbies the NSW Government to review the Voluntary House Raising Scheme total funding pool available for NSW per annum with attention to:

1. Reinstating a local allocation approach based on priority versus a single state-wide funding pool, and
2. Removing the financial barriers impeding landholder access to funding, noting the substantial expense that a landholder must incur to satisfy the mandatory eligibility requirements for funding, specifically, obtaining detailed project cost quotes.

Decision:

Carried

**74 Mosman Municipal Council**

**Encourage uptake of electric vehicles**

That Local Government NSW lobbies the Federal Government and NSW Government to encourage the uptake of electric vehicles through appropriate investment, concessions and with legislative support of charging and parking infrastructure in new residential and commercial developments.

Decision:

Carried

**75 Ryde City Council**

**Climate emergency**

That Local Government NSW, in recognition of the urgent need for climate action, calls upon the NSW Government to:

- a) Join over 900 governments worldwide, including the United Kingdom, the Australian Capital Territory and over 30 Australian councils, in declaring a Climate Emergency;
- b) In a bipartisan manner, make clear, effective and unambiguous steps to avert a climate crisis in NSW.

Decision:

Procedural motion – That the motion be put Carried

Carried

**76 Bega Valley Shire Council**

**Renewable energy targets**

That Local Government NSW adopts a renewable energy target of 100% by 2030 and calls on the NSW Government to revise the NSW Renewable Energy Plan to also adopt that target.

Decision:  
Lost

**77 City of Sydney**

**Government accommodation procurement and  
environmental ratings**

That Local Government NSW:

1. Calls upon the Federal and NSW governments to establish a policy that government officers preference hotels holding a third party environmental performance rating or certification for metropolitan based accommodation requirements; and
2. Asks councils to introduce policies to preference hotels holding a third party environmental performance rating or certification for metropolitan based accommodation requirements.

Decision:

Carried

**78 Federation Council**

**Solar farm regulation**

That the State Government liaise with the Federal Government and local councils, to have a more strategic approach to the approval of large scale solar farms, and their impact on farm land to be more adequately considered, especially irrigated land, and for improvements to legislation to automatically allow councils to receive development contributions for State approved developments.

Decision:

Carried

**79 Lake Macquarie City Council Assessing impacts of development on solar energy collectors on  
neighbouring properties**

That Local Government NSW advocates for the State Government to adopt a consistent state-wide policy response for assessing development impacts on neighbouring properties with solar energy collectors (such as photovoltaic (PV) panels and solar hot water systems).

Decision:

Carried

**80 Willoughby City Council**

**Companion animals register**

That Local Government NSW make representations to the State Government requesting The Companion Animals Register be modified to include the provision of full names and other identifying data to ensure the accuracy of owner details. This modification would require that any person who owns a companion animal would also provide documentation confirming the accuracy of their recorded details on the register.

Decision:

Carried

**81 Tenterfield Shire Council**

**Increased hazard reduction and water  
infrastructure**

That Local Government NSW lobbies the NSW Government to request that NSW National Parks & Wildlife Service, NSW Forestry Corporation and NSW Local Land Services, as a duty of care, undertake an increased level of park and forest fire management activities, including increased hazard reduction burns and increased numbers of dams and water infrastructure points for firefighting purposes into the future.

Decision:

Carried

**82 Ryde City Council**

**Proposed changes to the *Companion Animals Act 1998***

That Local Government NSW:

1. Writes to the NSW Minister for Local Government, proposing the below inclusion to the defences laid out in Section 16(2) of the *Companion Animals Act 1998*: - It is not an offence under this section if the incident occurred: (f) where a dog is behind a physical barrier such as a fence or enclosure and rushes at or harasses a person or animal.
2. Seeks community support by way of a LGNSW generated petition for the proposed changes to the *Companion Animals Act 1998*, as outlined in point 1 above.
3. Upon receipt of at least 10,000 signatories to the petition, presents the petition to a session of the NSW Legislative Assembly for discussion to support the requested changes to the *Companion Animals Act 1998*.

Decision:

Carried

**83 Shoalhaven City Council**

**Confining domestic cats**

That the NSW Government changes the Companion Animals Act so that domestic cats are no longer free to wander and are confined to the house of their owner and/or an appropriate meshed cat run.

Decision:

Carried

**84 Blacktown City Council**

**Over population of unwanted cats**

That Local Government NSW calls on the NSW Government to take the following steps to improve the management of cats:

- a) Prohibit cats from roaming onto public places and private property without the permission of the property owner.
- b) Review the required holding period for unidentified cats (not microchipped) from 7 days to 72 hours.
- c) Ensure consistency between the *Impounding Act 1993* and the *Companion Animals Act 1998*.

Decision:

Carried

**85 Forbes Shire Council**

**Rural doctor incentives**

That a joint task force representing local, State and Federal governments be formed to formulate a model for improving the provision of medical services in rural and regional areas, and funding financial relocation packages for the engagement of doctors in rural towns.

Decision:

Carried

**86 Leeton Shire Council**

**Forensic pathology (post-mortem examination)  
services**

That Local Government NSW lobbies the NSW Government to:

- a) Undertake a full investigation into the delays currently experienced by communities in regional, rural and remote areas of NSW in accessing forensic pathology (post-mortem examination) services.
- b) Expand access to forensic pathology (post-mortem examination) services to regional centres outside Newcastle, Sydney and Wollongong.
- c) Review 2016 changes to the provision of forensic pathology (post-mortem examination) services which have contributed to delays in releasing bodies to grieving families.
- d) Improve exposure to the specialty of forensic pathology and death investigation in medical training facilities to help address the shortage of practitioners within the NSW Health system.

Decision:

Carried

**87 Ballina Shire Council**

**Minimising harm resulting from electronic  
gaming machines**

That Local Government NSW lobbies the NSW Government to have Liquor and Gaming NSW:

1. Undertake increased inspections, monitoring and compliance activity in relation to electronic gaming machines
2. Report the outcomes of this increased activity online via the Liquor and Gaming NSW website on an annual basis to inform local government of the action taken.

Decision:

Carried

**88 Ryde City Council**

**Changes to the *Smoke-free Environment Act 2000***

That Local Government NSW lobbies the NSW Government to make changes to the *Smoke-free Environment Act 2000* to enable local government to issue fines and penalty amounts equivalent to NSW Health for smoking in a smoke-free area.

Decision:



Carried

**89 Shellharbour City Council**

**Information for women candidates at 2020 LG  
election**

That Local Government NSW calls upon the NSW Electoral Commission to include sessions particularly targeted at women at any candidate information forums to be run for the 2020 local government elections.

Decision:

Carried

**90 Shellharbour City Council**

**Local government women's mentoring  
program**

That Local Government NSW lobbies the NSW Government to introduce a women in local government mentoring program in NSW.

Decision:

Carried

**91 Lismore City Council**

**Increase to Newstart and Youth Allowances**

That:

1. Local Government NSW lobbies the Federal and NSW Governments to urgently increase the Newstart and Youth Allowance by a minimum of \$75 per week in order to address quality of life issues for those on allowances, and their families; and
2. Such an increase would see the economic benefit of disposable income in NSW rise by \$905 million.

Decision:

Amendment

That:

1. Local Government NSW lobbies the Federal and NSW Governments to urgently increase the Newstart and Youth Allowance by a minimum of \$100 per week in order to address low quality of life issues for those on allowances, and their families; and
2. Such an increase would see the economic benefit of disposable income in NSW rise by about \$1.2 billion.

Amendment becomes the motion

Carried

**92 Lismore City Council**

**To establish social justice committees across all  
councils**

That Local Government NSW:

1. Recognises and supports social justice committees across all councils with a specific outcome of meeting the demand for residential rehabilitation services, regional Drug Courts, Youth & Adult Koori Courts and Justice Reinvestment Initiatives.
2. Requests that the NSW Government establish funding across regional NSW for youth detox services and expansion of the Magistrates Early Referral into Treatment (MERIT) program.



Decision:

Carried

**93 Blacktown City Council**

**Dowry abuse as family and domestic violence**

That Local Government NSW:

- a) Requests the NSW State Government to amend the *Crimes (Domestic and Personal Violence) Act 2007* to include economic abuse, the definition of which would include dowry abuse.
- b) Requests the NSW State Government to amend existing legislation relating to apprehended violence orders to explicitly recognise dowry abuse as an example of economic abuse.
- c) Advocates for the participation of local government in efforts with stakeholders to develop ongoing education and awareness raising campaigns about economic abuse, including dowry abuse.

Decision:

Carried

**94 Broken Hill City Council**

**Volunteer support**

That the NSW Government should acknowledge the economic importance of the work of volunteers in keeping essential community services viable, particularly in rural and regional areas by adding a component to the funding supplied to these organisations to assist with the recruitment and ongoing acknowledgment of these volunteers.

Decision:

Carried

**95 Hornsby Shire Council**

**Funding for sportsgrounds, recreational and open spaces**

That Local Government NSW requests the NSW Government to deliver refreshed funding approaches for sportsgrounds, sports facilities, recreational and open spaces, including:

- a) Ongoing annual funding program which may involve a new regional funding approach for the metropolitan councils such as a new regional sports and recreation foundation or other coordinated regional funding mechanisms for metropolitan councils on a distinct- regional or district level basis rather than one-off grants on an individual council-basis.
- b) Returning a proportion of the State's Special Infrastructure Contributions or the regional open space fund to the regions where they have been collected.
- c) A State specific acquisition fund to acquire land for sportsgrounds and openspaces.

Decision:

Carried

**96 Cumberland Council**

**Refugee settlement**

That Local Government NSW calls on the Federal Government to urgently review the current restrictive eligibility requirements for the Status Resolution Support Scheme with a view to restoring access to this program to all people seeking asylum until a resolution of their status is complete.

Decision:

Carried

**97 Shellharbour City Council**

**NSW Vivid roadshow**

That Local Government NSW:

1. Advocates for an expansion of the successful Vivid Sydney Winter Festival to take it to regional NSW as the "Vivid NSW Roadshow".
2. Approaches Destination NSW, on behalf of interested regional NSW councils that identify themselves to Local Government NSW, with a view to supporting an expanded program in regional areas.
3. Advocates for Destination NSW funding to be distributed to selected regional councils to support the development and implementation of local Vivid events.

Decision:

Carried

**98 Bathurst Regional Council**

**NSW Government - museum strategy**

That Local Government NSW lobbies the NSW Government to devise a museum strategy for NSW with sufficient resources to ensure cultural heritage led vibrancy, collection care and local storytelling initiatives are supported, developed and maintained for communities throughout the State.

Decision:

Carried

**99 Moree Plains Shire Council**

**Museum firearms permit proposed  
amendment**

That Local Government NSW requests the NSW Minister for Police and Emergency Services to preserve the historic value of museum collections by amending Clause 59 (4) (A) of the Firearms Regulation 2017. The amendment should remove the condition that museums must render pistols and prohibitive firearms permanently inoperable and instead state that these firearms should be rendered temporarily inoperable.

Decision:

**Amendment**

That Local Government NSW requests the NSW Minister for Police and Emergency Services to preserve the historic value of museum collections by amending Clause 59 (4) (A) of the Firearms Regulation 2017. The amendment should remove the condition that museums must render pistols and prohibitive firearms permanently inoperable and instead state that these firearms must be rendered temporarily inoperable.  
Due to the historical, cultural significance value of these collections, we call on the NSW State Government to allow for an exemption mechanism for museums from clause 59 4A of the Firearms Regulation Act 2017.

Amendment becomes the motion

Carried

**100 Broken Hill City Council**

**Restoration and remediation of local  
cemeteries**

That the NSW Government considers financially supporting councils for the restoration and remediation of local cemeteries that have been severely damaged from climatic conditions and drought.

**Decision:**  
Carried

**101 Cumberland Council**

**Homelessness**

That Local Government NSW advocates for the NSW Government to actively lead and contribute to the implementation of initiatives to combat the homelessness crisis in NSW, including funding for local government to deliver initiatives at the local level.

**Decision:**  
Carried

**102 Lane Cove Council**

**Impounding of illegally parked vehicles**

That Local Government NSW supports suggested changes to relevant legislation to allow council rangers the authority to have vehicles impounded where they are illegally parked across driveways preventing access. Such legislation is to include safeguards to prevent the misuse of these changes including a requirement that the removal be initiated by an owner of the affected property.

**Decision:**  
Carried

**103 Wagga Wagga City Council**

**Announcements in the local newspaper**

That Local Government NSW and member councils advocate for the removal of the requirement for local councils to make announcements in the local newspaper.

**Decision:**  
Procedural motion – That the motion be put Carried

Lost

**104 Lismore City Council**

**Amend fees under GIPA Act**

That Local Government NSW lobbies the Information Privacy Commissioner for an increase to the processing charges in the *Government Information (Public Access) Act 2009*, capped at \$60 per hour.

**Decision:**  
Carried

**105 Bland Shire Council**

**Audit risk & improvement committees**

That Local Government NSW lobbies the NSW Government for the establishment of a separate panel of independent members, with specific local government knowledge, for appointment to local councils Audit, Risk and Improvement Committees.

**Decision:**

**Carried**

**106 City of Canterbury Bankstown Council**

**Metro regional partnerships**

That Local Government NSW calls on the NSW Government to:

1. Develop a NSW Cities-Regions Council Partnership framework.
2. Fund connectivity and technology for regional, rural and remote councils to connect to city councils.

**Decision:**

**Carried** That Local Government NSW requests the NSW Government to undertake a review of progress/success of the councils that are the result of the

**107 Cootamundra-Gundagai Regional Council**

**Review of merged  
councils**

2016 forced amalgamations

**Decision:**

**Carried**

**108 Leeton Shire Council**

**Sustained support for Joint Organisations**

That Local Government NSW lobbies the NSW Government to:

- a) Follow through on its commitment to work collaboratively with Joint Organisations (JOs) to develop strategic priorities, business plans and action plans in the interests of delivering regional outcomes.
- b) Continue its investment in JO operating costs in order that this State Government initiative can continue to operate sustainably.
- c) Report annually on its engagement with JOs and the results delivered.

**Decision:**

**Carried**

**109 Nambucca Shire Council**

**Elimination for the need of a by-election**

That Local Government NSW writes to the NSW Minister for Local Government to request an extension of:

- a) Countback provisions to the first 2 years of a council term, and
- b) the Minister's discretion to provide councils with the option of avoiding a by-election for a casual vacancy for the last 2 years of a council term.

**Decision:**

**Amendment**

That Local Government NSW writes to the NSW Minister for Local Government to request an extension of Countback provisions for the full term of council.

**Lost**

**Motion carried**

#### **110 Newcastle City Council**

#### **Local government election costs**

That Local Government NSW:

1. Notes the draft report from IPART titled Review Of Local Government Election Cost which includes a proposed 62% increase to the cost of councils holding elections conducted by the NSW Electoral Commission.
2. Notes that IPART has indicated that this would increase the City of Newcastle's costs by more than \$500,000 per election.
3. Notes that IPART believes that 'market competition' is needed to reduce the cost of elections as the NSW Electoral Commission is a 'near monopoly'.
4. Writes to the Premier and NSW Special Minister of State calling for them to intervene and halt the privatisation of democracy, and unjustifiable increases in election costs to ratepayers across NSW.

### **Note from Board**

At present, councils have the option to engage private election services providers to run their elections where they determine that a private provider may offer better value than the NSW Electoral Commission. Point 4 of this motion calls on LGNSW to write to the NSW Government requesting that it 'halt the privatisation of democracy'. If this motion is carried, it would mean that LGNSW would take a position in opposition to councils having choice to use election services

**Decision:**

**Carried**

#### **111 Lane Cove Council**

#### **Expenditure caps for local government election campaigns**

That Local Government NSW requests the NSW Government to endorse the recommendations made in the "Inquiry into the impact of expenditure caps for local government election campaigns" that was tabled in October 2018.

**Decision:**

**Carried**

#### **112 Liverpool City Council**

#### **Nominating to become a councillor**

That Local Government NSW lobbies the NSW Government to request changes to the *Local Government Act 1993* in order to ensure that a person wishing to nominate for a particular council area must either be a resident or a ratepayer.

**Decision:**

**Carried**

**113 Lismore City Council**

**Online voting and e-democracy**

That Local Government NSW requests that the NSW Government:

1. Makes grant funding available for councils to trial online voting and e-democracy platforms to assist in the long term reduction in cost per elector; and
2. Urgently explores the legislative reform required to implement online voting and e- democracy initiatives in local government.

**Decision:**

Procedural motion – That the motion be put Carried

Carried

**114 City of Parramatta Council**

**Non-voting at local government elections**

That Local Government NSW advocates to the NSW Government for the application of the significant fine revenue for non-voting in local government elections to be directly offset against the cost of the elections, applied to the relevant local government area, and not paid into the NSW Government's consolidated revenue fund.

**Decision:**

Carried

**115 Brewarrina Shire Council**

**Local government elections**

That Local Government NSW lobbies the Minister for Local Government to ensure that, irrespective of the outcome of the current review by IPART into the cost of conducting local government elections, the NSW Electoral Commission not be permitted to increase the cost of conducting local government elections for 2020 and all future local government elections by more than the rate cap limit imposed on local government rates.

**Decision:**

Carried

**116 Port Stephens Council**

**Councillor induction and professional  
development costs**

That Local Government NSW requests the NSW Government fund ongoing councillor professional development costs.

**Decision:**

Carried

**117 Moree Plains Shire Council**

**Remote attendance at council meetings**

That:

1. Council membership should be accessible to the broadest demographic possible.
2. Councillors be allowed to attend and participate from authorised facilities via video link in authorised locations remote from the council chambers.

Decision:

Lost

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**118 Mosman Municipal Council** **External audit coordination with internal audit**

That Local Government NSW calls on the NSW Auditor General to modify its auditing practices to reduce duplication between external and internal audits of councils and avoid unnecessary costs.

Decision:

Carried

**facilitate next generation of local government capabilities**

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**119 Western Sydney Regional Organisation of Councils** **Developing a DCOE to**

That Local Government NSW advocates for the NSW Government to join with local government to initiate a project that will develop and offer for implementation, the next generation of "best practice" local government capabilities using digital technologies. For the purposes of this motion it is called a Digital Common Operating Environment (DCOE).

Specifically, that:

1. A comprehensive suite of specifications be developed for a DCOE that would be appropriate for metropolitan, peri-urban and rural councils.
2. A pilot program be developed to trial the specifications in a representative sample of councils supported by funding from the NSW Government.
3. The NSW Government incentivises take-up of a successful DCOE model by local government by contributing to the capital costs of development and implementation.
4. A program be developed for a DCOE implementation on a council by council basis that incentivises early take up. The incentive would be a contribution from the NSW Government towards the capital costs to implement the DCOE as a priority.

Decision:

Carried

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**120 Wagga Wagga City Council** **Resourcing Code of Conduct complaints**

That Local Government NSW and member councils advocate for a greater investment of resources by the NSW Government into managing Code of Conduct complaints to ensure they are dealt with quickly, efficiently, and effectively.

Decision:

Carried

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**121 Orange City Council** **Review of Code of Conduct**

That Local Government NSW calls on the Minister for Local Government to conduct an independent review and audit of all NSW councils' processes and procedures around the implementation of the Code of Conduct policy and provisions.

Decision:

Carried



**122 Shellharbour City Council**

**Model Code of Conduct for councillors**

That Local Government NSW lobbies the NSW Minister for Local Government to have the provisions in the Model Code of Conduct for councillors on gifts and benefits amended so that the token value for gifts and benefits on gifts and benefits valuation of \$50 be removed and replaced with the provisions outlined in section 3 "Gifts" in the Code of Conduct for Members adopted 7 May 2019.

**Decision:**

Carried

**123 MidCoast Council**

**Returns of interest disclosures**

That Local Government NSW:

1. Strongly objects to the requirement for Returns of Interest Disclosures being published on any website as proposed by Information Privacy Commissioner's draft Guideline.
2. Urges relevant authorities including but not limited to the Office of Local Government/IPC and Ministers to reverse the Information Privacy Commissioner's requirement to publish Returns of interest Disclosure on any website and ask the Premier to intervene for the protection and safety of councillors and staff.

**Decision:**

Carried

**ADDITIONAL / LATE MOTIONS**

**L1 Forbes Shire Council**

**Asbestos Flying Squad**

That Local Government NSW lobbies the Environment Protection Authority to fund the establishment and operation of an Asbestos Emergency Management Flying Squad (AEMFS). The purpose of the AEMFS is to provide expert advice and guidance to councils when councils are required to manage and/or participate in the clean-up of asbestos following natural disasters. The AEMFS is to consist of a group of suitably experienced and qualified people in asbestos management providing expert guidance to Recovery Committees, Local Emergency Management Officers, and other council staff on the remediation of asbestos contamination or disturbance of any asbestos material, including naturally occurring, during or following a natural disaster or emergency.

