



BUSINESS PAPER

Policy and General
Committee Meeting

Council Chambers
20 April 2022

5.30pm

BROKEN HILL

CITY COUNCIL

**AUSTRALIA'S FIRST
HERITAGE LISTED CITY**

Notice is hereby given, in accordance with the provisions of the *Local Government Act 1993*, that the Policy and General Standing Committee of the Broken Hill City Council will be held in the Council Chambers on **Wednesday, April 20, 2022** commencing at **5:30pm** to consider the following business:

MEMBERS OF THE POLICY & GENERAL COMMITTEE:

Mayor Kennedy
Deputy Mayor Hickey
Councillor Algate (Chairperson)
Councillor Boland
Councillor Browne
Councillor Jewitt

AGENDA	
1	Opening the Meeting
2	Apologies
3	Leave of Absence Applications
4	Prayer
5	Acknowledgement of Country
6	Minutes for Confirmation
7	Disclosure of Interest
8	Reports
9	Confidential Matters
10	Conclusion of the Meeting

LIVESTREAMING AND RECORDING OF STANDING COMMITTEE MEETINGS

Please note: This Committee Meeting will be livestreamed via YouTube and recorded and published online via Council's website. To those present at the meeting today, by attending 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 the livestream if comments or debate are considered defamatory or otherwise inappropriate for publishing. Participants are advised that they may be subject to legal action if they engage in unlawful behaviour or commentary.

JAY NANKIVELL
GENERAL MANAGER

MINUTES FOR CONFIRMATION

Minutes of the Policy And General Committee of the City of Broken Hill held Wednesday, March 23, 2022.

**MINUTES OF THE POLICY AND GENERAL COMMITTEE MEETING HELD
WEDNESDAY, MARCH 23, 2022 (5:30PM)**

**REQUESTS FROM COUNCILLORS FOR ATTENDANCE VIA
AUDIO-VISUAL LINK:** Nil.

PRESENT:

Councillor Councillor J. Hickey (Deputy Mayor) Councillor B. Algate
(Chairperson), Councillors M. Boland and M. Browne,

General Manager, Chief Assets and Projects Officer, Chief Financial Officer,
Manager Communications and Marketing, Executive Manager Planning and
Community Safety, Executive Manager Growth and Investment, Executive
Manager People and Culture, Executive Officer and Executive Assistant.

Media (nil), Members of the Public (1)

APOLOGIES:

Mayor T. Kennedy

LEAVE OF ABSENCE: Councillor H. Jewitt

Procedural Motion

Moved Councillor Michael Boland, Seconded Councillor Marion Browne

That the apology submitted on behalf of Mayor Kennedy be accepted.

That the leave of absence application submitted by Councillor Jewitt be accepted and leave of
absence granted.

CARRIED UNANIMOUSLY

PRAYER

Councillor Boland delivered the prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Boland delivered the Acknowledgment of Country.

DISCLOSURE OF INTEREST

Nil.

MINUTES FOR CONFIRMATION

Nil.

Procedural Motion

Moved Councillor Maron Browne, Seconded Councillor Michael Boland

That the meeting moves into Committee of the Whole.

CARRIED UNANIMOUSLY

REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 59/22 - DATED MARCH 02, 2022 - OFFICE OF LOCAL GOVERNMENT CONSULTATION - COUNCILLOR MISCONDUCT FRAMEWORK D22/10469

Recommendation

Moved Councillor Michael Boland, Seconded Councillor Marion Browne

1. That Broken Hill City Council Report No. 59/22 dated March 2, 2022, be received.
2. That the March 2022 'Policy and General' Committee does not provide a submission to the Office of Local Government regarding the Councillor Misconduct Framework.
3. That Councillors be invited to send individual submissions to the Office of Local Government by the closing date of 28 March 2022.

CARRIED UNANIMOUSLY

2. BROKEN HILL CITY COUNCIL REPORT NO. 60/22 - DATED MARCH 09, 2022 - REVIEW OF CODE OF CONDUCT POLICY D22/12138

Recommendation

Moved Deputy Mayor Jim Hickey, Seconded Councillor Michael Boland

1. That Broken Hill City Council Report No. 60/22 dated March 9, 2022, be received.
2. That amendments be made to the Code of Conduct Policy to remove clauses 8.21-8.21(h) as outlined in this report.
3. That, should Council determine that amendments be made to the Code of Conduct Policy, the draft revised policy be placed on public exhibition for submission to be received for a period of 28 days; and 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 revised Code of Conduct Policy.
4. That, should Council determine that amendments are not required to be made to the Code of Conduct Policy, Council adopts the Code of Conduct Policy as a policy of Council.

CARRIED UNANIMOUSLY

3. BROKEN HILL CITY COUNCIL REPORT NO. 61/22 - DATED MARCH 15, 2022 - REVIEW OF SOCIAL MEDIA POLICY AND MEDIA RELATIONS POLICY D22/13107

Recommendation

Moved Councillor Michael Boland, Seconded Deputy Mayor Jim Hickey

1. That Broken Hill City Council Report No. 61/22 dated March 15, 2022, be received.
2. That Council determines whether to make amendments to the Social Media Policy and the Media Relations Policy as outlined in this report.
3. That, should Council determine that amendments be made to the Social Media Policy and the Media Relations Policy, the policies be placed on public exhibition for submission to be received for a period of 28 days.
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 revised Code of Meeting Practice Policy.
5. That, should no amendments be determined to be made to the Social Media Policy and Media Relations Policy, the policies be adopted as policies of Council.

CARRIED UNANIMOUSLY

4. BROKEN HILL CITY COUNCIL REPORT NO. 62/22 - DATED MARCH 11, 2022 - APPOINTMENT OF DELEGATES TO SECTION 355 COMMITTEES AND OTHER COMMITTEES AND WORKING GROUPS D22/12836

Recommendation

Moved Councillor Michael Boland, Seconded Councillor Marion Browne

1. That Broken Hill City Council Report No. 62/22 dated March 11, 2022, be received.
2. That Council appoints its Councillor representatives to the remaining vacant positions on Section 355 Committees and various other Committees and Working Groups for the current period ending at the September 2022 Ordinary Council Meeting to ensure their effective and efficient operation. The vacancies being:
 - a) Broken Hill Heritage Committee – 2 vacant positions
 - b) Asset Naming Committee – 2 vacant positions
 - c) Volunteer Working Group – 1 vacant position
 - d) Perilya North Mine Community Consultative Committee – 1 vacant position
 - e) Silverton Wind Farm Community Consultative Committee – 1 vacant position

CARRIED UNANIMOUSLY

5. BROKEN HILL CITY COUNCIL REPORT NO. 63/22 - DATED FEBRUARY 10, 2022 - COUNCILLOR ATTENDANCE AT THE AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION CONFERENCE (NSW BRANCH) 2022 D22/7194

Recommendation

Moved Councillor Marion Browne, Seconded Deputy Mayor Jim Hickey

1. That Broken Hill City Council Report No. 63/22 dated February 10, 2022, be received.
2. That Council considers Councillor representation to the 2022 NSW Branch Annual Conference of the Australian Local Government Women's Association to be held in Fairfield on 7-9 July 2022.
3. That Councillor Jewitt be invited to attend the Conference and any other Councillors interested in attending are required to provide completed travel forms to the Executive Assistant by the close of business on Monday 18 April 2022.

CARRIED UNANIMOUSLY

6. BROKEN HILL CITY COUNCIL REPORT NO. 65/22 - DATED MARCH 04, 2022 - 2021-2022 DELIVERY PROGRAM KEY PERFORMANCE INDICATORS PROGRESS REPORT FOR PERIOD ENDING 31 DECEMBER 2021, INCLUSIVE OF OPERATIONAL PLAN 2021/2022 OUTCOMES D22/11364

Recommendation

Moved Councillor Michael Boland, Seconded Deputy Mayor Jim Hickey

1. That Broken Hill City Council Report No. 65/22 dated March 4, 2022, be received.
2. That Council receive the 2021-2022 Delivery Program Key Performance Indicators Progress Report for period ending 31 December 2021, inclusive of Operational Plan 2021/2022 outcomes.
3. That the 2021-2022 Delivery Program Key Performance Indicators Progress Report for period ending 31 December 2021, inclusive of Operational Plan 2021/2022 outcomes be placed on Council's website.

CARRIED UNANIMOUSLY

7. BROKEN HILL CITY COUNCIL REPORT NO. 66/22 - DATED MARCH 07, 2022 - 2017-2021 DISABILITY INCLUSION ACTION PLAN KEY PERFORMANCE INDICATORS PROGRESS REPORT FOR PERIOD ENDING 31 DECEMBER 2021 D22/11601

Recommendation

Moved Councillor Michael Boland, Seconded Councillor Marion Browne

1. That Broken Hill City Council Report No. 66/22 dated March 7, 2022, be received.
2. That Council note the 2017-2021 Disability Inclusion Action Plan – Key Performance Indicators Progress Report for the reporting period ending 31 December 2021.
3. That the 2017-2021 Disability Inclusion Action Plan – Key Performance Indicators Progress Report for the reporting period ending 31 December 2021 be placed on Council's website.

CARRIED UNANIMOUSLY

8. BROKEN HILL CITY COUNCIL REPORT NO. 67/22 - DATED MARCH 01, 2022 - SECTION 355 ADVISORY AND ASSET COMMITTEE MANUALS AND CONSTITUTIONS

D22/10225

Recommendation**Moved Councillor Marion Browne, Seconded Deputy Mayor Jim Hickey****Recommendation**

1. That Broken Hill City Council Report No. 67/22 dated March 1, 2022, be received.
2. That Council adopt the Section 355 Asset Committee Manual
3. That Council adopt the Section 355 Advisory Committee Manual
4. That Council adopt the Section 355 Constitutions for all ten active Section 355 Committees
5. That Council invite applications for Committee membership of the inactive E.T.Lamb Memorial Oval Community Committee to consider reestablishment in accordance with the s355 Asset Manual and draft Constitution of the E.T.Lamb Memorial Oval Community Community.
6. That the s355 E.T.Lamb Memorial Oval Community Committee be re-established subject to meeting committee management requirements as outlined in the Committee Constitution and a Councillor representative also nominated.
7. That should insufficient applications be received for committee management of the E.T.Lamb Memorial Oval Community Committee, then its care, maintenance and management remain under the control of Council operations.
8. That the draft Constitution of the E.T. Lamb Memorial Oval Community Committee be adopted for use, in the event that a management committee can be formed.
9. That all previous Frameworks and Constitutions become obsolete and removed from Council's website
10. That all adopted s355 Manuals and Constitutions be uploaded to Council's website.
11. That Council invite applications for Committee membership in accordance with all adopted Constitutions.
12. That Council write and thank all existing Committee members for their care and oversight during a very disrupted period of tenure as a result of COVID and election delays.

CARRIED UNANIMOUSLY

9. BROKEN HILL CITY COUNCIL REPORT NO. 68/22 - DATED MARCH 07, 2022 - INVESTMENT REPORT FOR FEBRUARY 2022 D22/11647

Recommendation

Moved Councillor Marion Browne, Seconded Councillor Michael Boland

1. That Broken Hill City Council Report No. 68/22 dated March 7, 2022, be received.

CARRIED UNANIMOUSLY

MATTERS OF URGENCY

The Chairperson advised that he had received two motions of urgency from Deputy Mayor Hickey.

The motions relating to:

- Council putting forward a motion for the next LGNSW conference to rescind a resolution passed at the previous LGNSW conference to adopt a policy to preclude real estate agents and their families and close contacts from serving as Councillors; and
- Council to be provided with a report regarding the costs and logistics to provide a monthly newsletter to all residents in Broken Hill regarding Council activities, meeting dates, events, stories, mayoral column.

Procedural Motion

Moved Councillor Michael Boland, Seconded Councillor Bob Algate

That the first urgent motion relating to Council putting forward a motion to the next LGNSW Conference, be considered.

CARRIED

FOR: Deputy Mayor Jim Hickey, Councillors Bob Algate and Michael Boland
AGAINST: Councillor Marion Browne

1. URGENT MOTION TO THE ORDINARY COUNCIL MEETING 30 MARCH 2022 - LGNSW CONFERENCE MOTION - BAN ON DEVELOPERS AND REAL ESTATE AGENTS SERVING AS COUNCILLORS (GB3/22) 13/147

Deputy Mayor Jim Hickey presented the following urgent motion:

Recommendation

Moved Deputy Mayor Jim Hickey, Seconded Councillor Michael Boland

1. Broken Hill City Council forward a motion for the next LGANSW to rescind the resolution, passed at the LGNSW conference to adopt a policy that wants to

preclude real estate agents and their families and close contacts from serving as Councillors.

2. That the motion be resubmitted as follows: That Local Government NSW calls on the Premier of NSW and the Minister for Local Government to ban Developers only from serving as Councillors.
3. That it is noted that BHCC supports the rights of all to represent Local Government if they meet the current Legislative requirements.
4. That Broken Hill City Council forward a copy of our proposed motion to ALL NSW Regional councils and Shires requesting that they write to LGNSW in support of our new motion due to the fact that Real Estate Agents are an integral part of all Regional/Country councils and shires and that our Councils would be dramatically affected if the current motion was passed to Legislation and that if passed then it highlights the huge divide between Regional and City members of the LGNSW and possibly Regional Councils and Shires should consider reverting back to a separate City Council and Shires Association.
5. That Broken Hill City Council write to the Real Estate Institute of NSW and the Australian Property Institute NSW requesting their support in the form of representation to the Premier and Minister for Local Government to not allow the original motion to pass to Legislation.

CARRIED UNANIMOUSLY

Procedural Motion

Moved Deputy Mayor Jim Hickey, Seconded Councillor Michael Boland

That the second urgent motion relating to a report being prepared regarding introducing a monthly Council newsletter, be considered.

CARRIED

FOR: Deputy Mayor Jim Hickey, Councillors Bob Algate and Michael Boland
AGAINST: Councillor Marion Browne

2. URGENT MOTION TO THE ORDINARY COUNCIL MEETING 30 MARCH 2022 - MONTHLY COUNCIL NEWSLETTER (GB4/22)

11/161

Councillor Jim Hickey presented the following urgent motion:

Recommendation

Moved Deputy Mayor Jim Hickey, Seconded Councillor Michael Boland

1. That Council be provided with a report at the April Ordinary Meeting outlining the costs and logistics to provide a monthly newsletter to all residents.
2. That the newsletter would potentially include meeting dates, events, stories, mayoral column etc.

CARRIED UNANIMOUSLY

CONFIDENTIAL MATTERS

Nil.

There being no further business the meeting was declared closed at 6:47 pm.

The foregoing minutes were read and confirmed at the Policy and General Committee meeting held on 20 April 2022.

Chairperson

REPORTS

1.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 87/22 - DATED APRIL 06, 2022 - OFFICE OF LOCAL GOVERNMENT CIRCULAR - COUNCILLOR SUPERANNUATION (D22/16570)</u>	14
2.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 88/22 - DATED MARCH 29, 2022 - DRAFT COMMUNITY STRATEGIC PLAN - YOUR BROKEN HILL 2040 (D22/15298)</u>	39
3.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 89/22 - DATED APRIL 05, 2022 - DRAFT DISABILITY INCLUSION ACTION PLAN 2022-2026 (D22/16313)</u>	82
4.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 90/22 - DATED APRIL 07, 2022 - OFFICE OF LOCAL GOVERNMENT MODEL COUNCILLOR AND STAFF INTERACTION POLICY (D22/17673)</u>	118
5.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 91/22 - DATED APRIL 04, 2022 - ADOPTION OF THE DRAFT COUNCILLOR SUPPORT POLICY (D22/16051)</u>	149
6.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 92/22 - DATED APRIL 08, 2022 - DRAFT DEBT RECOVERY POLICY (D22/17919)</u>	170
7.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 93/22 - DATED APRIL 11, 2022 - RATES - ADDITIONAL SPECIAL VARIATION 2022-23 (D22/17923)</u>	236
8.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 94/22 - DATED APRIL 06, 2022 - ALTERATION TO SCHEDULED STANDING COMMITTEE MEETING DATES FOR JUNE 2022 DUE TO COUNCILLOR ATTENDANCE AT THE NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT (D22/16682)</u>	247
9.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 95/22 - DATED APRIL 08, 2022 - INVESTMENT REPORT FOR MARCH 2022 (D22/17741)</u>	250

10. BROKEN HILL CITY COUNCIL REPORT NO. 96/22 - DATED APRIL 06, 2022 - NOMINATIONS FOR THE APPOINTMENT OF COMMUNITY REPRESENTATIVES TO SECTION 355 COMMUNITY COMMITTEES (D22/17435)264
11. BROKEN HILL CITY COUNCIL REPORT NO. 97/22 - DATED APRIL 05, 2022 - NOMINATIONS AS INDEPENDENT PANEL MEMBERS ON THE COMMUNITY ASSISTANCE GRANTS PANEL (D22/16494)328

POLICY AND GENERAL COMMITTEE

April 6, 2022

ITEM 1BROKEN HILL CITY COUNCIL REPORT NO. 87/22

SUBJECT: OFFICE OF LOCAL GOVERNMENT CIRCULAR - COUNCILLOR
SUPERANNUATION D22/16570

Recommendation

1. That Broken Hill City Council Report No. 87/22 dated April 6, 2022, be received.
2. That Council **determines** whether superannuation contribution payments will be made to Councillors as per the *Commonwealth Superannuation Guarantee (Administration) Act 1992*, as of 1 July 2022 at the superannuation guarantee rate of 10.5% (which will come into effect from 1 July 2022).
3. That, should Council resolve to make superannuation contribution payments to Councillors as of 1 July 2022, then:
 - a) That Council notes that the superannuation guarantee rate will be the amount the Council would have been required to contribute under the *Commonwealth Superannuation Guarantee (Administration) Act 1992* as superannuation if the Councillors were employees of the Council; and as of 1 July 2022, the superannuation guarantee rate will be 10.5% with the rate increasing by half a percent each year until 1 July 2025 when it reaches 12%.
 - b) That the superannuation contribution payments are made at the same intervals as the annual fee are paid to Councillors (currently monthly).
 - c) That, to receive superannuation contribution payments, each Councillor must first nominate a superannuation account for the payment before the end of the month to which the payment relates.
 - d) That the superannuation account nominated by Councillors must be an account for superannuation or retirement benefits from a scheme or fund to which the *Commonwealth Superannuation Guarantee (Administration) Act 1992* applies.
 - e) That Council must not make a superannuation contribution for a Councillor if the Councillor fails to nominate an eligible superannuation account for the payment before the end of the month to which the payment relates.
 - f) That Council must not make superannuation contribution payments for Councillors during any period in which they are suspended from their civic office or their right to be paid any fee or other remuneration, or expense, is suspended under the Act.

- g) That Council must not make superannuation contribution payments for Councillors during any period in which they are not entitled to receive their fee under section 254A of the Act because they are absent.
4. That Council notes that individual Councillors may opt out of receiving superannuation contribution payments or opt to receive reduced payments. Councillors must do so in writing to the General Manager prior to 1 July 2022 or at any time during the Term of Council.

Executive Summary:

The Office of Local Government (OLG) have issued a Circular to Council No. 22/04 regarding the payment of Councillor superannuation (see attachment).

This circular follows an amendment to the *Local Government Act 1993* (the Act) last year, for Council's to determine whether to make superannuation guarantee payments to Councillors starting from the financial year commencing on 1 July 2022.

Attached to this report is background information regarding OLG's consultation with Councils in 2020 and the previous Council's subsequent submission to OLG in April 2022 regarding the introduction of superannuation guarantee payments to Councillors from 1 July 2022.

This report is provided to Council for the newly elected Council to make a determination on the payment of Councillor superannuation.

Report:

Following an amendment to the Act last year, Councils may make superannuation contribution payments to a superannuation account nominated by their Councillors, starting from the new financial year commencing 1 July 2022.

The making of superannuation contribution payments to Councillors is optional and is at each Council's discretion. For superannuation contribution payments to be made to Councillors, Council must first resolve at an open meeting to make superannuation guarantee payments for Councillors commencing 1 July 2022.

Background information

OLG issued a circular and discussion paper in March 2020 (see attachment) to consult with NSW Councils regarding whether Councils should make superannuation contribution payments for Councillors.

Council considered this matter at its Ordinary Meeting held 25 March 2020 and resolved to receive information regarding the various options regarding the introduction of Councillor superannuation payments and to make a submission to OLG on what the majority of Councillors preferred.

The options of which OLG was seeking the views of Councils and others was on the following four options:

1. Maintaining the status quo – Mayors and Councillors can continue to voluntarily contribute a portion of their fees to a complying superannuation fund of their choice.
2. Mandate the current voluntary situation – amend the Local Government Act 1993 to make it compulsory for Councils to pay a portion of the Mayor's and Councillors' fees equivalent to the superannuation guarantee amount into a complying superannuation fund nominated by the Mayor and Councillors.

3. Amend the Act to allow Councils to voluntarily pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominated by the Mayor and Councillors in addition to the Mayor's and Councillors' fees – this means that the payment of Council superannuation in addition to their fee would be at each Council's discretion, allowing the Council to take into account the Council's resources and the local community's views, or
4. Amend the Act to make it compulsory for Councils to pay an amount equivalent to the superannuation guarantee into a compulsory superannuation fund nominated by the Mayor and Councillors in addition to the Mayor's and Councillors' fees.

Responses were gathered from Councillors and the majority of Councillors indicated that they preferred option 1 and Council's submission to that effect was forwarded to OLG on 30 April 2020 (see attachment).

The NSW Parliament passed the Local Government Amendment Act 2021 (Amendment Act) on 13 May 2021. The Amendment Act includes rating reforms for Councils formed by merger in 2016 to harmonise their rating structures and other rating reforms for all NSW Councils, Councillor superannuation and minor changes that relate to Council elections and the terms of office of chairs of County Councils and Joint Organisations.

In terms of Councillor superannuation, the Amendment Act allows for NSW Councils to have the option to make superannuation contribution payments for Councillors from 1 July 2022 equivalent in amount to superannuation guarantee payments. The decision to make superannuation contribution payments (as per the *Local Government Act 1993 Sections 254B, 254A and 248A*) must be made by resolution at an open meeting of Council.

This report is presented to Council to consider whether to resolve to make superannuation contribution payments to Councillors to commence from 1 July 2022 as per the *Local Government Act 1993 Sections 254B, 254A and 248A*, and if Council resolves that way, to allow time for the necessary administrative processes to be completed to facilitate payments.

The relevant sections of the *Local Government Act 1993* are provided as an attachment to the report for reference.

Community Engagement:

Nil. Community engagement was conducted in 2020 prior to Council's submission to OLG.

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, Sections 254B, 254A & 248A

Financial Implications:

If adopted by Council and taken up by all Councillors, the estimated amount of superannuation contribution payments for Councillors for 2022/2023 (based on the current annual Mayoral and Councillor Fees) would be approximately \$23,001.00.

Attachments

1. [↓](#) 2022 - OLG Circular No. 22/04 - Payment of Councillor Superannuation
2. [↓](#) Excerpts from the Local Government Act 1993
3. [↓](#) 2020 - OLG Discussion Paper - Councillor Superannuation
4. [↓](#) 2020 - OLG Circular - Councillor Superannuation
5. [↓](#) 2020 - Council's submission to OLG dated 30 April 2020

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER



Office of
Local Government

Circular to Councils

Circular Details	22-04/ 15 March 2022/ A811265
Previous Circular	21-07 <i>Commencement of Local Government Amendment Act 2021</i>
Who should read this	Councillors / General Managers / Council Governance Staff
Contact	Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Information / Council to Implement

Payment of councillor superannuation

What's new or changing

- Following an amendment to the *Local Government Act 1993* (the Act) last year, councils may make payments as a contribution to a superannuation account nominated by their councillors, starting from the financial year commencing on **1 July 2022**.
- The making of superannuation contribution payments for councillors is optional and is at each council's discretion.

What this will mean for your council

- To exercise the option of making superannuation contribution payments for their councillors, councils must first resolve at an open meeting to make superannuation contribution payments for the councillors.
- Where a council resolves to make superannuation contribution payments for its councillors, the amount of the payment is to be the amount the council would have been required to contribute under the *Commonwealth Superannuation Guarantee (Administration) Act 1992* as superannuation if the councillors were employees of the council.
- As of 1 July 2022, the superannuation guarantee rate will be 10.5%. The rate will increase by half a percent each year until 1 July 2025 when it reaches 12%.
- The superannuation contribution payment is to be paid at the same intervals as the annual fee is paid to councillors.
- To receive a superannuation contribution payment, each councillor must first nominate a superannuation account for the payment before the end of the month to which the payment relates. The superannuation account nominated by councillors must be an account for superannuation or retirement benefits from a scheme or fund to which the *Commonwealth Superannuation Guarantee (Administration) Act* applies.
- Councils **must not** make a superannuation contribution payment for a councillor if the councillor fails to nominate an eligible superannuation account for the payment before the end of the month to which the payment relates.
- Individual councillors may opt out of receiving superannuation contribution payments or opt to receive reduced payments. Councillors must do so in writing.

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

- Councils must not make superannuation contribution payments for councillors during any period in which they are suspended from their civic office or their right to be paid any fee or other remuneration, or expense, is suspended under the Act.
- Councillors are also not entitled to receive a superannuation contribution payment during any period in which they are not entitled to receive their fee under section 254A of the Act because they are absent.

Where to go for further information

- For further information please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.

Melanie Hawyes
Deputy Secretary, Crown Lands and Local Government

Office of Local Government
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E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

EXCERPTS FROM THE *LOCAL GOVERNMENT ACT 1993* – AS AT 06/04/2022

SECTION 254B:

254B Payment for superannuation contributions for councillors

- (1) A council may make a payment (a *superannuation contribution payment*) as a contribution to a superannuation account nominated by a councillor, starting from the financial year commencing 1 July 2022.
- (2) The amount of a superannuation contribution payment is the amount the council would have been required to contribute under the Commonwealth superannuation legislation as superannuation if the councillor were an employee of the council.
- (3) A superannuation contribution payment is payable with, and at the same intervals as, the annual fee is payable to the councillor.
- (4) A council is not permitted to make a superannuation contribution payment—
 - (a) unless the council has previously passed a resolution at an open meeting to make superannuation contribution payments to its councillors, or
 - (b) if the councillor does not nominate a superannuation account for the payment before the end of the month to which the payment relates, or
 - (c) to the extent the councillor has agreed in writing to forgo or reduce the payment.
- (5) The Remuneration Tribunal may not take superannuation contribution payments into account in determining annual fees or other remuneration payable to a mayor or other councillor.
- (6) A person is not, for the purposes of any Act, taken to be an employee of a council and is not disqualified from holding civic office merely because the person is paid a superannuation contribution payment.
- (7) A superannuation contribution payment does not constitute salary for the purposes of any Act.
- (8) Sections 248A and 254A apply in relation to a superannuation contribution payment in the same way as they apply in relation to an annual fee.
- (9) In this section—

Commonwealth superannuation legislation means the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth.

superannuation account means an account for superannuation or retirement benefits from a scheme or fund to which the Commonwealth superannuation legislation applies.

SECTION 254A:

254A Circumstances in which annual fees may be withheld

- (1) Despite this Division, a council may resolve that an annual fee will not be paid to a councillor or that a councillor will be paid a reduced annual fee determined by the council—
 - (a) for any period of not more than 3 months for which the councillor is absent, with or without leave, from an ordinary meeting or ordinary meetings of the council, or
 - (b) in any other circumstances prescribed by the regulations.
- (2) Despite this Division, if a councillor is absent, with or without leave of the council, from ordinary meetings of the council for any period of more than 3 months, the council must not pay any annual fee, or part of an annual fee, to that councillor that relates to the period of absence that is in excess of 3 months.

SECTION 248A:

248A Annual fees or other remuneration not to be paid during period of suspension

A council must not at any time pay any fee or other remuneration, or any expenses, to which a councillor would otherwise be entitled as the holder of a civic office, in respect of any period during which—

- (a) the councillor is suspended from civic office under this Act, or
- (b) the councillor's right to be paid any such fee or other remuneration, or expense, is suspended under this Act,

unless another provision of this Act specifically authorises payment to be made, or specifically permits a person to authorise payment to be made, when the suspension is terminated.



Office of
Local Government

COUNCILLOR SUPERANNUATION

Discussion paper

March 2020



ACCESS TO SERVICES

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www.olg.nsw.gov.au

Minister's foreword



Since becoming the Minister for Local Government, I have actively engaged with local councils across New South Wales. I am constantly impressed by the passion held by our mayors and councillors, and frequently find myself commenting on the incredible work ethic of many who continually deliver for their communities.

I am proud to be a part of a Government that is committed to supporting councils to deliver for their local communities. Since 2011 this Government has provided more than \$9 billion to local councils to deliver and improve local infrastructure, services and facilities for their communities. About half of this funding has gone to regional and rural communities which are struggling through one of the worst droughts on record and are recovering and rebuilding after the recent natural disasters. This funding boost has helped local councils provide the very things that make our communities tick – from local infrastructure to essential services and programs that unite local residents.

Under Commonwealth legislation, councils are not required to make superannuation contributions in relation to the fees they pay to mayors and councillors because they are not employees of councils. Recently I was pleased to host a workshop where the obstacles that deter women from nominating to be a councillor or mayor were identified, and the lack of superannuation payments was one of the barriers raised. It can also be said that this goes some way in deterring people under 35 from representing their community on their local council.

As you know, mayors and councillors currently receive a level of remuneration that is independently set by the Local Government Remuneration Tribunal based on the application of a range of criteria. It is currently possible for councils to make superannuation contributions on behalf of mayors and councillors on a pre-tax basis out of the fees they receive from the council as determined by the Tribunal.

However, the Government recognises that not everyone agrees with the current arrangements and acknowledges the calls for councils to be required to make superannuation contributions on behalf of mayors and councillors in addition to the payment of their fees. The purpose of this discussion paper is to encourage further discussion about this issue and assist the Government in better understanding the views of the local government sector and the broader community.

The discussion paper:

- provides information on the current system for setting councillor remuneration and the legislation governing superannuation contributions for elected officials
- sets out the arguments for and against the payment of superannuation contributions for mayors and councillors, and
- provides different options and legislative models.

I welcome your input into this conversation and look forward to hearing your views.

The Hon Shelley Hancock MP
Minister for Local Government

1. Should mayors and councillors in NSW receive superannuation payments in addition to their fees?

Reasons that mayors and councillors should receive superannuation payments in addition to their fees can be summarised as follows:

- it will ensure that mayors and councillors are adequately remunerated for the performance of their duties
- it will address a historic anomaly that has seen mayors and councillors denied the benefit of superannuation guarantee payments enjoyed by the broader workforce, and
- it is hoped it will encourage more women to stand as candidates for election to councils.

Each of these arguments are examined below.

Are NSW mayors and councillors adequately remunerated?

In NSW, the remuneration received by mayors and councillors is independently set by an expert tribunal, the Local Government Remuneration Tribunal.

Under section 239 of the NSW *Local Government Act 1993* (the Act), the Tribunal is required to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.

To ensure that mayors and councillors receive remuneration that is commensurate with, and reflects their workload and responsibilities, the Tribunal is required to consider a range of criteria under section 240 of the Act in determining remuneration categories. These include:

- the size, physical terrain, population and the distribution of the population of each local government area
- the nature and volume of business dealt with by each council
- the nature and extent of the development of each local government area
- the diversity of the communities each council serves
- the regional, national and international significance of the council, and
- any other matters the Tribunal considers relevant to the provision of efficient and effective local government.

The Tribunal last undertook a significant review of the categories and the allocation of councils into each of the categories in 2017. The Tribunal has indicated that it will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020.

Under section 241 of the Act, the Tribunal is required to determine, no later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.

As noted above, in determining the maximum and minimum fees payable in each of the categories, the Tribunal is required under section 242A(1) of the Act, to give effect to the same policies on increases in remuneration as the Industrial Relations Commission.

The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.

However, the Tribunal is able to determine that a council can be placed into another existing or a new category with a higher range of fees without breaching the Government's wage policy pursuant to section 242A(3) of the Act. This means that where, for whatever reason, the workload or responsibilities of the mayor and councillors increase, they may receive an increase in remuneration that reflects their increased workload even if that increase exceeds the 2.5% public sector wages cap.

The current remuneration levels for mayors and councillors in each category are set out below:

Table 1: Minimum and maximum fees for NSW mayors and councillors

Category		Councils in Category	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
			Minimum	Maximum	Minimum	Maximum
General Purpose Councils – Metropolitan	Principal CBD	1	27,640	40,530	169,100	222,510
	Major CBD	1	18,430	34,140	39,160	110,310
	Metropolitan Large	8	18,430	30,410	39,160	88,600
	Metropolitan Medium	9	13,820	25,790	29,360	68,530
	Metropolitan Small	11	9,190	20,280	19,580	44,230
General Purpose Councils – Non - metropolitan	Regional City	2	18,430	32,040	39,160	99,800
	Regional Strategic Area	2	18,430	30,410	39,160	88,600
	Regional Rural	37	9,190	20,280	19,580	44,250
	Rural	57	9,190	12,160	9,780	26,530
County Councils	Water	4	1,820	10,140	3,920	16,660
	Other	6	1,820	6,060	3,920	11,060

- Mayors and county council chairpersons receive their fee **in addition to** the fee they receive as a councillor/member.

A comparison of average remuneration received by mayors and councillors in NSW with the remuneration received by their counterparts in other jurisdictions indicates that NSW councillors receive similar or higher levels of remuneration than their counterparts in other jurisdictions other than Queensland.

Table 2: Interjurisdictional comparison of councillor remuneration

Jurisdiction	Average	Lowest Fee	% NSW fee	Highest fee	% NSW fee
NSW	24,860	9,190		40,530	
QLD	121,194	53,049	577%	189,338	467%
VIC	27,450	8,660	94%	46,240	114%
TAS	22,824	9,322	101%	36,326	90%
WA	17,634	3,589	39%	31,678	78%
NT	23,263	7,755	84%	38,770	96%
SA	16,215	6,500	71%	25,930	64%

Table 3: Interjurisdictional comparison of mayors' remuneration

Jurisdiction	Average	Lowest Fee	% NSW fee	Highest fee	% NSW fee
NSW	160,315	57,590		263,040	
QLD	209,255	106,100	184%	312,410	119%
VIC	129,291	61,651	107%	196,931	75%
TAS	79,884	32,626	57%	127,142	48%
WA	70,685	4,102	7%	137,268	52%
NT	80,385	26,796	47%	133,974	51%
SA	101,500	26,000	45%	177,000	67%

Have NSW mayors and councillors been denied a financial benefit received by other members of the workforce through the payment of the superannuation guarantee?

The superannuation guarantee was introduced in 1992-93, with compulsory contributions rising at regular intervals from 3 per cent of wages in that year to 9 per cent in 2002-03 and 9.5 per cent in 2013-14. The superannuation guarantee is scheduled to rise incrementally from 9.5 per cent of wages today to 12 per cent by July 2025.

While superannuation guarantee payments are made in addition to an employee's wages, as the Grattan Institute has demonstrated¹, higher compulsory superannuation contributions are ultimately funded by lower wages. When the superannuation guarantee increases, this is wholly or mostly borne by workers who receive smaller pay rises and lower take-home pay. For example, when the superannuation guarantee increased by from 9 per cent to 9.25 per cent in 2013, the Fair Work Commission stated in its minimum wage decision that the proposed minimum wage increase was *"lower than it otherwise would have been in the absence of the Super Guarantee increase"*.

Given the evidence that superannuation guarantee payments are in effect paid for by workers through lower wages, it would be over simplifying the situation to assume that workers are receiving a 9.5% supplementary payment that is being denied to NSW mayors and councillors.

The last increase in the superannuation guarantee came into effect in 2013/14 when the contribution rate increased from 9.25% to 9.5%. A comparison of increases in average weekly earnings with increases in NSW mayors' and councillors' remuneration as determined by the Tribunal since then indicates that NSW mayors and councillors have, on average, enjoyed slightly higher increases in remuneration than the rest of the community.

Table 4: Comparison of increases in average weekly earnings with increases in mayors' and councillors' remuneration

Financial year	Average weekly ordinary time earnings Aust - annual average increase June to June each year	Councillor remuneration increase 1 July
1 July 2014 – 30 June 2015	2.3%	2.5%
1 July 2015 – 30 June 2016	2.0%	2.5%
1 July 2016 – 30 June 2017	2.2%	2.5%
1 July 2017 – 30 June 2018	1.8%	2.5%
1 July 2018 – 30 June 2019	2.7%	2.5%
1 July 2019 – 30 June 2020	3.1%	2.5%

¹ See John Daley and Brendan Coates (2018) [Money in retirement: More than enough](#). Grattan Institute. November 2018

Were councils to be required to make an additional payment on behalf of mayors and councillors equivalent to the superannuation guarantee amount (currently 9.5% of their fees) this would, in effect confer on mayors and councillors a 9.5% increase in their remuneration outside of the normal process for setting mayors' and councillors' remuneration by the Local Government Remuneration Tribunal.

This will not be a one-off increase. With the superannuation guarantee set to increase to 12% in the years up to 2025, this would see further increases to mayors' and councillors' remuneration over and above any increases approved by the Tribunal.

While the receipt of a 9.5% increase in their remuneration through the payment of the superannuation guarantee is likely to be widely supported by mayors and councillors, it is important that the community is consulted and support shown by them before changes are made.

At present it is not clear whether ratepayers would support seeing the revenue they contribute to their local councils being diverted from providing services and infrastructure to fund a 9.5% increase in remuneration for their elected representatives.

Will payment of the superannuation guarantee encourage more women to stand as candidates at council elections?

Payment of the superannuation guarantee for mayors and councillors has been promoted as an equity measure to address disparities in men's and women's superannuation balances.

Research has demonstrated that the principal impediments to more women standing as candidates at local government elections are:

- lack of awareness of local government and the role of councils and councillors
- feeling unqualified
- balancing carer and work commitments
- the investment of time required to be an effective councillor, and
- perceptions of the culture of councils and councillor conduct.²

The payment of the superannuation guarantee would benefit male and female councillors alike. In the short term, male mayors and councillors will be the principal beneficiaries of any increase in remuneration through the receipt of an additional superannuation payment given that they currently comprise 69% of councillors in NSW³.

Major stakeholders promoting an increase in the number of females represented on councils including Local Government NSW, Women for Election Australia, Australian Local Government Women's Association and the Country Women's Association of NSW recently noted that *"a key barrier for women standing for election to local government can be the lack of access to superannuation, with women unwilling to take on more work with insufficient remuneration"*. The stakeholders also noted *"women tend to have far lower superannuation balances than men, often due to time out of the workforce caring for family members"*.

² See Manion, Jo and Sumich, Mark (2013), [*Influencing Change – Views of elected representatives on leadership, decision making and challenges for Local Government in NSW*](#)

³ See Office of Local Government (2019), [*NSW Candidate and Councillor Diversity Report 2017*](#)

Will payment of the superannuation guarantee encourage younger people to stand as candidates at council elections?

Two separate studies undertaken by the University of Melbourne in 2014⁴ and 2015⁵ found that younger people tend not to be engaged by and are uninterested in superannuation or retirement planning. HECS repayments and saving to purchase a first home tend to be higher financial priorities for younger people than saving for retirement.

The average tenure of councillors is between one to two terms. More than three quarters (77%) of councillors elected at the 2012, 2016 and 2017 elections had served two terms or less. Assuming that councillors were to receive the superannuation guarantee of 9.5% with respect to their fees over one or two terms, as demonstrated by table 5, the value of the capital contributions made to their superannuation funds would, at retirement, represent a small proportion of their accumulated lifetime superannuation capital.

Table 5: Comparison of superannuation contribution amounts that would be made on the maximum annual fee in each category of council at a rate of 9.5% over 1 term (4 years) and 2 terms (8 years).

Category		Number of Councils in Category	Councillor/Member Maximum Annual Fee	4 years at 9.5%	8 years at 9.5%
General Purpose Councils – Metropolitan	Principal CBD	1	40,530	15,401	30,802
	Major CBD	1	34,140	12,973	25,946
	Metropolitan Large	8	30,410	11,556	23,112
	Metropolitan Medium	9	25,790	9,800	19,600
	Metropolitan Small	11	20,280	7,706	15,412
General Purpose Councils – Non-metropolitan	Regional City	2	32,040	12,175	24,350
	Regional Strategic Area	2	30,410	11,556	23,112
	Regional Rural	37	20,280	7,706	15,412
	Rural	57	12,160	4,621	9,242
County Councils	Water	4	10,140	3,853	7,706

⁴ See Ali, Paul and Anderson, Malcolm and Clark, Martin and Ramsey, Ian and Shekhar, Chander (2014), [Superannuation Knowledge, Behaviour and Attitudes in Young Adults in Australia](#). CIFR Paper No. RP002/2014

⁵ See Ali, Paul and Anderson, Malcolm and Clark, Martin and Ramsey, Ian and Shekhar, Chander (2015), [No Thought for Tomorrow: Young Australian Adults' Knowledge, Behaviour and Attitudes About Superannuation](#). Law and Financial Markets Review Vol. 9, No. 2, pages 90-105

	Other	6	6,060	2,303	4,606
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How much will it cost and who will pay?

The cost of paying the superannuation guarantee for mayors and councillors will need to be met by each council out of its existing budget.

This cost will vary from council to council depending on what fees the mayor and councillors receive and how many councillors there are on the council. The table below sets out the average annual cost to councils in each remuneration category of paying the 9.5% superannuation guarantee for the mayor and each councillor based on the maximum annual fee payable in each category.

The total estimated annual cost of paying the 9.5% superannuation guarantee for mayors and councillors for the local government sector as whole is close to \$3 million (\$2,758,739).

Table 6: Average annual cost to councils of making a 9.5% superannuation contribution for mayors and councillors

Category		Councils in Category	Average annual cost of paying 9.5% superannuation contribution for mayors and councillors
General Purpose Councils – Metropolitan	Principal CBD	1	55,792
	Major CBD	1	55,886
	Metropolitan Large	8	45,973
	Metropolitan Medium	9	35,911
	Metropolitan Small	11	21,541
General Purpose Councils – Non-metropolitan	Regional City	2	46,007
	Regional Strategic Area	2	45,973
	Regional Rural	37	21,543
	Rural	57	11,762
County Councils	Water	4	9,289
	Other	6	5,081

2. Why are councils not required to make superannuation guarantee payments to mayors and councillors?

The Commonwealth *Superannuation Guarantee (Administration) Act 1993* (SG Act) imposes an obligation on an employer to pay the superannuation guarantee of 9.5% of an employee's earnings to a complying superannuation fund nominated by the employee.

The obligations under the SG Act do not extend to councils with respect to the fees they pay to mayors and councillors because they are not employees of the council for the purposes of that Act. Mayors and councillors are elected to a civic office in the council and the council is not their employer.

Section 12(9A) of the SG Act expressly excludes mayors and councillors across Australia from the definition of "employee" meaning that councils are not obliged to make superannuation guarantee payments to mayors and councillors under that Act. Section 12(9A) of the SG Act provides that, "*a person who holds office as a member of a local government council is not an employee of the council*".

Section 251 of the NSW Local Government Act also makes it clear that the payment of a fee to a mayor or councillor does not constitute the payment of a salary and mayors and councillors are not to be taken to be employees of councils because of the payment of the fee.

3. Can NSW councils make superannuation contributions on behalf of mayors and councillors as a component of their fees?

There is nothing currently preventing councils from making superannuation contributions on a voluntary basis on behalf of the mayor and councillors.

The Australian Tax Office has made a definitive ruling, (ATO ID 2007/205) that allows for mayors and councillors to redirect their annual fees into superannuation on a pre-tax basis.

In practical terms, there is nothing currently preventing mayors and councillors, who wish to make concessional contributions to their superannuation funds, from entering into an arrangement with their council under which they agree to forego part of their remuneration in exchange for the council making contributions to a complying superannuation fund on their behalf on a pre-tax basis.

Councils are also able to determine for themselves, by council resolution and/or within an appropriate council policy, if and how councillors may do this.

4. Can NSW councils make superannuation contributions on behalf of mayors and councillors *in addition to the payment of their fee?*

It is open to councils under sections 446-5(1)(a) and 12-45(1)(e) of Schedule 1 of the Commonwealth *Taxation Administration Act 1953* (TAA) to resolve that mayors and councillors are subject to Pay As You Go withholding. The resolution must be unanimous to be effective.

A resolution under sections 446-5(1)(a) and 12-45(1)(e) of Schedule 1 of the TAA operates to take the mayor and councillors out of section 12(9A) of the SG Act, which recognises that they are not employees of the council, and brings them within section 12(10) of the SG Act which states that:

A person covered by paragraph 12-45(1)(e) in Schedule 1 to the Taxation Administration Act 1953 (about members of local governing bodies subject to PAYG withholding) is an employee of the body mentioned in that paragraph.

Section 12(1) effectively deems the mayor and councillors to be employees and the council to be their employer for the purposes of the SG Act. This will mean the council will be obliged to make superannuation guarantee contributions (currently 9.5% of the mayor's and councillors' fees) to complying superannuation funds in respect of fees paid to the mayor and councillors. These contributions would be paid in addition to the fees received by the mayor and councillors.

It should be noted however that a resolution under sections 446-5(1)(a) and 12-45(1)(e) of Schedule 1 of the TAA will also result in mayors and councillors being treated as employees for a wide range of other taxation purposes. Among other things:

- the council will have to withhold amounts from the payment of fees to the mayor and councillors in accordance with section 12-45(1)(e) of Schedule 1 of the TAA
- the council will be subject to fringe benefits tax under the Commonwealth *Fringe Benefits Tax Assessment Act 1986* on the taxable value of expenses paid to and facilities provided to the mayor and councillors under the council's councillor expenses and facilities policy adopted under section 252 of the LGA, and
- the council will be obliged under Commonwealth *Child Support (Registration and Collection) Act 1988* to withhold payments from fees paid to the mayor and councillors for the purposes of making child support/maintenance/carers payments.

It is unclear however whether a resolution under sections 446-5(1)(a) and 12-45(1)(e) of Schedule 1 of the TAA is permissible under sections 248(2) and 249(3) of the Act where it would have the consequence of requiring a council to make a superannuation guarantee contribution in respect of the fees paid to councillors and the mayor that, taken together with their fees, exceeds the maximum amount determined by the Local Government Remuneration Tribunal.

It is also unclear what impact section 242A of the Act would have in relation to a council's resolution under sections 446-5(1)(a) and 12-45(1)(e) of Schedule 1 of the TAA. Section 242A of the Act places an obligation on the Local Government Remuneration Tribunal when determining the remuneration of mayors and councillors, to apply the same policies on increases in remuneration as those that the Industrial Relations Commission is required to apply under section 146C of the NSW *Industrial Relations Act 1996* when making or varying awards or orders relating to the conditions of employment of public sector employees.

It is possible that where a council is obliged to make superannuation guarantee contributions on behalf of the mayor and councillors in addition to their fee, the Tribunal may, in turn, be obliged under section 242A to make a determination reducing the mayor's and councillors' fees to ensure that the fee and superannuation contribution do not result in an increase that exceeds the 2.5% public sector wages cap.

5. What is the position in Queensland?

Section 226 of the Queensland *Local Government Act 2009* gives councils the option to pay an amount into a complying superannuation fund on behalf of the mayor and councillors up to an amount payable with respect to employees of the council. The amount paid is in addition to the amount the mayor and councillor receive as a fee. Alternatively, councils may contribute a portion of the mayor's or councillors' fees to complying superannuation fund as is the case in NSW.

6. Options

Option 1: Maintaining the status quo

Under this option, councils will continue not to be obliged to make superannuation guarantee payments on behalf of the mayor and councillors. Mayors and councillors who wish to make concessional contributions to their superannuation funds can continue to enter into an arrangement with the council under which they agree to forego part of their fee in exchange for the council making contributions to a complying superannuation fund on their behalf on a pre-tax basis.

Option 2: Amending the NSW *Local Government Act 1993* to require councils to pay a portion of the mayor's and councillors' fees equivalent to the superannuation guarantee amount into a complying superannuation fund nominated by the mayor and councillors.

Under this option, the Act would be amended to require councils to pay a proportion of the mayor's and councillors' fees equivalent to the superannuation guarantee amount into a complying superannuation fund nominated by the mayor and councillors.

Option 3: Amending the NSW *Local Government Act 1993* to require councils to pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominated by the mayor and councillors in addition to the payment of the mayor's and councillors' fees.

Under this option, all councils will be required to pay an amount equivalent to the superannuation guarantee contribution payable with respect to the mayor's and councillors' fees, into a complying superannuation fund nominated by the mayor and councillors. The payment would be made in addition to the payment of the mayor's and councillors' fees.

A supporting amendment would be required to exempt the additional payment from section 242A of the Act.

Option 4: Amend the NSW *Local Government Act 1993* to give councils the option to pay an amount equivalent to the superannuation guarantee into a

**complying superannuation fund nominated by the mayor and councillors
in addition to the mayor's and councillors' fees.**

This option is based on the Queensland model. Under this option, the payment of an additional superannuation contribution in addition to the mayor's and councillors' fees would be optional for councils. Councils would also have the option to make a superannuation contribution on behalf of the mayor and councillors as a portion of the mayor's or councillors' fees.

As with option 3, a supporting amendment would be required to exempt the additional payment from section 242A of the Act.

7. Have Your Say

We now want to hear from you.

**Key
questions
to
consider**

- **Should councils be required to make superannuation contributions for the mayor and councillors?**
- **Should contributions be made as a portion of mayors' and councillors' fees or in addition to them?**
- **Which is your preferred option?**
- **Do you have an alternative suggested option?**

Submissions may be made in writing by COB Friday 8 May 2020 to the following addresses.

Post

Locked Bag 3015
NOWRA NSW 2541

Email:

olg@olg.nsw.gov.au

Submissions should be labelled 'Councillor Superannuation Consultation' and marked to the attention of OLG's Council Governance Team.

Further information

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



Office of
Local Government

Circular to Councils

Circular Details	Circular No / Date / Doc ID
Previous Circular	N/A
Who should read this	Councillors / General Managers / Council staff
Contact	Council Governance - (02) 4428 4100/ olg@olg.nsw.gov.au
Action required	Council to Implement

Release of councillor superannuation discussion paper

What's new or changing

- The Office of Local Government has issued a discussion paper to seek the views of councils and their local communities on whether councillors should receive superannuation payments.
- Under the Commonwealth *Superannuation Guarantee (Administration) Act 1993*, councils across Australia are not required to make superannuation contributions in relation to the fees they pay to mayors and councillors. This is because mayors and councillors are elected to a civic office in a council and are not employees of the council.
- The release of the discussion paper has been prompted by concerns raised by mayors and councillors that the ineligibility of councillors to receive superannuation payments is inequitable and is a deterrent to more women and younger people standing as candidates at council elections.
- The discussion paper is available on the Office of Local Government's (OLG) website at www.olg.nsw.gov.au.

What this will mean for your council

- The Office of Local Government is seeking the views of councils, councillors and council staff on this issue.
- Councils are also encouraged to inform their local communities about the discussion paper and to encourage members of the community to make submissions.
- Submissions may be made to olg@olg.nsw.gov.au, labelled 'Councillor Superannuation Consultation' and marked to the attention of OLG's Council Governance Team.
- Submissions should be made before COB Friday 8 May 2020.

Key points

- The discussion paper seeks the views of councils and others on the following four options:
 - maintaining the status quo – mayors and councillors can continue to voluntarily contribute a *portion* of their fees to a complying superannuation fund of their choice
 - mandate the current voluntary situation – amend the *Local Government Act 1993* (the Act) to make it compulsory for councils to pay a *portion* of the mayors' and councillors' fees equivalent to the superannuation guarantee amount into a complying superannuation fund nominated by the mayor and councillors

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- amend the Act to allow councils to voluntarily pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominated by the mayor and councillors *in addition to* the mayor's and councillors' fees – this means that the payment of councillor superannuation in addition to their fee would be at each council's discretion, allowing the council to take into account the council's resources and the local community's views, or
- amend the Act to make it compulsory for councils to pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominated by the mayor and councillors *in addition to* the mayor's and councillors' fees.

Where to go for further information

- For further information please contact the Council Governance team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.

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Quote No L20/947 - 11/20
JR:LMS

Telephone / Personal Enquiries
Ask for James Roncon

30 April 2020

Office of Local Government
Council Governance Team
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Please address all communications to:

The General Manager
240 Blende Street
PO Box 448
Broken Hill NSW 2880
Phone 08 8080 3300
Fax 08 8080 3424

Dear Sir/Madam

Councillor Superannuation Consultation

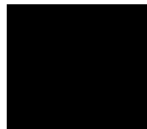
At Council's Ordinary Monthly Council meeting held on Wednesday 26 March 2020 Councillors were invited to forward their comments to the General Manager's Office for inclusion in a Council submission to the Office of Local Government prior to 8 May 2020.

The Mayor and Councillors were provided with all financial implications to assist them in determining what they consider to be the best option.

The Mayor and Councillors have provided comments to the General Manager and the majority have given their view as the preferred option is Option 1 – *"Maintaining the status quo – Mayors and Councillors can continue to voluntarily contribute a portion of their fees to a complying superannuation fund of their choice"*.

Thank you for providing the discussion paper and I hope that our views assist the Government in gaining a better understanding of the opinions of the local government section.

Yours faithfully



JAMES RONCON
GENERAL MANAGER

POLICY AND GENERAL COMMITTEE

March 29, 2022

ITEM 2BROKEN HILL CITY COUNCIL REPORT NO. 88/22

SUBJECT: DRAFT COMMUNITY STRATEGIC PLAN - YOUR BROKEN HILL
2040 D22/15298

Recommendation

1. That Broken Hill City Council Report No. 88/22 dated March 29, 2022, be received.
2. That Council endorse the Draft Community Strategic Plan – Your Broken Hill 2040 for public exhibition.
3. That the Draft Community Strategic Plan – Your Broken Hill 2040 be placed on public display for 28 days in accordance with legislation.
4. That Council receives a further report at the conclusion of the exhibition period, outlining submissions and feedback received and any recommended changes, with a view to adopting the Draft Community Strategic Plan for implementation 1 July 2022.

Executive Summary:

The Community Strategic Plan is the highest-level plan that a council will prepare and sits above all other Council plans and policies according to the new Integrated Planning and Reporting Guidelines (October 2021) and key changes to the Act and Regulations. The Community Strategic Plan is a strategic plan from which flows Council directions for the next four years via its Delivery Program and one-year Operational Plan.

The purpose of the plan is to understand the range of services the community wants, the service standards they expect and the infrastructure that will be required; to identify the community's main long term priorities and aspirations for the future and to plan strategies for achieving these goals. In doing this, the plan considers the issues and pressures that may affect the community and the level of resources that will realistically be available to achieve its aims and aspirations.

While Council has a custodial role in initiating, preparing and maintaining the Community Strategic Plan on behalf of the Local Government Area, it is not wholly responsible for its implementation. Other partners, such as levels of government, State agencies, business, educational institutions and community groups have an important role in engaging and delivering the long-term objectives of the plan.

All councils in NSW are required to work within the Integrated Planning and Reporting (IP&R) framework. The updated 2021 IP&R framework reinforces the pivotal role of the IP&R framework in guiding all council planning and decision making based on a sound understanding of the community's expectations around priorities and service levels.

IP&R is aligned with the NSW local government election cycle. The Community Strategic Plan must be reviewed every four years, whereby each newly elected council completes the review by 30 June in the year following the Local Government Elections and rolls the planning period forward by at least four years so that it is always a 10-year minimum plan.

Broken Hill City Council initiated and facilitated the development of this community plan with a 20-year planning focus and will continue to have a custodial role during its implementation, monitoring and reporting and review.

Report:

The Community Strategic Plan 2033 was originally developed in 2010, with a major review in 2013 following extensive community consultation, followed by smaller revisions in 2014 and 2017.

In preparation for the new Community Strategic Plan *'Your Broken Hill 2040'*, an intensive analysis of Council plans, local strategic documents from business, industry and agencies were undertaken to create a background paper to inform the methodology for engagement.