**Decision:**

Carried

**L2 Glen Innes Severn Council**

**Maintenance grading – rural roads**

That Local Government NSW makes representations to both the Australian and NSW Governments identifying the impending future demands for funding in respect of unsealed road maintenance in rural areas of the State when the current drought finally ends, and further identifies and seeks the provision from Government of additional funding for this purpose, which at this stage is unquantified.

**Decision:**

Carried



**L3 Brewarrina Shire Council**

**Membership WaterNSW Board**

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That Local Government NSW lobbies the Minister for Water to review the membership of the WaterNSW Board to include representation from local government, nominated by LGNSW, of persons with hands on experience in rural communities to represent the interests of rural water suppliers.

**Decision:**  
**Carried**

ORDINARY MEETING OF THE COUNCIL

December 2, 2019

**ITEM 3**

REPORTS FROM DELEGATES NO. 6/19

SUBJECT: ATTENDANCE AT ASSOCIATION OF MINING AND ENERGY  
RELATED COUNCILS (NSW) MEETINGS HELD 7-8 NOVEMBER  
2019 11/195

**Summary**

Council has received a Delegates Report from Councillor Nolan regarding his attendance at the Association of Mining and Energy Related Councils (NSW) Executive Meeting, Annual General Meeting and Quarterly Meetings held on 7 and 8 November 2019. The meetings were held in Gloucester and hosted by Mid Coast Shire Council.

The Delegates Report and associated draft minutes are attached.

**Recommendation**

1. That Reports from Delegates No. 6/19 dated December 2, 2019, be received.

**Attachments**

1. Delegates Report - Association of Mining and Energy Related Councils NSW  
[↓](#)
2. Draft Minutes - Ordinary Meeting Mining and Energy Related Councils held  
08/11/2019  
[↓](#)

J. NOLAN  
COUNCILLOR

## **Association of Mining and Energy Related Councils (NSW) (MERC) Report November 2019**

Councilor Jim Nolan is Broken Hill's delegate to the AMERC.

The MERC represents the interests of City and Shire Councils which are affected by mining and energy production including solar and wind power.

The Association meets four times per year, twice in Sydney coinciding with NSW State Parliamentary sittings and twice in the regions, hosted on a rotating basis by member Councils. The Association currently represents 21 NSW member Councils who have either Metalliferous (hard rock) mining, Coal/Coal seam gas mining and/or Energy production including Solar and Wind generation.

There were Executive, AGM and Quarterly Meetings in Gloucester 7-8/11/19, all hosted by Mid Coast Shire Council.

After the Executive meeting on Thursday we were joined by most delegates for a tour of two local mines. The Stratford Coal mine produces high grade coking coal, also known as metalliferous coal for blast furnace operations as well as some thermal coal for power generation.

As a modern coal mine just over 20 years old, strict EPA guidelines apply which require land to be remediated close to its original land form. Pits are refilled with the waste rock, re-covered with soil and replanted. Hills are planted with native trees and bush, and slopes are returned to pasture.

The second mine was a historic mine, the Copeland National Park Old Gold mine which has many old shafts and workings and still retains a small gold processing plant from the 1950s. Located in a steep bushland valley in the Copeland National Park, bushfire is its greatest threat.

The AGM was held on Friday morning, followed by the Ordinary Quarterly Meeting.

### **Points of interest**

#### **Update on Voluntary Planning Agreements**

The guidelines for VPAs and a VPA Framework agreement, including scope and calculation methodologies, has now been agreed to by the New South Wales

Minerals Council and the Mining and Energy Related Councils VPA Working Party. A foreword is being written for both Chairs and Executive Officers to sign off as part of the document and will shortly be released.

Meanwhile, speaking with Warwick Giblin (Oz Environmental) I can report on several recent VPAs which he has negotiated on behalf of Councils:

Narrabri Shire Council have signed a VPA with Victory Coal, a \$2b mine, which will return several hundred thousand dollars to Council per year.

Cobar Shire Council now has a VPA for the Hera Gold Mine at Nymagee.

Parkes, Lauchlan and Forbes Shire Councils have signed a VPA for the Sunrise Cobalt Scandium Nickel Mine.

Warrumbungle Shire Council and Upper Hunter Shire Council have signed a joint VPA for the Liverpool Range Windfarm. This is a 1000 MW Windfarm with 270 towers. This VPA will return approximately \$3k per tower per year plus annual roads maintenance per kilometre to Councils.

Wellington Shire Council have signed a VPA with Bodangora Windfarm at Wellington in the order of \$3k per tower per year, plus annual roads maintenance per kilometre.

Each of these VPAs return approx. \$800k per year for the life of the Wind Farms.

Singleton, Muswellbrook and Upper Hunter have a joint proposal for a VPA with Epuron for a proposed Wind Farm in their area which would result in a joint VPA benefiting all three Councils.

### **Resources for Regions VS Royalties for Regions**

In pursuit of the Resources for Regions program being changed to suit mining affected Councils, the MERC working party has been very active, meeting with Resources NSW in August and October. Resources NSW have chosen MERC to be the primary consultation entity for Local Government.

We are having a major input into how the program will look in the future and the plan is to have the new R4R implemented in 2020. It is expected that the new program will do away with the co contribution and the \$1M limit, be based on need and be tied to Councils Community Strategic Plan.

### **Coal Seam Gas Policy**

Our amended Coal Seam Gas Policy has now been improved with the addition of double casing minimum and cementing of all bores from the well head to the production horizon (extraction zone at the bottom of the well). Minor changes were also made to the wording to reflect statutory changes.

### **Life Membership update Mitchell and Connor**

Life Membership was conferred on ex Cr Chris Mitchell. Chris will remain an active life member and will be assisting in reviewing our Strategic Plan in 2020. Connor. Col Mitchell will attend a future meeting when ongoing medical treatments permit.

### **Vote of Thanks – Jim Nolan**

It was resolved that a Vote of Thanks be extended to Cr Jim Nolan for his contribution to the Association over the past 7 years, including a number of terms on the Executive Committee.

### **Vote of Thanks – Lilliane Brady, OAM**

It was resolved that a Vote of Thanks be extended to Cr Lilliane Brady, OAM for her contribution to the Association and Executive Committee as a long-term member and departing member of the Executive Committee.

### **Next Meeting in Sydney, March 2019**

**MINUTES OF THE ASSOCIATION OF MINING & ENERGY RELATED COUNCILS  
(NSW) ORDINARY MEETING HELD AT GLOUCESTER SOLDIERS CLUB, 32  
DENISON ST, GLOUCESTER ON 8<sup>TH</sup> NOVEMBER 2019.**

**Present**

Cr Peter Shinton	Warrumbungle Shire Council (Chair)
Cr Owen Hasler	Gunnedah Shire Council (Ex Comm)
Andrew Johns	Gunnedah Shire Council
Cr Sue Moore	Singleton Council (Deputy Chair)
Cr Dan Thompson	Singleton Council
Cr Melanie Dagg	Cessnock City Council (Ex Comm)
Cr Bob Pynsent	Cessnock City Council
Cr Michael Banasik	Wollondilly Shire Council
Cr Noel Lowry	Wollondilly Shire Council
Cr Jim Nolan	Broken Hill (Ex Comm)
Cr Mark Hall	Lachlan Shire Council
Ron Zwicker	Wollongong City Council
Cr Phyllis Miller	Forbes Shire Council
Cr Kevin Duffy	Orange City Council
Cr Jarrod Marsden	Cobar Shire Council
Cr Karlene Irving	Warren Shire Council
Cr Katheryn Smith	Mid Coast Council
Chris Connor	Life Member

**In attendance**

Greg Lamont, Executive Officer (Minute Taker).

**1. Welcome by Chair.**

The Chair, Councillor Peter Shinton welcomed members to the meeting and declared the meeting open at 10.55 am.

**2. Apologies.**

**OM 32/2019** Resolved (Cr Moore/Cr Duffy) that the apologies of the following delegates be received and noted:- Greg Tory, Lachlan Shire Council; Councillor Robert Khan & David Henry, Wollondilly Shire Council; Councillor Robert Hooke, Gunnedah Shire Council; Councillors Reg Kidd and Joanne McRae, Orange City Council; Councillors Dom Figliomeni and Cath Blakey, Wollongong City Council; Michael McMahon, Cr Ben Shields, Dubbo Regional Council; Jason Linnane, Singleton Council; Cr Heather Druce & Glenn Wilcox, Warren Shire Council; Cr Manuel Martinez, Walgett Shire Council; Cr Jay Suvaal, Cessnock City Council; Cr Lilliane Brady OAM, Cobar Shire Council; Cr Des Kennedy & Brad Cam, Mid Western Regional Council & Steve Loane, Forbes Shire Council.

**3. Disclosures of Interest.**

- (a) Mr Ron Zwicker declared his interest as a shareholder in AGL Gas Investments;
- (b) Cr Melanie Dagg, Cessnock City Council declared her interest as her husband works at Rix's Creek Mine in the Hunter Valley;
- (c) Cr Bob Pynsent declared his interest as a shareholder in Yancoal.

**OM 33/2019** Resolved (Cr Moore/Cr Miller) that the disclosures of interest and reasons for them be received and noted.

**MINUTES OF THE ASSOCIATION OF MINING & ENERGY RELATED COUNCILS  
(NSW) ORDINARY MEETING HELD AT GLOUCESTER SOLDIERS CLUB, 32  
DENISON ST, GLOUCESTER ON 8<sup>TH</sup> NOVEMBER 2019.**

**4. Adoption of the Minutes of the Ordinary General Meeting – 9<sup>th</sup> August 2019**

**OM 34/2019** Resolved (Cr Ward/Cr Thompson) that the minutes of the Ordinary General meeting held on 9<sup>th</sup> August 2019 be received and noted as a true and accurate record of proceedings.

**5. Business Arising from the Minutes of the Ordinary Meeting - 9<sup>th</sup> August 2019**  
Nil.

**6. Adoption of Minutes of Executive Committee Meeting – 7<sup>th</sup> November 2019**

**OM 35/2019** Resolved (Cr Thompson/Cr Hasler) that consideration of the minutes of the Executive Committee meeting held on 7<sup>th</sup> November 2019 be deferred until after the Executive Officer provides a background report on the items & recommendations.

The Executive Officer went through the items in his report that related to matters on the Agenda for this meeting prior to adoption of the minutes.

**OM 36/2019** Resolved (Cr Moore/Cr Hall) that the minutes of the Executive Committee meeting held on 7<sup>th</sup> November 2019 be received and noted with the following changes to the recommendations and notes:

- Item (e) Speakers at Future Meetings – invite Minister Stokes to next meeting Sydney in March 2020;
- Item (f) Membership Campaign (2) – add “and request for the presentation to a concurrent session at the LGNSW Conference”;
- Item (h) Submission on IPC Review – MERC unanimously supports an Independent Planning Commission and requests the Executive Officer liaise with LGNSW staff in relation to the preparation of the MERC submission.
- Item (m) Coal Seam Gas Policy – page 15, 3 (d) change wording “as soon as practicable to as far as practicable”;

**7. Business Arising from Minutes of Executive Committee Meeting – 7<sup>th</sup> November 2019** Nil

**8. Executive Officers Report** – This was dealt with as part of Item 6.

**9. Delegates Reports** – Nil to report.

**10. VPA Steering Committee Update** – This was dealt with as part of Item 6

**11. Coal Seam Gas Policy (Amended)**

**12. 12. PhD Research project** This was dealt with as part of Item 6

**13. General Business**

**(a) Vote of Thanks – Jim Nolan**

**OM 37/2019** Resolved (Cr Hall/Cr Hasler) that a Vote of Thanks be extended to Cr Jim Nolan for his contribution to the Association and Executive Committee the last twelve months and before in view of the extenuating circumstances he had had to ensure with travelling to meetings.

**MINUTES OF THE ASSOCIATION OF MINING & ENERGY RELATED COUNCILS  
(NSW) ORDINARY MEETING HELD AT GLOUCESTER SOLDIERS CLUB, 32  
DENISON ST, GLOUCESTER ON 8<sup>TH</sup> NOVEMBER 2019.**

**(b) Vote of Thanks – Lilliane Brady, OAM**

**OM 38/2019** Resolved (Cr Hall/Cr Hasler) that a Vote of Thanks be extended to Cr Lilliane Brady, OAM for her contribution to the Association and Executive Committee as a long -term member and departing member of the Executive Committee.

**(c) Special General Meeting – to be held in Sydney 5<sup>th</sup> March to consider Clause 7.1 and the two year term for members of the Executive Committee six (6) positions.**

**13 Next Meeting – Sydney 5<sup>th</sup> March 2019**

**Close – the meeting closed at 12.40 pm**

The minutes (pages 1-4) were confirmed at a meeting of the Ordinary Meeting held on the 5<sup>th</sup> March 2020 and are a concise and accurate record of proceedings of the Ordinary General meeting held on 8<sup>th</sup> November 2019.

.....  
Cr Peter Shinton, Chairperson



## **REPORTS**

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## ORDINARY MEETING OF THE COUNCIL

October 30, 2019

**ITEM 1**BROKEN HILL CITY COUNCIL REPORT NO. 206/19SUBJECT:                    ESTABLISHMENT OF PANEL OF CONDUCT REVIEWERS    13/100**Recommendation**

1. That Broken Hill City Council Report No. 206/19 dated October 30, 2019, be received.
2. That the following thirteen organisations be appointed to serve on Council's Code of Conduct Review Panel for a period of four years from the date of resolution by Council.

Strategic Risk Solution, O'Connell Group, Centium Group Pty Ltd, VCA Services Pty Ltd, Nemesis Consultancy Group, WEIR Consulting, Australian Workplace Training & Investigation, Train Reaction Pty Ltd, Workdynamic Australia, Winton Consulting, Penulbury Workplace Law Solutions, BAL Lawyers, McCollough Robertson

**Executive Summary:**

Section 440 and 440AA of the Local Government Act 1993 (The Act) requires every Council to adopt a Code of Conduct that incorporates the provisions of the Model Code of Conduct and the Procedures for the Administration of The Model Code of Conduct. Both these policies were adopted by Council at its Ordinary Meeting of 27 March 2019.

In accordance with Part 3 (3.1) of the Procedures for the Administration of The Model Code of Conduct, Councils "must by resolution establish a panel of conduct reviewers."

**Report:**

Council appointed its last panel of reviewers for period 1 September 2013 to 31 August 2017 at its Ordinary Meeting of 28 August 2013 and also used eligible companies as per circular from OLG 31/03/16 ([Circular 16-08.](#))

Clause 6.2(b) of the Procedures allows councils to supplement their panels of conduct reviewer by referring matters to a conduct reviewer selected from a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Office of Local Government. The Chief Executive has approved NSW Procurement's Performance and Management Services Prequalification Scheme (PMS Scheme) for the purposes of clause 6.2(b).

In effect, a council's complaints coordinator can refer a code of conduct complaint to a conduct reviewer who has been prequalified under the PMS Scheme, as an alternative to one selected from the council's appointed panel. In referring matters to conduct reviewers appointed from the PMS Scheme panel, councils **still need** to ensure that the reviewer satisfies the eligibility criteria prescribed under clauses 3.5 and 3.6 of the Procedures.

The Office of Local Government provided clarification that a Panel is a mandated function and must be formally established for a four-year term. Advertising and appointing a panel of

reviewers will complete formal requirements. Council has acted appropriately in sourcing reviewers from the PMS Scheme if/when requiring such services.

In adopting the Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct at its Ordinary Meeting of 27 March 2019, Council “must by resolution establish a panel of conduct reviewers” Part 3 (3.1) through a “public expression of interest process” Part 3 (3.3) for “a term of up to four years” Part 3 (3.9).

The Procedures permit Councils to “share a panel of conduct reviewers including through a joint organization or another regional body associated with the councils.” Part 3 (3.2)

A person is not precluded from being a member of the Council’s panel of conduct reviewers if they are a member of another Council’s panel of conduct reviewers. Part 3 (3.7)

Consequently, advertisement for Council’s panel of Code of Conduct reviewers was coordinated by Broken Hill City Council with Central Darling Shire and Balranald. Wentworth had already completed its process at this time.

Advertisements carrying the logos of the three cities were placed in the Barrier Daily Truth and Sydney Morning Herald with Central Darling and Balranald advertising similarly in their local newspapers directing applicants to Broken Hill Council website for submission of applications.

Expressions of Interest opened on Saturday, 26 October and closed on Friday, 29 November 2019.

At the end of the Expressions of Interest period thirteen company submissions were received by the closing date identifying personnel within their companies who meet the Code of Conduct definitions outlined below.

The Procedures for the Administration of the Model Code of Conduct states that a person, to be eligible to be a member of a panel of conduct reviewers must, at a minimum, meet the following requirements:

- a) an understanding of local government, and
- b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
- c) knowledge and experience of one or more of the following:
  - i) investigations
  - ii) law
  - iii) public administration
  - iv) public sector ethics
  - v) alternative dispute resolution, and
- d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.

A person is not eligible to be a conduct reviewer if they are:

- a) a councillor, or
- b) a nominee for election as a councillor,

- or
- c) an administrator, or
  - d) an employee of a council, or
  - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - g) a person who has a conviction for an indictable offence that is not an expired conviction.

A matrix evaluation was conducted with weightings of 10% on Understanding of Local Government, 20% on Knowledge of Investigative Processes, 20% on Knowledge and Experience of Investigations, or law or public administration or public sector ethics or alternative dispute resolution and 50% on price.

However, there is no recommended number of Conduct Reviewers to be appointed to a panel and ideally Council will not be required to call on panel members as there may be times when those appointed have other commitments and may not be able to accept a particular brief that requires immediate actioning or investigation. All personnel identified by companies which submitted, met (a) to (d) of the requirements under Procedures for the Administration of the Model Code of Conduct.

#### Strategic Direction:

Key Direction:	4.	Our Leadership
Objective:	4.1	Openness and transparency of decision making
Strategy:	4.1.1	Support the organization to operate its legal framework

#### Relevant Legislation:

*Local Government Act 1993* (The Act) requires every Council to adopt a Code of Conduct that incorporates the provisions of the Model Code of Conduct and the Procedures for the Administration of The Model Code of Conduct.

#### Financial Implications:

Costs associated with the engaging a Code of Conduct Reviewer is provided for in the Human Resource operational budget.

#### Attachments

There are no attachments for this report.

RAZIJA NU'MAN  
DIRECTOR CORPORATE

JAMES RONCON  
GENERAL MANAGER

ORDINARY MEETING OF THE COUNCIL

November 11, 2019

**ITEM 2**

BROKEN HILL CITY COUNCIL REPORT NO. 207/19

SUBJECT: DRAFT PRIVACY MANAGEMENT PLAN AND DRAFT ACCESS TO INFORMATION POLICY FOR PUBLIC EXHIBITION 11/371, 12/14

**Recommendation**

1. That Broken Hill City Council Report No. 207/19 dated November 11, 2019, be received.
2. That the Draft Privacy Management Plan be exhibited for public comment for a 28-day period.
3. That the Draft Access to Information Policy be exhibited for public comment for a 28-day period.
4. That Council receives a further report at the conclusion of the exhibition period, detailing submissions and any recommended changes arising, with a view to adopting the Draft Privacy Management Plan and the Draft Access to Information Policy.
5. That Council note the development of a draft Privacy Management Framework.

**Executive Summary:**

As part of a holistic approach to privacy management, and to ensure that all required plans, policies and processes are created, reviewed and implemented systematically, a Privacy Management Framework (the Framework) has been developed.

The Framework comprises several components to ensure that a suite of integrated documents provide Council staff with clear guidelines, a greater understanding of privacy management and how privacy management is connected to their roles. The Framework will also provide information about how personal information is collected, used, stored and accessed after it is collected by Council.

The components of the Framework include:

- Privacy Management Plan
- Agency Information Guide
- Access to Information Policy
- Access to Information Procedure
- Collection and Disclosure of Personal Information Procedure
- Operational processes and forms

The operational processes and forms have been developed based on the principles within the suite of documents that make up the Framework and will be communicated to staff following the adoption of the updated documents, being the Privacy Management Plan and Access to Information Policy.

The Agency Information Guide was subject of a report to the November 2019 Ordinary Meeting of the Council for endorsement of the reviewed guide to be released to the Information Commissioner for its review and comment and will be included in the Framework.

**Report:****1. The Privacy Management Plan**

In accordance with the Section 33 of the *Privacy and Personal Information Protection Act 1998* (the PPIP Act), Council must prepare and implement a privacy management plan. The Act states:

- (1) Each public sector agency must prepare and implement a privacy management plan within 12 months of the commencement of this section.*
- (2) The privacy management plan of a public sector agency must include provisions relating to the following:*
  - (a) the devising of policies and practices to ensure compliance by the agency with the requirements of this Act or the Health Records and Information Privacy Act 2002, if applicable,*
  - (b) the dissemination of those policies and practices to persons within the agency,*
  - (c) the procedures that the agency proposes to provide in relation to internal review under Part 5,*
  - (d) such other matters as are considered relevant by the agency in relation to privacy and the protection of personal information held by the agency.*
- (4) An agency may amend its privacy management plan from time to time.*
- (5) An agency must provide a copy of its privacy management plan to the Privacy Commissioner as soon as practicable after it is prepared and whenever the plan is amended.*
- (6) The regulations may make provision for or with respect to privacy management plans, including exempting certain public sector agencies (or classes of agencies) from the requirements of this section.*

The *Model Privacy Management Plan for Broken Hill City Council* adopted by Council on 22 May 2013, has undergone a review. The new draft Privacy Management Plan is structured based on the Model Privacy Management Plan for Local Government January 2013 which is issued by the Premier & Cabinet, Division of Local Government. (Council should note that the Model of 2013 is still current). The Plan incorporates Council's current structure, reporting lines, plans, policies and procedures.