The Community Strategic Plan engagement activities commenced in March 2020, where two personnel from Blackadder Associates led two days of engagement sessions and interviews with individuals at the Civic Centre. These sessions commenced from 7am up continued up until 7pm, to capture as much representation as possible. Participants included representatives from government, non-government organisations, business, industry, education institutions, health, first responders, youth, tourism, arts, sport, history, First Nations people, community groups, councillors and Council staff.

The announcement of COVID-19 pandemic Public Health Orders, which limited gatherings, delayed the engagement processes for a period. However, Council staff led consultation continued throughout the shutdown period, where two community surveys were conducted. One survey targeted people with disability and the other survey broadly assessed the impact of COVID-19 on the information gathered prior to the implementation of the pandemic public health measures.

When Public Health Orders allowed, Council staff then headed out to the people, undertaking a series of pop-up listening posts, including a range of activities to ensure that the community had an opportunity to contribute and have their goals and aspirations captured. Two of these listening posts were undertaken in Argent Street and three were undertaken at Westside Plaza. Further pop-up listening posts are scheduled to be undertaken during the 28-day public exhibition period.

In summary the engagement period extended to 15 months and included 12 focused workshops; five pop up listening posts; two online surveys and individual interviews. Extensive minutes were taken by staff at workshops, which were included with all material collected across engagement activities to form an analytical process that defined the themes and objectives of the new Community Strategic Plan.

They key feedback areas included affordable housing, Airport redevelopment, allied health services, cleaner and greener city, climate change and renewable energy, community facilities maintenance, development, drug rehabilitation, effective community engagement, employment and local jobs, financial sustainability, cooperation between indigenous and non-indigenous, trees, parks and open spaces, health and ageing population, homelessness, local environmental protection, mental health, population growth and management, roads and infrastructure, tourism, training and education, waste management and recycling, youth and childcare.

Social justice principles (a requirement within the IP&R) of equity, access, participation and rights were central to the development of this Plan. The Plan has a new vision, resonating with the community's aspirations and retains the four themes of Our Community, Our Economy, Our Environment and Our Leadership (also recommended by the IP&R).

The strategies, objectives and actions have been updated to reflect the current foci, challenges and goals of our community.

A Community Strategic Plan Workshop for Councillors and the Executive Leadership Team (ELT) was held on 28 March 2022. The presentation included an overview of the Community Strategic Plan, the legislative requirements and the new strategies, objectives and actions within the Plan. The presentation also included who is responsible for elements

within the Community Strategic Plan, the Integrated Planning & Reporting (IP&R) Framework and new and changed items in the IP&R.

The three key changes emphasised were, the new position of the Community Strategic Plan in the hierarchy of plans, that all plans and strategies must be connected in some way to the framework and that oversight of the CSP, services and service reviews would be undertaken by the Audit Risk and Improvement Committee. At time of writing this report, the guidelines for that oversight by ARIC have not been received by Council.

A copy of the presentation slides was made available at the workshop and circulated to Councillors and ELT following the workshop.

The draft Community Strategic Plan is attached for endorsement of the plan to be placed on public display for 28 days. It is expected that the draft plan, along with any submissions and feedback received within the public display period, will be presented to Council at the June Council meeting for final adoption and implementation by 1 July 2022.

Community Engagement:

The Draft Community Strategic Plan will be placed on public exhibition for a period of 28 days.

During the 28-day public exhibition period a number of engagement activities will be undertaken within the community. These activities will include circulating the draft plan to key stakeholders for feedback and four pop-up listening posts across the City.

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:

Section 402 of the *Local Government Act 1993* states:

- (1) Each local government area must have a community strategic plan that has been developed and endorsed by the council. A community strategic plan is a plan that identifies the main priorities and aspirations for the future of the local government area covering a period of at least 10 years from when the plan is endorsed.
- (2) A community strategic plan is to establish strategic objectives together with strategies for achieving those objectives.
- (3) Following an ordinary election of councillors, the council must review the community strategic plan before 30 June following the election. The council may endorse the existing plan, or develop or endorse a new community strategic plan, as appropriate, to ensure that the area has a community strategic plan covering at least the next 10 years.

Financial Implications:

The Community Strategic Plan forms the base document upon which the next four-year Delivery Program and one-year Operational plan will be budgeted.

A long term Financial Plan (10 years minimum) will be developed to inform decision making during the finalisation of the CSP and the development of the Delivery Program.

Financial implications of endorsing the Draft Community Strategic Plan for public display of a period of 28 days will include advertising costs estimated to be \$300.

Attachments

1. [↓](#) Draft Community Strategic Plan "Your Broken Hill 2040"

RAZIJA NU'MAN
CHIEF CORPORATE AND COMMUNITY OFFICER

JAY NANKIVELL
GENERAL MANAGER



Draft Community Strategic Plan

Your Broken Hill 2040

BROKEN HILL CITY COUNCIL
COMMUNITY STRATEGIC PLAN – “Your Broken Hill 2040”



Prepared by Broken Hill City Council
240 Blende Street, BROKEN HILL NSW 2880
PO Box 448, BROKEN HILL NSW 2880
Telephone: 08 8080 3300
Email: Council@brokenhill.nsw.gov.au
Website: brokenhill.nsw.gov.au

Adopted by Council <Insert adopted plan details here – Meeting Date and Minute Number>



Acknowledgement of Country

The Wilyakali people of the Barkindji Nation are the Traditional Owners of the land upon which we all live, work and play and we pay our respects to their elders past present and emerging. We acknowledge the continuous connection of Aboriginal people to this land, a connection that has existed for tens of thousands of years.



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Introduction

Mayoral Message

It gives me great pleasure to introduce the City's new Community Strategic Plan (CSP).

The CSP is a document created by the people of Broken Hill to outline their priorities and their aspirations for the City's future.

It is important to remember that this is not a Council plan, but a community plan that Council simply compiles to help provide strategic direction for Broken Hill.

This new plan has been completed using input from a large and diverse range of locals, businesses, and community groups who provided feedback in various ways.

Council held focus groups, pop up sessions, surveys, and a host of other community sessions - both before and after COVID-19 - to inform this plan and ensure it reflects the community's views.

I wish to thank everyone who provided feedback to this plan to ensure the voices of the community were heard.

The CSP should ideally be read in conjunction with Council's Delivery Program (DP) and Operation Plan (OP).

The DP and OP outline what steps Council will take in the coming years to help accomplish the outcomes listed in the CSP.

I also encourage all local businesses, services, and community groups to read this plan and consider how they can help achieve the goals that have been highlighted by locals.

Councillor Tom Kennedy
MAYOR





Your Broken Hill 2040 is a whole of community plan, in which levels of government, state agencies, business, educational institutions, community groups and individuals have an important role.

The Community Strategic Plan (CSP) outlines the community's main priorities and aspirations for the future and includes strategies for how we will achieve them. While a council has a custodial role in initiating, preparing and maintaining the Community Strategic Plan on behalf of the Local Government Area, it is not wholly responsible for its implementation. Other partners, such as state agencies and community groups may also be engaged in delivering the long-term objectives of the Community Strategic Plan.

Broken Hill City Council initiated and facilitated the development of this community plan and will continue to have a custodial role during its implementation, monitoring and reporting and review.

Your Broken Hill 2040 was developed with extensive community input including representatives from community, government, business, health, education institutions, non-government organisations, First Nation people, community groups and Council staff.

Social justice principles of equity, access, participation and rights have been central to the development of this plan under the theme headings of community, economic, environmental and civic leadership.

Results from a series of engagement activities have informed the development of *Your Broken Hill 2040* Community Strategic Plan.

The Plan has a new vision, resonating with the community's aspirations and retains the four themes, with strategies, objectives and actions updated to reflect the current focus, challenges and goals of our community.

Key questions considered throughout the development of this Plan:

- Where are we now?
- Where do we want to be in ten years' time?
- How will we get there?
- How will we know when we have got there?

The community were also asked to describe what makes us a flourishing community?



We are a strong, vibrant and growing regional city with wide opportunities, abundant natural assets, and a commitment to living lives of quality and connection in a unique location.

Our CSP Themes

To support the achievement of our community vision, collaborative efforts will focus on four interconnected themes:

1. **Our Community** – We value lifestyle and wellbeing; a place that encourages safe, active, cultural and social opportunities
2. **Our Economy** – We value a diverse economy which is resilient and adaptable to change, making the best use of the unique advantages of our remoteness and lifestyle
3. **Our Environment** – We value our unique landscape; we are committed to conservation and preservation of the natural environment and greater reduction of the human impact to ensure a sustainable and healthy community
4. **Our Leadership** – We value collaboration and working together for the greater good – Broken Hill community continues shared responsibility for good governance



The City of Broken Hill

is the largest regional centre in the western half of New South Wales. It lies in the centre of the sparsely settled New South Wales Outback, close to the South Australian border and midway between the Queensland and Victorian borders. The nearest population base is Mildura in Victoria, 300 kilometres to the south on the Murray River. The nearest capital city is Adelaide, approximately 500 kilometres to the southwest.

Connected by air, rail and road and with all the facilities that one would expect of a regional city, the Far West NSW region relies heavily on Broken Hill for essential services and connectivity.

Although located within NSW, Broken Hill has strong cultural and historic connections with South Australia and operates on Central Australian Time, half hour behind Eastern Standard Time.

Broken Hill's isolation is as much a strength as it is a challenge. This is Australia's longest lived mining city, where the BHP mining company was founded on the richest mineral deposit and where safe working practices and workers' legislation were first developed for miners in Australia. The city skyline is dominated by prominent mining structures along the Line of Lode, including a memorial to miners.

Broken Hill sits beneath a vast sky (now being mined for renewable energy), atop a landscape famed for its natural, cultural and industrial heritage. Each day, lives are lived out in dwellings built atop a mineralogical rainforest containing 300 confirmed mineral

species and representing 2300 million years of geological history. Many of the City's streets take their names from the wealth of metals, minerals and compounds found in the City's Ore Deposit (its Line of Lode).

The City is renowned for its perfect light – by day the sun and by night the stars, the desert moon and the city lights – which attracts artists, photographers and filmmakers.

In January 2015, Broken Hill was recognised as Australia's First National Heritage Listed City.

International findings show that heritage listing 'sells' and can stimulate growth through the visitor economy, the attraction of investment and entrepreneurial opportunity.

As part of a very elite listing, there is potential to heighten the brand of Broken Hill to world status.

Snapshot of our City

The external environment will continually impact on Broken Hill's capacity to deliver on our agreed objectives. There is a complex global economic environment with significant uncertainty around the outlook for interest rates, labour shortages, global political risk and the path of Covid-19 which will influence the success of growing the economy.

Increases in the prices of food, energy, and metals and exacerbating supply chain disruption, threaten to weaken global supply chains. Climate change may also increase commodity price volatility. However, while the current global economic trends have, and will continue to cause disruption to the National and local economy, Broken Hill's economic outlook is strong, with the investment from new mining ventures in Far West NSW representing a \$2.8bn potential impact on the Far West NSW economy. Potentially, there are 3,000 jobs being created across five projects in the next three to five years with mining companies committed to employing a residential workforce.

The challenges for Broken Hill will be to advocate for locally provided training and professional development opportunities to prepare the local workforce for new opportunities and the City's ability to attract a new workforce to limit the potential to become a fly-in fly-out community. The political willingness of the State and Federal Government to invest in infrastructure and services will also influence the City's capacity to encourage new residents to live and work in Broken Hill.



BROKEN HILL CITY	
Land area	170.4km ²
1,100km west of Sydney and 500km east of Adelaide	
DEMOGRAPHICS	
Estimated Resident Population 2021 (ABS)	17,230
Projected population in 2025	19,200
Female population – Census 2016	51.3%
Male population – Census 2016	48.6%
Identifying as Aboriginal and Torres Strait Islander – Census 2016	8.5%
Total Households – Census 2016	7,738
Median House Price (June 2021)	\$150,000
Median House Rental (June 2021)	\$260/week
Occupied Dwellings – Census 2016	80.1%
Unoccupied Dwellings – Census 2016	19.4%
OUR ENVIRONMENT	
Mean maximum temperature (°c) 1991 - 2020	24.8
Mean minimum temperature (°c) 1991 - 2020	11.8
Mean Rainfall (mm) – 1994 - 2020	244.8

OUR ECONOMY	
Gross Regional Product	\$0.86 billion
Local jobs - NIEIR 2021	7,576
Employed residents- NIEIR 2021	7,370
Local businesses	933
People working in health care and social assistance (2020)	16.2%
People working in retail	8.4%
People working in mining (2020)	28.8%
Jobs to worker ratio (2020/2021)	1.03
Total tourism and hospitality sales in the City (2019/2020)	\$65.2m total value added \$34.1m
High income earners	18.3% (\$1,750 per week or more)
Low-income earners	18.7% (\$500 per week or less)
Full-time employment – Census 2016	64.6%
Part-time employment – Census 2016	34%
Unemployment rate – 2021	7.1%
Tertiary qualification	16.5%
Workers who held educational qualifications	57.5%
No qualifications	39.1%

Sources: profile.id.com.au, Australian Bureau of Statistics - abs.gov.au, National Institute of Economic and Industry Research - nieir.com.au and Bureau of Meteorology - bom.gov.au



Engaging with Our Community

Engagement is all about involving our community in the decision- making process

Broken Hill City Council, as the coordinator of the engagement of the Community Plan also collated the information into a format that is readily accessible and can be used as a community wide resource. As the plan identifies and amplifies the voice of Broken Hill's residents, Council appreciates the time and effort invested by the community in this process.

Consultation for the plan was undertaken over a 15-month period across the City. It began with an analysis of Council plans, local strategic plans from business, industry and agencies and a background paper highlighted some megatrends, which informed the face-to-face engagement.

The engagement activities targeted groups, industries, individuals and communities. Consultation included facilitated forums, pop up information booths in Argent Street and Westside Plaza, surveys, individual interviews and interviews with small groups with special interests.

People involved in consultation were generous and forthright and could both name what was great about Broken Hill and where our City's challenges lie. Discussion included ideas on how we can reach our community goals.

The 15-month period in which engagement activities were undertaken, incorporated both pre pandemic and mid pandemic

times which allowed for discussion of the impact of COVID-19 and the public health measures on the community and its sense of wellbeing.

The success of this plan relies on collaboration between all levels of government, health, education, economic development, business, industry, environment, cultural sector, social services, the community and the stakeholders that operate within the Broken Hill City Council Local Government Area.

Council's role in the development of this plan is to collate the information provided by the community, including its goals and aspirations, and present the information in a plan.

Ongoing ownership of the plan and reaching the identified goals of the community is a shared responsibility in which every person, every group, business, industry, and service, has an important role to play.



What We Said ...about Our Now and our Future

Through an extensive range of engagement activities including focused and open workshops, interviews and a series of pop-up listening pots along with research from studies of the Broken Hill community, we said this:

"We are down to earth, hardworking, diverse people who are part of a close-knit community who know where they are going, say it as it is and see the future as a positive albeit challenging on a number of fronts."

"We don't want our population to shrink any further, in fact it is important that we turn this around and grow it."

"We respect and include our First Nations people and consider their perspective in our work, our decisions, solutions and activities."

"We must look after and celebrate our unique natural environment better."

"We are a beautiful and unique Heritage City and we are proud of our mining history."

"We need to look after our health better."

"We like the investment in all our public facilities and transport."

"We need to keep our young people happy and engaged with our community – creating opportunities and jobs is key."

"We need to keep growing, diversifying our economy and looking for opportunities that are compatible with our unique location, history and social fabric."

"We need better access to health and community services."

"We need to deal with drought, our Darling Baaka River, the Menindee Lakes and water generally better."

"We need our partners and leaders to work better together and coordinate their response and solutions to our issues."

"Our businesses both large and small need to be supported and encouraged."

"We have a bright future and our visitors are welcomed in growing numbers."

Engagement Timeline

Intensive Research

The engagement plan structure included a four-step plan, which began with the analysing of plans from a range of businesses, industries, agencies, the social sector and any others available for inclusion, to gather a flavour of where the community is aiming. This intensive research produced a background paper that was used to inform the commencement of engagement.

Engagement Commencement

In preparation for the new Community Strategic Plan, the research phase of the engagement with the community began in 2020. Fortuitously, two personnel from Blackadder Associates led two days of the engagement at the Civic Centre prior to the imposition of public health orders limiting gathering.

Council led consultation continued throughout the shutdown period and two community surveys were also conducted.

Checking In

Touching base with focus groups from a broad range of areas. Engaging with voices not always represented and engaging with those people with similar interests to progress conversation and drill into specific needs and goals.

Heading to the People

A series of pop-up listening posts conducted by Council staff and including a range of activities to ensure that people had an opportunity to contribute and capture their goals. Two online surveys were conducted- one targeting people with disability and the other broadly assessing the impact of COVID 19 on the information gathered prior to the pandemic public health measures.

Closing the Loop

A comprehensive checking in process undertaken during the 28-day public exhibition period to ensure further community engagement confirms their goals and aspirations for the future are expressed in the Community Strategic Plan.

The delay in the scheduled NSW Council elections has drawn out the timeline of the Community Strategic Plan but

also offered the opportunity to consult widely with the community over a longer period.

Community Consultation provided important information about how the community sees itself prior to and post COVID 19 pandemic public health restrictions and influenced the direction of the goals that the community identified.

In Summary

The engagement period extended to 15 months and involved a wide range of opportunities for community consultation.

A large and diverse range of people contributed their thoughts to Broken Hill's plan for the future, through targeted activities such as:

- Twelve focussed workshops
- Five pop up listening posts
- Two online surveys
- Individual interviews

Extensive minutes were taken by staff at workshops and all remaining material from consultations added to the analytical process that defined the themes and final objectives.



As a community it is important to have a document that defines how we want to grow into the future and what we need as a community now. This document is called the Community Strategic Plan. This plan seeks to guide us all in how to achieve these goals and how we can measure if we are on track or not.

What our community told us

The community identified the following to be considered in developing the Community Strategic Plan

Affordable housing
Airport redevelopment
Allied services
Cleaner and greener city
Climate change and renewable energy
Community facilities maintenance
Development
Drug rehabilitation
Effective community engagement
Employment and local jobs

Financial sustainability
Heightened cooperation between indigenous and non-indigenous
Trees, parks and open spaces
Health and ageing population
Homelessness
Local environmental protection
Mental health
Population growth and management
Roads and infrastructure
Tourism
Training and Education
Transport
Waste management and recycling
Youth and childcare



Social Justice and Inclusion Statement

We ensure that the social justice principles are embedded in the delivery of the Community Strategic Plan and interaction between the partners. We welcome and celebrate diversity including people of all ages, abilities, cultural backgrounds, sexual preferences, religious beliefs, political perspectives and linguistic backgrounds. Inclusion, full participation and representation within our community is the key to building a strong resilient place that can achieve outcomes that reflect our true and varied needs.

Environmental Sustainability Statement

We acknowledge the impact of the changing climate on our community, its resources and liveability factors. Our focus includes protecting ourselves from the worst effects of climate change, protecting our unique and fragile landscapes and the plants and animals within it, ensuring fresh food and water security and leaving a positive legacy to our young people. We welcome opportunities to increase our sustainability, including recycling and energy efficiency and we look to set an example to the rest of Australia.

Intergeneration Equity Statement

We acknowledge the generational gap in Broken Hill, and that the needs of generations are different. We will ensure that the needs of all generations are met. These include the need for connection to each other and the wider community, opportunity for good health and social and emotional wellbeing, quality education, suitable recreation, satisfying work and worthwhile leadership opportunities. Planning and decision making will ensure short term solutions do not compromise our longer-term opportunities. The health, diversity and productivity of the environment must be protected, maintained and enhanced for the benefit of our future generations.

First Nations and Cultural Importance Statement

Broken Hill acknowledges the Wilyakali people of the Barkindji nation as the Traditional Custodians of our land. We recognize the cultural importance of this place to Aboriginal people, and that cultural respect and acknowledgement brings the opportunity for greater health and wellbeing to the whole community. We promise to honour the history and ongoing contribution of Aboriginal and Torres Strait Islander people to the community.



In 2009, the NSW Government introduced the Integrated Planning and Reporting (IP&R) framework. The requirements for IP&R are set out in the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Integrated Planning and Reporting Framework requires councils to develop a Community Strategic Plan, which outlines the Vision, Goals and Strategies. The plan is not limited to the responsibilities of any one government or organisation.

Under the Framework, Broken Hill City Council will use the Community Strategic Plan to determine which goals and strategies can be implemented at a local government level. These goals and strategies are included in a four-year Council Delivery Program.

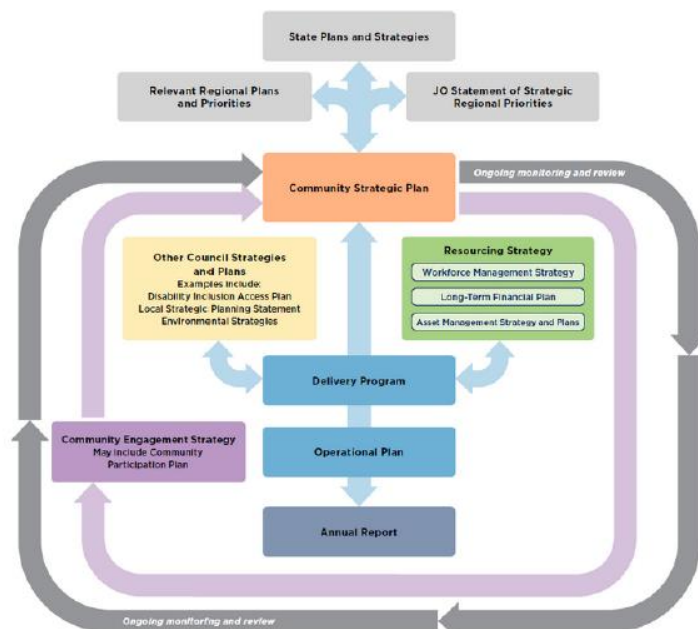
To ensure that Council has the required resources to achieve the goals and strategies set out in the Delivery Program, a Resourcing Strategy is prepared to address long term asset management, financial management and workforce planning.

The Operational Plan is a plan which focuses on the short term. It provides a one-year detailed plan of which activities and projects from the Delivery Program will be implemented.

Each year, Council's success in achieving the goals and strategies

set out in these plans will be reported through Council's Annual Report.

Although considered long term, our Community Strategic Plan and Delivery Program will remain current through a four yearly review in line with Local Government Elections.





Key Themes

The key theme areas place structure to the Community Strategic Plan. The four key themes are the same as the community values that were adopted by Council in 2010 and reflect those in the IP&R Framework.

Our Community

Objective 1.1 Our community spirit is our strength

- 1.1.1 Work to connect people, build capacity and create local solutions to solve a range of social and health issues that may impact community wellbeing and vulnerable people
- 1.1.2 Ensure that the liveability factors that enhance our lifestyles are identified, considered, maintained, and grown
- 1.1.3 Provide equitable, affordable, flexible, and co-located community services and facilities based on community need
- 1.1.4 Provide opportunities to practice traditions in community settings and experience good social and cultural health
- 1.1.5 Support and encourage volunteering across all age, cultural and ability sectors of the community
- 1.1.6 Young people are provided the opportunities required to learn, connect, and grow

Strategies

How will we get there? These are the activities and plans that contribute to achieving the long-term objectives and the City's vision.

Objectives

Where do we want to be? These are the community's long-term priorities and aspirations for the City. Council has a custodial role in working towards realising these outcomes; however, it is not wholly responsible for achieving them.

Performance Measures

How will we know when we have got there? Track progress towards the long-term objectives. Identify a data source that can be used to quantify progress.

Where do we want to be in the future?	How will we get there?	Who will play a part?
Our City has events and festivals that enhance our lifestyle and communicates them effectively	Host and support a diverse range of events, activities, and festivals Communications with the wider community are improved through updated directories and accessible event calendars	Aboriginal Affairs NSW Aboriginal Community Working Party Broken Hill City Council Charity organisations Department Family and Community Services Department of Justice Department of Planning and Environment Far West Local Health District Federal and State Government Agencies Local sports and recreation Clubs Non-Government Agencies NSW Department of Premier and Cabinet NSW Police – Barrier Police District NSW Primary Health Network NSW Sports and Recreation Social housing providers Transport for NSW
Our public spaces and activities help us feel healthy and happy	Ensure sport and recreation facilities are available to meet community needs Ensure that future development supports the growth of our community Ensure that public spaces and community buildings meet the needs of the community	
Our community has access to adaptable and inclusive community and health services We are a supportive and inclusive community	Support and continue to develop services to promote health and wellbeing Implement and review plans and strategies to support an inclusive community Support volunteer and community groups to increase community capacity	
We are a healthy community	People are engaged and taking advantage of the opportunities available to connect with others	
It is safe and easy to get around our City	Ensure that infrastructure meets community needs and service levels Ensure that active transport infrastructure meets community need and service levels	
How will we know when we have got there?		
Measures		Source
1. Increased measures of health and wellbeing		Health Surveys
2. Increased attendance at community events and celebrations		Data collection
3. Access to suitable support and services are available		Community Survey
4. The community feels safe		Community Survey
5. There is adequate housing and sufficient employment for all		Data Collection
6. Minority groups are engaged and participating in the life of the community		Community Survey
7. The social and lifestyle factors affecting health of residents are monitored for improvement		Data Collection
8. Our residents know the history of the City		Community Survey
9. Young people feel connected to the community and have growing opportunities to contribute		Community Survey
10. The community narrative is increasingly positive		Community Survey

Partners

Who will play a part? Local and state government agencies, other organisations and community groups have an important role in delivering the long-term objectives.



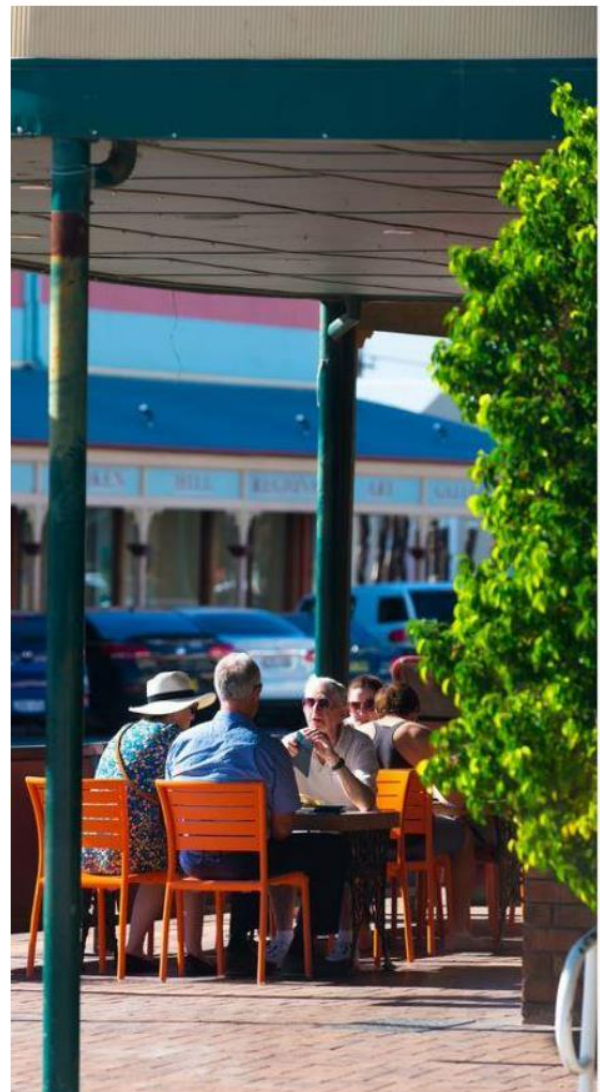
Our Community

We are a connected and unique community and enjoy our safety and wellbeing. We aspire to create welcoming, accessible, and safe private and public places that foster good health and social interaction. We maintain an inclusive lifestyle as we come together to get things done.

There is a strong link between the ambience and quality of our surroundings and our individual and collective wellbeing.

We value our diversity, our safety, our heritage outback environment and love the uniqueness of our City. We value the built environment and love the shops, restaurants, bars, and range of recreation facilities. We would like to see more vibrancy in our public spaces.