The "Guide to Making Privacy Management Plans" issued by the Information and Privacy Commission NSW, states that "an agency may amend its plan from time to time". The Privacy Commissioner also recommends that this plan be reviewed at other times such as when Council's functions, structure or activities change or when technological advances or new systems changes the way Council manages personal or health information.

The new draft Privacy Management Plan is designed to provide information to Council staff on their obligations in relation to handling personal information and when they can and cannot disclose, use and collect personal information.

The new draft Privacy Management Plan provides information to the community about how their personal information will be used, stored and accessed after it is collected by Council.

It is recommended that the new draft Privacy Management Plan be placed on public exhibition for comment prior to being adopted by Council.

The new draft Privacy Management Plan will be available on Council's website and will supersede the Model Privacy Management Plan (2013).

A copy of the reviewed adopted Privacy Management Plan must be provided to the Privacy Commissioner, following adoption by Council.

**2. Access to Information Policy**

*Government Information (Public Access) Act 2009* No 52, Part 2, Division 3, Section 16

**Agencies to provide advice and assistance**

- (1) *An agency must provide advice and assistance to a person who requests or proposes to request access to government information, for the purpose of assisting the person to access, or seek access to, information that is or may be made publicly available.*
- (2) *An agency must provide the following specific advice and assistance to a person who requests access to government information:*
  - (a) *advice as to whether or not the information is publicly available from the agency and (if it is) how the information can be accessed,*
  - (b) *advice on how to make an access application for the information if the information is not publicly available from the agency but appears likely to be held by the agency,*
  - (c) *if the information appears unlikely to be held by the agency but appears likely to relate to the functions of some other agency, the contact details of the other agency,*
  - (d) *the contact details of the Information Commissioner and advice on the availability of and how to access any information published by the Information Commissioner that it appears may be relevant to the person's request.*
- (3) *An agency is only required to provide advice and assistance under this section that it would be reasonable to expect the agency to provide.*

Council adopted the Access to Information Policy on 22 May 2013. This policy has now undergone a review to ensure consistency with all components of the Framework.

It is recommended that the new draft Access to Information Policy be placed on public exhibition for comment prior to being adopted by Council.

Following adoption by Council, the Access to Information Policy will be available on Council's website and will supersede the Access to Information Policy (2013). The 2013 policy included an attached Appendix "Guidelines for Information Access", which will be superseded and replaced by a new Access to Information Procedure.

The Access to Information Policy will be reviewed again following the 2020 Local Government Elections, unless there are legislative changes that occur before this time.

#### **Strategic Direction:**

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate its legal framework

#### **Relevant Legislation:**

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

#### **Financial Implications:**

Failure to implement privacy policy, guidelines, and processes could lead to a breach of any privacy laws and regulation and this could result in financial implications from legal action taken against Council.

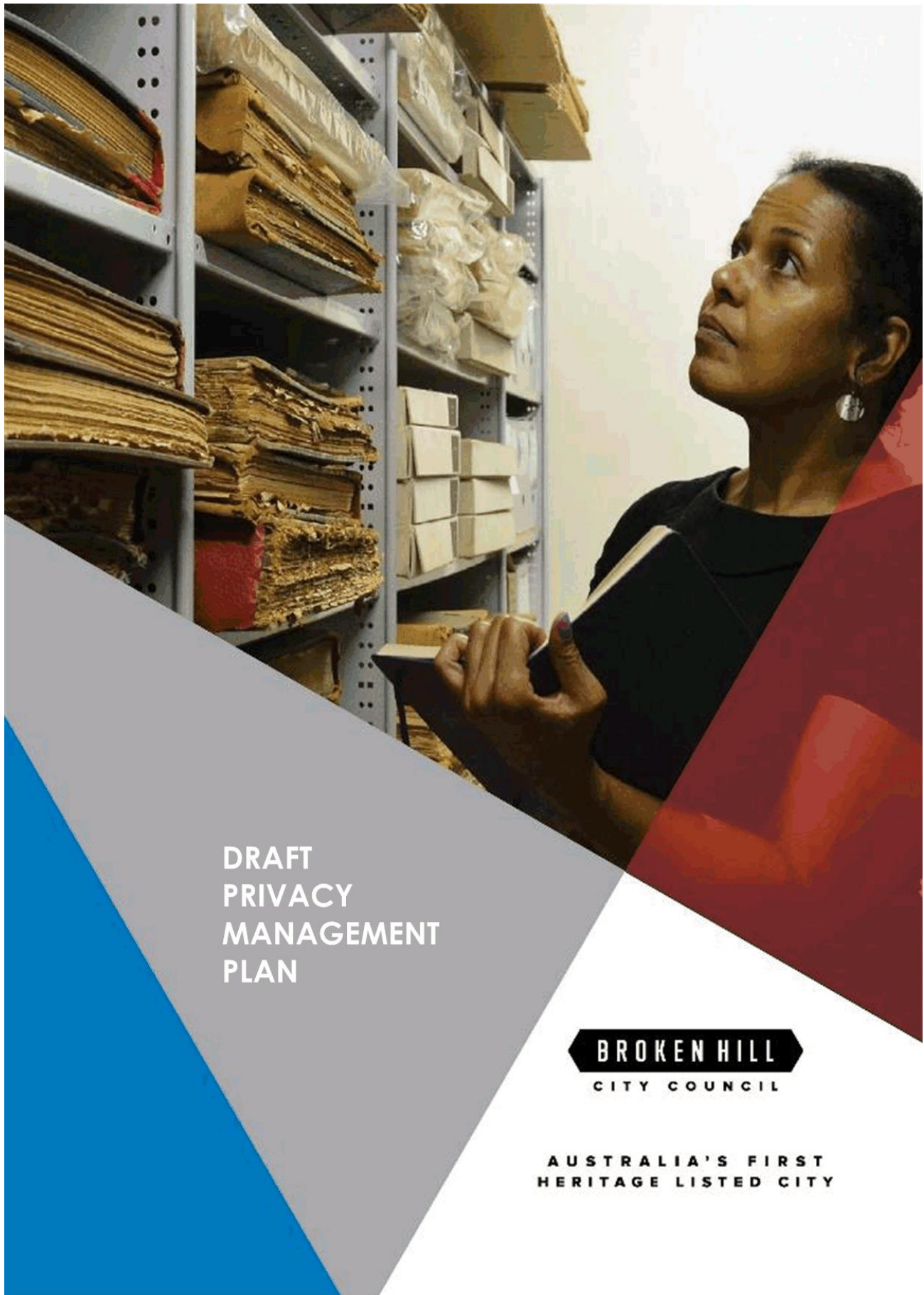
**Attachments**

1. [!\[\]\(687b6c142f51ac6f390f8bd444e38d03\_img.jpg\)](#) Draft Privacy Management Plan
2. [!\[\]\(861b7aaa71df51b93037a486c3b17630\_img.jpg\)](#) Draft Access to Information Policy

RAZIJA NU'MAN  
DIRECTOR CORPORATE

JAMES RONCON  
GENERAL MANAGER





**DRAFT  
PRIVACY  
MANAGEMENT  
PLAN**

**BROKEN HILL**  
CITY COUNCIL

**AUSTRALIA'S FIRST  
HERITAGE LISTED CITY**



QUALITY CONTROL		
EDRMS REFERENCE	D19/56404 – 11/371	
KEY DIRECTION	4 Our Leadership	
OBJECTIVE	4.1 Openness and transparency in decision making	
FUNCTION	Corporate Support	
STRATEGY	4.1.1 Support the organisation to operate its legal framework	
RESPONSIBLE OFFICER	Director Corporate	
REVIEW DATE	July 2020	
DATE	ACTION	MINUTE No
August 2005	Adopted	41352
22 May 2013	Adopted	44333
NOTES	<p>Copies of all plans and policies mentioned in this document are available by visiting Council's website <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a></p> <p>This Plan has been developed in accordance with the Office of Local Government "Model Privacy Management Plan for Local Government" and the Information Privacy Commission guidelines.</p>	
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> <li>Local Government Act 1993 (LG Act)</li> <li>Privacy and Personal Information Protection Act 1998 (PPIPA)</li> <li>Health Records and Information Privacy Act 2002 (HRIPA)</li> <li>Government Information (Public Access) Act 2009 (GIPA Act)</li> <li>Government Information (Public Access) Regulation 2009 (GIPA Regulation)</li> <li>State Records Act 1993</li> </ul>	
ASSOCIATED COUNCIL POLICIES	<ul style="list-style-type: none"> <li>Access to Information Policy</li> </ul>	
ASSOCIATED DOCUMENTS	<ul style="list-style-type: none"> <li>Privacy Management Framework</li> <li>Agency Information Guide</li> <li>Access to Information Procedure</li> <li>Collection and Disclosure of Personal Information Procedure</li> <li>Code of Conduct</li> </ul>	

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## **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* (LG Act) 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 Privacy Code of Practice for Local Government.

Nothing in this Plan is to:

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

Section 4A of the PIPA 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 PIPA'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 PIPA (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 the 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 PIPA. Council's decision to publish in this way must be in accordance with the PIPA.

### **1.3 Application of this Plan**

The PIPA, 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 LG Act).

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

### **1.4 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
- development applications and objections; and
- various types of health information (see page 29 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).

#### **1.5 Applications for Suppression in Relation to General Information (Not Public Registers)**

Under Section 739 of the LG Act 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 LG Act 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.

#### **1.6 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.

## **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 LG Act: \*\*\*

- 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 and 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 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.

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 LG 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 LG Act.

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 LG Act) 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 4.58 – Register of consents and certificates – 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 10.7 – Planning 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 and 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 LG Act 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 LG Act.

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.

## **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 LG Act governs Council's major obligations and functions.

Section 22 of the LG Act 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 LG Act may also be modified by the provisions of other Acts. Some of those Acts are as follows:

- *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, 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 are as follows:

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 PIPA 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 PIPA 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 PIPA 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 PIPA 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 PIPA.
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 LG Act;
- 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 PIPA 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 are as follows:

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 PIPA, Information Protection Principle 6 is subject to any applicable conditions or limitations contained in the 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. Relevant forms can be obtained through Council's web page.

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 PIPA 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 PIPA 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 PIPA permits non-compliance with Information Protection Principle 6 where non-compliance is 'necessarily implied' or 'reasonably contemplated' under any Act or law.

#### Reporting matters

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 PIPA 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 PIPA 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 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. Relevant forms can be found on Council's web page.

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 PIPA, 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 LG Act 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, <sup>(1)</sup> \_\_\_\_\_ <sup>(1) insert full name</sup>  
of <sup>(2)</sup> \_\_\_\_\_ <sup>(2) insert address</sup>  
hereby consent under Section 17(a) of the *Privacy and Personal  
Information Protection Act 1998* to <sup>(3)</sup> \_\_\_\_\_ <sup>(3) insert Council name</sup>  
\_\_\_\_\_ using the information collected from me by <sup>(4)</sup> \_\_\_\_\_ <sup>(4) insert name of  
collecting body/person</sup>  
\_\_\_\_\_ for the purpose of <sup>(5)</sup> \_\_\_\_\_ <sup>(5) insert purpose(s) info  
was collected for</sup>  
\_\_\_\_\_  
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 PIPA 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 PIPA 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 PIPA 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 PIPA 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 PIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (for example, 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.

### **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 PIPA 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 PIPA 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 PIPA 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 PIPA 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 PIPA 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 PIPA 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 or sexual activities unless the disclosure is necessary to prevent a serious and imminent threat to the life or health of the individual concerned or another person.*
- (2) *A public sector agency that holds personal information about an individual 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) *the public sector agency 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 information protection principles, or*
  - (b) *the individual expressly consents to the disclosure, or*
  - (c) *the disclosure is necessary for the performance of a contract between the individual and the public sector agency, or for the implementation of pre-contractual measures taken in response to the individual's request, or*
  - (d) *the disclosure is necessary for the conclusion or performance of a contract concluded in the interest of the individual between the public sector agency and a third party, or*
  - (e) *all of the following apply:*
    - (i) *the disclosure is for the benefit of the individual,*

- (ii) *it is impracticable to obtain the consent of the individual to that disclosure,*
- (iii) *if it were practicable to obtain such consent, the individual would be likely to give it, or*
- (f) *the disclosure is reasonably believed by the public sector agency to be necessary to lessen or prevent a serious and imminent threat to the life, health or safety of the individual or another person, or*
- (g) *the public sector agency has taken reasonable steps to ensure that the information that it has disclosed will not be held, used or disclosed by the recipient of the information inconsistently with the information protection principles, or*
- (h) *the disclosure is permitted or required by an Act (including an Act of the Commonwealth) or any other law*

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 PIPA 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.

## **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 immunisation 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 transferal of health information and the linkage to health records across more than one organisation.

#### **4.1 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.

#### **4.2 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.

#### **4.3 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.

#### **4.4 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).

#### **4.5 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).

**4.6 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).*

**4.7 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).*



#### **4.8 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 date, 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).*

#### **4.9 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).

#### **4.10 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'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 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).

**4.11 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:
    - (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 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:
    - (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) 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).

**4.12 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 underlaw.*
- (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).

**4.13 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).

**4.14 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.

**4.15 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).

## **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. This is the case for Broken Hill City Council.

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.

## **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.

## **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 LG Act 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 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.

**BROKEN HILL**

CITY COUNCIL

[www.brokenhill.nsw.gov.au](http://www.brokenhill.nsw.gov.au)

## DRAFT ACCESS TO INFORMATION POLICY

QUALITY CONTROL		
EDRMS REFERENCES	D12/11825 – 12/14	
RESPONSIBLE POSITION	Director Corporate	
APPROVED BY	Council	
REVIEW DATE	February 2020	REVISION NUMBER 3
EFFECTIVE DATE	ACTION	MINUTE NUMBER
11 April 2006	Adopted	41743
15 December 2010	Adopted	42645

### INTRODUCTION

The purpose of this policy is to describe Council's principles regarding public access to information and to facilitate the processing of requests for such access. This policy is to be read in conjunction with Council's Agency Information Guide and Access to Information Procedure.

The policy reflects Council's commitment to open and transparent government by setting out how it intends to meet the requirements of legislation.

### 1. POLICY OBJECTIVE

- 1.1.1. To provide the public with a transparent process to access documents and information held by Council;
- 1.1.2. To provide direction to Council staff in managing and providing documents and information to the public having regard to the legislative framework;
- 1.1.3 To ensure applicants are advised of exemptions to access and the public interest considerations in determining requests for access to documents and information.

### 2. POLICY SCOPE

This policy applies to the provision of access to information held by Council under the terms of the *Government Information (Public Access) Act 2009*.

Council is committed to being an open and accessible organisation. Managing and providing documents and information to the public is a complex issue; having regard to the public interest and the obligations imposed upon Council by a range of legislation relating to privacy and access to Council information.

### **3. POLICY STATEMENT**

#### **3.1 LEGISLATIVE CONTEXT**

- 3.1.1** Public access documents and information held by Council is facilitated by the GIPA Act, GIPA Regulation and the *Local Government Act 1993*, subject to certain restrictions as set out in the Acts and Regulation.
- 3.1.2** Council is required to comply with the Information Protection Principles prescribed by the *Privacy and Personal Information Protection Act 1998* and Council's Privacy Management Plan relating to the management of personal information held by Council.
- 3.1.3** The GIPA Act and the GIPA Regulation provide rights of access to certain documents held by Council unless there is an overriding public interest not to do so.
- 3.1.4** The *Local Government Act 1993* contains provisions that confer rights of access on members of the public information and documents.
- 3.1.5** The *Copyright Act 1968 (Cth)* governs the copying of information and contains provisions which confer exclusive rights to copyright owners which have the effect of prohibiting publication of copyright material on websites or provision of copies unless the copyright owner has expressly consented.
- 3.1.6** The *Environmental Planning and Assessment Act 1979* (EPA Act) contains provisions which require Council to make development applications and accompanying information, including plans, publicly available, and provides a right for people to inspect and make copies of the plans during the submission period.
- 3.1.7** The *Environmental Planning and Assessment Regulation 2000* provides that councils and other persons using the development application plans and documents in accordance with the EPA Act are entitled to claim an indemnity from the person who applied for the development application to cover costs they incur arising from claims they have infringed copyright in the plans and the development application, where these materials were being used in accordance with the EPA Act. Other forms of legislation or documents which have an impact upon access to documents include:
- Privacy Code of Practice for Local Government
  - Privacy Management Plan
  - *Privacy and Personal Information Protection Act 1998*
  - *Health Records and Information Privacy Act 2002*
  - *State Records Act 1998*

#### **3.2 PRINCIPLES**

- 3.2.1** Council will make available, upon application, any record of the Council for viewing by any person at the Administration Centre, during normal business hours, subject to the GIPA Act and Regulation. Council may also, in its discretion, agree to provide copies of documents containing government information.
- 3.2.2** Information accessible under this policy includes any record of government information stored in a physical (paper) file or as a document, email/web request, customer request, map, plan, drawing or photograph in council's electronic document management system (EDRMS).
- 3.2.3** Council is not obliged to provide access to documents or government information that are not in Council's possession or control.



- 3.2.4** Some documents may not be able to be provided unless with the consent of a third party.
- 3.2.5** To comply with Council's obligations under copyright laws, and unless copyright clearance has been obtained, generally no copied of documents subject to copyright will be provided or permitted to be taken and applicants will only be allowed to access those documents by viewing them.
- 3.2.6** To comply with Council's obligations under the *Privacy and Personal Information Protection Act 1998* and GIPA Act, documents that contain the personal information of third parties or other sensitive information may have this information redacted.
- 3.2.7** Some documents can be inspected without any formal application. These include agendas and minutes of open Council and Committee meetings, policy documents, the Annual Report, publicly exhibited development applications and associated documents, other publicly exhibited items, and, subject to the Privacy Management Plan, Council's public registers. Most of these documents are available online at Council's website.
- 3.2.8** If Council considers it to be in the public interest, formal access applications will be published in a disclosure log on Council's website in accordance with the GIPA Act and Regulation.

#### **4. IMPLEMENTATION**

##### **4.1 Roles and Responsibilities**

The Public Officer is responsible for assisting the public to gain access to Council's public documents.

All staff and elected representatives have responsibilities under the *State Records Act 1998* as detailed in the Records Management Policy.

##### **4.2 Communication**

This policy will be communicated to the community and staff in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper process. Following adoption by Council, the Policy will be made available on Council's website.

##### **4.3 Associated Documents**

The following documentation is to be read in conjunction with this policy:

- Privacy Management Framework
- Privacy Management Plan
- Agency Information Guide
- Access to Information Procedure
- Collection and Disclosure of Personal Information Procedure
- Informal and Open Access Application Form
- Formal Access Application Form

#### **5. REVIEW**

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be within each term of Council following the Local Government Elections, or as required to ensure that it meets legislation requirements and the needs of the community and Council. The responsible Council officer will be notified of the review requirements three months prior to the expiry of this policy.

The Director Corporate is responsible for the review of this policy.

#### **6. LEGISLATIVE AND LEGAL FRAMEWORK**

This policy is to be read in conjunction with the following:

- *Local Government Act 1993*
- *Government Information (Public Access) Act 2009*
- *Government Information (Public Access) Regulation 2009*
- *Privacy and Personal Information Protection Act 1998*
- *Health Records and Information Privacy Act 2002*
- *State Records Act 1996*
- *Local Government Act 1993*
- *Environmental Planning and Assessment (EPA) Act 1979*
- *Companion Animals Act 1998*

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Access to Information. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

#### **7 DEFINITIONS**

**"Access application" shall mean** an application for access to government information under Part 4 of the GIPA that is a valid access application under that Part.

**"Customer request" shall mean** a log used to record information in Council's system which may have been received from a telephone call, an in-person request or in any other form where a 'true' document does not exist.

**"Document" shall mean** any instrument such as a letter, facsimile, memorandum, form, report, policy, certificate and the like.