As the first Australian city to be included on the National Heritage List, the built environment is also highly valued and our community places great importance on protecting, celebrating, and enhancing it as much as we are able.



We have a healthy community in a liveable City

We will achieve this by...

Objective 1.1 Our community spirit is our strength

- | | |
|-------|--|
| 1.1.1 | Work to connect people, build capacity and create local solutions to solve a range of social and health issues that may impact community wellbeing and vulnerable people |
| 1.1.2 | Ensure that the liveability factors that enhance our lifestyles are identified, considered, maintained, and grown |
| 1.1.3 | Provide equitable, affordable, flexible, and co-located community services and facilities based on community need |
| 1.1.4 | Provide opportunities to practice traditions in community settings and experience good social and cultural health |
| 1.1.5 | Support and encourage volunteering across all age, cultural and ability sectors of the community |
| 1.1.6 | Young people are provided the opportunities required to learn, connect, and grow |

Objective 1.2 People in our community are in safe hands

- | | |
|-------|---|
| 1.2.1 | Enhance community safety within homes, neighbourhoods, and public spaces by building partnerships and using coordinated targeted local programs |
| 1.2.2 | Increase the level of disaster preparedness across the community and ensure first responder services are adequately resourced |
| 1.2.3 | Community and social service providers are adequately resourced and connected to meet community needs |
| 1.2.4 | Continue to advocate for affordable, sustainable water and food security with all stakeholders |
| 1.2.5 | Provide and maintain sustainable, affordable, efficient and reliable utilities and services to the Broken Hill community |

Objective 1.3 Our community works together

- | | |
|-------|---|
| 1.3.1 | Develop, implement, support and promote initiatives to celebrate the range of people and programs within the community |
| 1.3.2 | Engage, develop and maintain relationships to address local issues and create opportunities for residents, groups and business |
| 1.3.3 | Openly share information within the community to allow participation and inclusion |
| 1.3.4 | Grow access to quality, accessible, accredited, and affordable social services |
| 1.3.5 | Implement measures to ensure sustainable transport options |
| 1.3.6 | Support the transition of young people from school to career |
| 1.3.7 | Encourage collaboration between services, sporting competitions, arts, creative enthusiasts and community groups to facilitate the sharing of resources |
| 1.3.8 | Monitor and plan for the community's changing needs |

We have a healthy community in a liveable City

We will achieve this by...

Objective 1.4 Our history, culture and diversity are embraced and celebrated

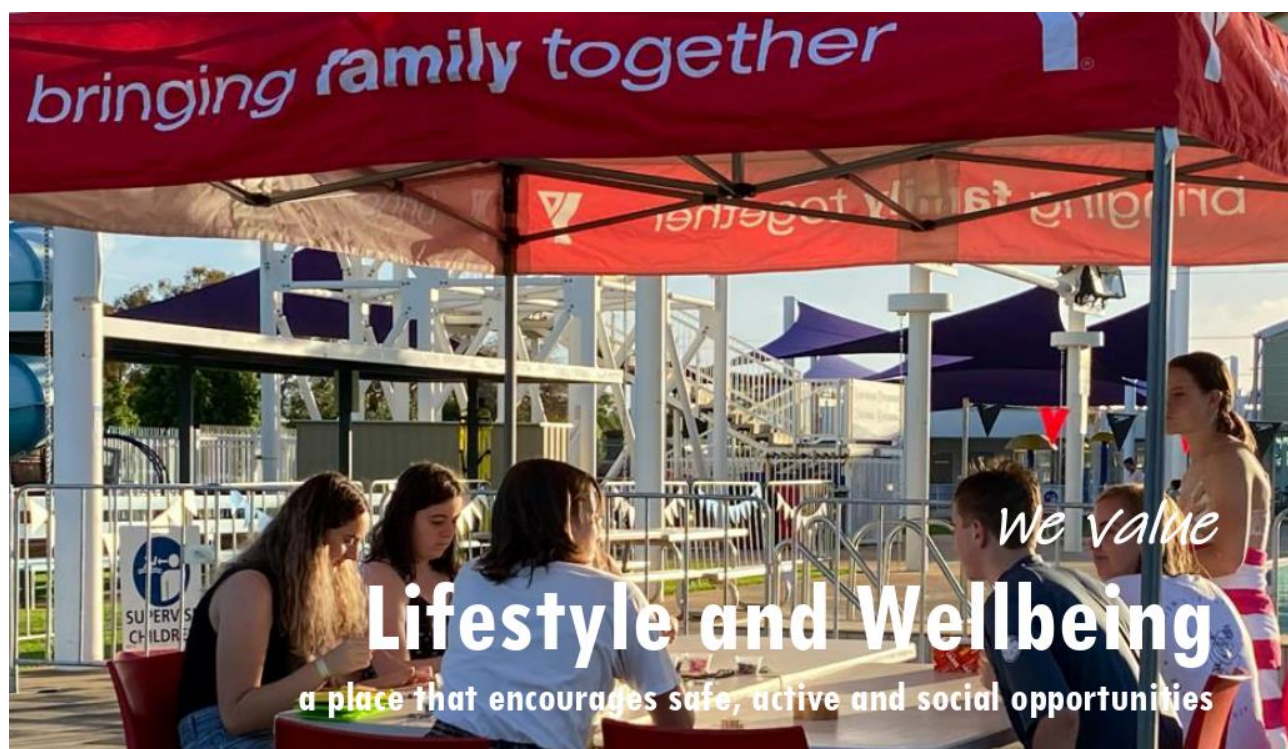
- | |
|---|
| 1.4.1 Raise awareness of cultural and community events that celebrate Broken Hill's cultural diversity |
| 1.4.2 Promote and support reconciliation and inclusion with the Aboriginal community |
| 1.4.3 Ensure our residents and visitors are aware of the importance of Broken Hill in Australian history and as Australia's first city on the National Heritage List |
| 1.4.4 Sustain and grow arts and culture and events and preserve the importance of our social capital, built heritage and history |
| 1.4.5 Celebrate the City's milestones and traditions publicly to increase the opportunity for tourism interest, social interaction and gathering |

Objective 1.5 Our built environment supports our quality of life

- | |
|---|
| 1.5.1 Maintain the character of our historic City through good design and initiatives |
| 1.5.2 Maintain an attractive and welcoming Central Business and Activities District |
| 1.5.3 Manage community infrastructure sustainably |
| 1.5.4 Design and deliver pathways, walking trails and other pedestrian movement infrastructure to maximise access, inclusion and mobility |
| 1.5.5 Advocate for a mix of housing stock that is affordable and supports growing our population |
| 1.5.6 Seek opportunities for vibrant spaces and facilities to increase access to active and passive recreational facilities |
| 1.5.7 Provide the infrastructure required to reach positive life outcomes including an Alcohol and Drug Facility, Child Contact Centre, and Youth spaces |

Objective 1.6 Our health and wellbeing ensure that we live life to the full

- | |
|--|
| 1.6.1 Maintain awareness of and create strategies and partnerships to address the impact of the social and lifestyle factors affecting the health and wellbeing of residents |
| 1.6.2 Create opportunities for people to participate in active and healthy recreational activities |
| 1.6.3 Provide quality health, medical and allied services to meet community need, particularly 24-hour medical services, paediatric and other specialist services, mental health support services, allied health, and rehabilitation services |
| 1.6.4 Ensure the support and information required to access programs and funding for individuals navigating aged care, childcare, NDIS and other programs are readily available and accessible |
| 1.6.5 Advocate for the provision of a suitable range of social services in the City including disability, childcare and aged care services |



Where do we want to be in the future?	How will we get there?	Who will play a part?
Our City has events and festivals that enhance our lifestyle and communicates them effectively	Host and support a diverse range of events, activities, and festivals Communications with the wider community are improved through updated directories and accessible event calendars	Aboriginal Affairs NSW Aboriginal Community Working Party Broken Hill City Council Charity organisations Department Family and Community Services Department of Justice Department of Planning and Environment Far West Local Health District Federal and State Government Agencies
Our public spaces and activities help us feel healthy and happy	Ensure sport and recreation facilities are available to meet community needs Ensure that future development supports the growth of our community Ensure that public spaces and community buildings meet the needs of the community	Local sports and recreation Clubs Non-Government Agencies NSW Department of Premier and Cabinet NSW Police – Barrier Police District NSW Primary Health Network NSW Sports and Recreation Social housing providers Transport for NSW
Our community has access to adaptable and inclusive community and health services	Support and continue to develop services to promote health and wellbeing	
We are a supportive and inclusive community	Implement and review plans and strategies to support an inclusive community Support volunteer and community groups to increase community capacity	
We are a healthy community	People are engaged and taking advantage of the opportunities available to connect with others	
It is safe and easy to get around our City	Ensure that infrastructure meets community needs and service levels Ensure that active transport infrastructure meets community need and service levels	
How will we know when we have got there?		
Measures		Source
1. Increased measures of health and wellbeing		Health Surveys
2. Increased attendance at community events and celebrations		Data collection
3. Access to suitable support and services are available		Community Survey
4. The community feels safe		Community Survey
5. There is adequate housing and sufficient employment for all		Data Collection
6. Minority groups are engaged and participating in the life of the community		Community Survey
7. The social and lifestyle factors affecting health of residents are monitored for improvement		Data Collection
8. Our residents know the history of the City		Community Survey
9. Young people feel connected to the community and have growing opportunities to contribute		Community Survey
10. The community narrative is increasingly positive		Community Survey



Our Economy

We focus on our population as a key element in preserving and growing our economy and our future. By diversifying our economic interests, we will be resilient, agile, and ensure our economic prosperity.

We aspire to create a thriving and vibrant local economy in Broken Hill where traditional (e.g., mining, art, and tourism) and new industries (e.g., technology and renewable energies) are supported and local career, training and education opportunities are created and if existing, expanded- especially for young people to ensure more stay in Broken Hill and our opportunities attract more people in all forms, visitors, investors, and new residents to our City.

The emphasis our community has given towards a sustainable economy recognises the imperative to innovate, problem solve and create new opportunities to remain relevant in a global environment that is marked by rapid social and technological change.

We must also actively pursue prospects for new business investment and encourage and support local entrepreneurship and innovation as our economy transforms to meet new opportunities.



We have an innovative and sustainable economy

We will achieve this by...

Objective 2.1 Our businesses are well connected and thrive in an environment that supports innovation and economic growth

- | | |
|-------|---|
| 2.1.1 | Improve access to business information, incentive programs and enterprise support |
| 2.1.2 | Ensure an adequate supply of industrial land with the capacity to enable the development of specialised industry clusters and encourage co-location of related industries |
| 2.1.3 | Advocate for improved accessible transport and connectivity including air, road and rail services to and around the City |
| 2.1.4 | Ensure strategic planning addresses the capacity to increase economic activity for the retention of residents |
| 2.1.5 | Encourage innovation in business and industry |

Objective 2.2 Our economy provides opportunities that match the skills and needs of the population and enhances population growth

- | | |
|-------|---|
| 2.2.1 | Attract new industries for employment and skill growth |
| 2.2.2 | Promote employment and training opportunities for all residents |
| 2.2.3 | Support businesses and local leaders to ensure that apprenticeship and traineeship opportunities continue to grow |
| 2.2.4 | Ensure secondary and tertiary education, distance education and placement experience are locally accessible and the sector is supported to grow |
| 2.2.5 | Ensure that our private and public educational entities are provided with the resources required to deliver quality learning outcomes |

Objective 2.3 Our City attracts a diverse range of businesses and visitors providing opportunities for work, education, leisure and social life

- | | |
|-------|---|
| 2.3.1 | Promote Broken Hill as an attractive place to establish and grow a business |
| 2.3.2 | Partner to pursue opportunities to work on projects, government contracts and scaled opportunities available in the City and region |
| 2.3.3 | Promote the narrative of long-term economic stability to the community |

We have an innovative and sustainable economy

We will achieve this by...

Objective 2.4 We are a destination of choice and provide a unique experience that encourages increased visitation
2.4.1 Engage government, business and community stakeholders in supporting the management of tourism
2.4.2 Deliver service excellence in the tourism, hospitality and retail sectors to enhance visitor experience and maximise yield from tourism
2.4.3 Deliver authentic visitor products and experiences
2.4.4 Ensure a strategic and proactive approach to the development, management and marketing of business and destination events, tourism and filming activities
2.4.5 Encourage and support Aboriginal business and tourism projects



Where do we want to be in the future?	How will we get there?	Who will play a part?
Broken Hill is a popular destination with a wide variety of experiences	Raise the City's profile as a visitor destination Support the City's strong city identity	Broken Hill City Council Business Far West Department of Regional NSW Destination NSW Far West Joint Organisation Foundation Broken Hill Local business and major employers Non-Government Agencies NSW Crown Land NSW Department of Education NSW Health Regional Development Australia – Far Registered training organisations State and Federal Government Agencies TAFE
We have an adaptable and diverse economy	Promote an environment where start-ups, small and medium businesses are encouraged Support businesses to build capability and capacity to use new technology to realise opportunities Our City has a strong creative industry	
Our growing population supports a thriving local economy	Ensure the availability of land for a variety of community health and wellbeing, economic and housing uses	
How will we know when we have got there?		
Measures		Source
1. Visitation is increasing		Tourism Research Australia
2. Opportunities to grow industry are realised		Data Collection- RDA
3. Population is increasing		Data Collection
4. Young people have opportunities post school and are staying in the community		Data Collection
5. Housing is affordable and fit for purpose		Data Collection
6. Secondary, tertiary and vocational educational options are growing		Data Collection
7. Access to services is increasing (including childcare and NDIS services)		Data Collection
8. The economic value of the local community is growing		Regional Gross Domestic Data
9. Investment opportunities are growing		Data Collection



Our Environment



Our Environment

We value our wide streetscapes, quality of life and stunning vistas; we are committed to conservation and preservation of the natural environment and greater reduction of human impact and climate change to ensure a sustainable healthy community.

We need to protect the environment for its own sake as well as for the sake of our future Broken Hill generations.

Therefore, the preservation of our natural environment remains a focus and driver in our strategic direction - we are committed to collaborating with our community and partners to plan, promote, educate and facilitate better protection of our environment.

The matter of climate change and adaptation measures has increased in recent years and prioritisation of climate adaptation activities must be acknowledged and actioned as a priority.



We value and protect our environment

We will achieve this by:

Objective 3.1 Our environmental footprint is minimised

- 3.1.1** Implement measures to reduce the city's carbon footprint and enhance the circular economy by educating and demonstrating the use of renewable resources
- 3.1.2** Educate the community on measures to avoid waste and reduce littering and waste to landfill
- 3.1.3** Investigate and plan for the minimisation of environmental, social and rehabilitation impacts associated with mining activity on the City
- 3.1.4** Pursue opportunities for scale renewable energy and back up battery capability and investigate new technologies as they emerge

Objective 3.2 Natural environments and flora and fauna are enhanced and protected

- 3.2.1** Recognise and communicate the fragility of the natural environment and insist on its respectful use and the protection and restoration of local biodiversity and lands
- 3.2.2** Increase awareness and understanding of climate change and active protection of the natural environment
- 3.2.3** Protect, rehabilitate and enhance regeneration areas and commons for the benefit of the City
- 3.2.4** Minimise the impact of feral and domestic animals and noxious weeds on the natural environment
- 3.2.5** Advocate for river connectivity in the Murray Darling Basin system, maintaining water supply in the Menindee Lakes system, and maintaining the health of the Darling Baaka River

Objective 3.3 Proactive, innovative and responsible planning supports the community, the environment and beautification of the City

- 3.3.1** Encourage measures that limit the impact of the changing climate and enhance environmentally sustainable building and land use planning
- 3.3.2** Create green and resilient environments by improving tree cover, native vegetation, landscaping and water management systems
- 3.3.3** Preserve the heritage and streetscapes of the City
- 3.3.4** Reuse and repurposing of the existing built environment are managed in a sustainable manner



Where do we want to be in the future?	How will we get there?	Who will play a part?
Have access to a clean, healthy environment	Ensure water quality is maintained Ensure the regeneration areas are maintained Ensure that shade trees and quality cool recreational spaces are a feature of our community	Australian Renewable Energy Agency (ARENA) Broken Hill City Council Crown Lands NSW Broken Hill Local Aboriginal Land Council Federal and State Government Agencies Landcare Local environmental and heritage groups Mining and Industry Non-Government Agencies NSW Aboriginal Land Council NSW Department of Planning and Environment NSW Environment Protection Authority NSW Local Land Services NSW National Parks and Wildlife Service Our media partners Our volunteers
Our blood lead levels are managed	The community receives regular updates from ongoing monitoring	
We are recycling our waste into needed products	Reduction of waste is addressed through programs and partnerships Successful waste reduction outcomes are celebrated	
Our reliance on fossil fuels is decreasing	Active transport, walkability, and liveability factors are considered for any new developments Renewable energy solutions are embraced by the community	
How will we know when we have got there?		
Measures		Source
1. Maintain quality, affordable water		Data collection
2. Decreasing ecological footprint (monitoring renewable energy and recycling levels)		Data collection
3. Limit the detrimental health impacts of mining on the community		Data collection
4. Increased involvement in environmental activities		Community survey
5. The tree canopy in our CBD and across the City is increasing		Data collection
6. Recreational water is maintained for community use		Data Collection
7. The City is promoted as clean, green, comfortable, sustainable and affordable		Liveability Data



Our Leadership

Our Leadership

We have strong civic and community leadership. We are inventive, inclusive and innovative; when we work together there is nothing we can't do and our achievements continue to write history.

Good governance is about creating a culture of transparency and accountability and establishing trust with the community.

The community have told us that there are opportunities to improve coordination between various organisations delivering services and generally improving communication among leading bodies in our community.

The community have asked for more collaboration across the community and real opportunities for true, authentic engagement that leads to outcomes that truly address the issues identified and allow the community to respond to growth opportunities together.



We are a connected and engaged community

We will achieve this by...

Objective 4.1 Openness and transparency in decision making

4.1.1 Build strong relationships and ensure responsibilities and benefits of putting strategic plans into practice are shared amongst key community sectors

4.1.2 Undertake communication and authentic, open and reciprocal engagement with the community to increase confidence in decision-making

4.1.3 Social, environmental and economic sustainability is considered when making decisions

4.1.4 Decision-makers provide accountability through planning and reporting frameworks

Objective 4.2 Our leaders make smart decisions

4.2.1 Support leaders through the process of making difficult decisions

4.2.2 Our leaders seek information, are well informed and aware of emerging issues and new information in order to advocate and respond appropriately

4.2.3 Leadership capability and capacity, including cultural awareness within our community is increased

Objective 4.3 We unite to succeed in Australia's First City on the National Heritage List

4.3.1 Ensure a collaborative partnership forum is developed to drive the implementation of the Community Strategic Plan

4.3.2 Partnerships, role models and joint success are celebrated and promoted

4.3.3 Develop and build strong, productive relationships with State and Federal Governments and their agencies

Objective 4.4 Our community is engaged and informed

4.4.1 Increase community involvement in decision-making by establishing a representative Engagement Framework

4.4.2 Engage the community through information and activities aimed at increased participation and reciprocal information sharing

4.4.3 Increase knowledge and awareness of challenges and opportunities facing the City



Where do we want to be in the future?	How will we get there?	Who will play a part?
We are confident that partnerships between community, government and business benefit our City	Develop and maintain a network of key agencies, organisations, peak bodies and community groups Influence decisions that impact our region	Broken Hill City Council Business and business groups Community members and local community groups Department of Premier and Cabinet Federal and State Government Agencies Non-Government Agencies NSW Auditor General NSW Office of Local Government Our media partners NSW Ombudsman NSW Treasury
We know how and why decisions are made	Deliver high quality and informative customer service and engagement activities Provide clear, accessible and relevant information to the community	
Our community influences decisions that shape our City	Actively engage with and seek direction from the community and key stakeholders	
How will we know when we have got there?		
Measures		Source
1. The community is increasing in confidence that a sustainable future is being created		Community Survey
2. Our leadership is collaborative		Data Collection
3. The community is involved in decision making		Community Survey
4. Communications to the community are comprehensive		Community Survey
5. The Community Round Table program realises joint outcomes that match the Community Strategic Plan		Participant Survey
6. The community increasingly understands the challenges faced and opportunities available to the City		Community Survey
7. Joint initiatives are undertaken		Data Collection



In the development of our Your Broken Hill 2040 Community Strategic Plan, consideration has been given to the relationship to other plans objectives and strategies, including NSW State Premiers Priorities and Far West Regional Action Plan 2021.

Premiers Priorities

These priorities represent the government's commitment to making a significant difference to enhance the quality of life of the people of NSW.

They aim to tackle many of the issues that have been put in the too hard basket, for too long. Each priority has an ambitious target. They have been set with the purpose of

delivering on the government's key policy priorities, being:

- a strong economy
- highest quality education
- well-connected communities with quality local environments
- putting customer at the centre of everything we do
- breaking the cycle of disadvantage

Far West Regional Action Plan 2021

The priorities identified by communities within the Far West include:

- Prosperous and diverse economy with a highly skilled workforce
- Strong partnerships with Aboriginal communities
- Strong communities supported by effective and coordinated service delivery
- Sustainable management of our natural resources

Related Plans

All relevant State and Regional Plans	Destination Country and Outback NSW Destination Management Plan
Advocacy Strategy 2020	Development Control Plan
Asset Management Strategy	Digital Strategy
Benchmark for Building Assets Rationalisation	End of Term Report 2016 – 2021
Broken Hill Airport Master Plan 2010	Far South West Joint Organisation Management Plan (under development)
Broken Hill CBD Masterplan 2021	Far West Regional Action Plan 2021
Broken Hill Community Working Party- Community Action Plan 2019	Far West Regional Economic Development Strategy 2018 - 2022
Broken Hill Cultural Framework and Synopsis Report 2019	Far West Regional Plan 2036
Broken Hill Cultural Plan 2021-2040	Far West Workforce Development Study 2019
Broken Hill Development Control Plan 2016	Landfill Environmental Management Plan
Broken Hill Disaster Plan 2011	NSW Visitor Economy Strategy
Broken Hill Heritage Strategy 2020-2023	Parking Strategy
Broken Hill Housing Strategy (under development)	Pollution Incident Response Management Plan
Broken Hill Living Desert Plan of Management	Privacy Management Plan
Broken Hill Displan 2011 – Local Disaster Plan	Reconciliation Action Plan 2020-2022
Broken Hill Local Environmental Plan 2013	Regional Transport Strategy
Broken Hill Lead Reference Group Integrated Strategy (review under development)	Renewable Energy Action Plan 2020
Broken Hill Local Strategic Planning Statement 2020 - 2040	Risk Management Strategy
Broken Hill National Values Study 2021	Section 7.12 Developer Contributions Plan
Broken Hill Wayfinding Strategy (under development)	Smart Community Framework 2016
Business Support Policy	Social Media Strategy
Communications and Community Engagement Strategy	State of the Environment Report 2016 - 2021
Companion Animal Management Plan	Strategic Tourism Plan 2010 - 2020
Crown Lands- Strategic Vision Report 2016	Sustainability Strategy 2018 - 2023
Cultural Infrastructure 2025 NSW Government	Tree Management Plan
Cyber Security Framework	Urban Stormwater Master Plan
	Willyama Common Management Plan
	Workforce Development Study 2019- RDA Far West



PAGE NO	PHOTO INVENTORY	PHOTO CREDITS
Front Cover	Country Universities Centre (CUC) Far West - Graduation Ceremony 2021	Country Universities Centre (CUC) Far West
	Mayor Tom Kennedy, Ambassador Bronte Hendricks, Mr Steve Radford OAM Broken Hill Citizen of the Year 2022	BHCC Photo Library
	Youth event participants at Regional Aquatic Centre	BHCC Photo Library
	Youth Week celebrations in Sturt Park	BHCC Photo Library
	Young Leader Campbell Quintrell taking part in a smoking ceremony under the guidance of Aunty Maureen O'Donnell, a Wiliyakali Traditional Owner	BHCC Photo Library
Page 4	Community event in Sturt Park	BHCC Photo Library
Page 5	Councillor Tom Kennedy, Mayor of Broken Hill	BHCC Photo Library
Page 6	Mayor Tom Kennedy with 2022 Australia Day Award recipients, Barry King, Natasha Bearman, Steve Radford OAM, Arliah Pearce, Lesley Harvey and Shane Webb	BHCC Photo Library
Page 7	Argent Street precinct streetscape, including TAFE, Police Station, Town Hall Facade and Australia Post	BHCC Photo Library
Page 8	Line of Lode and Miners Memorial on top of the ore body that bisects the City	BHCC Photo Library
Page 9	Map of NSW, highlighting Far Western Region and location of Broken Hill	NSW State Archives
Page 10	Youth Community Engagement Focus Session	BHCC Photo Library
Page 11	Council staff engaging with residents during a CSP pop-up listening post in Argent Street at the pop-up Aboretum in the Art Gallery carpark	BHCC Photo Library
Page 13	Eastern town overview	BHCC Photo Library
Page 14	Council staff engaging with the public at a CSP pop-up listening post at Westside Plaza	BHCC Photo Library

Page 15	Syndicate of Seven statutes, which line the frontage of the Council Chamber	BHCC Photo Library
Page 16	Totem Skateboarding workshop Duff Street Park – Rage Cage	BHCC Photo Library
Page 17	Liam and Emma McLaughlin on new play equipment at Queen Elizabeth Park	Rebecca McLaughlin
	YMCA Community Exercise Group – South Community Centre	BHCC Photo Library
	Community march – Sturt Park	BHCC Photo Library
	YMCA Colour Run – Sturt Park	BHCC Photo Library
	YMCA Colour Run – Clown activities – Sturt Park	BHCC Photo Library
	Local Artist, Amanda Johnston	BHCC Photo Library
Page 18	Visitors and residents enjoying Alfresco dining in Argent Street	BHCC Photo Library
Page 21	Participants of Youth event at Regional Aquatic Centre	BHCC Photo Library
Page 22	Country Universities Centre (CUC) Far West students	Country Universities Centre (CUC) Far West
	View of the Line of Lode and Miners Memorial on top of the ore body that bisects the City	BHCC Photo Library
	Broken Hill Festival, parade participants	BHCC Photo Library
	Filming in the City - "Last Cab to Darwin"	BHCC Photo Library
	Retail worker at Bell's Milk Bar	BHCC Photo Library
	Tourists enjoying the view from the Living Desert Sculpture Site	Destination NSW
Page 23	Argent Street roadway, showcasing the City's banner poles	BHCC Photo Library
Page 26	Tourists enjoying the view from the Living Desert Sculpture Site	Destination NSW
Page 27	Sturt peas growing within the local region	Debbie Coady
	Outcrop on the City's outskirts	Debbie Coady
	Landcare Broken Hill members taking part in a working bee along Bromide Street between Blende and Beryl Streets	Landcare Broken Hill
	AGL Solar Farm aerial view	BHCC Photo Library
	Our built environment – walk tour group gathering in front of the Trades Hall	BHCC Photo Library
Page 28	Visitors to the Living Desert, enjoying the birdlife and fauna in the area	BHCC Photo Library
Page 30	Landscape on the City's outskirts	Debbie Coady
Page 31	Young Leaders Campbell Quintrell and Kelsie Mitchel with Roy Butler MP	YMCA NSW Broken Hill
	Mark Coulton, MP and Mayor Tom Kennedy during a visit to announce the successful application for a CHART grant	Office of the Hon Mark Coulton MP
	Mayor Tom Kennedy, Ambassador Bronte Hendricks and Steve Radford OAM during 2022 Australia Day Awards	BHCC Photo Library
	Council's General Manager, Jay Nankivell	BHCC Photo Library
Page 32	Central-east view of the City, centred by Sulphide Street, Broken Hill	BHCC Photo Library
Page 34	Civic Centre lit up to pay tribute to the City's dedicated health workers and first responders during the COVID-19 pandemic	Barrier Truth
Page 35	Junction Mine	BHCC Photo Library
Page 37	YMCA Colour Run	BHCC Photo Library
Back Cover	Far West Local Health District celebrating National Reconciliation Week with Aunty Dulcie O'Donnell officiating the Smoking Ceremony and accompanied by Melissa Cumming	Far West Local Health District
	Broken Hill Hospital Kiosk volunteer, Meredith Farquhar	Far West Local Health District
	Community event - Baby Bounce in Sturt Park	BHCC Photo Library
	Murdi Paaki Young Leaders- NAIDOC week	BHCC Photo Library
Note	<i>Council events display signage informing community members that by taking part in the event, community members grant Council permission to use the images from the event for publicity or other purposes.</i>	



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BROKEN HILL
CITY COUNCIL

POLICY AND GENERAL COMMITTEE

April 5, 2022

ITEM 3BROKEN HILL CITY COUNCIL REPORT NO. 89/22

SUBJECT: DRAFT DISABILITY INCLUSION ACTION PLAN 2022-2026
D22/16313

Recommendation

1. That Broken Hill City Council Report No. 89/22 dated April 5, 2022, be received.
2. That Council endorse the Draft Disability Inclusion Action Plan 2022-2026 for the purpose of public consultation.
3. That the Draft Disability Inclusion Action Plan 2022-2026 be exhibited for public comment for 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 Disability Inclusion Action Plan 2022-2026.
5. That Council write and thank the members of the Disability Inclusion Monitoring Group for their dedicated commitment to monitoring the progress of the Plan and for their contribution to the community and to people with disability.
6. That Council continues to engage with members of the Monitoring Group and extends invitation for additional nominations to the Monitoring Group, to assist in ensuring fair and equitable representation across the community is achieved.

Executive Summary:

The *NSW Disability Inclusion Act (2014)* aims to achieve the goal of ensuring people with disability achieve full inclusion in community life. Under the Act, the NSW Government required all councils to implement a Disability Inclusion Action Plan (DIAP) by July 2017. Council's Disability Inclusion Action Plan 2017-2021 was developed according to legislative requirements described in this Act and adopted by Council at its 28 June 2017 Council meeting.

The strategies within the DIAP sought to create improved and equitable opportunities for all persons living with disability to access the full range of services and activities available in the community and to participate fully in the community.

The DIAP sits within the Community Strategic Plan. Links between DIAP and the Community Strategic Plan, Delivery Program and Operational Plan will enable Council to track where we are up to in putting the plan into action. Council will integrate DIAP into the Integrated Planning and Reporting Framework, where measures will be reported upon every six months in progress reports to the community and via Council's Annual Report.

In May 2021, Council received correspondence from the Minister for Disability Services, The Hon Gareth Ward MP advising that the publication of Council's new Disability Inclusion Action Plans were due July 2021, however due to the impact of COVID-19 and natural disasters had been extended to July 2022.

Report:Development of new Disability Inclusion Action Plan 2022 – 2026

In 2019, Council sought the services of a suitably experienced consultant to develop a new Disability Inclusion Action Plan, which was due to be revised and adopted from 1 July 2021. Date now revised to be 1 July 2022.

Jenny Bray Consulting was engaged. Jenny already had familiarity with the disability sector in Broken Hill, from working in the City previously and having developed Council's first DIAP, in a consultative and inclusive approach with Council staff. This enabled the engagement strategy to be enacted quite rapidly.

The *NSW Disability Inclusion Act 2014* requires Action Plans to:

- address the Disability Inclusion Act's principles
- include specific strategies to support people with disability
- describe how people with disability were consulted
- describe how the plan supports the NSW Disability Inclusion Plan
- be made available to the public
- be reviewed in consultation with people with disability every four years
- include progress reports published annually in Council's Annual Report.

The Disability Inclusion Action Plan must specifically address four key focus areas:

- Developing positive community attitudes and behaviours
- Creating liveable communities
- Supporting access to meaningful employment
- Improving access to services through better systems and processes

How Council Consulted

Council consulted with the community and people living with disabilities, their families and other significant people. Consultations explored what was important to them, what isn't working for disability inclusion and how Council could improve inclusion. Consultation methods, included:

- An online survey
- Hard copy survey
- Easy read survey (hard copy)
- Community consultation session
- Focus interviews with NDIS service providers
- Internal consultations with Council staff

Council advertised through a range of media, including:

- Online via our website and social media (Facebook)
- In newspapers (Barrier Truth)
- Via our networks and events (including the DIAP Monitoring Group, service providers and health and education services)
- Surveys were distributed to the Library, YMCA, Council's Administrative Centre and local disability service providers distributed surveys to NDIS participants
- Existing distribution lists including through the eNews distribution list

A total of 20 people completed the online survey. Five survey respondents (5 or 25%) identified as being a person with disability; seven (7 or 35%) identified as a parent or care giver of a child or children with a disability (aged under 17); three (3 or 15%) identified as a parent of an adult child with a disability; and five (or 25%) identified as working in the sector supporting people with disability.

A total of six easy read surveys were received. People completing these said they like going shopping, using parks and gardens, and all said they use the Library. Three out of four said they needed help filling in forms and need writing to be easy to read. Two out of four said they would like people to be more friendly to them.

Ten people attended the community consultation, including four family members (parents or siblings) of people with disability. Six other participants were service providers supporting people with disability.

A further 20 one-on-one interviews were conducted by the consultant including five parents / family members of persons with disability (25%), ten (10 or 50%) who work in the sector supporting people with disability, four (4 or 20%) people with disability and a community member (cab driver).

The results of the consultations were shared with all departments of Council. Strategies for the Disability Inclusion Action Plan are based directly on the comments, suggestions and feedback given via the consultations, surveys and interviews.

The consultant progressively provided resources and links throughout the project, for ongoing use by Council staff.

Disability Inclusion Action Plan Monitoring Group

Council will monitor the implementation of the Disability Inclusion Action Plan via six monthly compliance progress reporting and feedback from the Disability Inclusion Plan Monitoring Group.

Community Engagement:

The Draft Disability Inclusion Action Plan 2022-2026 will be placed on public exhibition 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 within its legal framework

Relevant Legislation:

Disability Inclusion Act (NSW) 2014

Disability Discrimination Act (Commonwealth) 1992

Local Government Act 1993

Integrated Planning and Report Framework

Financial Implications:

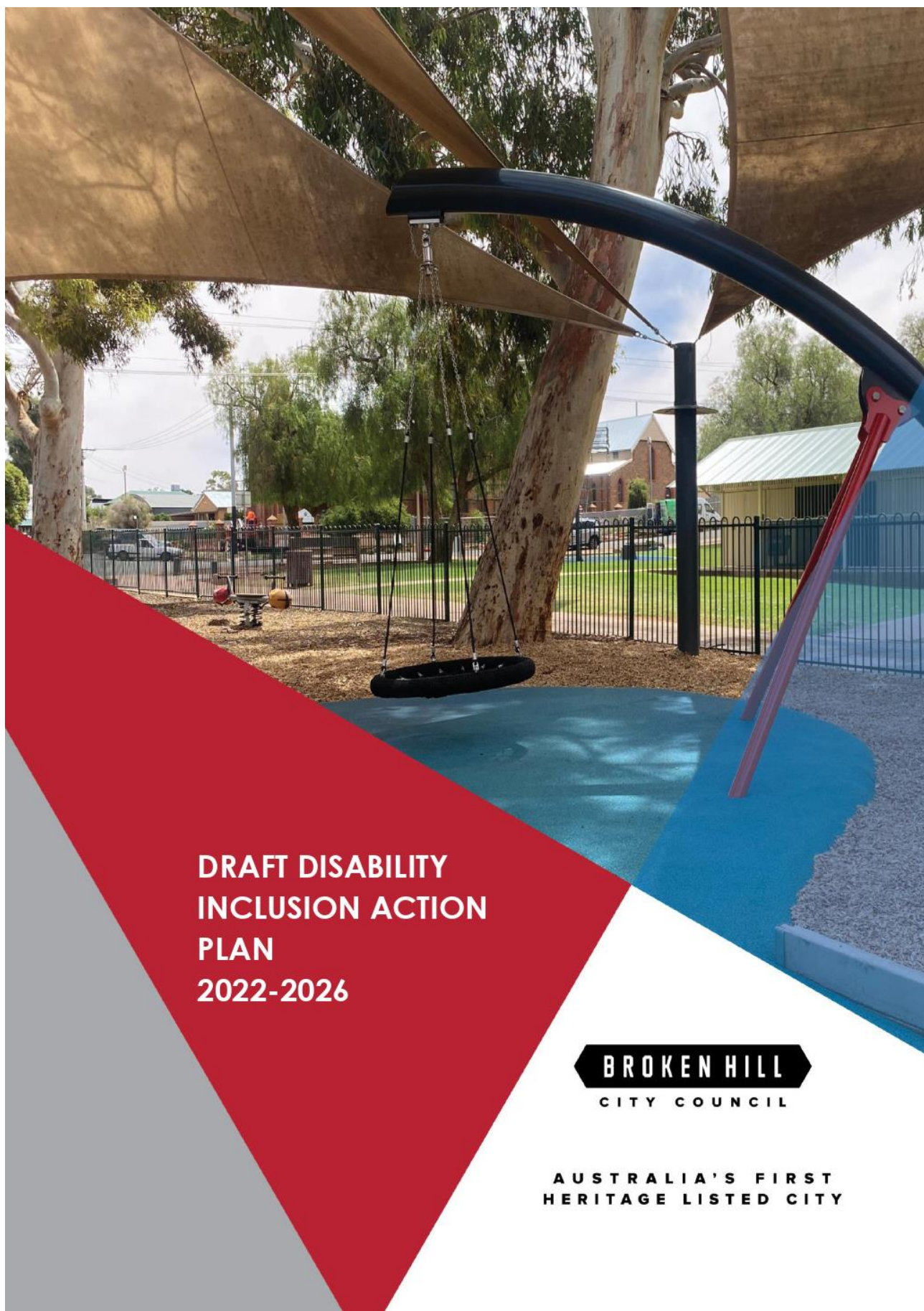
The implementation of the Disability Inclusion Action Plan 2022-2026 will be budgeted and included in the Delivery Program and one-year Operational Plans.

Attachments

1. [↓](#) Draft Disability Inclusion Action Plan 2022-2026

RAZIJA NU'MAN
CHIEF CORPORATE AND COMMUNITY OFFICER

JAY NANKIVELL
GENERAL MANAGER



**DRAFT DISABILITY
INCLUSION ACTION
PLAN
2022-2026**

BROKEN HILL
CITY COUNCIL

**AUSTRALIA'S FIRST
HERITAGE LISTED CITY**

QUALITY CONTROL		
KEY DIRECTION	4. Our Leadership	
OBJECTIVE	4.1 Openness and transparency in decision making	
STRATEGY	4.1.5 Support the organisation to operate within its legal framework	
FUNCTION	Leadership & Governance	
FILE REFERENCE NUMBER	16/82	EDRMS NUMBER
RESPONSIBLE OFFICER	Chief Corporate and Community Officer	
REVIEW DATE	2025	
DATE	ACTION	MINUTE NUMBER
April 2022	Document Developed	N/A
April 2022	Public Exhibition	
June 2022	Adopted	
NOTES	Images sourced from Council's Image Library © Broken Hill City Council 2022	
ASSOCIATED DOCUMENTS	Draft Community Strategic Plan "Your Broken Hill 2040" Draft Delivery Program 2022-2026 including Operational Plan 2022/2023	

To request Council's Disability Inclusion Action Plan in an alternate format please contact:

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DOCUMENT PURPOSE

Broken Hill City Council's Disability Inclusion Action Plan 2022-2026 outlines Council's commitment to improving opportunities for people with a disability of all ages to access the full range of services and activities available in the community.

ACKNOWLEDGEMENTS

Thank you to all the community members and staff who participated in engagement sessions and who filled in a survey. Your comments and ideas were very helpful.

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INTRODUCTION

MESSAGE FROM YOUR MAYOR

On behalf of the Broken Hill City Council, it is my honour to present the newly updated Disability Inclusion Action Plan (DIAP).

Council's DIAP sets out the vision of Broken Hill City Council, which is to engage people with disability, their families and supporters, to join with us to improve opportunities for people of all ages, all cultures, and of differing abilities, to access the full range of services and activities available in the local community.

The Plan was developed in consultation with people with disabilities, and its strategies are based on the information and ideas they provided.

I believe Council has made significant advances in regard to disability inclusion, starting with the implementation of a new website that meets all Website Content Accessibility Guidelines.

Disability inclusion has also become a cornerstone of all project planning undertaken by Council, and that is perhaps best reflected in the recent upgrade of the toddler's area at Queen Elizabeth Park with fully accessible play equipment.

The most notable recent example of Council's commitment to disability inclusion is Council's Active Transport Plan.

The 10-year plan aims to carry out approximately \$14 million worth of footpath construction and repairs to ensure people of all abilities can travel between key services and facilities such as schools, aged care, health services, and retail centres.



However, we know that our work is far from finished in the disability inclusion space, and we will continue working to make Broken Hill as inclusive and liveable as possible for people of all abilities.

Finally, I would like to thank the members of the Working Party and all the individuals and groups who support the ongoing evolution of this plan

Councillor Tom Kennedy
MAYOR

DEFINITIONS

INCLUSION

Inclusion means everyone participating in the places and activities of community life on an equal basis.ⁱ The Disability Inclusion Action Plan is about taking practical steps, based on the experiences and ideas of people with disability, to ensure inclusion in all aspects of community life in Broken Hill.

DISABILITY

The definition of 'disability' used in this Action Plan comes from two laws, the:

1. *Disability Discrimination Act (Commonwealth) 1992*, where the word 'disability' means:ⁱⁱ
 - 'The total or partial loss of the person's body or mental functions
 - The total or partial loss of a part of the body
 - The presence in the body of organisms causing disease or illness
 - The presence in the body of organisms capable of causing disease or illness
 - The malfunction, malformation or disfigurement of a part of the person's body
 - A disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction'
2. *Disability Inclusion Act (NSW) 2014*, where the word 'disability' means:ⁱⁱⁱ
 - *long-term physical, psychiatric, intellectual or sensory impairment that, in interaction with various barriers, may hinder the person's full and effective participation in the community on an equal basis with others'*

This second definition is very important because it says people's participation is affected by barriers created by society to the same extent as an impairment may. This is called the "social model of disability". Dr Alison Davis explains the social model when she says:^{iv}

'If I lived in a society where being in a wheelchair was no more remarkable than wearing glasses, and if the community was completely accepting and accessible, my disability would be an inconvenience and not much more than that. It is society which handicaps me far more seriously and completely than the fact that I have spina bifida.'

(Shut Out: The Experience of People with Disabilities and their Families in Australia, 2009)

FOCUS AREAS^v

The Broken Hill Disability Inclusion Action Plan 2022-2026 is based on four Focus Areas. These Focus Areas came from the NSW Government, which asked people with disability what barriers affect their inclusion. People said these four areas need to be worked on in order to remove barriers to inclusion.

The four Focus Areas are:

- Attitudes and Behaviour
- Liveable Communities
- Systems and Processes
- Employment

EXECUTIVE SUMMARY

VISION FOR THE DOCUMENT

Broken Hill City Council's Disability Inclusion Action Plan 2022-2026 is a vision for an inclusive Broken Hill which is inclusive to people of all abilities and all ages.

PRINCIPLES

Council's Disability Inclusion Plan 2022-2026 is designed to enact the Principles of the New South Wales (NSW) *Disability Inclusion Act 2014*, which states that people who live with disability have the right to:

- respect for their worth and dignity as individuals
- participate in and contribute to social and economic life, and be supported to develop and enhance their skills and experience
- realise their full potential in all areas of life
- make decisions about their lives, and be supported in these if they want or need it
- privacy and confidentiality
- live free from neglect, abuse, and/or exploitation
- access information in a way that is appropriate for their disability and cultural background, and which enables them to make informed choices; and
- pursue complaints with the same ease as other members of the community

Council has a commitment to respect for the individual experience of people with disability, including their cultural diversity, age, gender, sexual orientation, and religious beliefs.

Council's Disability Inclusion Action Plan 2022-2026 recognises that interests and needs of people with disability will change throughout their lifetime. This Action Plan seeks to build inclusion across the life-course, for children, young adults, adults and seniors. Council recognises that needs of children, youth, women and men with disability are different and Council has sought to address each.

Council recognises the importance of families, carers, and other significant persons, and Council support these relationships through the provision of community spaces, events, programs, services and access to information connecting people to their community.

OVERVIEW

The following is an outline to tell you what is in this Disability Inclusion Action Plan.

1. The Business Case

The business case for supporting inclusion of people with disability explains why building inclusion will benefit the whole community socially and economically.

2. Links to Other Council Plans

This section describes how the Disability Inclusion Action Plan (DIAP) sits within broader Council Plans. By linking the Plans, we ensure that progress on the DIAP is reported back to the community.

3. Policy Context

This section explains the laws and policies that the DIAP must follow. Working together, these laws and policies will help to make Australia and Broken Hill more inclusive.

4. People of the Broken Hill Local Government Area

This section looks at how many people living in Broken Hill LGA may have a disability and would benefit from this Plan.

5. How Council Consulted

We explain how Council talked to the community and collected ideas that would make a practical difference to the lives of residents of and visitors to Broken Hill who may have a disability.

7. The Action Plan

This section lists the actions recommended to make the Broken Hill area easier for people with disability and their families and supporters to access and enjoy.

8. Monitoring and Reporting

This section explains how Council will check that our Plan is being achieved and how we will involve people with disability to help us check the Plan's effectiveness.

1. THE BUSINESS CASE – BENEFITS OF INCLUSION

The NSW Disability Inclusion Action Planning Guidelines require all NSW public authorities to have a "unique business case for supporting the inclusion of people with disability".^{vi} This section outlines the business case for working towards the full inclusion of people of all ages with disability (including children who may have temporary or permanent delays in their development). By supporting inclusion, Broken Hill can achieve significant social and economic benefits to the entire community. Inclusion is part of the core business of local government.

Economic Benefits

- Inclusion enables people with disability to access employment or to establish businesses. By supporting economic independence, the need for income supports are reduced, workforce participation is increased and we experience economic growth. Economic participation supports the wellbeing of individuals and families because it results in additional income in families. Additional income in families is most likely to be money spent locally.
- The National Disability Insurance Scheme (NDIS) will inject \$22 billion dollars per year into the Australian economy. Age care funding provides a further \$18 billion annually. Both the NDIS and aged care provide funds to individuals to buy supports to access community life. These support services are provided locally, enabling people with disability (including age related disability) to enjoy local shopping, entertainment, leisure, learning and access to health care. By targeting the accessible tourism market, Broken Hill could further access related economic growth.^{vii} By making physical and information environments accessible and ensuring business and community attitudes and behaviours are inclusive, there is

significant potential to stimulate the local economy.

- Lack of accessibility of information, environments and attitudes and behaviours that create barriers cost business. Missed business is not limited to potential customers with disability. It extends to the friends and family of those individuals, who would have accessed that service together. When one person using a wheelchair is unable to attend an event or service, it's likely the friends and family of that person who would have attended together are also 'missed business'.
- The fastest growing component of the Australian consumer market is older people, and the current generation of older Australians are retiring with unprecedented, accumulated wealth.^{viii} Businesses that cater to people with disability who may have limitations to mobility, vision, hearing etc extend their market reach to include families using prams and to older people who use mobility aids or who need assistance with vision or hearing.

Social Benefits

- Inclusion enriches the community because it enables us to access the full range of talents and viewpoints within the population.
- At some point in our lives, all of us will experience a disability or impairment which, in interaction with barriers in society, limit our access to community life. To enjoy a rich social and family life, which in turn supports our wellbeing, we need access to barrier-free information, places and activities.
- Inclusion protects our community from the cycles of disadvantage that can lead to negative impacts across generations in areas of health, wellbeing, education and employment. Planning for inclusion helps to avoid these negative outcomes and is proven to be more cost effective in the long term.^{ix}

Inclusion as Core Business

- Section 8 of the NSW *Local Government Act 1993* requires Councils to provide adequate, equitable and appropriate services and facilities for the community.^x People with disability are identified as part of a social justice target group needing specific strategies to ensure they are equally included in community engagement activities and decision making. The Disability Inclusion Action Plan (DIAP) provides a way for Council to achieve this outcome and to continuously improve service delivery to this group.
- Broken Hill City Council is committed to meeting and exceeding both State and Commonwealth laws, that address direct and indirect discrimination against people with disability, in the delivery of their services, goods and facilities.^{xi} By consulting with people with disability, Broken Hill City Council DIAP has identified potential sources of indirect discrimination in the form of unintended attitudinal barriers and other unintended barriers that may exist in systems and processes.

2. LINKS TO OTHER COUNCIL PLANS

This Disability Inclusion Action Plan (DIAP) fits within a larger 10-year plan called the Community Strategic Plan (CSP) “*Your Broken Hill 2040*”. The CSP was developed from extensive community engagement and consultation, as well as the ongoing input from the Community Round Table Committee. The CSP keeps Council focussed on achieving long-term goals in four Key Directions: Our Community, Our Economy, Our Environment and Our Leadership.

All Council Plans fit under the CSP. Many of these other Council plans are also relevant to people with disability, for example Active Transport Plan, Ageing Strategy, Tourism Plan and more. The Disability Inclusion Action Plan 2022-2026 has suggestions and ideas that often relate to all these. To coordinate all activities, every four years Council develops the Delivery Program which combines the activities of all Plans and links them to the headings of social, economic, environmental and civic leadership.

As Council implements the Delivery Program, evidence is collected to confirm that progress is being made. Council uses this information to report back to the community, to tell you what improvements have been made. Progress reports are provided to the Council at least six monthly.

At the end of each year, Council reports to the community in the Annual Report on tasks completed in the Disability Inclusion Action Plan during that year.

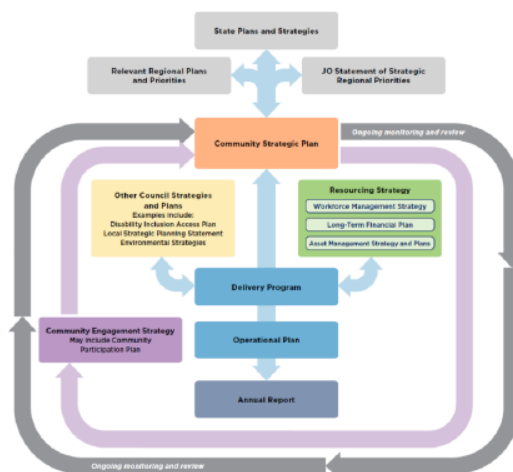


Figure 1: Link Between This Plan and Other Council Plans

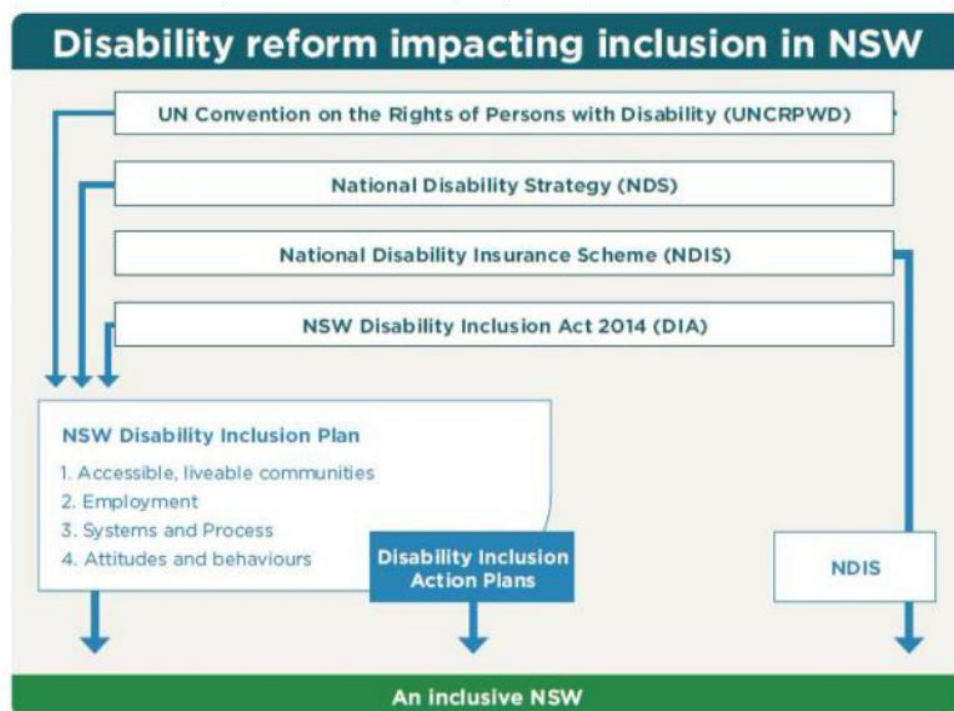
3. POLICY CONTEXT

The Broken Hill City Council Disability Inclusion Action Plan 2022-2026 has been developed in line with laws and policies designed to ensure that people with disability are included in all aspects of community life. The laws and policies demonstrate Australia's commitment to a

global shift in awareness that more must be done to respect the rights of people with disability.

This section outlines these key laws and policies in Australia and New South Wales (NSW). The policy context will support the effectiveness of the Broken Hill City Council Disability Inclusion Action Plan 2022-2026.

Figure 2: The relationships between the relevant policy and legislative instruments.



(Source: NSW Government Disability Inclusion Action Planning Guidelines)

3.1 UN Convention on the Rights of Persons with Disabilities (UNCRPD)

Australia has committed to implementing the Articles of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The Articles state that persons with disabilities must enjoy all human rights; specify how these rights apply in practice; and identify where

efforts to be made for people with a disability to effectively exercise their rights.^{xii}

By signing the UNCRPD, Australia committed to make changes to laws and policies to ensure the inclusion of people with disability. Australia will also report back to the United Nations about the progress made towards this goal.^{xiii}

Key areas to be addressed under the UNCRPD are:

- Equality and non-discrimination before the law for people with a disability, with specific measures about upholding the human rights of women and children with a disability.
- Raising awareness, fostering respect and dignity, and combating stereotypes relating to people with a disability. Activities include public awareness campaigns and promoting an attitude of respect for the rights of people with disability.
- Ensuring access to the physical environment (including access to transport), as well as access to information and communication.
- Recognising the equal right of people with disability to participate in and enjoy all amenities and activities of community life.
- Ensuring the right to freedom of expression and respect for the home and family of people with disability.
- Ensuring the right to work and employment on an equal basis with others.
- Providing opportunities to fully participate in political and public life, including voting and representation by people with disability in all levels of government.
- Ensuring the right to participate in cultural life, including ensuring visual culture (art, film, theatre) and other cultural activities are accessible and represent the diversity of human experience. Ensuring access to museums, libraries, tourism services and to sites of national cultural importance.

3.2 Australia's Disability Strategy (ADS), 2021-2031

The Strategy was developed by Australian, state, territory and local governments; with more than 3,000 people consulted with disability, families, carers and

representatives to ensure their views were included in the Strategy. Australia's Disability Strategy 2021-2031 builds on the work of the original strategy, the National Disability Strategy 2010-2020. The Strategy's vision is for an inclusive Australian society that ensures people with disability can fulfil their potential, as equal members of the community.

The Strategy has seven outcome areas, which are:

- Employment and Financial Security
- Inclusive Homes and Communities
- Safety, Rights and Justice
- Personal and Community Support
- Education and Learning
- Health and Wellbeing
- Community Attitudes

The Australia's Disability Strategy is Australia's national disability policy framework; driving action at all levels of government to improve the lives of people with disability. (ADS, 2021-2031)

3.3 National Disability Insurance Scheme (NDIS)^{xiv}

The National Disability Insurance Scheme (NDIS) provides for a national insurance system that enables funding and administrative systems to support people with disability to access the reasonable and necessary supports they need to lead an ordinary life.

The NDIS will enable eligible people with a disability to pursue their interests in the community through individualised packages of funding. Funding will also be available to help make mainstream services more inclusive. The latter will be available through grants from the Information, Linkages and Capacity Building initiatives of the NDIS.

The Broken Hill City Council Disability Inclusion Action Plan 2022-2026 support NDIS objectives by:

- ensuring accessible and inclusive built environments
- developing accessible and inclusive programs and services
- providing information in a range of formats
- continuing to work towards inclusive employment application processes, and
- fostering positive community behaviours and attitudes towards people with disability.