**"GIPA Act" shall mean** *Government Information (Public Access) Act 2009*

**"GIPA Regulation" shall mean** *Government Information (Public Access) Regulation 2009*

**"Redacted" shall mean** having had personal or sensitive information removed.

ORDINARY MEETING OF THE COUNCIL

November 22, 2019

**ITEM 3**

BROKEN HILL CITY COUNCIL REPORT NO. 208/19

SUBJECT: DRAFT BROKEN HILL REGIONAL ART GALLERY POLICIES FOR  
PUBLIC EXHIBITION 12/14

**Recommendation**

1. That Broken Hill City Council Report No. 208/19 dated December 2, 2019 be received.
2. That Council endorses the draft Broken Hill Regional Art Gallery Exhibition Policy and draft Broken Hill Regional Art Gallery Collection Management Policy for the purpose of public exhibition.
3. That Council publicly exhibits the draft Broken Hill Regional Art Gallery Exhibition Policy and the Broken Hill Regional Art Gallery Collection Management Policy and accepts submissions from the public for a period of 28 days.
4. That Council receives a further report at the conclusion of this exhibition, detailing submissions and any recommended changes arising, with a view to adopting the draft Broken Hill Regional Art Gallery Exhibition Policy and the Broken Hill Regional Art Gallery Collection Management Policy, as Policies of Council.

**Executive Summary:**

This report presents drafts of the Broken Hill Regional Art Gallery Exhibition Policy and the Broken Hill Regional Art Gallery Collection Management Policy, for Council's consideration and subsequent public exhibition.

Both drafts were presented to the Art Gallery Advisory Committee and are recommended to Council for public exhibition and submissions.

**Report:**

The Art Gallery Advisory Committee was consulted in the development of the draft Broken Hill Regional Art Gallery Exhibition Policy and draft Broken Hill Regional Art Gallery Collection Management Policy. Minor additions and amendments were made and were approved by the Gallery and Museum Manager for final presentation to Council.

Both policies will replace all existing policies pertaining to the Broken Hill Regional Art Gallery as the new policies have combined all necessary information and align with best industry practice for Galleries and Museums.

The following Policies will be superseded following the exhibition period and upon final resolution by Council:

Broken Hill Regional Art Gallery Acquisitions Policy – May 2008  
 Broken Hill Regional Art Gallery Appraisals Policy – May 2008  
 Broken Hill Regional Art Gallery Donations and Gifts Policy – May 2008  
 Broken Hill Regional Art Gallery Loan of Art Works to Council – May 2008  
 Broken Hill Regional Art Gallery Loan of Works to External Locations – May 2008  
 Broken Hill Regional Art Gallery Reporting Procedures Policy – May 2008

It is recommended that Council publicly exhibits the draft Broken Hill Regional Art Gallery Exhibition Policy and the Broken Hill Regional Art Gallery Collection Management Policy and accepts submissions from the public for a period of 28 days.

#### Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate its legal framework

#### Relevant Legislation:

*Local Government Act 1993,*  
*Local Government (General) Regulation 2005*

#### Financial Implications:

Nil

#### Attachments

1. [↓](#) Draft Broken Hill Regional Art Gallery Collection Management Policy
2. [↓](#) Draft Broken Hill Regional Art Gallery Exhibition Policy

RAZIJA NU'MAN  
DIRECTOR CORPORATE

JAMES RONCON  
GENERAL MANAGER

## BROKEN HILL REGIONAL ART GALLERY COLLECTION MANAGEMENT POLICY

QUALITY CONTROL	
TRIM REFERENCES	<Enter TRIM Container and Document Numbers>
RESPONSIBLE POSITION	Gallery and Museum Manager
APPROVED BY	
REVIEW DATE	
REVISION NUMBER	

### 1. INTRODUCTION

This document is a statement of policy for the development and management of the Broken Hill Regional Art Gallery (BHRAG) Collection and supports BHRAG's mission:

- to develop and maintain a visual art collection of local, state and national significance, with an emphasis on artists who have an important connection to Broken Hill and the Far West Region of NSW; and
- to collect and commission selectively works of art that contribute to BHRAG's exhibition program, enhance the building and grounds and foster an understanding, enjoyment and appreciation of the visual arts among the community.

### 2. POLICY OBJECTIVE

The Broken Hill Regional Art Gallery Collection Management Policy demonstrates Council's commitment to the enjoyment, study, patronage and advancement of the visual arts and the preservation and documentation of art relating to the Broken Hill and wider region for future generations. The policy objective is to ensure a suitable and appropriate framework is in place for the collecting activities and collection management of BHRAG. To detail the guidelines and processes for the acquisition, management and deaccessioning of all artworks for the Broken Hill Regional Art Gallery.

### 3. POLICY SCOPE

The BHRAG Collection is the official art collection of Broken Hill City Council and the works of the Collection fall under the direct care and control of Broken Hill Regional Art Gallery.

The Broken Hill Regional Art Gallery Collection Policy is applicable to the Broken Hill Regional Art Gallery Collection only. It does not apply to other cultural materials collected by Council including local studies/archives/museum items or general decorative items or artworks owned, managed and displayed by other organisational units of Broken Hill City Council. This policy is also separate to Council's Acquisition of Cultural Heritage Objects Policy.

#### **4. POLICY STATEMENT**

The BHRAG Art Collection is primarily based on the following objectives to:

- Develop and maintain a visual art collection of local, state and national significance and repute that reflects the cultural aspirations of Broken Hill Regional Art Gallery and its expressed objectives, goals and policies.
- To ensure an appropriate, industry-standard collection management framework is in place and that the BHRAG Collection is managed in an ethical, responsible and accountable manner.
- To provide guidelines for collection management processes including acquisition, cataloguing, deaccessioning and storage of artworks.
- To ensure rigorous, accountable and transparent standards are applied in the research, consideration, assessment and negotiation of acquisitions and that acquisitions are considered and approved in accordance with established delegated authority.
- To enable the BHRAG Collection to be preserved and protected as far as possible from damage resulting from adverse environmental conditions, the passage of time and/or individual human whim.
- To protect the Gallery from directly or indirectly validating, endorsing or providing an incentive to the illegal or unethical trade in cultural material.

#### **5. GUIDELINES FOR ACQUISITION**

##### **5.1 Types of artwork collected**

- Drawings, Paintings and Prints
- Sculptures
- Textile and Fibre Art
- Decorative Arts, including Ceramics
- Photographs
- Multi-media (new media) works
- Mixed media works

##### **5.2 Time period**

Both historical and contemporary artworks shall be collected.

##### **5.3 Region**

The BHRAG collection is not strictly limited by geographical region, however wherever possible the Gallery shall acquire works of excellence that relate to the culture and heritage of Broken Hill, surrounding districts and/or inland Australia.

##### **5.4 Legal Title**

The BHRAG shall not acquire any item, unless valid title can be acquired for that item.

##### **5.5 Conditional Acquisitions**

As a general rule, the Gallery does not accept acquisitions that carry restrictions or conditions and donors and sellers of works of art are expected to relinquish all proprietary rights to the work other than copyright.

## **6. METHODS OF ACQUISITION**

Artworks shall be acquired through the following methods:

- Donation (including gifts, bequests and donation through Cultural Gifts Program);
- Purchase (including Commissions);
- Acquisition of the winner of the Pro Hart Outback Art Prize; or
- Any other transaction by which legal title to an artwork passes to BHRAG.

## **7. ACQUISITION APPROVAL GUIDELINES**

Offers of donations, bequests or loans do not warrant automatic inclusion into the BHRAG Collection.

The Gallery and Museum Manager will present an Acquisition Assessment for all works of art proposed for acquisition (with the exception of the Pro Hart Outback Art Prize acquisition), to the Art Gallery Advisory Committee for consideration.

The Gallery and Museum Manager in conjunction with the Committee and/or professional arts consultant/s shall assess all Acquisition Proposals and make considered recommendations to accept or refuse artworks. Proposed acquisitions will be assessed on their merit taking into account BHRAG's objectives and the Acquisition Selection Criteria outlined in this document.

Recommendations for acquisitions to the Collection shall be approved by the Gallery and Museum Manager who has delegated authority to approve Acquisitions within established delegation limits.

All proposed Acquisitions with a purchase price over the Gallery and Museum Manager's delegation must be approved by the General Manager (with the exception of the Pro Hart Outback Art Prize acquisition).

Prior to the decision being made with respect to a proposed acquisition either by the Gallery and Museum Manager or the General Manager, as the case may be, a formal minute of the Advisory Committee's recommendation, signed by the Chair of the Committee, shall accompany the recommendation and decision papers, thereby becoming a formal part of the record.

Applications under the Cultural Gifts Program of the Commonwealth Government will be reviewed by the Gallery and Museum Manager in consultation with the Art Gallery Advisory Committee, who will reserve the right to seek the advice of professional arts consultants in assessing the significance and value of proposed donations.

Conflicts of Interest – members of the Art Gallery Advisory Committee must declare any conflict of interest in a potential acquisition and this conflict must be minuted and actively managed within Council's Code of Conduct Policy.

## **8. ACQUISITION SELECTION CRITERIA**

The Broken Hill Regional Art Gallery shall aim to acquire works that meet the following criteria:

### **8.1 Artistic merit and reputation**

- The artist is an exemplary, prominent, influential and/or renowned Australian artist and acquisition of the artwork will enhance the overall quality of the Collection.
- The work is of outstanding artistic merit and rates highly in terms of aesthetic, cultural, spiritual and/or historical significance.
- The artwork rates highly in terms of national, state or regional significance.

### **8.2 Linkage to existing collection**

The proposed acquisition would strengthen the Collection by:

- Adding to major existing areas of representation, thus enabling the Gallery to expand upon a theme or to interpret the development of an artist's career or skills; or
- Addressing areas currently under-represented in the Collection.

### **8.3 Interpretive potential**

Does the artwork offer opportunities to interpret a variety of themes and therefore contribute to a range of exhibitions and public programmes?

### **8.4 Connection to geographic region**

Wherever possible the Gallery shall collect works of excellence that relate to the culture and heritage of Broken Hill, the surrounding districts and inland Australia.

The Gallery shall collect works by local artists whose works reflect a commitment to the development of their skills and talents.

### **8.5 Aboriginal artworks**

The proposed acquisition would:

- Contribute to the diversity of the Gallery's Aboriginal collection; or
- Reflect the cultural development of Aboriginal art in the Far West Region.

Note: Some Aboriginal and Torres Strait Islander art is sacred and restricted. The Gallery will only collect works intended for public display or approved for display in consultation with appropriate Aboriginal groups.

### **8.6 Legal Title**

As a general principle, the Gallery will not acquire a work of art through any means or methods, unless it can acquire clear and valid transfer of ownership documentation.

### **8.7 Provenance and authenticity**

Is documentation available to confirm ownership, authenticity and provenance of the artwork? To safeguard the integrity of the Collection it is critical that, prior to acquiring an artwork, due diligence is undertaken in researching and ascertaining its ownership, provenance and authenticity.

In addition, every effort should be made to acquire reference resources and significant material relating to artworks to support research into the collection and potential future exhibitions.

### **8.8 Condition, size and ongoing care**

- What is the size of the artwork? Could it put undue strain on BHRAG's current and future storage and exhibition resources?
- What is the condition of the artwork? Will it require extensive and/or expensive conservation work prior to display and/or ongoing conservation maintenance?
- Would the artwork pose any issues in relation to workplace health and safety?

## **9. OUTWARD AND INWARD LOANS**

- The Gallery will enter into Inward or Outward Loans for a fixed period only, which will be agreed between all parties and which can be extended by mutual agreement.
- The Gallery and Museum Manager will approve all Inward and Outward Loans.
- No object will be Loaned by the Gallery unless the safety of the object is assured and adequate security, environmental conditions and standards of care are evident.



- For both Inward and Outward Loans, it is expected that the Borrower will exercise the same standard of care for borrowed works of art as it does for its own collection in accordance with established procedures and professional gallery standards.
- Outward Loans are subject to the borrower agreeing to the conditions specified in the Broken Hill Regional Art Gallery Outward Loan Agreement.
- All costs associated with Outward Loans will be the responsibility of the borrower. These costs will include transport and insurance.
- The Gallery will endeavour to accommodate Outward Loan requests, however reserves the right to locate works in the Collection where deemed appropriate.
- Inward Loans are temporary transfers of external collection items to the Gallery for the purposes of display. They can consist of items borrowed from:
  - Individuals;
  - community groups or; and
  - other institutions.
- The Gallery will only borrow works of art where it is confident that:
  - a) the Lender is reputable;
  - b) the Owner(s) hold valid Title to the work;
  - c) where the Lender is not the sole Owner, the Lender has the legal authority to enter into the Loan either:
    - i. on behalf of the Owner and/or co-Owners as an agent or representative; or
    - ii. as the party who would reasonably be expected to have possession, custody or control of the work of art for the period of the Loan, were that arrangement not in place.
- Generally, works of art in the private collections of Gallery staff will not be accepted for inward loan.

## **10. DEACCESSIONING AND DISPOSAL**

To maintain and safeguard standards and to refine and improve the Collection, BHRAG is committed to periodic reviews to assess items that could potentially be deaccessioned. Deaccessioning is the process of de-registering an item from a collection for clearly stated reasons and disposing of it in accordance with approved policies and procedures.

### **10.1 Deaccessioning criteria**

The Gallery will exercise care and caution in evaluating the merit of an artwork when it is considered for deaccession and disposal. Some of the reasons the Gallery will consider deaccession include:

- A collections policy has been developed or revised since the artwork was acquired and the collecting focus has consequently been refined or altered;
- The significance and aesthetic merit of the artwork falls substantially below the general level of the Collection;
- The artwork is a non-essential duplicate of a work already held in the Collection;
- The artwork has been lost or stolen;
- The artwork has been damaged or has deteriorated over time and the costs of conservation outweigh its value to the Collection;
- The artwork can no longer be suitably stored due to its size or special climate requirements;
- Repatriation of cultural material i.e. the object is to be returned to the Aboriginal, Torres Strait or other community group from which it came;
- The original owner/donor's relative has proven legal title to it; or

- The work is subject to legislation which prevents the Gallery displaying it or having title to it.

#### **10.2 Deaccessioning Authorities**

- The process of de-accessioning and disposal of an artwork is initiated and undertaken by the Gallery and Museum Manager.
- The Gallery and Museum Manager in consultation of the Art Gallery Advisory Committee will be responsible for proposing the disposal of art works from the Collection, as and when appropriate.
- Written approval of the General Manager must be obtained prior to deaccessioning/disposal of an artwork.
- Prior to the decision being made by the GM with respect to a de-accessioning or disposal from the Collection, a formal minute of the Advisory Committee's recommendation, signed by the Chair of the Committee, shall accompany the recommendation and decision papers, thereby becoming a formal part of the record.

#### **10.3 Disposal**

Disposal of an artwork shall be undertaken in a manner considered most appropriate to the Collection and to the future of the work. Works identified for disposal will be valued by a recognised valuer and offered for sale, exchange or donation, in the following priority order:

- a) to donor of the work (donation);
- b) to the artist of the work (donation);
- c) to another public gallery or collection (only public or non-profit institutions may receive the gift of a de-accessioned work);
- d) through an auction house; or
- e) destroying the material by physical destruction (if beyond preservation).

Any proceeds gained from the disposal of a work will be utilised solely for acquisition and the ongoing care and management of the Collection.

Every effort will be made to notify any living donor whose gift has been approved for deaccessioning prior to disposal.

No individual who is an employee of Council may receive deaccessioned material from the Collection.

#### **10.4 Records of Deaccessioned Artworks**

All records of deaccessioned artwork and the circumstances of its deaccessioning and disposal will be marked clearly and kept on file for future reference.

The Accession Number of a deaccessioned artwork shall not be re-used and their accession number not reused.

### **11. COLLECTION RECORD KEEPING**

The Collection shall be managed according to industry-standards and practices in relation to documentation and record-keeping procedures.

- A Collection Management System (CMS) shall be maintained as a central catalogue in which all relevant details of individual artworks are recorded including accession number, title, artist, photograph, description, and condition and provenance details.
- Paperwork shall be completed and retained in relation to all acquisitions including:
  - Deed of Gift, Cultural Gift or Deed of Purchase documents;
  - Acquisition Assessments;

- Condition Reports;
  - Statements of Significance; and
  - Legal paperwork relating to copyright and/or restrictions on use of artwork.
- Collection audits and condition reporting shall be undertaken by qualified staff at least once every four years.

## **12. COLLECTION DISPLAY, HANDLING AND STORAGE**

- The BHRAG Collection shall be conserved in accordance with accepted contemporary national practice and standards applicable to the safe and appropriate storage, management and handling of artworks.
- Gallery staff shall be given appropriate training in handling artworks.
- All preventative conservation measures shall be taken by those handling, storing and displaying artworks.
- Environmental conditions in artwork storage and display areas shall be monitored and managed according to industry standards, including temperature, humidity, light levels and pest control (See 15 Associated Documents).
- Artworks shall not be displayed in environmental conditions or for periods of time that will result in the deterioration of the artwork.
- Conservation works and treatments will only be performed by a qualified professional Conservator.
- Unless on display, all works of art will be stored in an environmentally controlled and secure Art Store.
- The BHRAG shall provide as secure an environment as possible for the storage, transportation and display of the Art Collection.

## **13. IMPLEMENTATION**

The Gallery and Museum Manager is primarily responsible for the implementation and the adherence to this policy.

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Art Gallery Collection Policy.

Gallery staff or Committee members purchasing work for their own private collections must ensure their interests do not conflict with the interests of BHRAG in the process of acquisition. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

## **14. COMMUNICATION**

This Policy will be communicated to the community and staff in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper process. Following adoption by Council the Policy will be made available on Council's website.

## **15. ASSOCIATED DOCUMENTS**

The following documentation is to be read in conjunction with this policy:

- Broken Hill Regional Art Gallery Exhibitions Policy (2019)
- Broken Hill Public Art Policy (2019)
- Australian Institute for Conservation of Cultural Materials (AICCM) Environmental Guidelines: <https://aiccm.org.au/about/who-we-are/advocacy/environmental-guidelines-australian-cultural-heritage-collections>
- National Standards for Australian Museums & Galleries (V1.5, 2016): [http://www.magsq.com.au/\\_dbase\\_upl/NSFAMG\\_v1.5\\_2016.pdf](http://www.magsq.com.au/_dbase_upl/NSFAMG_v1.5_2016.pdf)

## 16. REVIEW

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be within each term of Council following the Local Government Elections, or as required to ensure that it meets legislation requirements and the needs of the community and Council. The responsible Council officer will be notified of the review requirements three months prior to the expiry of this policy.

The Gallery and Museum Manager is responsible for the review of this policy.

## 17. LEGISLATIVE AND LEGAL FRAMEWORK

This policy is to be read in conjunction with the following:

- All relevant other legislation, including but not limited to the *Local Government Act 1993*.
- With any related legislation, planning controls, codes of practice, and relevant internal procedures.

## 18. DEFINITIONS

- **Art Gallery or the Gallery:** means Broken Hill Regional Art Gallery (BHRAG).
- **Accession:** the process of assigning a unique number to an artwork and recording all relevant details in a collection catalogue.
- **Acquisition:** the act of gaining physical possession of an artwork and of transferring title or ownership from the providing source to the Gallery.
- **Authentication:** to determine as a genuine product of a particular person, region or time.
- **Bequest:** the bestowal by will of privately-owned cultural items to the Gallery.
- **Cataloguing:** assigning an object to an established classification system and initiating a record of the nomenclature, provenance, number, and location of that object in the collection storage area.
- **Clear title:** legal ownership without restrictions or conditions.
- **Collection:** Cultural Material for which the BHRAG is the custodian.
- **The Committee:** The Art Gallery Advisory Committee endorsed by the Broken Hill City Council to advise on the ongoing activities of the BHRAG.
- **Conservation:** the processes for preserving and protecting objects from loss, decay, damage, or other forms of deterioration and of repairing.
- **Copyright:** statutory and automatic legal right to print, publish, perform, film or record material.
- **Cultural heritage:** a tradition, habit, skill, art form, or institution that is passed from one generation to the next.
- **Cultural property:** the material manifestation of the concepts, habits, skills, art, or institutions of a specific people in a defined period of time.
- **Deaccession/disposal:** the process of removing objects from a Gallery's collections.
- **Deed of gift:** a document with the signature of the donor transferring title of an object to a Gallery.
- **Deed of purchase:** a document with the signature of the owner transferring title of an object to a Gallery.
- **Interpretation:** the act or process of explaining or clarifying translating or presenting a personal understanding about an object.
- **Inventory:** an itemised list of the objects included in a Gallery's collection.

- **Loans:** collection objects which have been or are intended to be transferred temporarily to a stated destination outside the Gallery (outward loans), or, alternatively, objects which have been or are intended to be transferred to the Gallery from elsewhere (inward loans). The transfers are undertaken for a stated purpose (for example, a temporary exhibition) and for a stated period of time and do not involve a change of ownership.
- **Preventive conservation:** collection care to minimise conditions which may cause damage.
- **Provenance:** derivation or origin of an object.