The NDIS enables eligible people with a disability to pursue their interests in the community through individualised NDIS funding. Under the NDIS, Information Linkages and Capacity Building grants are available to help make mainstream services more inclusive. (NDIS, 2014)

3.4 NSW Disability Inclusion Act, 2014^{xv}

The NSW *Disability Inclusion Act 2014* (the Act) requires all agencies of the NSW Government and Local Governments to develop Disability Inclusion Action Plans (DIAPs). The Act states that DIAPs must:

- state how the Disability Inclusion Act's Principles will be addressed
- provide specific strategies to support people with disability to access buildings and events, information and employment opportunities
- describe how people with disability were consulted
- describe how the plan supports the NSW Disability Inclusion Plan (see below)
- be made available to the public
- be reviewed, in consultation with people with disability, every four years
- include progress reports published annually in Council's Annual Report.

The *Disability Inclusion Act, 2014* requires all NSW government agencies and local governments to consult with people with disability, and then based on this information, to commit to practical actions to improve access and inclusion. (NSW Disability Inclusion Act 2014)

3.5 NSW Disability Inclusion Plan (NDIP)^{xvi}

The NSW Disability Inclusion Plan (NDIP) is a four-year action plan detailing how NSW government agencies (and local government) will work towards ensuring people with disability enjoy the same opportunities and choices as everyone else. In developing the NDIP, the NSW Government consulted with people with a disability about what barriers affect their inclusion. This led to the identification of four "Focus Areas" that must underpin all DIAPs in NSW. The Focus Areas are: ^{xvii}

- developing positive community attitudes and behaviours
- creating liveable communities
- supporting access to meaningful employment, and
- improving access to mainstream services through better systems and processes.

NSW Disability Inclusion Plan outlines how all NSW government agencies and local governments will make local communities more inclusive. All Inclusion Plans must address the four 'focus areas'. (NSW Disability Inclusion Plan, 2015)

3.6 Disability Discrimination Act (DDA) 1992 and Amendments (2009)

The Disability Discrimination Act, 1992 (C'wlth) (DDA) protects against discrimination based on disability. These protections extend to relatives, friends, carers, co-workers or associates of a person with disability who may experience discrimination because of this relationship.

The DDA also encourages governments, businesses and others to implement the DDA to ensure the full participation of all citizens. The Broken Hill City Council DIAP 2022-2026 incorporates the requirements of Section 61 of the DDA, where Council must have plans that:

- devise policies and programs to achieve the Objects of the Act
- communicate these to persons within the Council
- review practices to identify and eliminate discriminatory practices
- set goals and targets to measure the success of the Plan
- appoint persons within the Council to implement the provisions.

3.7 Other Relevant Laws and Plans

Other laws and plans relevant to Broken Hill City Council Disability Inclusion Action Plan 2022-2026 are:

- National Arts and Disability Strategy, 2009 (C'with)
- Web Accessibility National Transition Strategy, 2010 (C'with)
- *Anti-Discrimination Act*, 1977 (NSW)
- *Carers (Recognition) Act*, 2010 (NSW)
- *The Local Government Act*, 1993 (NSW)
- *The Local Government (General) Regulation*, 2005 (NSW)

4. PEOPLE OF THE BROKEN HILL LOCAL GOVERNMENT AREA

Broken Hill City Local Government Area (LGA) is in the Far West region of New South Wales (NSW). Covering an area of 4,531 square kilometres it has a population density of 1.04 persons per hectare. Not only is Broken Hill City LGA sparsely populated, it is also one of the most isolated population centres in the state. ^{xviii}

In 2018 the estimated resident population of Broken Hill City was 17,734 people.

Population decline remains a factor for Broken Hill City LGA. The Australian Bureau of Statistics (ABS) notes that this trend is in line with many of NSW's predominantly rural areas, particularly in Far West. ^{xix}

The main employing industry in Broken Hill City LGA is health care and social assistance, employing 18.3% of the workforce. In 2016, more Broken Hill City residents worked in health care and social assistance than any other industry. ^{xx} The Disability Inclusion Action Plan 2022-2026, by improving inclusion and access in the Broken Hill LGA will encourage people with disability (which includes seniors with disability) to live in, or visit the town, thus supporting or even boosting local employment opportunities. ^{xxi}

4.1 People with Disability

Information about the number of people with disability living in Australia cannot be provided as precise measurements. The main source of information is the Survey of Disability, Ageing and Carers (SDAC), ^{xxii} and is based on a person's self-reported need for assistance. Some of the difficulties associated with statistics and the prevalence of disability have been identified by the Australian Bureau of Statistics (ABS) and include:

- The ABS defines disability as a need for assistance in one or more of three core activity areas of self-care, mobility and communication, because of a long-term health condition (lasting six months or more), a disability (lasting six months or more), or old age. ^{xxiii} The ABS data is likely to count only those people whose disability impacts more on their need for care, whilst people with disability who manage without as much or any assistance in core activity areas, may not be represented in the census data. They are however, included in the definition of the *NSW Disability Inclusion Act 2014*.

- People can vary in their perception of the impact of the disability on their daily activities. This means people with similar assistance needs could report their needs differently.
- Some people may be uncomfortable with reporting their disability because of concern about negative community attitudes. This is often the case for people who experience mental ill health, dementia, or acquired brain injury. Others may not report their disability because it is episodic in nature, such as epilepsy, or certain types of mental illness.
- Census information is often reported by one person for the entire household. The individual completing the survey may or may not know about the disability status of other persons living in the house. The person completing the survey could answer it differently to how the person with disability may have.

Census Data Does Not Count All People with Disability - The ABS Survey of Disability Ageing and Carers definition of disability is "needing assistance in one or more of three core activity areas of self-care." The Disability Inclusion Action Plan includes people who are self-caring.

4.1.1 How many People in Broken Hill have a Disability?

Information from the Australian Bureau of Statistics (ABS) and the Far West NSW Medicare Local, show that: ^{xxiv}

- In Broken Hill LGA, 8.0% of the population (1,424 people) reported needing assistance with their day-to-day lives due to disability. There has been a notable increase in reported disability among aged groups 65 to 79 years between 2011 and 2016. ^{xxv}
- 1,269 (7.5% of the population) receive the Disability Support Pension. This is higher than the NSW percentage (5.7%). ^{xxvi}

- 1,878 (12.4 % of the population) provided unpaid assistance to a person with disability.
- The Far West NSW Medicare Local has the third highest percentage (6.1%) of people having profound or severe disability. By contrast, in NSW the percentage is 4.9%.

Far West NSW has an exceptionally high proportion of people of all ages (6.1%) with a profound or severe disability (ABS, 2016)

4.1.2 Why Inclusion is Important

The 2015 Survey of Disability, Ageing and Carers highlighted key factors relating to the impact of disability and caring which demonstrates why, as a caring community, we need to address disability inclusion. ^{xxvii} These factors include:

- One in five Australians have a disability (4 million in total).
- Almost 1 in 12 Australians with disability (or 8.6%) reported they had experienced discrimination or unfair treatment because of their disability. Young people with disability are more likely to report the experience of discrimination (20.5%) than those aged over 65 years (2.1%).
- More than 1 in 3 women and more than 1 in four men aged 15 years and over reported that they avoided situations because of their disability.
- More than half those with disability aged 15 to 64 years participated in the labour force (53.4%) which is significantly less than those without disability (83.2%).

People with disability are more likely to face considerable social exclusion, particularly in the areas of education and employment. This is also true for those who provide care. (ABS Survey of Ageing, Disability and Carers, 2015)

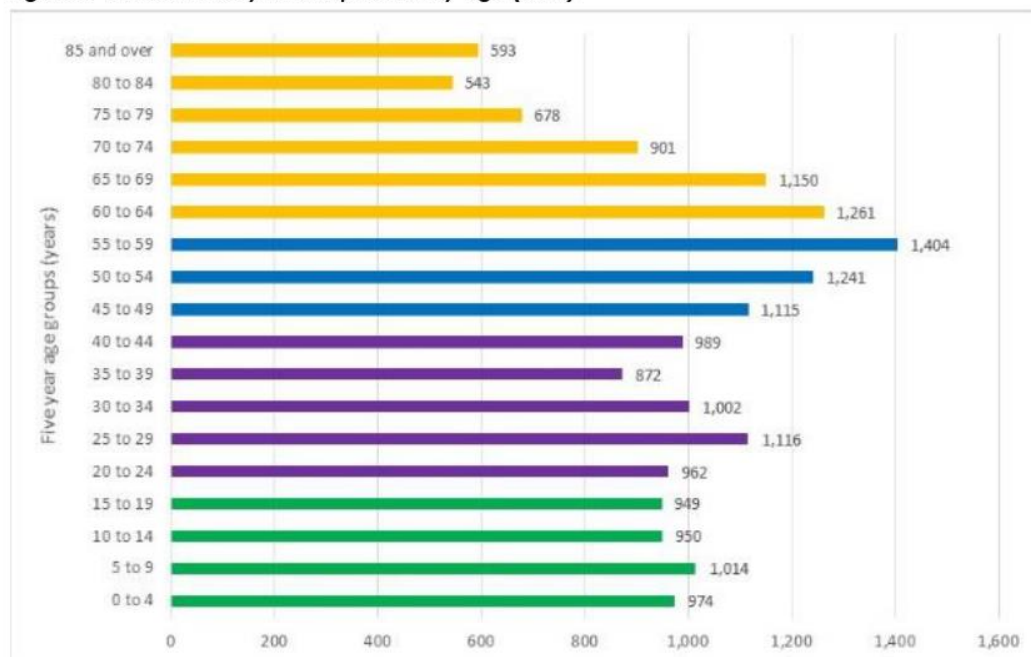
4.2 Age Profile^{xxviii}

The 2015 Survey of Disability, Ageing and Carers identified that in Broken Hill, 1 in 2 people reporting the need for assistance in one or more core activities were aged 65 or over.^{xxix} As the population of Broken Hill ages (particularly if there is continued population decline in the under 65-year age group), the proportion of the population needing assistance in one or more core activities (ie, with disability) is likely to increase significantly.

In 2016,^{xxx} Broken Hill had a higher proportion of persons at post retirement age than Regional NSW. Overall, 28.9% of the population of Broken Hill were aged 60 years and over, compared with 27.2% for Regional NSW. A breakdown of Broken Hill LGA by age group is set out in the figure below.



Figure 3: Broken Hill City LGA Population by Age (2016)



[Source: Australian Bureau of Statistics, Census (2011), Population and Housing]

4.3 Aboriginal and/or Torres Strait Islander Persons

The Australian Bureau of Statistics (ABS) Survey of Disability, Ageing and Carers identified that Aboriginal people are 1.7 times more likely to have disability.^{xxxii} For this reason, it is important to specifically consider the Aboriginal and Torres Strait Islander residents of Broken Hill and to include strategies in the Disability Inclusion Action Plan 2022-2026 that considers the specific needs of Aboriginal and/or Torres Strait Islander residents and visitors who may have a disability.

In 2016 there were 1,498 Aboriginal and/or Torres Strait Islander residents in the Broken Hill LGA. They represent 8.5% of the total population or about 1 in 12 people. This is an increase of approximately 1% or 100 indigenous residents since 2011.^{xxxiii}

Figure 4: Aboriginal and/or Torres Strait Islander Population (2016)

Areas	Aboriginal and/or Torres Strait Islander Persons	% of total population
Broken Hill LGA	1,498	8.5
New South Wales	548,368	2.9

[Source: Australian Bureau of Statistics, Census (2016), Population and Housing]

The Australian Institute of Health and Welfare has identified a strong correlation between socio-economic status and disability in capital cities.^{xxxiii} Median household income data shows that the Broken Hill Indigenous community is economically disadvantaged when compared with Indigenous groups in NSW and Australia. While mortgage repayments in Broken Hill are slightly lower than the NSW and Australia-wide averages for Indigenous people, rental rates are higher.^{xxxiv}

ABORIGINAL AND/OR TORRES STRAIT ISLANDER PEOPLE

- Aboriginal children under 14 are 4 times more likely to have disability
- Aboriginal adults aged 35-54 years are 2.7 times more likely to have disability
- Aboriginal children under 15 are 3.4 times more likely to be deaf
- Aboriginal Australians are 4 times as likely to have an intellectual disability

(NSW Child, Family and Community Peak
Aboriginal Corporation –
Based on ABS Census Data)

Economic disadvantage increases for the Broken Hill Indigenous community when household income is compared against the non-indigenous community.

Indigenous households in Broken Hill Local Government Area have about 50% less weekly income than the median family household income in the Broken Hill region.^{xxxv}

4.4 Cultural Diversity

The ABS Survey of Disability, Ageing and Carers identified that people from Culturally and Linguistically Diverse (CALD) backgrounds who have disability are less likely than to access services than people of non-CALD backgrounds. In 2011, 2.3% of the total population of Broken Hill City LGA were identified as speaking a language other than English at home.

The most commonly spoken non-English languages spoken are Italian, Greek, Filipino/Tagalog and Australian Indigenous Languages (each language group being < 0.1% of total population).

5. HOW COUNCIL ENGAGED AND CONSULTED

Broken Hill City Council consulted with the community and people living with disabilities, their families and other significant people. Consultations explored what was important to them, what isn't working for disability inclusion and how Council could improve inclusion. Our consultation methods, included:

- An online survey
- Hard copy survey
- Easy read survey (hard copy)
- Community consultation session
- Focus interviews with NDIS service providers
- Internal consultations with Council staff

We advertised through a range of media, including:

- Online via our website and social media (Facebook)
- In newspapers (Barrier Truth)
- Via our networks and events (including the DIAP Monitoring Group, service providers and health and education services)
- Surveys were distributed to the library, YMCA, Council's Administrative Centre and local disability service providers distributed surveys to NDIS Participants
- Existing distribution lists including through the eNews distribution list

A total of 20 people completed the online survey.

Five survey respondents (5 or 25%) identified as being a person with disability; seven (7 or 35%) identified as a parent or care giver of a child or children with a disability (aged under 17); three (3 or 15%) identified as a parent of an adult child with a disability; and five (or 25%) identified as working in the sector supporting people with disability.

A total of six easy read surveys were received. People completing these said they like going shopping, using parks and gardens, and all said they use the library. Three (3) out of 4 said they needed help filling in forms and need writing to be easy to read. Two (2) out of 4 said they would like people to be more friendly to them.

Ten (10) people attended the community consultation, including four (4) family members (parents or siblings) of people with disability. Six (6) other participants were service providers supporting people with disability.

A further 20 one-on-one interviews were conducted by the consultant including five parents/family members of persons with disability (25%), ten (10 or 50%) who work in the sector supporting people with disability, four (4 or 20%) people with disability and a community member (cab driver).

The results of the consultations were shared with all departments of Council. Strategies for this Disability Inclusion Action Plan are based directly on the comments, suggestions and feedback given via the consultations, surveys and interviews

6. THE ACTION PLAN

FOCUS AREA 1: ATTITUDES AND BEHAVIOURS

Community Outcome 1: Council staff lead by example through their behaviour and attitudes to promote and support inclusion within the community.

What the Community Told Us

- Most people said Council staff were approachable and helpful. However, parents of children with autism said more work needs to be done to understand the needs of their children and families.
- Council needs to use more pictures and images to communicate with the community. Council language can be too hard to understand.
- Sometimes the differing needs of community members don't align, for example, some people need quiet, and others need more volume. In shared places (like the pool or the library) staff need to assist community to be understanding of differing needs and to be willing to compromise.

Strategy S1.1 Promote inclusion and inclusive communication in Council and in the community			
Objective O1.1.1	All Council staff have an awareness of what inclusion means		
Action	Timeline	Measure	Responsibility
A 1.1.01 Celebrate, support and promote events such as International Day of People with Disability, Autism Awareness, R U OK? Day and World Mental Health Awareness Day	30 June 2023 and ongoing each year	Number and list of inclusion/people with disability events actively supported by Council	Events (Lead) Corporate Services Communications
A 1.1.02 Purchase communication aids (such as magnifying glasses, large face clocks and portable hearing loops) and have them visible in Council buildings and facilities	30 June 2023	List and location of communication aides purchased	Corporate Services (Lead) Facility Managers
A 1.1.03 Display the SCOPE Communication Bill of Rights at all Council facilities and buildings	30 June 2023	List of venues where Communication Bill of Rights is displayed	Corporate Services (Lead) Facility Managers
A 1.1.04 Increasingly use infographics and simple English in corporate publications and plans	30 June 2023 and ongoing each year	List of corporate publications and plans incorporating infographics and/or simple English	Corporate Services (Lead) Communications
A1.1.05 Consult with inclusive communication experts (eg, Novita speech therapist) to	30 June 2023	Guidelines and/or strategies for supporting inclusion and managing differing needs	Library Services (Lead)

Strategy S1.1 Promote inclusion and inclusive communication in Council and in the community			
Objective O1.1.1	All Council staff have an awareness of what inclusion means		
Action	Timeline	Measure	Responsibility
develop guidelines on supporting inclusion and managing differing needs in shared community spaces		in shared community spaces	Cultural Facilities
A 1.1.06 Invite management from the YMCA (pool) to be involved in the discussions about developing guidelines for supporting inclusion and managing differing needs in shared community spaces	30 June 2023	Invitation extended to YMCA (Regional Aquatic Centre) management to discuss guidelines for supporting inclusion and managing differing needs in shared community spaces	Assets

Strategy S1.2 Continue to support our staff to respectfully, confidently and effectively communicate with people with disability			
Objective O1.2.1	Council staff are confident and skilled in communicating with people who have a disability		
Action	Timeline	Measure	Responsibility
A1.2.01 Continue to train staff to write accessible documents for presentations and on Council's website	30 June 2023 and ongoing each year	Number and type of training initiatives relating to inclusion or disability confidence/awareness delivered or that staff are sent to	People and Culture (Lead) Communications
A1.2.02 Continue to support staff to develop web content and design compatible with Web Content Accessibility Guidelines 2.0	30 June 2023 and ongoing each year	Number of staff deemed competent to upload WCAG20. Content to Council's website	Communications
A1.2.03 Support the Infrastructure team to enhance disability confidence and communication skills in order to effectively engage and consult with people with disability	30 June 2023	Staff feedback indicates increased confidence in engaging and consulting with people with disability and their supporters	Infrastructure
A1.2.04 Deliver induction sessions that encompass the topic of inclusion of people with disability	30 June 2023 and ongoing each year	Number of induction or refresher sessions delivered that encompass disability inclusion as a topic	People and Culture
A1.2.05 Provide expert guest speakers to staff meetings and/or internal training sessions	30 June 2023 and ongoing each year	Number and topic of guest speakers providing information sessions to staff	People and Culture

Strategy S1.2 Continue to support our staff to respectfully, confidently and effectively communicate with people with disability			
Objective O1.2.1		Council staff are confident and skilled in communicating with people who have a disability	
Action	Timeline	Measure	Responsibility
to provide strategies for communicating effectively with people with diverse communication needs.			

Strategy S1.3 Continue to promote Council's activities for building inclusion in Council and in the community			
Objective O1.3.1		The community is aware of the activities Council is undertaking to progressively build greater inclusion of people with disability	
Action	Timeline	Measure	Responsibility
A1.3.01 Continue to provide media stories (including on social media) on the progress of the implementation of the Disability Inclusion Action Plan 2022-2026	30 June 2023 and ongoing each year	Number and topic of media releases relating to Disability Inclusion Action Plan 2022-2026	Communications

FOCUS AREA 2: LIVEABLE COMMUNITIES

Community Outcome 2: People with disability and their families have improved access to community places, buildings and events.

What the Community Told Us

- The older paths, ramps and kerb ramps in the town are not built to suit newer mobility equipment. Some ramps are too steep and narrow. Kerbs that have a 'lip' on them can be hard to use for people using wheelchairs and walkers.
- Whilst many accessible parking spaces are well placed and easy to use, some accessible spaces are not near kerb ramps.
- Accessible parking sitting adjacent to a kerb is difficult for people who have rear ramp loading accessible cars. The car blocks the ramp.
- It is difficult for people who use wheelchairs to navigate the ambulant toilet spaces. Some of the toilet blocks are old and in need of replacement (particularly the one opposite the Civic Centre).
- Ramp access into the administration building is not a direct path. Signage for access points could be improved and there is a need for accessible parking near the entrance.
- Bus stops and tourist facility entrance points could be improved with regards to accessibility.
- Please don't use bark chips in parks as children and adults who use mobility aids or wheelchairs can't cross the bark chips.
- We need more accessible or universal children's playgrounds and equipment.
- People who use wheelchairs would like to sit with their friends and family at the Civic Centre.
- Schools need ramped access from their bus bay areas.
- Sporting grounds need to be fixed in terms of accessibility.
- Council buildings require quiet / sensory areas.
- More parks need accessible or universal play equipment

Strategy S2.1 Engage with people who use wheelchairs and other mobility aids, and parents of children with disabilities, to determine priorities for improving footpaths, crossings and kerb ramps			
Objective O2.1.1		People with disability are consulted about the priority maintenance and upgrade of footpaths, kerbs, crossings and ramps in Broken Hill	
Action	Timeline	Measure	Responsibility
A2.1.01 Hold specific community consultations with people who use wheelchairs, walkers or gophers to identify priorities for the Active Transport Plan	30 June 2023	Written report of consultation identifying the priorities of adults and children (via their parents) who use mobility aids	Assets
A2.1.02 Promote the progress on the Active Transport Plan via Council media and information to the community care interagency; using Accessible Meeting Guidelines	30 June 2023 and ongoing each year	List of Active Transport Plan related media and interagency presentations	Assets (Lead) Communications

Strategy S2.1 Engage with people who use wheelchairs and other mobility aids, and parents of children with disabilities, to determine priorities for improving footpaths, crossings and kerb ramps			
Objective O2.1.1		People with disability are consulted about the priority maintenance and upgrade of footpaths, kerbs, crossings and ramps in Broken Hill	
Action	Timeline	Measure	Responsibility
A2.1.03 Conduct community consultation on accessible public toilets (maintenance and upgrade and way finding priorities) using Accessible Meetings Guideline	30 June 2023	Community consultation on accessible public toilets (maintenance and upgrades) documented and incorporated into the Active Transport Plan	Assets

Strategy S2.2 Progressively address the issues raised by people with disability to improve access around the City			
Objective O2.2.1		People with disability are directly consulted about the priorities for improvement to access around the City	
Action	Timeline	Measure	Responsibility
A2.2.01 Ensure ramps at school bus bay areas are included in the Active Transport Plan priority list	30 June 2023 and ongoing each year	List with location of bus bay ramps installed	Assets
A2.2.02 Increase the continuous accessible paths of travel to key places based on results of consultations with people who use powered and unpowered wheelchairs, mobility walkers and mobility scooters	30 June 2023 and ongoing each year	List of works contributing to continuous accessible paths of travel	Assets
A2.2.03 Replace bark chips in public paths with options that do not obstruct wheelchairs and mobility walkers	30 June 2023 and ongoing each year	List of locations where bark chips are replaced with other covering options	Assets
A2.2.04 Provide quiet/sensory areas in Council buildings and at Council events	30 June 2023 and ongoing each year	List of quiet and sensory spaces provided in buildings and at events	Library Services (Lead) Cultural Facilities Events
A 2.2.05 Ensure upgrades to and installation of play equipment are accessible to children with physical and non-physical disability	30 June 2023 and ongoing each year	Tenders for play equipment upgrades or installations that require universal design of equipment	Assets

Strategy S2.3 Progressively increase accessibility and inclusion of places of entertainment, recreation, learning and leisure			
Objective O2.3.1		People with disability have greater access to events hosted in the City	
Action	Timeline	Measure	Responsibility
A2.3.01 Source existing Accessible and Inclusive Event Guidelines for use within Broken Hill City Council	30 June 2023	Source and implement Accessible and Inclusive Event Guidelines	Events
A2.3.02 Incorporate Access and Inclusion Plans into all Council hosted events	30 June 2023 and ongoing each year	Percentage of Council run events that have an access and inclusion plan as part of event implementation	Events
A2.3.03 Develop Accessible Event templates, guidelines, policies and/or procedures specific to the context of Broken Hill Events	30 June 2024	Number of Accessible and Inclusive Events Guidelines Council has completed	Events
A2.3.04 Make Council's Accessible Event Guidelines (including promotional information about drop off points and parking etc) available to event organisers booking Council owned sites	30 June 2023 and ongoing each year	Number of Accessible event Guidelines distributed to event organisers in contact with Council	Events
A2.3.05 Ensure seating arrangements enable people who use wheelchairs to sit on the row they would prefer	30 June 2023 and ongoing each year	Seating arrangement procedures for people using wheelchairs to choose the row they wish to sit in	Events
A2.3.06 Compile a template(s) with consistent or aligned meta-data for collecting information on accessibility/inclusion features of Council Buildings, parks, playgrounds etc enabling the presentation of access features of the building and the activities hosted in them	30 June 2023	Templates for collecting presenting access and inclusion information relating to Council buildings, parks, playgrounds and activities created	Assets (Lead) Corporate Services (support role) Events Cultural Facilities Library Services
A2.3.07 Collect and document the accessibility features of all Council buildings, parks, playgrounds and post these on all relevant websites including Council's main website and the national accessible tourism website	30 June 2023 and ongoing each year	Information on accessible and inclusive features of Council buildings, parks and playgrounds collected	Assets
		Ensure the information (and/or completed templates) are made available to: National Accessible Tourism Data Base; Events Information packages for	Assets (Lead) Corporate Services (support role) Events

Strategy S2.3 Progressively increase accessibility and inclusion of places of entertainment, recreation, learning and leisure			
Objective O2.3.1		People with disability have greater access to events hosted in the City	
Action	Timeline	Measure	Responsibility
		internal / external event managers; Venue hire information; Venue information; community information; Library playing the videos or showing photos of the community work; (private venue operators may wish to have copies of their information to place in their own materials)	Cultural Facilities Library Services Communications
A2.3.08 Invite Broken Hill accommodation, entertainment and other leisure / tourism providers to participate in the Access and Inclusion Information Collection Project	30 June 2023 and ongoing each year	The number of active participants increases year by year	Tourism
A2.3.09 Continue to design Library workshops or activities that provide adjustments enabling people with disability to attend	30 June 2023 and ongoing each year	List of workshops designed for people with disability and/or that provided adjustments for people with disability to attend	Library Services
A2.3.10 Continue to enable access by Aboriginal and/or Torres Strait Islander persons with disability to attend culturally safe and appropriate programs	30 June 2023 and ongoing each year	List of workshops designed for people with disability and/or that provided adjustments for people with disability to attend	Library Services (Lead) BH City Art Gallery
A2.3.11 Continue to offer Art Gallery activities with adjustments for people with disability	30 June 2024	List of workshops designed for people with disability and/or that provided adjustments for people with disability	BH City Art Gallery
A2.3.12 Ensure that any future refurbishment of the Council Administration Building includes provision for a lower information desk for people using wheelchairs; availability of hearing loop; and a meeting room enabling sound privacy	30 June 2026	List of Council Administration Building access features completed	Assets
A2.3.13 Ensure the Visitors' Information Centre has a section of the information counter at a lowered height to accommodate visitors who use wheelchairs	30 June 2024	List of Visitor Information Centre Building access features completed	Tourism

FOCUS AREA 3: SYSTEMS AND PROCESSES

Community Outcome 3: Council processes support and enhance inclusion of people with disability

What the Community Told Us

- "Thank you for the opportunity to be included in a better Broken Hill"
- Council needs to ensure plans promote more child safety awareness especially for kids with delays and the elderly.
- Rates notice is not so easy to understand at times.
- Be more open and have better communication with the community.
- Please use language that all aged groups and people from all backgrounds can understand. It's too "businessy".