## BROKEN HILL REGIONAL ART GALLERY EXHIBITIONS POLICY

QUALITY CONTROL	
TRIM REFERENCES	<Enter TRIM Container and Document Numbers>
RESPONSIBLE POSITION	Gallery and Museum Manager
APPROVED BY	
REVIEW DATE	REVISION NUMBER

### 1. INTRODUCTION

The fundamental role of the Broken Hill Regional Art Gallery (BHRAG) is to provide access to quality exhibition and cultural material. This policy sets out the principles the BHRAG will adopt and factors it will consider when developing and approving temporary, collection and touring exhibitions and the overall exhibition program.

### 2. POLICY OBJECTIVE

This Policy supports the Broken Hill City Council Community Strategic Plan. This Policy also supports BHRAG's purpose:

- **Mission:** To provide a dynamic cultural hub for Broken Hill and region through supporting arts practice and engagement with the arts and by inspiring, stimulating ideas and encouraging conversations.
- **Vision:** Being an influential contributor to the cultural life of Broken Hill and NSW through our collaboration with our partners and our communities to offer experiences that engage, challenge and inspire.

Exhibitions are developed to offer innovative, varied and engaging interpretations of a broad variety of visual art across a range of media and periods. Exhibitions are focused on fostering and encouraging access and engagement for diverse audiences. Throughout the development process, the integration of relevant, engaging and innovative display techniques, online content, exhibition collateral and materials, public engagement and education programming and touring opportunities will be considered.

BHRAG is committed to ensuring that all aspects of the development, planning, approval and management of exhibitions and the exhibition program are undertaken on terms that are ethical, accountable and sustainable. It is through the exhibition program that works of art will be experienced not only as discrete objects, but also as vehicles of more comprehensive and complex meanings within the context of the production, interpretation and experience of culture within the community.

BHRAG will develop a diverse range of activities so that the interaction between art, ideas, criticism and the production of new creative work becomes part of its institutional momentum.

### 3. POLICY SCOPE

Gallery exhibitions will vary in terms of focus, size, scope and audience. Exhibitions may comprise works in any medium in use as a means of artistic expression in the visual arts, including

film, video, performance, light and sound, laser and neon, computer and/or electronically based works. They may also encompass exhibitions comprising of other creative fields such as design, craft, fashion and architecture.

Exhibitions may be curated in-house, guest-curated or received from appropriate outside professionally curated sources. All exhibitions by local/regional artists will be selected, curated by Gallery staff. An exhibition may not only consist of works of art and/or craft but may include:

- Objects of material culture which may be relevant in providing a context for the exhibition;
- Support material including catalogues, information sheets, didactic panels and education kits;
- Public programs.

#### **4. POLICY STATEMENT**

The BHRAG artistic program is developed and implemented to allow access to visual and cultural material that exposes the methods and meaning of artistic practice and the issues of cultural identity and/or place. Usually, an emphasis will be given to exhibitions that relate to themes of community interest, the local environment, feature artistic excellence, developing local art practice; expand audience's engagement to contemporary art and celebrate cultural diversity and understanding. Primarily, the Art Gallery has a responsibility to its local and regional audiences, and this is considered to be the primary target of the BHRAG exhibition program.

Selected BHRAG gallery spaces will also be used for exhibition/display artworks drawn from the BHRAG Collection. The rationale for displaying works from the collection will be based on:

- The condition of the work for display;
- Featuring the depth and diversity of objects of the BHRAG collection;
- Improving the public's access to and understanding of the BHRAG Collection.

Overall, the following principles will guide BHRAG's exhibition approach and content. Exhibitions under the management of BHRAG will be selected in consideration of the following aims to:

- provide a cultural, educational and recreational resource for local residents and visitors;
- promote the City and region as a place of creativity with a diverse culture and heritage; to draw reference to and involve the people, place and history of Broken Hill and region; and the significance of the Gallery's history, collection and historic building. This includes providing access to the City art collection in unique and engaging ways.
- present contemporary visual arts and crafts practice relevant to the Art Gallery and its community through the creation and dissemination of new ideas and collaborating with living artists.
- embrace the philosophy of access for all and provide engaging, diverse and inspirational learning and recreational opportunities;
- recognise the diversity of opinion and beliefs within the community;
- encourage participation, enquiry and aspiration regarding the arts;
- seek to challenge, query and explore human activity, values, customs and systems within a non-judgemental context, while recognising public standards and expectations;
- bring new opportunities to the region from national and international sources;
- support professional artists in their pursuit to become recognised in their field both at a local, national and international level;
- foster the professional development of local artists through engagement with exhibition and public program opportunities and the development and presentation of their art

- promote the region as a place of creative endeavour and inspiration with a diverse culture and heritage;
- remain agile and responsive by creating opportunities/exhibitions that develop community connected and community created content around topical issues.

#### 4.1 Exhibition Proposals

Overall, The BHRAG artistic program is planned through an invited, application and curated process by the Gallery and Museum Manager and staff.

BHRAG will also consider exhibition proposals submitted by staff, artists, external curators, other galleries and other interested groups or individuals. Recognising that the Art Gallery advisory committee is constituted by members who have relevant expertise and relevant networks, the advisory committee can be a source of recommendations for exhibition proposals.

Exhibition proposals are reviewed and assessed by the Gallery and Museum Manager and staff in accordance with the Gallery's internal procedures and processes and approved by the Manager for inclusion in the exhibition program. Solo and group exhibitions are selected through an application process open to artists, arts collectives, and community groups of the Broken Hill LGA/Region. This application process is governed by the Broken Hill Regional Art Gallery Exhibition Proposal Guidelines. Applications will be advertised yearly by the Art Gallery.

Successful applicants will enter into a final agreement developed in partnership with the Art Gallery subject to possible modifications of dates, budget and public program or other details. In respect to all applications made through an Exhibition Proposal Application that the decision of Gallery staff is final.

#### 4.2 Selection Criteria

The following forms the basic criteria for decision-making in relation to exhibitions managed by BHRAG, however the final discretion for exhibition selection will be with the Gallery and Museum Manager.

- **Artistic integrity, quality and clarity:** The potential to uphold elements of artistic expression, for example, innovation, uniqueness, creativity, skill, value. Whether the standard of work and concept is appropriate to the nature of the proposed exhibition and whether they meet the standards of a professional public exhibition space. Ability to interpret the exhibition proposal and ascertain the feasibility of the proposal with an emphasis on articulation and legibility.
- **Source and cultural sensitivity:** Proven ability of the artist, curator or Touring Agent to develop and deliver exhibitions of a high standard. Whether the exhibition content and concepts fall within accepted industry guidelines relating to social and cultural interpretation.
- **Cost to the venue and resources:** Potential cost implications to the venue: e.g. additional insurance, hire fees, transport costs. Provision of additional resources, such as education kits, catalogues and interpretive information that would enable audiences to better understand and appreciate artworks on display.
- **Practicalities and environment:** Consideration of any practical difficulties in hosting exhibitions: access and installation, public safety, size and weight of work. Consideration of the proposal in relation to the exhibition environment including security, climate control, sound and lighting.
- **Program, relevance, appeal and links:** The relationship of exhibition content and concept to the overall program schedule. Relevance to the BHRAG Business Plan i.e. the exhibition program is informed by the vision, mission, goals and priorities set out in the current Strategic Plan. Applicability and interest to a stated audience. Our venue is utilised by a varied demographic and must therefore be accessible and relevant to the general public. Whether there are any City or regional links to the proposal and consideration of educational potential associated with workshops, seminars and artist talks.



- **Partnerships:** The exhibition program supports the development, expansion and strengthening of important partnerships and alliances with key regional/national/international galleries and touring organisations.

#### **4.3 Ethical Considerations**

The principle of best practice applies to all aspects of the Art Gallery's planning, programs and management including the adoption of industry codes of practice.

The Art Gallery acknowledges that it is unable to address all audiences at all times. However, it will attempt to present a balanced exhibition program which, over the life of the BHRAG Strategic Business Plan, will address a wide range of audiences.

Art Gallery staff will keep well-informed of prevailing community standards when selecting exhibitions and content.

The Art Gallery will enter into appropriate contracts with artists, agents, writers or lenders when seeking works for exhibition or publications.

Sponsorship, donations and other patronage will be actively sought and appreciated, but will not solely determine, compromise or hinder the professional commitments or public obligations of BHRAG.

BHRAG will maintain a consistent high standard of display in the presentation and interpretation of exhibitions, including display and directional signage, in accordance with current gallery standards and practices. Appropriate consideration will be given to visitor requirements in the placement, size and clarity of all signage and supporting material.

Where appropriate and feasible BHRAG will respect the installation and display requirements of artists, but in the case of disputes concerning installation and/or display the decision of the Gallery and Museum Manager shall be final.

### **5. IMPLEMENTATION**

#### **5.1 Roles and Responsibilities**

The following Council Officer is responsible for the implementation and the adherence to this policy:

- Gallery and Museum Manager

#### **5.2 Communication**

This Policy will be communicated to the community and staff in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper process. Following adoption by Council the Policy will be made available on Council's website.

#### **5.3 Associated Documents**

The following documentation is to be read in conjunction with this policy:

- Broken Hill Regional Art Gallery Collection Policy
- Broken Hill Regional Art Gallery Exhibition Proposal Guidelines
- Broken Hill Public Art Policy
- International Council of Museums, Code of Professional Ethics – [www.icom.museum](http://www.icom.museum)

### **6. REVIEW**

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines. The standard review period will be within each term of Council following the Local Government Elections, or as required to ensure that it meets

legislation requirements and the needs of the community and Council, in consultation with the Art Gallery Advisory committee.

The responsible Council officer will be notified of the review requirements three months prior to the expiry of this policy. The Gallery and Museum Manager is responsible for the review of this policy.

## **7. LEGISLATIVE AND LEGAL FRAMEWORK**

This policy is to be read in conjunction with the following:

- All relevant legislation, including but not limited to the *Local Government Act 1993*;
- The National Standards for Australian Museums and Galleries (2016);
- Council's code of conduct;
- Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Broken Hill Regional Art Gallery Exhibitions Policy. However, Gallery or Council staff will be permitted to participate, exhibit and enter prizes at the Gallery provided they follow the exhibition proposal guidelines and make an application. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

## **8. DEFINITIONS**

- **Art Gallery or The Gallery:** means Broken Hill Regional Art Gallery (BHRAG).
- **Exhibition program:** means the forward program and schedule of temporary, collection and touring exhibitions.
- **Collection exhibition:** means an exhibition of works of art that is largely drawn from the collection and may include incoming loans and/or commissions. A collection exhibition has a stated curatorial rationale and location and may or may not have a finite display period. Collection exhibitions are managed within established exhibition management frameworks and a specific project budget. Collection exhibitions may be accompanied by a publication, online content, performance elements and associated public engagement and education programs and other exhibition collateral.
- **Temporary exhibition:** means an exhibition of works of art that may include works drawn from the collection, incoming loans and/or commissions. A temporary exhibition has a defined curatorial rationale and a finite display period, title and location, and is managed within an established exhibition management framework and a specific project budget. Temporary exhibitions may also be accompanied by a publication, online content, performance elements and associated public engagement and education programs and other exhibition collateral.
- **Touring exhibition:** means an exhibition of work(s) of art that may include works drawn from the collection, incoming loans and/or commissions that the Gallery tours to other venues. A touring exhibition may originate as a temporary exhibition displayed in-house or may be developed from inception for the purpose of display at other venues. A touring exhibition has a defined curatorial rationale and title and is managed within an established exhibition management framework within a specific project budget and under contractual arrangements with the borrowing venue(s). Touring exhibitions comprising a single work are distinct from outgoing loans in that they have a distinct curatorial rationale, title and exhibition management framework and are displayed at multiple venues as part of a coordinated tour program rather than based upon isolated loan requests. Touring exhibitions may be accompanied by a publication, online content, performance elements and associated public engagement and education programs and other exhibition collateral.

ORDINARY MEETING OF THE COUNCIL

November 26, 2019

**ITEM 4**

BROKEN HILL CITY COUNCIL REPORT NO. 209/19

SUBJECT: DRAFT ENTERPRISE RISK MANAGEMENT POLICY AND  
FRAMEWORK REVIEW PROJECT REPORT 13/19

**Recommendation**

1. That Broken Hill City Council Report No. 209/19 dated November 26, 2019, be received.
2. That Council endorses the draft Enterprise Risk Management Policy for the purpose of public exhibition.
3. That Council publicly exhibits the draft Enterprise Risk Management Policy and accepts submissions from the public for a period of 28 days.
4. That Council receives a further report at the conclusion of this exhibition, detailing submissions and any recommended changes arising, with a view to adopting the draft Enterprise Risk Management Policy.

**Executive Summary:**

This report presents a draft Enterprise Risk Management Policy for Council's consideration and subsequent public exhibition.

Local councils in NSW are required to undertake their activities in accordance with the *Local Government Act 1993* Chapter 3, Section 8A – 8C and Part 4 s382 in relation to risk management.

In addition, the amendments to the Local Government Act made in 2016 requires each council in NSW to have a robust risk management policy and framework in place that accurately identifies and mitigates the risks facing the Council and its operations.

Council acknowledges that risk is inherent in its business activities and the pursuit of its objectives. Sound risk management is essential to ensure the achievement of its strategic objectives as outlined in its Community Strategic Plan.

Council is committed to incorporating risk management into critical processes and to managing risk consistent with AS/NZS ISO 31000:2009 Risk Management – Principles and guidelines; AS/NZS 4801:2001 Occupational Health & Safety Management Systems and AS/NZS ISO 14001:2015 Environmental Management Standards. Council recognises the social, economic and environmental importance of operating in a sustainable manner and continually improving performance.

This draft Enterprise Risk Management policy is focused on Council adopting a structured, consistent and holistic approach to the management of risk at all levels and for all business

activities through the integration of business, Work Health & Safety (WHS) and environmental risk management into a common policy and framework.

The Draft was also presented to Council's Audit, Risk and Improvement Committee on 18 November 2019 and received with no changes made.

## **Report:**

### **Enterprise Risk Management System Review Project and Policy**

Council's General Manager and Executive Leadership Team commissioned a complete review of Council's risk management system over the past 12 months where key elements have included;

- Desktop audit of current policy, framework and documentation.
- Review of local government industry best practice for risk management
- Review against "Risk Management Toolkit for NSW Public Sector" TPP 15-03 documents, guides and templates.
- Updated policy, framework and strategic risk register
- Strategic risk ownership and accountability established
- Updated Consequence and Likelihood Matrix
- Risk Tolerance Target levels established
- Risk Management Improvement Strategy established incorporating control effectiveness monitoring, KPI's, reporting and Audit program.

This draft Enterprise Risk Management policy provides the foundation for improvement in Council's current risk management systems, based on outcomes of the review carried out over the past 12 months.

The Draft was also presented to Council's Audit, Risk and Improvement Committee on 18 November 2019 and received with no changes made.

The policy focuses on Council adopting a structured, consistent and holistic approach to the management of risk at all levels and for all business activities through the integration of business, Work Health & Safety (WHS) and environmental risk management into a common policy and framework.

Council acknowledges that risk is inherent in its business activities and the pursuit of its objectives. Sound risk management is essential to ensure the achievement of its strategic objectives as outlined in its Community Strategic Plan.

Council will integrate a structured approach to the management of risk throughout the organisation in order to promote and demonstrate good corporate governance, to minimise loss and to maximise opportunities to improve service delivery.

Council is committed to incorporating risk management into critical processes and to managing risk consistent with AS/NZS ISO 31000:2009 Risk Management – Principles and guidelines; AS/NZS 4801:2001 Occupational Health & Safety Management Systems and AS/NZS ISO 14001:2015 Environmental Management Standards. Council recognises the

social, economic and environmental importance of operating in a sustainable manner and continually improving performance.

The principles of risk management require staff to undertaken due diligence and make informed decisions based on best available information concerning the level and cost of risk and opportunity in achieving Council's objectives and delivering cost-effective services and infrastructure.

In addition, an Enterprise Risk Management Framework and Improvement Strategy has been developed to ensure the policy and strategic direction set by Council is operationalised and embedded throughout the organisation, this includes:

- Continuous improvement of the Enterprise Risk Management framework
- Establish an effective control assurance program to measure the performance of key controls
- Provide an effective education and awareness program geared towards continual growth in risk maturity and a positive risk culture within the organisation.

### Conclusion:

Twelve month review and restructure program for Council's Enterprise Risk Management policy and associated documentation has assisted Council and senior management to position the organization to effectively and efficiently manage the broad spectrum of risks, both external and internal, that have the potential to impact the organisation's ability to achieve its strategic vision and objectives.

### Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate its legal framework

### Relevant Legislation:

*Local Government Act 1993* - Chapter 3, Sections 8A – 8C and Part 4 s382  
AS/NZS ISO 31000:2009 - Risk Management Principles and guidelines.

### Financial Implications:

Within operational budget.

### Attachments

1. [↓](#) BHCC - Draft Enterprise Risk Management Policy

RAZIJA NU'MAN  
DIRECTOR CORPORATE

JAMES RONCON  
GENERAL MANAGER

## ENTERPRISE RISK MANAGEMENT POLICY

QUALITY CONTROL			
TRIM REFERENCES	12/14 – XXXXXXXX		
RESPONSIBLE POSITION	General Manager		
APPROVED BY	Council		
REVIEW DATE	December 2021	REVISION NUMBER	X
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
XX/XX/2019	Adopted		

### 1. INTRODUCTION

This policy is intended to define Broken Hill City Council's objectives for, and commitment to, the effective management of risk across the organisation.

### 2. POLICY OBJECTIVE

Council will adopt a structured, consistent and holistic approach to the management of risk at all levels and for all business activities through the integration of business, Work Health & Safety (WHS) and environmental risk management into a common policy and framework.

Council is committed to incorporating risk management into critical processes and to managing risk consistent with AS/NZS ISO 31000:2009 Risk Management – Principles and guidelines; AS/NZS 4801:2001 Occupational Health & Safety Management Systems and AS/NZS ISO 14001:2015 Environmental Management Standards. Council recognises the social, economic and environmental importance of operating in a sustainable manner and continually improving performance.

The principles of risk management require staff to undertake due diligence and make informed decisions based on best available information concerning the level and cost of risk and opportunity in achieving Council's objectives and delivering cost-effective services and infrastructure.

### 3. POLICY SCOPE

This Policy applies to all employees, councillors, volunteers and contractors of Council.

### 4. POLICY STATEMENT

Council acknowledges that risk is inherent in its business activities and the pursuit of its objectives. Sound risk management is essential to ensure the achievement of its strategic objectives as outlined in its Community Strategic Plan.



Council will integrate a structured approach to the management of risk throughout the organisation in order to promote and demonstrate good corporate governance, to minimise loss and to maximise opportunities to improve service delivery.

Council will seek to comply with the principles of risk management as listed in AS/NZS ISO 31000:2009 Risk Management – Principles and guidelines, that is, risk management:

- creates and protects value
- is an integral part of organisational processes
- is part of decision making
- explicitly addresses uncertainty
- is systematic, structured and timely
- is based on the best available information
- is tailored
- takes human and cultural factors into account
- is transparent and inclusive
- is dynamic, iterative and responsive to change
- facilitates continual improvement of the organisation.

#### **4.1 Target Level of Risk – Risk Appetite**

In pursuing the achievement of its objectives and governance responsibilities, Council will accept a degree of risk commensurate with both the potential reward and with Council's role in the community. Our categories of risk and current risk target levels/appetite are;

- Council has a duty of care and obligation to its employees and the community, as such has no or low appetite for risks which may compromise the safety and wellbeing of staff, the community, contractors and volunteers.
- Council has no or low appetite for risks that cause significant and irreparable damage to the environment and seeks to preserve and enhance it for future generations.
- Council places great importance on compliance and has no or low appetite for any breaches in legal, regulatory and professional requirements.
- Council has little or low appetite for risks that may have a significant adverse impact on its long-term financial sustainability. However, Council encourages entrepreneurship and has a moderate appetite for risks arising from economic and property development opportunities.
- While mindful that reputation risk is inherent in our business activities, and whilst Council will take a cautious or moderate approach, it will not be constrained by reputation-related risk in pursuing innovation.
- Council has considerable appetite for improvements and innovation in service delivery, technology and the efficiency of our operations, as such has moderate appetite for risk in this area.

#### **4.2 Business Continuity**

Council is committed to developing business resilience and securing long term performance and sustainability of its operations. Business Continuity Management and planning is an integral part of good governance and an important element in Council's Risk Management Framework .

To minimise the risk to staff, protect property and guard Council's reputation from Business Interruption events that may have a noticeable and detrimental impact on operations and service delivery, Council will identify and manage risks to business continuity.

### **5. IMPLEMENTATION**

#### **5.1 Roles and Responsibilities**

The following Council officers have primarily responsibility for the implementation and the adherence to this policy:

- General Manager
- Director Corporate
- Corporate Risk Officer
- Workplace Health and Safety Officer

The Executive Leadership Team will monitor and review Council's risk management activities and performance.

Employees and workers are accountable for the identification and management of risks in their area of responsibility and for the escalation of these risks to their supervisor or manager.

Council will have independent oversight and monitoring of its Enterprise Risk Management Policy and Framework through an Audit, Risk and Improvement Committee.

Council's Risk Management Framework outlines in detail all roles and responsibilities associated with managing risk within the City

#### **5.2 Communication**

This Policy will be communicated to the community and staff in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper process. Following adoption by Council the Policy will be made available on Council's website.

#### **5.3 Associated Documents**

The following documentation is to be read in conjunction with this policy.

- Enterprise Risk Management Framework
- Enterprise Risk Management Improvement Strategy
- WHS Statement of Commitment
- Workplace Health and Safety Management System
- Business Continuity Plan



## **6. REVIEW**

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be within each term of Council following the Local Government Elections, or as required to ensure that it meets legislation requirements and the needs of the community and Council. The responsible Council officer will be notified of the review requirements three months prior to the expiry of this policy.

The Corporate Risk Officer is responsible for the review of this policy.

## **7. LEGISLATIVE AND LEGAL FRAMEWORK**

This policy is to be read in conjunction with the following:

- *Local Government Act 1993*
- *WHS Act, 2011 NSW*
- *Civil Liability Act, 2002 NSW*
- AS/NZS ISO 31000:2009 Risk Management – Principles and guidelines
- AS/NZS 4801:2001 Occupational Health & Safety Management Systems
- AS/NZS ISO 14001:2015 Environmental Management Standards
- AS/NZS ISO 5050:2010 Business Continuity – managing disruption related risks;

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Enterprise Risk Management Policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

Any breach of this Policy, supporting procedures and processes may result in disciplinary action.

## **8. DEFINITIONS**

### **'Council'**

Shall mean Broken Hill City Council

### **'Risk Management'**

Is the systematic application of management policies, procedures and practices to the tasks of establishing the context, identifying, and analysing, evaluating, treating, monitoring and communicating risk

### **'Risk Management Framework'**

Is a set of components that provide the foundations and organisation arrangements for designing, implementing, monitoring, reviewing and continually improving risk management through the organisation.

### **'Target Level of Risk /Appetite'**

Is also known as risk attitude, the approach to assess and eventually pursue, retain, take or turn away from risk. Relates to the amount of risk an organisation is prepared to accept in pursuit of its goals.

#### **'Business Continuity Management'**

Is the holistic management process that identifies potential threats to an organisation and the impacts to business operations those threats, if realised, might cause, and which provides a framework for building organisational resilience with the capability of an effective response that safeguards the interests of its key stakeholders, reputation, brand and value-creating activities. (ISO 22301 Societal security – Business continuity managements systems – Requirements).

#### **'Business Interruption'**

Is any event, whether anticipated (i.e. public service strike) or unanticipated (i.e. blackout) which disrupts the normal course of business operations at an organisation location.

#### **'Examples of Business Disruptive Incidents'**

- Natural (fire, flood, earthquake)
- Deliberate acts of arson, sabotage, theft, terrorism
- Industrial action
- Workplace Safety Incidents
- Major Traffic Accidents
- Closure of business of third-party suppliers

#### **'Worker'**

A worker is defined within the *WHS Act 2011* as any individual that carries out work in any capacity for council including:

- Employee;
- Contractor or subcontractor;
- Labour hire employee;
- Outworker;
- Apprentice and/ or trainee;
- Work experience student;
- Volunteer;
- Councillors

#### **'Duty of Care'**

The law says that if it is 'reasonably foreseeable' that a person might suffer some sort of loss or harm because of something someone else does, then that person is owed a duty of care.

#### **'Due Diligence'**

Due Diligence means the steps, procedures and processes a reasonable person, in the same position as another, would have undertaken to prevent something adverse from happening.

Council also has an obligation under the *WHS Act 2011* to demonstrate due diligence placed on 'Officers'. This involves taking reasonable steps:

- To gain and update knowledge of WHS;
- In understanding the operations and general hazards and risks;
- For appropriate resources to eliminate/minimise hazards and risks;

- In managing information about incidents, hazards and risks;
- To implement processes to comply with duties;
- To verify that resources and processes have been provided, and their use.

## ORDINARY MEETING OF THE COUNCIL

November 1, 2019

**ITEM 5**BROKEN HILL CITY COUNCIL REPORT NO. 210/19

SUBJECT: ADOPTION OF NEW AND AMENDED FEES AND CHARGES FOR  
THE NEW ANIMAL SHELTER (ANIMAL POUND) 11/660

**Recommendation**

1. That Broken Hill City Council Report No. 210/19 dated November 1, 2019, be received.
2. That Council adopts the proposed fees and charges for the new Council Animal Shelter and Council's adopted Schedule of Fees and Charges for 2019/2020 be amended accordingly.
3. That the new and amended fees and charges become effective on the day of commencement of operations at the Council Animal Shelter.

**Executive Summary:**

Council, at its Ordinary Monthly Meeting held 30 October 2019, considered the proposed new and amended fees and charges for the new Animal Shelter and resolved (Minute Number 46108) to place the proposed fees and charges on public exhibition for comment for a 28 day period.

The public exhibition period commenced 2 November 2019 and concluded 29 November 2019 during which time Council received no submissions from the public.

The fees and charges that were exhibited are presented without change for consideration and approval.

**Report:**

In preparation for the use of the new Council owned and operated Animal Shelter (Animal Pound) in early 2020, it is proposed to implement new and/or amended fees and charges to cater for the specific operational needs of the new shelter.

A review of the current fees and charges for the Animal Shelter identified anomalies and gaps in the current fee structure, for when Council takes over the running of the pound operations. The proposed fees and charges below, are required to clearly identify the costs involved when an animal is impounded and will cater for the specific needs of the new shelter.

The following new/amended fees and charges are proposed:

Current fees	Proposed fees and charges fees	New/amended
10 - 145 Daily sustenance/release fee (not applicable if animal is microchipped and registered and collected on the same	Daily rate - \$16 - calculated per night impounded Release fee - \$16  (not applicable if animal is microchipped and registered	Amended – for clarification purposes, release fee is in addition to daily sustenance fee.

Current fees	Proposed fees and charges fees	New/amended
day) Cost recovery Day \$ 16.00	and collected on the same day)	
10 - 148 Adoption fee \$ 20.00	\$20 + registration (required by legislation)  + desexing, vaccination, from external agency	Amended to clarify legislated requirements
10 - 146 Daily sustenance/release fee for dangerous/aggressive dogs Cost recovery Day \$ 32.00	Daily rate - Dangerous/menacing/restricted dog \$32.00  Release fee \$32.00	Amended – for clarification purposes, release fee is in addition to daily sustenance fee.
N/A	Impound fee - \$30 (administration fee)	New – cost recovery
Registration – as per OLG	Registration – as per OLG Subject to CPI change every 1 July	Amended to include CPI increases from the 1 <sup>st</sup> July each year
N/A	Micro-chipping of companion animal by Council ranger - \$0	New
N/A	Release to rescue - \$0	New
N/A	Surrender fee - \$100 per animal or litter	New – cost recovery to cater for costs associated with rehoming, daily sustenance and administration costs
10 -139 Greyhound formally registered under Greyhound Racing Act 2002 - \$0	Greyhound as per regulations – Racing greyhound - \$0 rego  Retired/pet greyhound – same as dogs	Amended for clarification

At its Ordinary Monthly Meeting held 30 October 2019, Council considered the above fees and charges and resolved (Minute Number 46108):

1. That Broken Hill City Council Report No. 171/19 dated October 2, 2019, be received.
2. That Council exhibit the proposed fees and charges for the new Council Animal Shelter for a period of 28 days.
3. That upon completion of above public exhibition, a further report be presented to Council for consideration and approval.

The proposed fees and charges were exhibited from 02 November 2019 to 29 November 2019. No submissions on the proposed fees and charges were received during that time.

To ensure clarity regarding each of the fees and charges, some additional details are provided below.

The daily sustenance/release fee is charged to the owner of the animal for each night the animal is kept at the facility. It covers the costs of caring for the animal.

The release fee is a single charge, payable on the release of the animal. This covers administrative costs associated with the release of the animal and is only applicable if the animal is not collected on the day it was impounded.

Dogs that have been declared dangerous or menacing, or that are restricted dogs, incur a higher sustenance and release fee because of the additional attention required in caring for and handling these animals.

The impound fee applies when Council seizes an animal or receives an animal seized by another person or an animal is otherwise lawfully detained at the Council facility under the *Companion Animals Act 1998*. The fee covers the costs associated with the collection/transport of the animal (where applicable) and the administrative costs involved in entering the animal into Council's care.

The adoption fee is payable by a person adopting an animal that has been surrendered or is unclaimed (as per section 64 of the *Companion Animals Act 1998*). The fee is to cover the associated administrative costs, and is in addition to any other associated such as registration, desexing and vaccinations.

Registration fees cover the administrative costs of registration under Sections 9 and 10 of the Act. The rates are set in the Companion Animals Regulation 2018 and are varied in accordance with the Consumer Price Index (CPI) from time to time.

A surrender fee is payable when a person who is the owner of the animal presents it to Council and surrenders ownership of the animal. The fee seeks to recover the costs borne by Council in rehoming the animal, caring for it during that process and the associated administrative tasks. If the animal is unable to be rehomed, the funds contribute to euthanasia costs.

The fees and charges have been developed to recover the costs associated with each item involved, without placing any undue burden on responsible pet owners or the wider community.

The proposed fees and charges are presented for Council's consideration and adoption, in accordance with its resolution at the 30 October 2019 Ordinary Monthly Meeting (Minute Number 46108).

#### Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and Transparency in Decision Making
Action:	4.1.1	Maintain good governance and best practice methods and ensure compliance with various guidelines and legislation.

#### Relevant Legislation:

*Companion Animals Act 1998*  
*Companion Animals Regulation 2018*  
*Local Government Act 1993*

#### Financial Implications:

Nil

#### Attachments

There are no attachments for this report

FRANCOIS VANDERBERG  
MANAGER PLANNING, DEVELOPMENT & COMPLIANCE

JAMES RONCON  
GENERAL MANAGER



## ORDINARY MEETING OF THE COUNCIL

November 26, 2019

**ITEM 6**BROKEN HILL CITY COUNCIL REPORT NO. 211/19

SUBJECT: COMMUNITY ASSISTANCE GRANTS AWARDED FOR ROUND 2  
OF 2019/2020 19/44

**Recommendation**

1. That Broken Hill City Council Report No. 211/19 dated November 26, 2019, be received.
2. That Council notes the Community Assistance Grants awarded for Round Two of 2019/2020 which were recommended by the Panel on 21 November 2019 and endorsed by the General Manager on 25 November 2019.

**Executive Summary:**

Council is committed to assisting local community not-for-profit organisations in the delivery of services/activities/programs that align with the objectives of Broken Hill's Community Strategic Plan. To facilitate this Council holds two rounds of Community Assistance Grant funding each year to provide "one-off" financial grants which comply with Section 356 of the *Local Government Act 1993*.

Applications for Community Assistance Grants for Round Two of 2019/2020 closed on 31 October 2019 at which time Council received sixteen (16) applications.

From those sixteen (16) applications the Community Assistance Grants Panel recommended full support and part support of twelve (12) applications. The Panel's recommendations gained approval from the General Manager on 25 November 2019.

**Report:**

Council's Community Assistance Grants Policy provides a framework for Council to provide grants for community events, projects, services or activities known as Community Assistance Grants that align with the objectives of Broken Hill's Community Strategic Plan.

The framework aims to ensure that the allocation of Council's limited resources is undertaken in a fair, transparent, accountable and ethical manner. Council recognises that there can be difficulties in meeting community expectations with the increasingly limited financial resources available. Council also recognises that it is accountable to the community for the management and disbursement of its funds and that it must be done in a manner that maximises the benefits to the community and is seen as fair and equitable.

The Community Assistance Grants Panel met on 21 November 2019 and conducted a robust evaluation of the applications received for Community Assistance Grants for Round Two of 2019/2020 and presented its recommendations to the General Manager for the awarding of grants. From the sixteen (16) applications received, the General Manager approved the Panel's recommendations on 25 November 2019 to provide grants to the following twelve (12) organisations:

<b>Total of budget available for Round Two (\$23,895 rolled over from Round One)</b>		<b>\$71,000.00</b>
Organisation	Project/Activity	Amount
St John Ambulance Australia	Purchase resources and equipment	\$7,500.00
Lifeline Broken Hill Country to Coast	Conduct 2 free suicide prevention workshops	\$9,000.00
Scouts Association of Australia	Air-conditioning for Scouts Hall in Oxide Street	\$8,520.00
Happy Day Preschool	Sustainability Garden at Pre-School	\$6,700.00
Broken Hill Philharmonic Society	Rent of Aged Persons Rest Centre	\$3,500.00
Broken Hill Historical Society	Connecting the Silverton Gaol Museum to the internet	\$6,878.60
Broken Hill Potters Society	Conduct Sculpting Workshop and Exhibition	\$2,900.00
Agfair Broken Hill	Advertising, entertainment and in-kind assistance of traffic control devices and water tanker	\$6,000.00
YMCA NSW Broken Hill	Expansion of the Prevention and Wellness Sessions program	\$6,000.00
Broken Hill Community Inc	Repairs to shed used by Broken Hill Minerals Club	\$6,000.00
North Broken Hill Bowling Club	Installation of cold water fountain for greens	\$4,000.00
Silverlea Services	Modify existing vehicle to accommodate disabled clients of Silverlea Services	\$4,000.00
<b>Total of grants awarded</b>		<b>\$70,998.60</b>
Balance Remaining		\$1.40

All recipients of Community Assistance Grants must enter into an agreement with Council and provide Council with full acquittal information following the conduct of their activity/program/event. If an organisation fails to adequately acquit their grant, they will be ineligible for grants in the future and may be required to repay the grant funds to Council (depending on the circumstances).

The Community Assistance Panel's recommendations for the approval of grants were presented to the General Manager who approved the grants on 25 November 2019. All applicants have been advised of the outcome of their Community Assistance Grant applications, and the grants are in the process of being awarded.

This report is provided for Council's information.

#### Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.3	We unite to succeed in Australia's First Heritage Listed City
Strategy:	4.3.1	Opportunities to work together are identified and relationships are developed and maintained for the benefit of the community



**Relevant Legislation:**

*Local Government Act 1993, Section 356*

Council's adopted Community Assistance Grant Policy.

**Financial Implications:**

Approval of grants for Round 2 of 2019/2020 fully expends the budget for Community Assistance Grants.

**Attachments**

1. [↓](#) Round Two 2019/2020 Community Assistance Grants Panel - Minutes

JAMES RONCON  
GENERAL MANAGER

## COMMUNITY ASSISTANCE GRANTS PANEL MEETING FOR ROUND 2 OF 2019/2020 HELD TUESDAY 21 NOVEMBER 2019 AT 3:00PM

### 1. ATTENDANCE

Present: Councillor Clark, Mr K Martin, Ms P Tucker, Governance Officer Leisa Bartlett.  
Apologies: Ms R Sanderson, Councillor Kennedy, Councillor Gallagher

### 2. DISCLOSURE OF INTEREST

NAME	DISCLOSURE	ACTION
Cr Clark	Broken Hill Community Foundation, husband is member of Mineral Club which use the shed	remain and participate
Mr Martin	St John, Life member and Priory Commander	remain and participate

### 3. REPORTS

#### a) Update Report

That the Panel notes the update provided regarding Round 1 of 2019/2020 Community Assistance Grants.

That the Panel notes that the Community Assistance Grants Policy has not been amended since the last Panel Meeting.

That the Community Assistance Grants Panel determines the Assessment Score needed to be reached , at this Panel meeting, for applicants to be recommended for approval taking into consideration the number of applications received; the total amount requested; and the budget available (this score will be different for each Panel Meeting).

That the Panel's recommendations be presented to the General Manager for approval with a report to be presented to the next available Council Meeting for information only.

b) Applications for Round 2 2019/2020

Available Budget for Round 2 2019/2020 \$ 71,000.00

Organisation	Activity/Project	Meets Eligibility & Assessment Criteria	Assessment Score	Rank	Grant Amount Requested	Grant Amount Approved by Panel	Panel Comment/Notes
St John Ambulance Australia	purchase of training resources	yes	55	1	\$ 7,500.00	\$ 7,500.00	
Lifeline Broken Hill	2 free suicide prevention workshops	yes	53	2	\$10,000.00	\$9,000.00	
Scouts Association of Australia	air-conditioning for Scout Hall	yes	52	3	\$9,600.00	\$8,520.00	
Happy Day Preschool	Sustainability Garden at Preschool	yes	52	3	\$7,000.00	\$6,700.00	
Broken Hill Philharmonic	Rent of Aged Persons Rest Centre	yes	51	4	\$3,500.00	\$3,500.00	
Broken Hill Historical Society	connecting Silverton Gaol Museum to internet	yes	51	4	\$6,878.60	\$6,878.60	
Broken Hill Potters Society	conduct Sculpting Workshop and exhibition	yes	50	5	\$2,900.00	\$2,900.00	
Agfair Broken Hill	advertising, entertainment,in-kind assistance of traffic control devices and water tanker	yes	50	5	\$10,000.00	\$6,000.00	
YMCA NSW Broken Hill	expansion of PaWS program	yes	48	6	\$10,000.00	\$ 6,000.00	
Broken Hill Community inc	repairs to roof and gutters of shed	yes	48	6	\$10,000.00	\$ 6,000.00	
North Broken Hill Bowling Club	cold water fountain for greens	yes	47	7	\$4,850.00	\$ 4,000.00	
Silverlea Services	modify vehicle for disabled people	yes	47	7	\$5,000.00	\$ 4,000.00	
Foundation Broken Hill	building plans and DA fees for Business and Innovation Hub	yes	46	8	\$ 8,000.00	\$ -	Assessment score of 47 and above supported
Regional Development Australia Far W	update and print Prospectus	yes	39	9	\$20,000.00	\$ -	Assessment score of 47 and above supported. Limited financial information provided, and when requested was not provided.
Kirkala-Pithiluku Aboriginal Corp	tipper trailer and waiver waste fees	yes	34	10	\$5,000.00	\$ -	Assessment score of 47 and above supported. Each property gets 5 free vouchers for trailer loads of residential waste. Compass Housing would have received vouchers for all of their properties and these should be utilised.

Lee's International Tae-Kwon-Do	equipment, uniforms, hall hire, safety gear	no	0	\$10,000.00	\$ -	Assessment score of 47 and above supported. Lee's International Tae-Kwon-Do be encouraged to apply to a future round of funding and to seek assistance from Foundation Broken Hill or Community Inc in preparation of a future application.
<b>Totals</b>				<b>\$ 130,228.60</b>	<b>\$ 70,998.60</b>	
					<b>\$ 1.40</b>	

4. General Business

Meeting concluded:

5.30

SIGNED BY PANEL MEMBERS PRESENT:

Cr Dave Gallagher

Apology

Cr Tom Kennedy

Apology

Cr Maureen Clark

Cr M. Clark

Mr Kenneth Martin

Ken Martin

Ms Pamela Tucker

Ms Tucker

Ms Robynne Sanderson

Apology

GO, Leisa Bartlett

Leisa Bartlett

General Manager's Approval:

25/1/19

## **COMMITTEE REPORTS**

1. BROKEN HILL CITY COUNCIL REPORT NO. 212/19 - DATED  
NOVEMBER 27, 2019 - S355 COMMUNITY COMMITTEE - NORM FOX  
SPORTING COMPLEX (12/53).....171
2. BROKEN HILL CITY COUNCIL REPORT NO. 213/19 - DATED  
NOVEMBER 21, 2019 - MINUTES OF THE FLORA AND FAUNA OF THE  
BARRIER RANGES COMMUNITY COMMITTEE MEETINGS HELD  
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3. BROKEN HILL CITY COUNCIL REPORT NO. 214/19 - DATED  
NOVEMBER 28, 2019 - MINUTES OF THE BROKEN HILL COMMUNITY  
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4. BROKEN HILL CITY COUNCIL REPORT NO. 215/19 - DATED  
DECEMBER 02, 2019 - MINUTES OF THE MEMORIAL OVAL  
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ORDINARY MEETING OF THE COUNCIL

November 27, 2019

**ITEM 1**

BROKEN HILL CITY COUNCIL REPORT NO. 212/19

SUBJECT: S355 COMMUNITY COMMITTEE - NORM FOX SPORTING COMPLEX 12/53

**Recommendation**

1. That Broken Hill City Council Report No. 212/19 dated November 27, 2019, be received.
2. That Council accepts the resignation of S355 Norm Fox Sporting Complex Community Committee members Mr Don Campbell, Mr Fred Billing and Mr Denis Watts.
3. That Council forward letters of appreciation and gratitude to the outgoing members of the S355 Norm Fox Sporting Complex Community Committee for their contribution to the committee and community and request that the Chairperson return all relevant records and funds to Council.
4. That Council support a BBQ be held at the Norm Fox Sporting Complex as a gesture of appreciation for longstanding S355 Norm Fox Sporting Complex Community Committee members, Mr. Don Campbell, Mr. Fred Billing and Mr. Denis Watts as well as to welcome the incoming Committee.
5. That Council accepts the nomination of Ms Sonja McEvoy as a community representative on the S355 Norm Fox Sporting Complex Community Committee, subject to meeting constitutional structure and membership criteria.
6. That Council accepts the nomination of Broken Hill Cricket League members, Peter Johnston, Ben Franklyn, Peter McDonald, Ashley Bates, Paul Attard, Mackenzie Attard, Shane Dalby and Trent Schaefer to form the S355 Norm Fox Sporting Complex Community Committee, subject to meeting constitutional structure and membership criteria.