Strategy S3.1 Systems supporting Council communications, meetings and consultations enhance inclusion			
Objective O3.1.1		Written information produced by Council is easier to read both in form and content	
Action	Timeline	Measure	Responsibility
A3.1.01 Develop guidelines for creating accessible documents (integrating the International Day of People with Disabilities Style Guide, 2018 https://www.idpwd.com.au/wp-content/uploads/2018/09/IDPWD-Style-Guide-2018.pdf).	30 June 2024	Guidelines for creating accessible documents developed	Corporate Services

Strategy S3.2 Incorporate accessibility and inclusion considerations in procurement decisions and contracts			
Objective O3.2.1		People with disability have greater access to information relating to procurement and contracts	
Action	Timeline	Measure	Responsibility
A3.2.01 Review procurement systems and contracts to ensure accessible and inclusive practices are used by consultants	30 June 2024	Procurement procedures reviewed and standard request for tender documents and standard contracts have inclusive practice requirements	Finance

Strategy S3.3 Ensure procedures and work practices require all community campaigns or information sessions to be inclusive			
Objective O3.3.1:		People with disability have greater access to information	
Action	Timeline	Measure	Responsibility
A3.3.01 Review procedures and work practices relating to the development of community campaigns or information sessions to ensure inclusion is built in	30 June 2025	Review of systems generating community campaigns and information sessions identify inclusion / access opportunities	Communications

Strategy S3.4 Utilise the expertise of the DIAP Monitoring Group to improve systems and processes			
Objective O3.4.1		People with disability are represented on the DIAP Monitoring Group	
Action	Timeline	Measure	Responsibility
A3.4.01 Continue to support and resource the DIAP Monitoring Group to assist Council to improve systems and processes	30 June 2023 and ongoing each year	List of issues taken to the DIAP Monitoring Group relating to improvement of systems and processes	Corporate Services

Strategy S3.5 Embed inclusive practices into all community consultations, communications and Council work practices			
Objective O3.5.1		People with disabilities increasingly give feedback to Council and are able to give formal and informal input on the development and progress of Council plans	
Action	Timeline	Measure	Responsibility
A3.5.01 Community engagement plans include methods for engaging 'harder to reach' individuals and communities	30 June 2023 and ongoing each year	Multiple methods of communication are utilised; media releases, public statements, images, brochures, events, surveys, social media	Communications
A3.5.02 Collate database of key community contacts in order to collect 'lived' information on 'accessible Broken Hill'	30 June 2025	Organisations, projects, programs and partnerships communicate appropriately with the community/vulnerable population including feeding back of results/outcomes.	Corporate Services
		Establishment of shared	Corporate

Strategy S3.5 Embed inclusive practices into all community consultations, communications and Council work practices			
Objective O3.5.1		People with disabilities increasingly give feedback to Council and are able to give formal and informal input on the development and progress of Council plans	
Action	Timeline	Measure	Responsibility
		key community contacts database	Services
A3.5.03 Collate a database of volunteers prepared to take photos of places, for example, routes to tourism venues, Council buildings and parks; and approach private venues and accommodation operators wishing to cater to accessible tourism	30 June 2025	Establishment of a shared volunteer database	Tourism

Strategy S3.6 Consumer satisfaction surveys indicate the consumers feel heard and have a say in decision making.			
Objective O3.6.1		Surveys are developed to ensure accessibility to respond by hard-to-reach individuals can be achieved	
Action	Timeline	Measure	Responsibility
A3.6.01 Community consumer satisfaction survey	30 June 2024	Survey design questions have obtained the responses of 'harder to reach' individuals	Corporate Services

FOCUS AREA 4: EMPLOYMENT

Community Outcome 4: People with disability have greater access to employment opportunities with Council

What the Community Told Us

- "Wish I knew about this maybe I will have to look on website!!" (Regarding Council's work to support employment and volunteering opportunities for people with disability)
- It's extremely hard in this town to get employed if you are disabled. Understanding and quality of jobs are two big issues

Strategy S4.1 Review recruitment and employment processes to ensure they are barrier free to candidates who have disability			
Objective O4.1.1		Council has recruitment and employment policies that reflect best practice with regards to encouraging and supporting the employment of people with disability	
Action	Timeline	Measure	Responsibility
A4.1.01 Include on the front of Council's 'Jobs' webpage a statement that Council welcomes applications for employment from people with disability	30 June 2023	Council's Job section on its website includes a statement that Council welcomes applications from people with disability	People and Culture
A4.1.02 Continue to regularly access and implement the free resources from the Australian Network on Disability, specifically: <ul style="list-style-type: none"> • Sharing and monitoring disability information in the workplace; and • Employers' Guide to Partnering with Disability Employment Services 	30 June 2024	List of recruitment and employment related policies/procedures reviewed and/or amended for implementation in line with Australian Network on Disability guidelines and samples	People and Culture
A4.1.03 Continue to reference the Australian Network on Disability resource "Manager's Guide: Disability in the Workplace" and continuously update Council's policies and processes in line with best practice examples provided	30 June 2024	List of recruitment and employment related policies/procedures reviewed and/or amended for implementation in line with Australian Network on Disability guidelines and samples	People and Culture

7. MONITORING AND EVALUATION

Throughout the four years that this Plan is being implemented, we want to engage and involve people with disability to help us monitor the progress.

We will achieve this by reporting to our established Disability Inclusion Plan Monitoring Group, made up of people with disability and members of the community with an interest in disability, that will be formed for the term of each Council and reviewed annually, to ensure the broadest range of input possible, as well as representatives of key partner agencies and staff from within Council.

At the end of the 4-year Disability Inclusion Action Plan, we will consult broadly with the community to ask what positive changes they may have noticed, as well as asking where barriers continue to exist.

Council will also require senior managers to make sure the Plan is being implemented. Links between the Disability Inclusion Action Plan and the Community Strategic Plan, Delivery Program and Operational Plans, will enable us to track exactly where we are up to in putting the plan into action.

This will enable us to give a clear picture in the Annual Report, of what has been completed, and what is still to happen.

REFERENCES

- i ACE DisAbility Network (2017), 'What is Inclusion?', Inclusion in the Community, accessed from <http://www.acedisability.org.au/information-for-providers/inclusion-in-the-community.php> on 7/6/19
- ii Disability Discrimination Act (Commonwealth), 1992, Act No. 135 of 1992 as amended, accessed from <https://www.legislation.gov.au/Details/C2013C00022> on 7/6/19
- iii Disability Inclusion Act (NSW) 2014 No 41, accessed from <http://www.legislation.nsw.gov.au/#/view/act/2014/41> on 7/6/19
- iv Davis, A, (2009), Quoted in 'Shut Out: The Experience of People with Disabilities and their Families in Australia', Department of Families, Housing, Community Services and Indigenous Affairs, ISBN: 978-1-921380-54-9 pg.12, accessed from http://www.ourcommunity.com.au/files/shut_out.pdf on 7/6/19
- v NSW Government (2015), NSW Disability Inclusion Action Plan, accessed from <http://www.facs.nsw.gov.au/dip> on 7/6/19
- vi NSW Department of Family and Community Services, (2014), NSW Disability Inclusion Action Planning Guidelines, Local Government, accessed from https://www.lgnsw.org.au/files/imce-uploads/127/nsw-local-government-disability-inclusion-action-planning-guidelines-5.11.15-1_0.docx on 7/6/19
- vii Dimitrios Buhalis and Simon Darcy eds. (2011), Accessible Tourism: Concepts and Issues (Aspects of Tourism), Channel View Publications
- viii Productivity Commission, (2005), Economic Implications of an Ageing Australia, Research Report: Canberra accessed from website 7/6/19 <https://www.pc.gov.au/inquiries/completed/ageing/report/ageing.pdf>; and Productivity Commission, (2011), 'Caring for Older Australians', Productivity Commission, Canberra, 2011, accessed from website, <https://www.pc.gov.au/inquiries/completed/aged-care/report>
- ix NSW Department of Family and Community Services and Local Government NSW (2015), NSW Disability Inclusion Action Planning Guidelines, Local Government, accessed from https://www.lgnsw.org.au/files/imce-uploads/127/nsw-local-government-disability-inclusion-action-planning-guidelines-5.11.15-1_0.docx on 7/6/19
- x NSW Local Government Act, 1993 accessed from <http://www.legislation.nsw.gov.au/viewtop/inforce/act+30+1993+FIRST+0+N> on 7/6/19
- xi NSW Anti-Discrimination Act 1997, and the Commonwealth Disability Discrimination Act, 1992, cited in NSW Department of Local Government, 'Social and Community Planning and Reporting Manual', Dec 2002, accessed from <https://www.olg.nsw.gov.au/sites/default/files/Social-and-Community-Planning-and-Reporting-Manual.pdf> on 7/6/19
- xii United Nations (2006), Convention on the Rights of Persons with Disabilities, accessed from <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html> on 7/6/19
- xiii United Nations. (2006). Convention on the Rights of Persons with Disabilities, The Convention in Brief. <http://www.un.org/disabilities/convention/convention.shtml>. Accessed on 7/6/19
- xiv National Disability Insurance Scheme Act 2013. <https://www.legislation.gov.au/Details/C2013A00020> Accessed on 7/6/19

- xv NSW Department of Family and Community Services. (2014), Disability Inclusion Act, retrieved on July 21, 2016 from http://www.adhc.nsw.gov.au/about_us/legislation_agreements_partnerships/nsw_disability_inclusion_act Accessed on 7/6/19
- xvi NSW Department of Family and Community Services. (2014 - 2018), NSW Disability Inclusion Plan. <https://www.parliament.nsw.gov.au/la/papers/DBAssets/tailedpaper/webAttachments/73353/Disability%20Inclusion%20Plan%20Update%202017.pdf> Accessed on 06/06/2019
- xvii NSW Government (2015), NSW Disability Inclusion Action Plan, accessed from <http://www.facs.nsw.gov.au/dip> Accessed on
- xviii Australian Bureau of Statistics, Census of Population and Housing, 2011, Compiled by Profile .id, accessed from <https://profile.id.com.au/broken-hill/home> on 5/6/19
- xix Australian Bureau of Statistics, (2016), Regional Population Growth, Australia, 2014-15, 'New South Wales, State Summary, Copulation Change by SA2', (Catalogue 3218.0), accessed from <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Latestproducts/3218.0MainFeatures202014-15?opendocument&tabname=Summary&prodno=3218.0> accessed on 6/6/19
- xx Australian Bureau of Statistics, Census of Population and Housing, 2011, Compiled by Profile .id, accessed from <https://profile.id.com.au/broken-hill/industries> accessed on 6/6/19
- xxi NSW Department of Family and Community Services, (2014) NSW Disability Inclusion Action Planning Guidelines, Section 3.1, accessed from http://www.facs.nsw.gov.au/_data/assets/file/0005/322367/NSW-DIAP-Guidelines.doc, on 30/10/2016; See also Productivity Commission, (2005), Economic Implications of an Ageing Australia, Research Report: Canberra <https://www.pc.gov.au/inquiries/completed/ageing/report/ageing.pdf>; on 6/6/19; and Productivity Commission, (2011), 'Caring for Older Australians', Productivity Commission, Canberra, 2011, accessed from https://pc-search.squidcloud/s/redirect?collection=productivity-commission-web&url=https%3A%2F%2Fwww.pc.gov.au%2Finquiries%2Fcompleted%2Faged-care%2Freport&auth=yR%2F85XNjrVHCVsH%2Fp8Gj%2BA&profile=_default&rank=1&query=caring+for+older+australians on 6/6/19
- xxii Australian Bureau of Statistics, (2015), Survey of Disability, Ageing and Carers, Summary of Findings, (Catalogue 4430.0), accessed from <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0> on 6/6/19
- xxiii Australian Bureau of Statistics, (2015), Survey of Disability, Ageing and Carers, Summary of Findings, (Catalogue 4430.0), accessed from <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0> on 7/6/19
- xxiv Australian Bureau of Statistics, (2011), Core Activity Need For Assistance By Age by Sex, Basic Community Profile Table B18, (Catalogue number 2001.0)
- xxv id profile (2015), Broken Hill City Need for Assistance, Need for assistance with core activities (Usual Residence), accessed from <http://profile.id.com.au/broken-hill/assistance> on 6/6/19
- xxvi Australian Government Department of Social Services, DSS Payments by Local Government Area, March 2016 to September 2016, accessed from <https://www.data.gov.au/dataset/dss-payments-by-local-government-area/resource/7c8c1ed7-9e62-4e18-bca5-6504b1483ce2>, on 6/6/19.

- xxvii Australian Bureau of Statistics, (2015), Survey of Disability, Ageing and Carers, Summary of Findings, (Catalogue 4430.0), accessed from <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0> on 7/6/19
- xxviii Australian Bureau of Statistics, (2011), Census of Population and Housing, Age Profile, (Catalogue number 2001.0), accessed from <http://profile.id.com.au/BrokenHill/five-year-age-groups> on 7/6/19; see also Resource for Ageing Population Planning (RAPP 2.0), developed from Census data by Local Government NSW and NSW Department of Family and Community Services, accessed from <http://www.lgns.w.gov.au/policy/ageing>, 7/6/19
- xxix id profile (2016), Broken Hill City Need for Assistance, Need for assistance with core activities (Usual Residence), accessed from <http://profile.id.com.au/broken-hill/assistance> on 6/6/19
- xxx id Profile, Broken Hill City Community Profile, Broken Hill City Service age groups', accessed from <https://profile.id.com.au/broken-hill/five-year-age-groups>. Accessed on 6/6/19
- xxxi Australian Bureau of Statistics, (2015), Survey of Disability, Ageing and Carers, Summary of Findings, (Catalogue 4430.0), accessed from <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0> on 7/6/19
- xxxii Australian Bureau of Statistics, Census of Population and Housing, 2011, Compiled by Profile .id, accessed from <http://profile.id.com.au/broken-hill/indigenous-keystatistics> on 7/6/19.
- xxxiii Australian Institute of Health and Welfare 2009. The geography of disability and economic disadvantage in Australian capital cities. Cat. no. DIS 54. Canberra: AIHW
- xxxiv AbSec – NSW Child, Family and Community Peak Aboriginal Corporation, <https://www.absec.org.au/supporting-aboriginal-people-with-disability.html> Australian Bureau of Statistics Estimated Residential Population (2015), Basic Community Profile Aboriginal and Torres Strait Islander households – dwelling characteristics. (Catalogue # 2001.0)
- xxxv ibid

POLICY AND GENERAL COMMITTEE

April 7, 2022

ITEM 4BROKEN HILL CITY COUNCIL REPORT NO. 90/22

SUBJECT: OFFICE OF LOCAL GOVERNMENT MODEL COUNCILLOR AND
STAFF INTERACTION POLICY D22/17673

Recommendation

1. That Broken Hill City Council Report No. 90/22 dated April 7, 2022, be received.
2. That Council notes the release of the Office of Local Government's Model Councillor and Staff Interaction Policy 2022.
3. That Council adopts the draft Councillor and Staff Interaction Policy as a Policy of Council.
4. That adoption of the draft Councillor and Staff Interaction Policy will render the 2003 Interaction Between Councillors and Staff Policy obsolete.

Executive Summary:

On 7 April 2022 the Office of Local Government released its Model Councillor and Staff Interaction Policy 2022 for NSW Councils.

The draft Councillor and Staff Interaction Policy (based on the Model Policy) promotes positive, respectful and professional interactions between Councillors and staff reflecting the "best practice" principles of Local Government, and is presented to Council to consider adoption as a Policy of Council.

Report:

On 7 April 2022 the Office of Local Government released its Model Councillor and Staff Interaction Policy (Model Policy) for use by NSW Councils.

The Model Policy was developed following two rounds of consultation by the Office of Local Government with the Local Government sector and the Model Policy represents a "best practice" approach to ensure a positive, professional working relationship between Councillors and staff which is a key element to a Council's success.

The objectives of the Model Policy are to:

- a) establish positive, effective and professional working relationships between councillors and staff defined by mutual respect and courtesy
- b) enable councillors and staff to work together appropriately and effectively to support each other in their respective roles
- c) ensure that councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties
- d) ensure councillors have adequate access to information to exercise their statutory roles

- e) provide direction on, and guide councillor interactions with, staff for both obtaining information and in general situations
- f) maintain transparent decision making and good governance arrangements
- g) ensure the reputation of Council is enhanced by councillors and staff interacting consistently, professionally and positively in their day-to-day duties
- h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.

The Model Policy also outlines the process for which Councillors can request information or advice from staff; access to Council staff; Councillor access to Council buildings; and appropriate and inappropriate interactions.

Attached to this report is the Office of Local Government's Model Policy and Council's Draft Councillor and Staff Interaction Policy (based on the Model Policy) for Council's consideration of adoption.

Community Engagement:

The Office of Local Government undertook two rounds of consultation with NSW Councils in the development of the Model Policy.

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

Council's adopted Code of Conduct Policy

Financial Implications:

Nil.

Attachments

1. [↓](#) OLG Model Councillor and Staff Interaction Policy 2022
2. [↓](#) Draft Councillor and Staff Interaction Policy

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

MODEL COUNCILLOR AND STAFF INTERACTION POLICY

2022



MODEL COUNCILLOR AND STAFF INTERACTION POLICY
2022

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Preface

Positive working relationships between councillors and staff: a council's key asset

Positive, professional working relationships between councillors and staff are a key element of any council's success. If relationships between councillors and staff are functioning effectively, the council is more likely to perform effectively. If these relationships break down, it can lead to dysfunction, create a potential corruption risk¹, and ultimately the council's performance will suffer.

A good relationship between councillors and staff is based, in large part, on both having a mutual understanding and respect for each other's roles and responsibilities. These are defined in the *Local Government Act 1993* (the LGA) and the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

In broad terms, a councillor's role is a strategic one. As members of the governing body, councillors are responsible not only for representing the community, but also for setting the strategic direction of the council and keeping its performance under review. A comprehensive outline of the role of a councillor is provided in Part 4 of this Policy.

The role of council staff, under the leadership of the general manager, is to carry out the day-to-day operations of the council and to implement the decisions, plans, programs and policies adopted by the governing body.

Access to information: the key to the relationship

Councillors need access to information about the council's strategic position and performance to perform their civic functions effectively. The general manager and staff are responsible for providing councillors with this information to facilitate the decision-making process.

¹ As highlighted by the NSW Independent Commission Against Corruption's Operation Dasha <https://www.icac.nsw.gov.au>

Given councillors' role in setting the council's strategic direction and keeping its performance under review, councillors are entitled to request information about a range of issues.

However, in requesting information, councillors should not be seeking to interrogate the minutiae of the council's operations or to direct or influence staff in the performance of their duties. Councillors should also recognise that a council's resources are finite, and they need to be mindful of the impact of their requests.

Above all, interactions between councillors and staff should be positive, respectful and professional.

Official capacity versus private capacity

It is also inevitable that councillors and council staff will engage with their council in their private capacity. This can be for something as simple as borrowing a book from a council library, to more complex matters, such as submitting a development application.

In these circumstances, it is vital that councillors and council staff do not seek to use, or appear to use, their position within council to obtain a private benefit. To do so could be seen as an attempt to exert pressure on councillors and/or council staff with a view to obtaining preferential treatment. Such conduct has the potential to undermine both the integrity of a council's decision-making processes, as well as the community's confidence in council, and so must be avoided.

The development and intent of this policy

This Model Councillor and Staff Interaction Policy has been developed by the Office of Local Government (OLG) in consultation with councils. It is applicable to councils, county councils and joint organisations.

It provides an exemplar approach, incorporating examples of best practice from a

diverse range of NSW councils. At its core, the policy has three main goals:

- to establish a framework by which councillors can access the information they need to perform their civic functions,
- to promote positive and respectful interactions between councillors and staff, and
- to advise where concerns can be directed if there is a breakdown in the relationship between councillors and staff.

The Model Councillor and Staff Interaction Policy is structured as follows:

Part 1	Introduction
Part 2	Sets out the scope of the policy
Part 3	Describes the policy's objectives
Part 4	Sets out the respective roles and responsibilities of councillors and staff and the principles that should guide their interactions
Part 5	Sets out the administrative framework for a councillor requests system
Part 6	Identifies which staff councillors can contact directly
Part 7	Addresses councillors' entitlement to access council buildings
Part 8	Describes appropriate and inappropriate interactions between councillors and staff
Part 9	Provides advice about who complaints can be made to
Schedule 1	Contains a template for a list of staff councillors can contact directly under Part 6 of the policy

Adoption

While not mandatory, the Model Councillor and Staff Interaction Policy reflects best practice and all councils, county councils and joint organisations are encouraged to adopt it. In doing so, they are free to adapt the policy to suit their local circumstances and operating environments or to supplement it with their own provisions.

Provisions which can be adjusted are marked in red.

Note: In adopting the policy, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting the policy, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Enforcement

Clause 3.1(b) of the Model Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to a council's policies. If adopted by a council, a breach of the policy may also constitute a breach of council's code of conduct.

Concerns or complaints about the administration of a council's councillor request system should be raised with the general manager (or the mayor in the case of a complaint about the general manager). If the matter cannot be resolved locally, councillors may raise their concerns with OLG.

Acknowledgements

OLG wishes to thank Local Government NSW, the NSW Independent Commission Against Corruption, Local Government Professionals, United Services Union, and the councils involved for their invaluable assistance in developing the Model Councillor and Staff Interaction Policy.

Model Councillor and Staff Interaction Policy

Part 1 – Introduction

- 1.1 *The Councillor and Staff Interaction Policy* (the Policy) provides a framework for councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.
- 1.2 The Policy complements and should be read in conjunction with *(Insert name of Council's) Code of Conduct* (the Code of Conduct).
- 1.3 The aim of the Policy is to facilitate a positive working relationship between councillors, as the community's elected representatives, and staff, who are employed to administer the operations of the Council. The Policy provides direction on interactions between councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.
- 1.4 It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

Part 2 – Application

- 2.1 This Policy applies to all councillors and council staff.
- 2.2 This Policy applies to all interactions between councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing.
- 2.3 This Policy applies whenever interactions between councillors and staff occur, including inside or outside of work hours, and at both council and non-council venues and events.
- 2.4 This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the General Manager.
- 2.5 The Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to the Council's policies. A breach of this Policy will be a breach of the Code of Conduct.

Part 3 – Policy objectives

3.1 The objectives of the Policy are to:

- a) establish positive, effective and professional working relationships between councillors and staff defined by mutual respect and courtesy
- b) enable councillors and staff to work together appropriately and effectively to support each other in their respective roles
- c) ensure that councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties
- d) ensure councillors have adequate access to information to exercise their statutory roles
- e) provide direction on, and guide councillor interactions with, staff for both obtaining information and in general situations
- f) maintain transparent decision making and good governance arrangements
- g) ensure the reputation of Council is enhanced by councillors and staff interacting consistently, professionally and positively in their day-to-day duties
- h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.

Part 4 – Principles, roles and responsibilities

- 4.1 Several factors contribute to a good relationship between councillors and staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.
- 4.2 The Council's governing body and its administration (being staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the General Manager, who in turn, is accountable to the Council's governing body.
- 4.3 Section 232 of the *Local Government Act 1993* (the LGA) states that the role of a councillor is as follows:
 - a) to be an active and contributing member of the governing body
 - b) to make considered and well-informed decisions as a member of the governing body
 - c) to participate in the development of the integrated planning and reporting framework
 - d) to represent the collective interests of residents, ratepayers and the local community
 - e) to facilitate communication between the local community and the governing body
 - f) to uphold and represent accurately the policies and decisions of the governing body
 - g) to make all reasonable efforts to acquire and maintain the skills

necessary to perform the role of a councillor.

- 4.4 The administration's role is to advise the governing body, implement Council's decisions and to oversee service delivery.
- 4.5 It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.
- 4.6 Council commits to the following principles to guide interactions between councillors and staff:

Principle

Achieved by

Equitable and consistent

Ensuring appropriate, consistent and equitable access to information for all councillors within established service levels

Considerate and respectful

Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions

Ethical, open and transparent

Ensuring that interactions between councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct

Fit for purpose

Ensuring that the provision of equipment and information to councillors is

done in a way that is suitable, practical and of an appropriate size, scale and cost for a client group of (Council to insert the number of councillors) people.

Accountable and measurable

Providing support to councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data

- 4.7 Councillors are members of the Council's governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LGA. Councillors need to accept that:

- responses to requests for information from councillors may take time and consultation to prepare and be approved prior to responding
- staff are not accountable to them individually
- they must not direct staff except by giving appropriate direction to the General Manager by way of a council or committee resolution, or by the mayor exercising their functions under section 226 of the LGA
- they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of staff in the exercise of their functions
- they must not contact a member of staff on council-related business unless in accordance with this Policy

- f) they must not use their position to attempt to receive favourable treatment for themselves or others.

4.8 The General Manager is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay. Council staff need to understand:

- a) they are not accountable to individual councillors and do not take direction from them. They are accountable to the General Manager, who is in turn accountable to the Council's governing body
- b) they should not provide advice to councillors unless it has been approved by the General Manager or a staff member with a delegation to approve advice to councillors
- c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner
- d) they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties
- e) they must provide full and timely information to councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

Part 5 – The councillor requests system

5.1 Councillors have a right to request information provided it is relevant to councillor's exercise of their civic functions. This right does not extend to matters about which a councillor is merely curious.

5.2 Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest, unless the information is otherwise publicly available.

5.3 The General Manager may identify Council support staff (**the Councillor Support Officer**) under this Policy for the management of requests from councillors.

5.4 Councillors can use the councillor requests system to:

- a) request information or ask questions that relate to the strategic position, performance or operation of the Council
- b) bring concerns that have been raised by members of the public to the attention of staff
- c) request ICT or other support from the Council administration
- d) **request that a staff member be present at a meeting (other than a meeting of the council) for the purpose of providing advice to the meeting.**

5.5 Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a councillor's request lacks specificity, the General Manager or staff member authorised to manage the matter is

entitled to ask the councillor to clarify their request and the reason(s) why they are seeking the information.

5.6 Staff must make every reasonable effort to assist councillors with their requests and do so in a respectful manner.

5.7 The General Manager or the staff member authorised to manage a councillor request will provide a response within (Council to insert timeframes for responding to councillor requests). Where a response cannot be provided within that timeframe, the councillor will be advised, and the information will be provided as soon as practicable.

5.8 Requests under clause 5.4 (d) must be made (Council to specify time period) before the meeting. The General Manager, or members of staff that are listed at Schedule 1 of this Policy, are responsible for determining:

- a) whether a staff member can attend the meeting; and
- b) which staff member will attend the meeting.

Staff members who attend such meetings must be appropriately senior and be subject matter experts on the issues to be discussed at the meeting.

5.9 Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality requirements.

5.10 Staff will inform councillors of any confidentiality requirements for information they provide so councillors can handle the information appropriately.

5.11 Where a councillor is unsure of confidentiality requirements, they should contact the General Manager, or the staff member authorised to manage their request.

5.12 The General Manager may refuse access to information requested by a councillor if:

- a) the information is not necessary for the performance of the councillor's civic functions, or
- b) if responding to the request would, in the General Manager's opinion, result in an unreasonable diversion of staff time and resources, or
- c) the councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
- d) the General Manager is prevented by law from disclosing the information.

5.13 Where the General Manager refuses to provide information requested by a councillor, they must act reasonably. The General Manager must advise a councillor in writing of their reasons for refusing access to the information requested.

5.14 Where a councillor's request for information is refused by the General Manager on the grounds referred to under clause 5.12 (a) or (b), the councillor may instead request the information through a resolution of the council by way of a notice of motion. This clause does not apply where the General Manager refuses a councillor's request for information under clause 5.12 (c) or (d).

5.15 Nothing in clauses 5.12, 5.13, and 5.14 prevents a councillor from requesting the information in accordance with the *Government Information (Public Access) Act 2009*.

5.16 Where a councillor persistently makes requests for information which, in the General Manager's opinion, result in a significant and unreasonable diversion of staff time and resources the council may,

on the advice of the General Manager, resolve to limit the number of requests the councillor may make.

5.17 Councillor requests are state records and must be managed in accordance with the *State Records Act 1998*.

5.18 A report will be provided to (Council to specify frequency and regarding the performance and efficiency of the councillor requests system against established key performance indicators.

Part 6 – Access to Council staff

6.1 Councillors may directly contact members of staff that are listed in Schedule 1 of this Policy. The General Manager may amend this list at any time and will advise councillors promptly of any changes.

6.2 Councillors can contact staff listed in Schedule 1 about matters that relate to the staff member's area of responsibility.

6.3 Councillors should as far as practicable, only contact staff during normal business hours.

6.4 If councillors would like to contact a member of staff not listed in Schedule 1, they must receive permission from the General Manager.

6.5 If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager or the Councillor Support Officer who will provide advice about which authorised staff member to contact.