**Executive Summary:**

Section 355 of the *Local Government Act 1993* provides that a function of the Council may be exercised:

- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
- (b) by a committee of the council, or
- (c) partly or jointly by the council and another person or persons, or
- (d) jointly by the council and another council or councils, or
- (e) by a delegate of the council.

In accordance with Section 355 of the *Local Government Act 1993* Council previously established Committees to assist Council with the operation and management of its parks, ovals and reserves, these are called Section 355 Asset Committees. Council has also established Section 355 Advisory Committees to provide advice to the General Manager on specific operations of Council.

Council adopted Asset and Advisory Committee Manuals and Constitutions as the governance structure by which a Committee operates. Membership on each committee forms part of the constitution and includes the number of community representatives, stakeholder representatives (if any) and Councillor representatives required for each Committee to function effectively.

## Report:

### Current Situation

Council has received resignation correspondence from the following members of the Norm Fox Sporting Complex Community Committee.

- Mr Don Campbell
- Mr Fred Billing
- Mr Denis Watts

Note: Personal and private information has been redacted from Mr Watts resignation correspondence attached.

### Interim Arrangements

Cricket League had submitted draws table for training and games in Norm Fox Oval to the past Committee. As the Committee members have resigned, Council has taken the access key from the Chairperson, Don Campbell and has organized interim arrangements to open and close the facilities during the times of scheduled training and games by Cricket League.

### Future Vision

Council has received a committee nomination for the S355 Norm Fox Sporting Complex Community Committee from:

- Sonia McEvoy through advertisement in local paper in October 2019
- Peter Johnston, Ben Franklyn, Pater McDonald, Ashley Bates, Paul Attard, Mackenzie Attard, Shane Dalby and Trent Schaefer, all members of Cricket League, through discussions with Council's Strategic Asset Manager Rajkumari Navis.

The Constitution of the Norm Fox Sporting Complex Community Committee, Clause 8 Structure and Membership states that:

- 6.1 *The Committee shall consist of ten (10) members to be appointed by resolution of the Council, such members to be nominated in the following manner:*
- At least one (1) Councillor Representative
  - Allowance for one (1) representative per user group
  - Reasonable number of community representatives reflecting the size and operations of the facility (to be agreed upon by executive).
- 8.2 *Relevant Council staff can be invited by the Committee to provide information and technical advice on any upcoming Agenda items.*
- 8.3 *Council reserves the right to amend the number of Committee members and category of representation.*

It is recommended that the Council accepts the nominations received and instructs the members to elect Committee positions as required by the Constitution and submit the formal structure to Council for approval.

## Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making



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Strategy:	4.1.1	Support the organisation to operate its legal framework
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**Relevant Legislation:**

Section 355 of the *Local Government Act 1993*

Council's adopted s355 Asset Committee Manual and Constitution of the Norm Fox Sporting Complex Community Committee

**Financial Implications:**

Annual subsidies for Norm Fox Sporting Complex in current operational budget.

Council will continue to incur additional costs related to resources required to open and close the facility and to maintain the facility to the required standard to meet the community demand if a new Committee is not formed.

**Attachments**

1. [↓](#) Resignation correspondence - Mr Don Campbell
2. [↓](#) Resignation Correspondence - Mr Fred Billing
3. [↓](#) Resignation Correspondence - Mr Denis Watts
4. [↓](#) Committee Nomination - Ms Sonia McEvoy
5. [↓](#) Committee Nominations from BH Cricket League
6. [↓](#) Constitution of the Norm Fox Sporting Complex Community Committee

JAY NANKIVELL  
CHIEF FINANCIAL OFFICER

JAMES RONCON  
GENERAL MANAGER

6102 NOV 5 1

7 November 2019

Mr James Roncon  
General Manager  
Broken Hill City Council  
240 Blende Street  
BROKENHILL NSW 2880

Dear Sir

**Resignation from the S355 Committee - Norm Fox Sporting Complex**

As discussed with Council's Strategic Asset Manager, Ms Raji Navis on Monday 21 October 2019, please accept my letter of resignation from the Section 355 Norm Fox Sporting Complex Community Committee effective immediate.

Yours faithfully

Don Campbell

7 November 2019

Mr James Roncon  
General Manager  
Broken Hill City Council  
240 Blende Street  
BROKENHILL NSW 2880

Dear Sir

**Resignation from the S355 Committee - Norm Fox Sporting Complex**

As discussed with Council's Strategic Asset Manager, Ms Raji Navis on Monday 21 October 2019, please accept my letter of resignation from the Section 355 Norm Fox Sporting Complex Community Committee effective immediate.

Yours faithfully

Fred Billing

***NORM FOX SPORTING COMPLEX 355 MANAGEMENT  
COMMITTEE***

**Chairman:**  
Don Campbell  
232 Cornish Street  
BROKEN HILL NSW 2880  
Ph (08) 80 881542

**Secretary:**  
Denis Watts  
331 Oxide Street  
BROKEN HILL NSW 2880  
Ph 0408979278

**Oval phone:**  
(08) 8087 1369

23<sup>rd</sup> October 2019

James Roncon  
General Manager  
Broken Hill City Council  
240 Blende Street  
BROKEN HILL NSW 2880

Dear James,

The purpose of this correspondence is to officially inform the Broken Hill City Council of my official resignation as Secretary of the Norm Fox Sporting Complex 355 Management Committee, a position I have held since 11<sup>th</sup> February 1992.

For the past 27 years I have been ably assisted in this role by the following people:

\* Presidents Tom Carr (9<sup>th</sup> Oct 1988 to 27<sup>th</sup> May 1997) and Don Campbell (27<sup>th</sup> May 2019) to Oct 2019) who put their heart and soul into this committee, plus

\* Treasurers Norm Fox (9<sup>th</sup> Oct 1988 to late August 1997); Paul Rook (early Oct 1997 to mid June 2014) and Fred Billing (mid-June 2014 to Oct 2019) who astutely managed our committee's finances.

The work of the above people in Norm Fox Sporting Complex oval and clubhouse maintenance, financial management, oval bookings and working at the Tom Carr clubrooms canteen when sporting bodies utilised this Broken Hill City Council facility, has enabled myself to pursue official umpiring of Barrier District Cricket League senior and junior cricket matches for the past 30 years.

For several months I have discussed with our committee treasurer, my future role as Secretary of the Norm Fox Sporting Complex 355 Management Committee, in view of

I came to the conclusion, that when decided to officially resign as NFSC 355 Management Committee Chairman, I would also step down. as previously informed me, that he would do likewise.

page 2

Currently, I have Saturday afternoon commitments as Secretary of the North Broken Hill Cricket Club, in which I do the scorebook for our B Grade side. Oval maintenance and canteen cooking are not one of my strengths.

I wish to sincerely thank the Broken Hill City Council for their support of the Norm Fox Sporting Complex 355 Management Committee during my 27 years as Secretary.

Yours faithfully,

Denis Watts

## S355 Committee Nomination Form



Submission date: 4 November 2019, 9:12AM

Receipt number: S355CNF-2

Related form version: 2

Question	Response
Name of Committee:	The Norm Fox Sporting Complex Community Committee
<b>Personal Details</b>	
First Name	Sonja
Last Name	McEvoy
Contact Number	
Email Address	
Applicant Street Number	
Applicant Street Name	
Applicant Suburb/City	Broken Hill
Applicant State	NSW
Applicant Postcode	2880
<b>Committee Details</b>	
Please outline why you would like to be a member of this committee:	To support, maintain and improve the oval for activities for the community of Broken Hill
Please outline details of any relevant experience for this committee:	I have previously been a member of this committee since approximately 2005 I have completed induction trainings
What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:	Norm Fox Committee Sister City Committee Broken Hill Sports Council when functioning Was on the steering committee that formed Active Broken Hill Outback Games steering Committee Broken Hill Junior Baseball, Broken Hill senior Baseball Broken Hill Hockey Multiple School education committees for many years
Please detail any other relevant information:	School teacher for 35 years holding an executive position for 20 years. Involved in many groups in a volunteer capacity for many years. Have a passion for supporting Broken Hill and ensuring there are facilities and services to support the community. Been involved in Junior Sport for 20+ years as well as some senior sport.
<b>Privacy</b>	
<b>Signature</b>	
	Name of signatory: Sonja McEvoy <a href="#">Link to signature</a>

**Nankivell, Jay**

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**To:** Navis, Rajkumari  
**Subject:** RE: HPE CM: Re: Norm Fox Oval Nominations

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**From:** Peter Johnston <[spjohnston8@bigpond.com](mailto:spjohnston8@bigpond.com)>  
**Sent:** Wednesday, 27 November 2019 9:21 PM  
**To:** Navis, Rajkumari <[Rajkumari.Navis@brokenhill.nsw.gov.au](mailto:Rajkumari.Navis@brokenhill.nsw.gov.au)>  
**Subject:** HPE CM: Re: Norm Fox Oval

Hi Raji,  
Nominations for the Norm Fox Sports Complex are as follows:  
Peter Johnston  
Ben Franklyn  
Peter McDonald  
Ashley Bates  
Paul Attard  
MacKenzie Attard  
Shane Dalby  
Trent Schaefer

Regards,  
Peter



## CONSTITUTION OF THE NORM FOX SPORTING COMPLEX COMMUNITY COMMITTEE

QUALITY CONTROL		
TRIM REFERENCES	D12/14742 – 12/53	
RESPONSIBLE POSITION	Corporate Responsibility Officer	
APPROVED BY	Council	
REVIEW DATE	July 2020	REVISION NUMBER 7
EFFECTIVE DATE	ACTION	MINUTE NUMBER
27 June 1984	Adopted	29794
29 November 2006	Amended	42070
31 January 2007	Amended	42126
28 April 2010	Amended	42326
25 January 2012	Amended	43138
31 July 2013	Amended	44407
29 March 2017	Adopted	45508

### 1. INTRODUCTION

- 1.1. The Norm Fox Sporting Complex Community Committee is a Section 355 Asset Committee established by Council under Section 355 of the Local Government Act.

### 2. COMMITTEE OBJECTIVE

- 2.1. To undertake an advisory role in respect of the care, maintenance, repair, beautification, improvement and management of the Complex; the Committee shall liaise with Council through a Contact Officer or current Councillor representative/s on the Committee, in respect of proposed projects.
- 2.2. To carry out works as approved by Council.
- 2.3. To maintain a record of bookings of the Complex and its facilities in diary form and produce such a book for the inspection of Council on demand.



- 2.4. To provide access to the Complex and its facilities for use by citizens of and visitors to Broken Hill without distinction.
- 2.5. To allow any regular user of the Complex to erect structures under such conditions as the Committee shall see fit, provided that no such agreement shall be concluded without the approval in writing of the Council; so that Council's insurers are aware of the event activity.
- 2.6. To ensure a copy of current rules of use of the Complex and its facilities and the current schedule of fees and charges are exhibited in an appropriate public place at the sportsground.
- 2.7. To recommend to Council the making of rules or setting of any fees and charges, none of which to be implemented without formal approval by Council.

### **3. COMMITTEE NAME**

- 3.1. The Committee shall be called the Norm Fox Sporting Complex Community Committee.

### **4. COMMITTEE ASSET LOCATON AND ADDRESS**

- 4.1. The Committee shall manage and maintain the Norm Fox Oval, situated at 457 Wolfram Street.
- 4.2. The postal address of the Committee will be "to be advised" and alternatively c/- PO Box 448, Broken Hill NSW 2880.



### **5. COMMITTEE DELEGATION**

Committees are responsible for the tasks delegated by Council which may include letting, cleaning, maintenance, minor repairs and operations.

- 5.1. To oversee and conduct the necessary duties of watering, weeding and lawn edging, sundry repairs and maintenance to watering systems and fixtures.
- 5.2. To present the Complex at a standard of appearance that is satisfactory to the community.
- 5.3. To provide a satisfactory service to users of the Complex and to advise Council promptly of safety and maintenance concerns.
- 5.4. To request Council assistance in removal of dead trees and any other task that requires the use of high risk power tools such as chainsaws.
- 5.5. To recommend to Council an annual works maintenance program and any special projects proposed by the Committee.
- 5.6. To co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance at nil cost and without voting rights.
- 5.7. To recommend to Council any fees and charges for use of the Complex, each financial year for Council's consideration.
- 5.8. To accept all bookings for use of the Complex and keep all necessary records in respect of same.
- 5.9. To ensure that all Committee members abide by all of Council's Work, Health and Safety requirements, that all designated personal protective equipment (e.g. gloves, safety glasses) required by Council are used; and to ensure that safety procedures for use of the Sportsground are monitored.
- 5.10. To bring to Council's attention by way of recommendation through the Council or his/her delegate any item requiring a policy decision outside the authorised delegation of the Committee.

#### **6. RESTRICTION OF DELEGATION**

The Committee may not make decisions concerning the following:

- 6.1. The employment of staff. Committees may not have paid employees as this authority cannot be delegated under Section 355 of the Act. Volunteers will be covered by Council Insurance where they are registered with the committee and where they have acted in good faith and lawfully within this instrument of delegation and schedules.
- 6.2. Fixing of charges or fees (the Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for the use of the facility under its control).
- 6.3. Borrowing any monies.
- 6.4. The sale, lease or surrender of any land or other property vested in its care under the provision of the Act (as amended).
- 6.5. The acceptance of tenders which are required to be called by Council, i.e. in excess of Council's discretionary tender threshold (currently \$100,000 GST inclusive).
- 6.6. Formation of submissions to government policies or implementation of policies without the prior written consent of Council.

- 6.7. The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending committee meeting.
- 6.8. The carrying out of any works on or to the facility including alterations, reconstruction or construction without the prior written consent of Council (this does not include minor maintenance work).
- 6.9. As a voluntary Committee, members do not receive payment for their services. The Committee may by resolution reimburse the Secretary for phone calls and postage made in relation to the hire of the facility. No other payment is to be made to Committee members without the prior written approval of Council.
- 6.10. Unreasonably withholding consent for the letting of the facility to any organisations which agreed to comply with and adhere to the rules adopted for the use of the facility, providing an acceptable letting period is available.
- 6.11. Vote on monies for expenditure on the works, services or operations of Council.
- 6.12. The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/ function under its management and control.
- 6.13. If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

#### **7. COMMITTEE VS COUNCIL RESPONSIBILITY**

ITEM	COMMITTEE	COUNCIL
<b>EXTERNAL</b>		
Walls – structure and cladding	Inspection and reporting of defects	Repair and replacement
Walls – finishing	Cleaning, removal of graffiti	Painting and resurfacing
Water supply and fittings – taps and valves	Maintenance and lubrication Inspection and reporting of defects Replacement of washers	Repair and replacement
Water supply and fittings – pipe works	Inspection and reporting of defects Securing off in emergency	Repair and replacement
Plumbing – sewerage lines and septic	Inspection and reporting of defects Emergency unblocking or make safe repairs	Repair and replacement
Guttering, down pipes, waste pipes and drains	Inspection and reporting of defects Clear foreign objects, blockages, mud etc.	Repair and replacement
External roofs, guttering and flashing	No responsibility	Repair and replacement
Skylights	No responsibility	All maintenance and repair as required
Light globes and fittings	Replacements of globes no higher than two meters above head height	Replacement of any street lighting or light fittings Replacement of globes two

		meters above head height
Doors, including door hardware	Immediate securing where damaged	Repair and replacement
Windows – flywire screening	All regular cleaning and maintenance	Repair and replacement
Windows – frames and locks	Inspection and reporting of defects Lubrication of hardware	Repair and replacement
Windows – glazing	All regular cleaning and maintenance Immediate securing if broken	Repair and replacement
Locks and security systems	Maintain key register Replace keys and locks not on Council Key Register Immediate securing of building if damaged Minor lubrication of locks Engage security service if required	Purchase, installation, service and maintenance where compatible with Council's Key Register
<b>INTERNAL</b>		
Internal walls and ceilings – fabric	Inspection and reporting of defects	Repair and replacement
Internal walls – painting	Cleaning	Painting and resurfacing
Ceilings – structure	Inspection and reporting of defects	Repair and replacement
Ceilings – surfacing	Inspection and reporting of defects	Repair and replacement
Floor structure	Inspection and reporting of defects	Repair and replacement
Floor surfaces and coverings	All regular cleaning and maintenance	Repair and replacement
Doors (including cupboards, doors and door fittings)	Regular cleaning Lubrication of hardware	Repair and replacement
Windows – curtains and blinds	Regular cleaning and minor repair	Replacement
Internal electrical wiring and fittings	Make safe immediately	Repair and replacement
Light globes	Replacement of globes	Replacement of globes where Committee risk assessment unable to manage risk
Light fittings	Inspection and reporting of defects	Repair and replacement
Water supply and fittings	Maintenance and lubrication Inspection and reporting of defects Replacement of washers	Repair and replacement
Internal plumbing – pipes, cisterns, toilet bowls. Hand basins, sinks	Minimise any leakage and further damage	Repair and replacement
Heating, air-conditioning fixtures, hot water systems, appliance	Payment of all gas, water and electricity bills, and inspection and reporting of defects and services	Repair and replacement
Consumables to kitchens,	Supply and replenish	No responsibility

toilets and bathrooms		
Sanitary disposal	Supply and maintain	No responsibility
Telephone services (where provided)	Payment of all connection, service and use accounts, ensure lines remain operational	No responsibility
<b>ESSENTIAL SERVICES</b>		
Testings and tagging of electrical cords	Regular visual inspections. Remove damaged items from service. Arrange testing and tagging of electrical cords by an Licensed Electrician (or competent person) every two years or at Council's direction	Pay for all testing and tagging. Audit of currency of tags as part of regular inspections
Emergency lighting / exit signs	Inspection and reporting of defects	Six monthly testing Repair and replacement
Evacuation plan	Display prominently	Prepare in consultation with Committee
Paths of travel	Inspect and maintain clear paths of travel at all times Check all door handles on paths of travel	Audit according to regulations
All other Essential Safety Measures	No responsibility	All responsibility
<b>SURROUNDS</b>		
Paths and paved areas	Inspection and reporting of defects	Repair and replacement
Fencing and gates	Inspection and reporting of defects Lubrication of hardware Maintain key register	Repair and replacement
Nature strips and grassed areas	Mowing and regular re-seeding	Returfing
Sport fields and playing surfaces – watering	Water to maintain playable standard	Provide advice
Sports fields and playing surfaces	Minor maintenance, inspection and reporting of defects	Major repairs
Sports fields and playing surfaces – other	Inspection and reporting of defects	Construction, repair and replacement, annual seasonal renovation
Irrigation systems	Maintenance and minor repairs	Major repairs and replacement
Garden beds and shrubs	Watering, fertilising, maintenance, replanting and keeping tidy	Construction and refurbishment
Trees	Inspection and reporting of defects Minor pruning, feeding and watering	Planting and major pruning Tree removal
Outdoor furniture	Inspection and reporting of defects Cleaning	Repair and replacement
Internal roadways and car parks	Inspection and reporting of defects	Construction, repair and resurfacing, signage

	Maintain free of obstructions	
facility perimeter signage	Inspection and reporting of defects	Installation, repair and replacement
Light towers	No responsibility	Total responsibility for purchase, installation, utility costs, repairs and maintenance
Australian rules football goal posts and nets	Inspection and reporting of defects	Repair and replacement
All other goals and nets	Total responsibility	No responsibility
Nets and goal posts	Total responsibility	No responsibility
Sports surface line marking	Complete as required	No responsibility
Fire prevention works	Remove all flammable materials from around buildings	Audit according to regulations
Hazardous substances and dangerous goods storage	Responsible for storing to relevant Work Health and Safety Standards	Audit according to regulations

## **8. STRUCTURE AND MEMBERSHIP**

- 8.1. The Committee shall consist of ten (10) members to be appointed by resolution of the Council, such members to be nominated in the following manner:
- At least one (1) Councillor Representative
  - Allowance for one (1) representative per user group
  - Reasonable number of community representatives reflecting the size and operations of the facility (to be agreed upon by executive).
- 8.2. Relevant Council staff can be invited by the Committee to provide information and technical advice on any upcoming Agenda items.
- 8.3. Council reserves the right to amend the number of Committee members and category of representation.

## **9. TERM OF APPOINTMENT**

- 9.1. The term of a committee is the same term as the elected Council.

## **10. PRINCIPAL SPOKESPERSON**

- 10.1. The principal spokesperson for the Committee shall be the Chairperson.
- 10.2. The Chair may authorise other members to speak on behalf of the Committee, where deemed necessary and / or appropriate.

## **11. MEETINGS**

- 11.1. There should be minimum of four meetings held each year, however it is recommended that Ordinary Meetings of the Committee occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.
- 11.2. There should be one Annual General Meeting held per year, at which the Committee will appoint its executive.

## **12. REPORTING REQUIREMENTS**

12.1. Annual Report - Committees are to provide Council with an Annual Report inclusive of financial statements by the third (3<sup>rd</sup>) week in August each year.

12.2. Finance Reports - Committees are to provide Council with financial statements by third (3<sup>rd</sup>) week in August each year.

Financial Statements are to include the following information:

- Profit & Loss Statement
- Balance Sheet
- Supporting documentation as per clause 10.13 of the Section 355 Asset Committee Manual

12.3. Quarterly GST Reporting - Quarterly GST Reporting is to include the following information:

- A profit and loss statement
- A balance sheet
- Completed Business Activity Statement (BAS)

12.4. Term Report - A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four year term and forwarded to Council by the third (3<sup>rd</sup>) week in August.

## **13. RECORDS**

13.1. The Committee is required to keep all proper records.

13.2. Minutes of each meeting shall be submitted to the Council within fourteen (14) days of the meeting.

## **14. FRAMEWORK**

14.1. The Committee will comply with all provisions of Section 355 *Local Government Act 1993* (Committees), Section 377 *Local Government Act 1993* (Delegations), and Section 441-443 *Local Government Act 1993* (Pecuniary Interest).

14.2. The Committee will comply with all provisions of Council's Section 355 Asset Committee Framework.

## **15. REVIEW**

15.1. Review of all Section 355 Committees, their structures, Framework and Constitutions will be conducted annually in September following presentation of the Committees Annual Reports and Financial Statements.

15.2. Constitutions will be reviewed by Council following each Local Government General Election (4 yearly), by Council resolution, at the request of the Committee or at the discretion of the General Manager.

## **16. DEFINITIONS**

**"Council"** shall mean Broken Hill City Council.

**"Committee"** shall mean the Norm Fox Sporting Complex Community Committee.

**"Complex"** shall mean the Norm Fox Sporting Complex.

**"Executive"** shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

**"User Group"** shall mean organisations which are granted use of any portion of the facility on a license, annual, seasonal or longer term basis.

**"Oval"** shall mean the Norm Fox Oval.



## ORDINARY MEETING OF THE COUNCIL

November 21, 2019

**ITEM 2**BROKEN HILL CITY COUNCIL REPORT NO. 213/19

SUBJECT: MINUTES OF THE FLORA AND FAUNA OF THE BARRIER  
RANGES COMMUNITY COMMITTEE MEETINGS HELD  
NOVEMBER 19, 2019

12/51**Recommendation**

1. That Broken Hill City Council Report No. 213/19 dated November 21, 2019, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held October 15, 2019 be received.

**Executive Summary:**

Council has received minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held November 19, 2019 for endorsement by Council.

**Report:**

As per Council's Section 355 Asset Committee Framework Manual and the Constitution of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee (both adopted March 2017), the Committee is required to provide Council with a copy of their meeting minutes following each Committee meeting.

Accordingly, the Friends of the Flora and Fauna of the Barrier Ranges Community Committee has submitted minutes from its meeting held November 19, 2019 for Council's endorsement.

**Strategic Direction:**

Key Direction:	1	Our Community
Objective:	1.4	Our built environment supports our quality of life
Strategy:	1.4.2	Maintain the serviceability of Council's assets at an appropriate condition level

**Relevant Legislation:**

The Friends of the Flora and Fauna of the Barrier Ranges Community Committee operates under Council's Section 355 Asset Committee Constitution and the *Local Government Act 1993* (Section 355).

**Attachments**

1. MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER  
[↓](#) RANGES COMMUNITY COMMITTEE - NOVEMBER 2019

JAY NANKIVELL  
CHIEF FINANCIAL OFFICER

JAMES RONCON  
GENERAL MANAGER

## MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE S355 MEETING HELD 19 NOVEMBER 2019 AT 4PM – COUNCIL CHAMBER, 240 BLENDE STREET, BROKEN HILL

12/51

1. **Present:** Kellie Scott (Vice Chairperson), Jeff Crase, Ray Allen, David Spielvogel, Merran Coombe, Gaylene Ford, Ann Evers, Geoffrey Hoare, Councillor Marion Browne, Jill Spielvogel, Evan Scott, Rosalind Molesworth, Sue Spangler (BHCC) and Darrell Ford (BHCC).
2. **Apologies:** John Rogers (Chairperson), Ronald Tumes, Dean Fletcher, Jamie Scott, Michael Ford, Nevada Ford and Paul Reed.

**Non-Attendance:** Lyn Campigli and Alison Gardner.

### 3. Confirmation of Minutes of Previous Meeting:

**Previous minutes:** 15 October 2019

Moved: Jeff Crase

Seconded: David Spielvogel

### 4. Business arising from Previous Minutes:

5. **Correspondence:** Silver Rush Coin Treasure Hunt App – Living Desert is part of the trial.

### 6. Update on Action List Items:

- 6.1 Working Bee – Progressive and ongoing
- 6.2 Identification Cards – As required
- 6.3 Cold Set – Bitumen pouring over crushed paths – Pending

### 7. Reports:

#### 7.1 Plants

Very dry at the moment however drippers are supporting some of the permanent plants.

#### 7.2 Indian Pacific

Indian Pacific tour groups on Thursday mornings are very popular. Normally around 60-80 tourists.

#### 7.3 Campsite

Campsite and Living Desert are now on Council's website. Caravan park still well supported.

### 8. Rosters:

#### November

- 30/11 – 01/12 Jeff Crase and Merran Coombe

#### December

- 07/12 – 08/12 BHCC
- 14/12 – 15/12 BHCC
- 21/12 – 22/12 Michael, Nevada and Gaylene Ford
- 25/12-26/12 CLOSED – Darrell Ford to check
- 28/12 – 29/12 David and Jill Spielvogel

January

- 04/01 – 05/01 Marion Browne
- 11/01 – 12/01 Kellie Scott and John Rogers
- 18/01 – 19/01 Jeff Crase and Merran Coombe
- 25/01 – 26/01 Marion Browne

February

- 01/02 – 02/02 David and Jill Spielvogel
- 08/02 – 09/02 BHCC

**9. General Business:**

9.1 Film Crew

Tourist Destination Film Crew started a new promo last week.

**Action List:**

ACTION	WHO
1 Working Bee – <i>Progressive and ongoing</i>	Committee
2 Identification Cards - <i>As required</i>	Customer Relations
3 Cold Set – bitumen pouring over crushed paths - <i>pending</i>	D Ford - Ranger

**Next Meeting:** Tuesday, 18 February 2020 – Council Chamber – 4pm (ACDT)

**10. Meeting Closed:** 4.15pm

ORDINARY MEETING OF THE COUNCIL

November 28, 2019

**ITEM 3**

BROKEN HILL CITY COUNCIL REPORT NO. 214/19

SUBJECT: MINUTES OF THE BROKEN HILL COMMUNITY STRATEGIC PLAN  
ROUND TABLE COMMITTEE MEETING HELD 21 AUGUST 2019  
13/145

**Recommendation**

1. That Broken Hill City Council Report No. 214/19 dated November 28, 2019, be received.
2. That the minutes of the Broken Hill Community Strategic Plan Round Table committee meeting held 21 August 2019 be received.

**Executive Summary:**

During the Community Strategic Plan community consultation undertaken in April 2013, the theme of “One Community, One Plan” was strongly discussed and resulted in the inclusion of the establishment of the Broken Hill Community Strategic Plan Round Table in the Community Strategic Plan.

It was recommended that the Round Table be established as a Section 355 Committee of Council, which provides it with the ability to carry out functions on behalf of Council and consists of membership including Councillors, staff and members of the public.

One of the requirements of a Section 355 Committee of Council is the reporting of its minutes of meetings to Council for endorsement.

**Report:**

The Broken Hill Community Strategic Plan Round Table Committee met on Wednesday, 21 August 2019. Items on the Agenda included:

- Update report from Barrier Police District
- Update report from Far West Local Health District
- Progress reports on Key Direction Working Groups
- Review and development of the Community Strategic Plan Broken Hill 2040

See attached minutes of the Broken Hill Community Strategic Plan Community Round Table Committee Meeting held Wednesday, 21 August 2019.

**Strategic Direction:**

Key Direction: 4 - Our Leadership  
 Objective: 4.3 – We Unite to Succeed  
 Function: Leadership and Governance

DP Action: 4.3.1.9 - Provide leadership, structure and support to the Community Round Table in their review and management of the Community Strategic Plan

**Relevant Legislation:**

*Local Government Act 1993, section 406.*

**Financial Implications:**

Nil

**Attachments**

1. [↓](#) Minutes of the Community Round Table meeting held 21 August 2019

JAMES RONCON  
GENERAL MANAGER

**BROKEN HILL COMMUNITY ROUND TABLE**

**21 AUGUST 2019**

**MINUTES OF THE BROKEN HILL COMMUNITY ROUND TABLE MEETING HELD  
WEDNESDAY, AUGUST 21, 2019 (4PM)**

**PRESENT:**

Broken Hill City Council, Mayor Darriea Turley  
Broken Hill City Council, Deputy Mayor Marion Browne  
Broken Hill City Council General Manager, James Roncon  
Broken Hill City Council's Chief Financial Officer, Jay Nankivell  
Broken Hill City Council's Director Corporate, Razija Nu'man  
Broken Hill City Council's Executive Support Officer, Louise Schipanski  
Department of Education, Bob Dyson  
Barrier Police District, Inspector Yvette Smith  
Broken Hill Health Service, Melissa Walsh  
Community representative, Peter Bevan

**APOLOGIES:**

Broken Hill City Council, Cr Christine Adams  
Broken Hill City Council, Cr Branko Licul  
Broken Hill City Council, Cr Maureen Clark (alternate)  
Broken Hill City Council, Cr Dave Gallagher (alternate)  
Broken Hill City Council, Cr Jim Nolan (alternate)  
Broken Hill City Council's Chief Operations Officer, Anthony Misagh  
Barrier Police District, Superintendent Paul Smith  
Department of Education, Peter Macbeth (alternate)  
Primary Health Network, Michelle Pitt  
Barrier Police District Detective Inspector Michael Fuller  
Far West Local Health District, Patricia Holtze  
NSW Primary Health Network, Natalie Miani (alternate)  
Regional Development Australia Far West NSW, Michael Williams  
Community representative, Pam Tucker  
Community Working Party – Denise Hampton  
Donna Cruickshank

**MINUTES FOR CONFIRMATION**

That the Minutes of the Broken Hill Community Round Table meeting held Wednesday  
May 15, 2019 be confirmed.

**Moved Councillor M Browne, Seconded Mr P Bevan**

**RECEIVED**

BROKEN HILL COMMUNITY ROUND TABLE

21 AUGUST 2019

**REPORTS**

18. BROKEN HILL CITY COUNCIL REPORT NO. 18/19 - DATED AUGUST 19, 2019 - BARRIER POLICE DISTRICT - STRATEGIES AND CRIME PERFORMANCE INDICATORS 13/145

Inspector Yvette Smith spoke to her report.

**Recommendation**

1. That Broken Hill City Council Report No. 18/19 dated August 19, 2019, be received.

**Moved Inspector Y Smith, Seconded Mr P Beven**

**RECEIVED**

15. BROKEN HILL CITY COUNCIL REPORT NO. 15/19 - DATED AUGUST 19, 2019 - FAR WEST LOCAL HEALTH DISTRICT 11/248

Ms Walsh spoke to her report.

**Recommendation**

That Broken Hill City Council Report No. 15/19 dated August 19, 2019, be received.

That the Broken Hill Community Round Table Committee notes the report from Broken Hill Health Service - Far West Local Health District.

**Moved Ms M Walsh, Seconded Mr B Dyson**

**RECEIVED**

16. BROKEN HILL CITY COUNCIL REPORT NO. 16/19 - DATED AUGUST 09, 2019 - KEY DIRECTION WORKING GROUP'S REPORT 17/86

Councillor Browne, spoke to her report on Our Environment.  
Razija Nu'man, spoke to the report on Our Community.

**Recommendation**

1. That Broken Hill City Council Report No. 16/19 dated August 9, 2019, be received.

**Moved Councillor M. Browne, Seconded Mr P Beven**

**RECEIVED**

17. BROKEN HILL CITY COUNCIL REPORT NO. 17/19 - DATED AUGUST 02, 2019 - REVIEW AND DEVELOPMENT OF THE COMMUNITY STRATEGIC PLAN BROKEN HILL 2040 19/124

Razija Nu'man, spoke to her report.

**Recommendation**

1. That Broken Hill City Council Report No. 17/19 dated August 2, 2019, be received.

BROKEN HILL COMMUNITY ROUND TABLE

21 AUGUST 2019

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2. That the Community Round table endorse the approach being taken to review and develop the Broken Hill Community Strategic Plan 2040.

**Moved Councillor M Browne, Seconded Ms M Walsh**

**RECEIVED**

Meeting closed at 4.50pm.

The foregoing minutes were read and confirmed at the Community Strategic Plan Round Table Committee meeting held on Wednesday 20 November 2019.

  
\_\_\_\_\_  
Chairperson



## ORDINARY MEETING OF THE COUNCIL

December 2, 2019

**ITEM 4**BROKEN HILL CITY COUNCIL REPORT NO. 215/19

SUBJECT: MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE  
MEETING HELD 5 NOVEMBER 2019 12/52

**Recommendation**

1. That Broken Hill City Council Report No. 215/19 dated December 2, 2019, be received.
2. That minutes of the Memorial Oval Community Committee Meeting held 5 November 2019 be received.

**Executive Summary:**

Council has received minutes from the Memorial Oval Community Committee Meeting held 5 November 2019 for endorsement by Council.

**Report:**

As per Council's Section 355 Asset Committee Framework Manual and the Constitution of the Memorial Oval Community Committee (both adopted March 2017), the Committee is required to provide Council with a copy of their meeting minutes following each Committee meeting.

Accordingly, the Memorial Oval Community Committee has submitted minutes from its Committee Meeting held 5 November 2019 for Council's endorsement.

**Strategic Direction:**

Key Direction:	1	Our Community
Objective:	1.4	Our built environment supports our quality of life
Strategy:	1.4.2	Maintain the serviceability of Council's assets at an appropriate condition level

**Relevant Legislation:**

The Memorial Oval Community Committee operates under Council's S355 Asset Committee Framework Manual and Standard Constitution and the *Local Government Act, 1993* (Section 355).

**Financial Implications:**

Nil.

**Attachments**

1. [↓](#) Minutes - Memorial Oval Community Committee Meeting held 05/11/2019

JAY NANKIVELL  
CHIEF FINANCIAL OFFICER

JAMES RONCON  
GENERAL MANAGER

**BROKEN HILL**  
CITY COUNCIL

## ORDINARY MEETING MINUTES TEMPLATE

### MEMORIAL OVAL COMMUNITY COMMITTEE MINUTES.

<b>Date</b>	<b>05/11/2019</b>	<b>Opened: 6.35pm</b>	<b>Closed: 8.30pm</b>
<b>Location:</b>	MOCC Office, Memorial Oval		
<b>Present:</b>	Ray Steer, Dennis Cetinich, Bruce McIntosh, Tania Martyn, Chris May, Alan Titcombe, Tracey Robinson, Raji Navis (BHCC), John Ralph.		
<b>Absent:</b>	Dave Gallagher, Layne Ralph.		

AGENDA	MOVED BY	SECONDED
<b>Welcome:</b> The Chairman Ray Steer welcomed all attending Members to the Meeting. <b>Apologies:</b> Jody Whitehair,	<b>Bruce McIntosh.</b>	<b>Alan Titcombe.</b>
<b>Confirmation of Minutes from previous meeting held:</b>  01/10/2019	<b>Chris May.</b>	<b>Alan Titcombe.</b>
<b>Inward Correspondence:</b> <b>BHCC:</b> Advising that Dave Gallagher has been reappointed to the MOCC Committee for 2019/2020 as the Council Representative. Tracey Robinson has been appointed delegate to the MOCC for the BHHRC. <b>Announcement Box:</b> Discussions were held around the installation of a new 6 x 2.4 metre Announcement Box to replace existing Timekeepers Box, Confirmation has been received that a Development Application and a Construction Certificate must be lodged with Council for consideration of this request, Raji Navis Council Asset Manager will work with Ray Steer to get this done. <b>Grandstand Handrails:</b> Further discussion will be discussed on the urgency, , risk, cost and time frame, this request will be exempt		

**BROKEN HILL**  
CITY COUNCIL

AGENDA	MOVED BY	SECONDED
<p>from a D.A. on a proviso that the works are carried out in accordance with the National Construction Code.</p> <p><b>Grandstand Signage:</b> Approval was granted for, no more than 8 signs (Plus the CFC Logo), the signs will be no more than half the height of the Grand stand, the whole wall of the Grandstand shall not be covered with signage. a D.A. was submitted by the BHCFC and signed by the G.M. as owner of the land.</p> <p><b>Decommissioned Scoreboard:</b> Approval is required from Council's Planning Department to install signage on this Scoreboard, signage applications are requested and are assessed on case by case basis, if the Committee wishes to progress this request a pre lodgement meeting must be made with the town Planner.</p> <p><b>Canteen Urn;</b> This Hot Water Urn was not included in the Canteen upgrade, if the Committee deem it necessary to Purchase a Urn they must go through Council for these types of purchases.</p>		
<p><b>Financial Report:</b> <b>Bank Balance: October 2019: \$24,139.56.</b> <b>Debtors:</b> CBHFC Oval Hire 2018 \$750.00, 2019 \$4,750.87 Defence: Oval Hire \$1,130.00. BH.High: Oval Hire \$200.00. BHHRC: Bar Rent \$1280.00</p>	<b>Dennis Cetinich.</b>	<b>Tania Martyn.</b>
<p><b>Reports:</b> <b>BHHRC:</b> Tracey Robinson informed the Committee that she had received the account for the Bar Electricity, the amount was \$1,550.00 over the last six months this reading was for one fridge only, discussion took place over this reading, after a lengthy period it was decided to contact the supplier and have this Meter checked. Tracey also informed the Committee that Harness Racing NSW was prepared to upgrade and repair the</p>		

**BROKEN HILL**  
CITY COUNCIL

AGENDA	MOVED BY	SECONDED
Track at a cost of some \$20,000.00 for this to be done and the Track remain in good condition car parking on the track at Football games must cease. MOCC will contact the BHAFL to meet with them in reference to this matter before Trials commence.		
<b><u>Oval Bookings:</u></b> <b>2019 Silver City Show:</b> 14 <sup>th</sup> September 2020 to 21 <sup>st</sup> September 2020. <b>BH Mineral &amp; Gem Show:</b> 1 <sup>st</sup> October 2020 to 5 <sup>th</sup> October 2020. <b>BHHRC Mobile Training &amp; Prep:</b> 22 <sup>nd</sup> /24 <sup>th</sup> November 2019 7am to 7pm. <b>Track Times &amp; Fast Work:</b> 6 <sup>TH</sup> November 2019 to 1 <sup>st</sup> May 2020.	Tracey Robinson.	Tanya Martyn.
<b><u>General Business:</u></b> <b>Dept. of Defence:</b> Ray will contact them re outstanding Account. <b>Oval Seats:</b> Repair all broken seats, look into recycled plastic, use new bolts. <b>Dog Clubs:</b> Still awaiting Schedule. <b>Rocky Baker:</b> Put his sign on the new Tower. <b>Landcare:</b> Planner will be at the Oval next Thursday re Garden Beds, Roses Etc,		
<b><u>Next Meeting:</u></b> <b>AGM Tuesday, 3<sup>rd</sup> December 2019 @ 6.30pm. in the MOCC Office under the Grandstand.</b>		

## **CLOSED**

### **Council Meeting to be held** **Wednesday, December 11, 2019**

1. **BROKEN HILL CITY COUNCIL REPORT NO. 216/19 - DATED**  
**NOVEMBER 29, 2019 - TENDER 19/8 FOR THE SUPPLY OF BULK**  
**MATERIALS - TENDER SUBMISSIONS - CONFIDENTIAL**

**(General Manager's Note:** This report considers a tender and is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).

2. **BROKEN HILL CITY COUNCIL REPORT NO. 217/19 - DATED**  
**DECEMBER 03, 2019 - TENDER DIR19:2986 - FOR LEAD**  
**REMEDICATION TO SOUTH ROAD BLOCK 10 - CONFIDENTIAL**

**(General Manager's Note:** This report considers Request for tender for lead remediation works on South Road Block 10 and is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).