6.6 The General Manager or a member of the Council's executive leadership team may direct any staff member to contact councillors to provide specific information or clarification relating to a specific matter.

6.7 A councillor or member of staff must not take advantage of their official position to improperly influence other councillors or members of staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person. Such conduct should be immediately reported to the General Manager or Mayor in the first instance, or alternatively to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.

Part 7 – Councillor access to council buildings

- 7.1 Councillors are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of Council's buildings during normal business hours for meetings. Councillors needing access to these facilities at other times must obtain approval from the General Manager.
- 7.2 Councillors must not enter staff-only areas of Council buildings without the approval of the General Manager.

Part 8 – Appropriate and inappropriate interactions

- 8.1 Examples of appropriate interactions between councillors and staff include, but are not limited to, the following:
- a) councillors and council staff are courteous and display a positive and professional attitude towards one another
 - b) council staff ensure that information necessary for councillors to exercise their civic functions is made equally available to all councillors, in accordance with this Policy and any other relevant Council policies
 - c) council staff record the advice they give to councillors in the same way they would if it was provided to members of the public
 - d) council staff, including Council's executive team members, document councillor requests via the councillor requests system
 - e) council meetings and councillor briefings are used to establish positive working relationships and help councillors to gain an understanding of the complex issues related to their civic duties
 - f) councillors and council staff feel supported when seeking and providing clarification about council related business
 - g) councillors forward requests through the councillor requests system and staff respond in accordance with the timeframes stipulated in this Policy
- 8.2 Examples of inappropriate interactions between councillors and staff include, but are not limited to, the following:

- a) councillors and council staff conducting themselves in a manner which:
 - i) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
 - ii) constitutes harassment and/or bullying within the meaning of the Code of Conduct, or is unlawfully discriminatory
 - b) councillors approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
 - c) staff approaching councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
 - d) subject to clause 5.12, staff refusing to give information that is available to other councillors to a particular councillor
 - e) councillors who have lodged an application with the council, discussing the matter with staff in staff-only areas of the council
 - f) councillors being overbearing or threatening to staff
 - g) staff being overbearing or threatening to councillors
 - h) councillors making personal attacks on staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media
 - i) councillors directing or pressuring staff in the performance of their work, or recommendations they should make
 - j) staff providing ad hoc advice to councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community
- 8.3 Where a councillor engages in conduct that, in the opinion of the General Manager, puts the health, safety or welfare of staff at risk, the General Manager may restrict the councillor's access to staff.
- 8.4 Any concerns relating to the conduct of staff under this Policy should be raised with the General Manager.

Part 9 – Complaints

- 9.1 Complaints about a breach of this policy should be made to the General Manager (if the complaint is about a councillor or member of council staff), or the Mayor (if the complaint is about the General Manager).
- 9.2 Clause 9.1 does not operate to prevent matters being reported to OLG, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency.

Schedule 1 – Authorised staff contacts for councillors (template table)

1. Clause 6.1 of this Policy provides that councillors may directly contact members of staff that are listed below. The General Manager may amend this list at any time.
2. Councillors can contact staff listed below about matters that relate to the staff member's area of responsibility.
3. Councillors should as far as practicable, only contact staff during normal business hours.
4. If councillors would like to contact a member of staff not listed below, they must receive permission from the General Manager or their delegate.
5. If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager or the Councillor Support Officer who will provide advice about which authorised staff member to contact.
6. In some instances, the General Manager or a member of the Council's executive leadership team may direct a council staff member to contact councillors to provide specific information or clarification relating to a specific matter.

Authorised staff members name	Position
<i>[Insert staff member's name]</i>	<i>[Insert position title]</i>





COUNCILLOR AND STAFF INTERACTION POLICY

QUALITY CONTROL			
EDRMS REFERENCES			
RESPONSIBLE POSITION	General Manager		
APPROVED BY	Council		
REVIEW DATE	30 September 2024	REVISION NUMBER	1
EFFECTIVE DATE	ACTION	MINUTE NUMBER	

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PART 1 – INTRODUCTION

- 1.1 *The Councillor and Staff Interaction Policy* (the Policy) provides a framework for councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.
- 1.2 The Policy complements and should be read in conjunction with Broken Hill City Council's *Code of Conduct* (the Code of Conduct).
- 1.3 The aim of the Policy is to facilitate a positive working relationship between councillors, as the community's elected representatives, and staff, who are employed to administer the operations of the Council. The Policy provides direction on interactions between councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.
- 1.4 It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

PART 2 – APPLICATION

- 2.1 This Policy applies to all councillors and council staff.
- 2.2 This Policy applies to all interactions between councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing.
- 2.3 This Policy applies whenever interactions between councillors and staff occur, including inside or outside of work hours, and at both council and non-council venues and events.
- 2.4 This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the General Manager.
- 2.5 The Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to the Council's policies. A breach of this Policy will be a breach of the Code of Conduct.

PART 3 – POLICY OBJECTIVES

3.1 The objectives of the Policy are to:

- a) establish positive, effective and professional working relationships between councillors and staff defined by mutual respect and courtesy
- b) enable councillors and staff to work together appropriately and effectively to support each other in their respective roles
- c) ensure that councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties
- d) ensure councillors have adequate access to information to exercise their statutory roles
- e) provide direction on, and guide councillor interactions with, staff for both obtaining information and in general situations
- f) maintain transparent decision making and good governance arrangements
- g) ensure the reputation of Council is enhanced by councillors and staff interacting consistently, professionally and positively in their day-to-day duties
- h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.

PART 4 – PRINCIPLES, ROLES AND RESPONSIBILITIES

- 4.1 Several factors contribute to a good relationship between councillors and staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.
- 4.2 The Council's governing body and its administration (being staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the General Manager, who in turn, is accountable to the Council's governing body.
- 4.3 Section 232 of the *Local Government Act 1993* (the LGA) states that the role of a councillor is as follows:
 - a) to be an active and contributing member of the governing body
 - b) to make considered and well-informed decisions as a member of the governing body
 - c) to participate in the development of the integrated planning and reporting framework
 - d) to represent the collective interests of residents, ratepayers and the local community
 - e) to facilitate communication between the local community and the governing body
 - f) to uphold and represent accurately the policies and decisions of the governing body
 - g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

4.4 The administration's role is to advise the governing body, implement Council's decisions and to oversee service delivery.

4.5 It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.

4.6 Council commits to the following principles to guide interactions between councillors and staff:

<u>Principle</u>	<u>Achieved by</u>
Equitable and consistent	Ensuring appropriate, consistent and equitable access to information for all councillors within established service levels
Considerate and respectful	Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions
Ethical, open and transparent	Ensuring that interactions between councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct
Fit for purpose	Ensuring that the provision of equipment and information to councillors is done in a way that is suitable, practical and of an appropriate size, scale

and cost for a client group of 10 people.

Accountable and measurable	Providing support to councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data
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4.7 Councillors are members of the Council's governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LGA. Councillors need to accept that:

- a) responses to requests for information from councillors may take time and consultation to prepare and be approved prior to responding
- b) staff are not accountable to them individually
- c) they must not direct staff except by giving appropriate direction to the General Manager by way of a council or committee resolution, or by the mayor exercising their functions under section 226 of the LGA
- d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of staff in the exercise of their functions
- e) they must not contact a member of staff on council-related business unless in accordance with this Policy
- f) they must not use their position to attempt to receive favourable treatment for themselves or others.

4.8 The General Manager is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay.

Council staff need to understand:

- a) they are not accountable to individual councillors and do not take direction from them. They are accountable to the General Manager, who is in turn accountable to the Council's governing body
- b) they should not provide advice to councillors unless it has been approved by the General Manager or a staff member with a delegation to approve advice to councillors
- c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner
- d) they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties
- e) they must provide full and timely information to councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

PART 5 – THE COUNCILLOR REQUESTS SYSTEM

- 5.1 Councillors have a right to request information provided it is relevant to councillor's exercise of their civic functions. This right does not extend to matters about which a councillor is merely curious.
- 5.2 Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest, unless the information is otherwise publicly available.
- 5.3 The General Manager may identify Council support staff (the Executive Support Team) under this Policy for the management of requests from councillors.
- 5.4 Councillors can use the councillor requests system to:
 - a) request information or ask questions that relate to the strategic position, performance or operation of the Council
 - b) bring concerns that have been raised by members of the public to the attention of staff
 - c) request ICT or other support from the Council administration
- 5.5 Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a councillor's request lacks specificity, the General Manager or staff member authorised to manage the matter is entitled to ask the councillor to clarify their request and the reason(s) why they are seeking the information.
- 5.6 Staff must make every reasonable effort to assist councillors with their

requests and do so in a respectful manner.

- 5.7 The General Manager or the staff member authorised to manage a councillor request will provide a response within 10 business days. Where a response cannot be provided within that timeframe, the councillor will be advised, and the information will be provided as soon as practicable.
- 5.8 Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality requirements.
- 5.9 Staff will inform councillors of any confidentiality requirements for information they provide so councillors can handle the information appropriately.
- 5.10 Where a councillor is unsure of confidentiality requirements, they should contact the General Manager, or the staff member authorised to manage their request.
- 5.11 The General Manager may refuse access to information requested by a councillor if:
- a) the information is not necessary for the performance of the councillor's civic functions, or
 - b) if responding to the request would, in the General Manager's opinion, result in an unreasonable diversion of staff time and resources, or
 - c) the councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
 - d) the General Manager is prevented by law from disclosing the information.

5.12 Where the General Manager refuses to provide information requested by a councillor, they must act reasonably. The General Manager must advise a councillor in writing of their reasons for refusing access to the information requested.

5.13 Where a councillor's request for information is refused by the General Manager on the grounds referred to under clause 5.12 (a) or (b), the councillor may instead request the information through a resolution of the council by way of a notice of motion. This clause does not apply where the General Manager refuses a councillor's request for information under clause 5.12 (c) or (d).

5.14 Nothing in clauses 5.12, 5.13, and 5.14 prevents a councillor from requesting the information in accordance with the *Government Information (Public Access) Act 2009*.

5.15 Where a councillor persistently makes requests for information which, in the General Manager's opinion, result in a significant and unreasonable diversion of staff time and resources the council may, on the advice of the General Manager, resolve to limit the number of requests the councillor may make.

5.16 Councillor requests are state records and must be managed in accordance with the *State Records Act 1998*.

5.17 A report will be provided to twice yearly regarding the performance and efficiency of the councillor requests system against established key performance indicators.

PART 6 – ACCESS TO COUNCIL STAFF

- 6.1 Councillors may directly contact members of staff that are listed in Schedule 1 of this Policy. The General Manager may amend this list at any time and will advise councillors promptly of any changes.
- 6.2 Councillors can contact staff listed in Schedule 1 about matters that relate to the staff member's area of responsibility.
- 6.3 Councillors should as far as practicable, only contact staff during normal business hours.
- 6.4 If councillors would like to contact a member of staff not listed in Schedule 1, they must receive permission from the General Manager.
- 6.5 If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager or the Executive Officer who will provide advice about which authorised staff member to contact.
- 6.6 The General Manager or a member of the Council's executive leadership team may direct any staff member to contact councillors to provide specific information or clarification relating to a specific matter.
- 6.7 A councillor or member of staff must not take advantage of their official position to improperly influence other councillors or members of staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person. Such conduct should be immediately reported to the General Manager or Mayor in the first instance, or alternatively to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.

**PART 7 – COUNCILLOR ACCESS TO
COUNCIL BUILDINGS**

- 7.1 Councillors are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of Council's buildings during normal business hours for meetings. Councillors needing access to these facilities at other times must obtain approval from the General Manager.
- 7.2 Councillors must not enter staff-only areas of Council buildings without the approval of the General Manager.

**PART 8 – APPROPRIATE AND INAPPROPRIATE
INTERACTIONS**

8.1 Examples of appropriate interactions between councillors and staff include, but are not limited to, the following:

- a) councillors and council staff are courteous and display a positive and professional attitude towards one another
- b) council staff ensure that information necessary for councillors to exercise their civic functions is made equally available to all councillors, in accordance with this Policy and any other relevant Council policies
- c) council staff record the advice they give to councillors in the same way they would if it was provided to members of the public
- d) council staff, including Council's executive team members, document councillor requests via the councillor requests system
- e) council meetings and councillor briefings are used to establish positive working relationships and help councillors to gain an understanding of the complex issues related to their civic duties
- f) councillors and council staff feel supported when seeking and providing clarification about council related business
- g) councillors forward requests through the councillor requests system and staff respond in accordance with the timeframes stipulated in this Policy

8.2 Examples of inappropriate interactions between councillors and staff include, but are not limited to, the following:

- a) councillors and council staff conducting themselves in a manner which:

- i) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
 - ii) constitutes harassment and/or bullying within the meaning of the Code of Conduct, or is unlawfully discriminatory
- b) councillors approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
 - c) staff approaching councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
 - d) subject to clause 5.12, staff refusing to give information that is available to other councillors to a particular councillor
 - e) councillors who have lodged an application with the council, discussing the matter with staff in staff-only areas of the council
 - f) councillors being overbearing or threatening to staff
 - g) staff being overbearing or threatening to councillors
 - h) councillors making personal attacks on staff or engaging in conduct towards staff that would

be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media

- i) councillors directing or pressuring staff in the performance of their work, or recommendations they should make
- j) staff providing ad hoc advice to councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community

8.3 Where a councillor engages in conduct that, in the opinion of the General Manager, puts the health, safety or welfare of staff at risk, the General Manager may restrict the councillor's access to staff.

8.4 Any concerns relating to the conduct of staff under this Policy should be raised with the General Manager.

PART 9 – COMPLAINTS

- 9.1 Complaints about a breach of this policy should be made to the General Manager (if the complaint is about a councillor or member of council staff), or the Mayor (if the complaint is about the General Manager).
- 9.2 Clause 9.1 does not operate to prevent matters being reported to OLG, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency.

SCHEDULE 1 – AUTHORISED STAFF CONTACTS FOR COUNCILLORS

1. Clause 6.1 of this Policy provides that councillors may directly contact members of staff that are listed below. The General Manager may amend this list at any time.
2. Councillors can contact staff listed below about matters that relate to the staff member's area of responsibility.
3. Councillors should as far as practicable, only contact staff during normal business hours.
4. If councillors would like to contact a member of staff not listed below, they must receive permission from the General Manager or their delegate.
5. If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager or the Executive Officer who will provide advice about which authorised staff member to contact.
6. In some instances, the General Manager or a member of the Council's executive leadership team may direct a council staff member to contact councillors to provide specific information or clarification relating to a specific matter.

AUTHORISED STAFF MEMBER	POSITION
Jay Nankivell	General Manager
Razija Nu'man	Chief Corporate and Community Officer
Codie Howard	Chief Assets and Projects Officer
Simon Brown	Chief Financial Officer
Leisa Bartlett	Executive Officer
Lacey Butcher	Executive Assistant
(current vacant position)	Executive Assistant

Staff who support Council's S355 Committees and other Council Committees and Working Groups can interact with Councillors for the purpose of facilitating such S355 Committees/other Committees and Working Groups only (e.g. dissemination of meeting information, agendas, minutes and actions etc).

SCHEDULE 2 – COUNCILLOR REQUEST SYSTEM

As per Part 5 – The below table provides information regarding the process for requests made by Councillors.

TYPE OF REQUEST	FORM OF REQUEST	PROCESS
Action (e.g. repairs to footpath, mowing of Park)	Electronic Councillor Request via email to council@brokenhill.nsw.gov.au	Request entered into Customer Service Request System and allocated a request number which is notified to Councillor
Access to Council documents for a purpose related to your role as a Councillor	Electronic Councillor Request via email to council@brokenhill.nsw.gov.au	Referral by Executive Support Team to Public Officer for determination. If request is refused a formal application under GIPA Act may be submitted or Notice of Motion may be submitted to Council Meeting
Access to documents for a private purpose	Application under GIPA Act to Public Officer	Referral by Executive Support Team to Public Officer for determination.
Access to Council workplace	Telephone request to General Manager or designated officer	Coordination by General Manager or designated officer
Advice (e.g. technical advice, current status of development application, request for allocation of capital budgets)	Electronic Councillor Request via email to council@brokenhill.nsw.gov.au	Registration by Executive Support Team and referral to relevant Manager with copy to General Manager. Manager to update register as to progress of Request
Administrative Support (e.g. stationery, office supplies, stenographic or clerical services)	Electronic Councillor Request via email to council@brokenhill.nsw.gov.au	Executive Support Team to arrange in accordance with Councillor Support Policy

POLICY AND GENERAL COMMITTEE

April 4, 2022

ITEM 5BROKEN HILL CITY COUNCIL REPORT NO. 91/22

SUBJECT: ADOPTION OF THE DRAFT COUNCILLOR SUPPORT POLICY
D22/16051

Recommendation

1. That Broken Hill City Council Report No. 91/22 dated April 4, 2022, be received.
2. That Council notes that nil public submissions were received during the public exhibition period of the Draft Councillor Support Policy.
3. That the Draft Councillor Support Policy be adopted as a Policy of Council
4. That Council notes that the adoption of the Draft Councillor Support Policy will render the 2016 Councillor Support Policy obsolete.

Executive Summary:

At the first Council Meeting of the newly elected Council held 12 January 2022, Council considered the draft Councillor Support Policy and Council resolved:

ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 8/22 - DATED SEPTEMBER 17, 2021 -
ADOPTION OF COUNCILLOR SUPPORT POLICY D21/48651

RESOLUTION**Resolved**Minute No. 46698

Councillor M Browne moved)
Councillor R Page seconded)

1. That Broken Hill City Council Report No. 8/22 dated September 17, 2021, be received.
2. That the following amendments be made to the Councillor Support Policy:
 - a) amend Item 4.13 d) to allow Council orders for accommodation to include meals, drinks, laundry, telephone and other costs incurred at a hotel/motel, to alleviate the inconvenience of paying separately for these charges when checking-out of a hotel/motel.
 - b) amend the policy to update the reference of iPads.
3. That the amended Councillor Support Policy be re-presented to the February Council Meeting.

CARRIED UNANIMOUSLY

Amendments were made to the policy to include the option of the provision of a Council issued preloaded credit card for the ease of payment of out-of-pocket expenses related to Councillor travel; and to update references to iPads and the use of the second floor meeting room as the dedicated Councillor Office/Meeting Room (the change of meeting rooms is as per Council's resolution at the 12 January 2022 Council Meeting Minute No. 46689).

The Draft Councillor Support Policy was then placed on public exhibition for a period of 28 days closing on Friday 1 April 2022, during which time Council received nil submissions.

Report:

The purpose of the Councillor Support Policy is to ensure that Councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties. The policy ensures that these expenses and facilities are provided in an accountable and transparent manner and does so by ensuring:

- The provisions of the policy allow all members of the community to seek election to Council without being financially or otherwise disadvantaged by undertaking the civic duties of a Councillor;
- Clear identification of the expenses that may be claimed, and facilities that will be provided to Councillors of Broken Hill City Council in carrying out their civic duties;
- Compliance with the requirements of Section 252, 253 and 254 of the *Local Government Act 1993*, and clause 403 of the *Local Government (General) Regulation 2021*.

Councils are required to review their Councillor Support Policy within the first 12 months of the newly elected Council. Public notice is not required to be given prior to adoption if the Council is of the view that amendments to the policy are not substantial. As Council's current Councillor Support Policy is compliant with current legislation and since the last review of the Policy there have been no circumstances occurring that would give rise to an indication that the Policy was not adequate, the Policy is presented to Council to endorse in its currently adopted state.

Council's Councillor Support Policy complies with the following sections of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

Local Government Act 1993

252 Payment of expenses and provision of facilities

- (1) *Within the first 12 months of each term of a council, the council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- (3) *A council must not pay any expenses incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) *A council may from time to time amend a policy under this section.*
- (5) *A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

253 Requirements before policy concerning expenses and facilities can be adopted or amended

- (1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- (3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) *(Repealed)*
- (5) *A council must comply with this section when proposing to adopt a policy in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

254 Decision to be made in open meeting

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

Local Government (General) Regulation 2021**403 Payment of expenses and provision of facilities**

- (1) *A policy under section 252 of the Act must not include any provision enabling a council -*
 - (a) *to pay any councillor an allowance in the nature of a general expense allowance, or*
 - (b) *to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than the mayor.*
- (2) *A policy under the Act, section 252 must provide for the making of payment of expenses associated with carer responsibilities that are adequate or reasonable.*

The Draft Councillor Support Policy was placed on public exhibition for a period of 28 days closing on Friday 1 April 2022, during which time Council received nil submissions and is now presented to Council for consideration of adoption.

Community Engagement:

The Draft Councillor Support Policy was placed on public exhibition for a period of 28 days in accordance with *Section 253 of the Local Government Act 1993*. Nil submissions were received.

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 within its legal framework

Relevant Legislation:

Local Government Act 1993 Sections 252-254

Local Government (General) Regulation 2021 Section 403

OLG Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW 2009.

Financial Implications:

All expenses detailed within the Councillor Support Policy are provided for within the adopted 2021/2022 Operational Plan.

Attachments

1. [📄](#) Draft Councillor Support Policy

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER



DRAFT COUNCILLOR SUPPORT POLICY

QUALITY CONTROL		
TRIM REFERENCES	D12/13302 – 12/114	
RESPONSIBLE POSITION	General Manager	
APPROVED BY		
REVIEW DATE	September 2020	REVISION NUMBER 16
EFFECTIVE DATE	ACTION	MINUTE NUMBER
24/09/2014	Adopted	44759
30/09/2015	Public Exhibition	45075
25/11/2015	Adopted	45128
28/09/2016	Public Exhibition	45337
30/11/2016	Adopted	45374
23/02/2022	Public Exhibition	46739

1. INTRODUCTION

This policy has been developed to ensure good governance and best practice standards are adhered to.

The policy is made in accordance with sections 252, 253 and 254 of the *Local Government Act 1993* (NSW).

2. POLICY OBJECTIVE

The purpose of the policy is to ensure that Councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties. The policy ensures that these are provided in an accountable and transparent manner and does so by ensuring:

- The provisions of the policy allow all members of the community to seek election to Council without being financially or otherwise disadvantaged by undertaking the civic duties of a Councillor;
- Clear identification of the expenses that may be claimed, and facilities that will be provided to Councillors of Broken Hill City Council in carrying out their civic duties;
- Compliance with the requirements of Section 252, 253 and 254 of the *Local Government Act 1993*, and clause 403 of the *Local Government (General) Regulation 2021*.

This policy excludes annual fees paid to the Mayor and Councillors in accordance with Sections 248-251 of the *Local Government Act 1993*. These fees are determined annually and are based on the determinations made by the Local Government Remuneration Tribunal.

Should Council be in a period of Administration, the adopted Councillor Support Policy applies to the Administrator of the Council.

3. POLICY SCOPE

This policy is relevant to all Councillors.

4. POLICY STATEMENT

GENERAL PAYMENT OF EXPENSES

4.1. Payment of Expenses

Councillors will be reimbursed for expenses reasonably incurred in the performance of their role as a Councillor. General allowances unrelated to actual expenses will not be paid.

A general allowance is a sum of money paid by a Council to a Councillor to expend on an item or a service that is not required to be receipted and / or otherwise reconciled according to a set procedure and within a specific timeframe. (A Statutory Declaration is included at Annexure 1 for this purpose).

It is not appropriate or lawful for Council to pay general allowances unrelated to actual expenses incurred and which are designed to supplement Councillors' annual fees.

4.2. Reimbursement and Reconciliation of Expenses

Councillors must provide a certified claim in the form provided by the General Manager for all travel, incidental and out of pocket expenses incurred. Payment will only be made for:

- a) expenses covered under this Policy; and
- b) items accompanied by appropriate tax invoice receipts or as provided in clause 4.4;
- c) Incidental expenses may not require specific receipts provided it can be demonstrated that expenditure was incurred and is not general in nature. Where receipts are not required it would be appropriate for Councillors to certify that the expenditure was for the purpose intended.

Where no receipts or tax invoices are submitted; a Councillor shall be required to sign a Statutory Declaration to confirm that the expense was incurred (Appendix 1).

If a Statutory Declaration is provided in lieu of receipts and tax invoices, Councillors are required to personally retain any supporting documentation for audit purposes and shall be required to produce this documentation to Council upon request.

The level of supporting documentation should be commensurate with the nature of expenditure. For example expenditure on parking, tolls, refreshments and the like may only require a signed statement listing the payments.

Other than provided in Clause 7.1.3, all claims must be submitted within thirty (30) days of being incurred unless reasonable cause can be shown for the delay.

Failure to meet this timeframe will result in a decline of the reimbursement.

4.3. Payment in Advance – Council issues Preloaded Credit Card

Councillors have the option of requesting advance payment for expenses to be incurred under this Policy upon request to the General Manager, via the issue of a preloaded credit card.

The preloaded credit card can be used for all out-of-pocket travel related expenses as outlined in 4.4 and 4.12.

Councillors must reconcile advance payments within seven (7) days of the provision of the service or completion of the travel.

All items to be reconciled must be accompanied by appropriate tax invoice receipts.

Funds not acquitted will be advised to the Councillor and deducted from the next scheduled Councillor payment.

4.4. Establishment of Monetary Limits and Standards

The following are monetary limits for reasonable out-of-pocket expenses:

Expense	Refund Basis	Daily Limit \$	Comment
Registration Costs	Actual	None	Includes costs relating to official attendance at conferences/meetings which may also include luncheons, dinners, tours/inspections which are relevant to the interests of the Council and part of the conference registration costs. In most cases, Council will arrange and fund registrations to conferences/meetings.
Accommodation	Actual up to daily limit	Zone 1: \$300 per day Zone 2: \$250 per day Zone 3: \$200 per day	Limits are dependent on the location of accommodation, providing for regional differences in costs. Zone 1: Capital Cities Zone 2: Regional Cities Zone 3: Country Where evidence is provided that accommodation within the above cost range cannot be provided or is not available then the General Manager has the discretion to approve the increase in costs. In most cases, Council will arrange and fund accommodation (room only).
Out of pocket expenses	Actual up to daily limit	Reviewed annually – based on the ATO Reasonable Allowance	Expenses in this category may include: Reasonable refreshments Reasonable telephone or internet usage; Meals not included in registration fees etc. The following expenses will not generally be reimbursed and are the responsibility of the councillor:

			Alcohol (see note*) Mini-bar items
Enrolment fees	Actual	None	In most cases, Council will arrange and fund attendance of Councillors at training courses.
Air Travel	Actual	None	In most cases, Council will arrange and fund Councillors air travel when required.
Rail Travel	Actual	None	In most cases, Council will only arrange and fund Councillors air travel when requested.
Taxi	Actual	None	Travel for official Council business or training only.
Bus	Actual	None	Travel for official Council business or training only.
Parking/Tolls	Actual	None	Travel for official Council business or training only.
Expense	Refund Basis	Daily Limit \$	Comment
Telephone	Actual	\$50 per month	Council related calls only.
Use of private motor vehicle	Actual	Per km allowance as defined in the BHCC Award	The use of a Council pool car should be considered for car travel prior to use of own vehicle.
Personal care or child care expenses: up to four (4) hours	Actual up to daily limit	\$80 per day	Council will reimburse a Councillor's costs to a maximum of \$80 to cover a four (4) hour engagement of a babysitter/caregiver where required to allow the Councillor to attend any Council, Committee meetings, working party or workshop. The four (4) hour period shall include 30 minutes prior to and after the conclusion of the meeting or workshop.
Personal care or child care expenses: more than four (4) hours	Actual up to hourly limit	\$15 per hour	An additional hourly rate of up to \$15 per hour will be paid for meetings and workshops etc. that go beyond the four (4) hours engagement period referred to above.

* Council will not reimburse expenses relating to alcoholic beverages unless the expenses have been incurred as part of legitimate Council business and the Councillor can identify the strategic benefit to the Broken Hill City Council and community.

Examples include:

- Civic Functions
- Entertaining members of the public in order to promote a Local Government initiative or project
- Evening meals associated with a seminar or other function at a particular venue during which significant official business is engaged in during a meal.

4.5. Incidental Expenses

Council will cover incidental travel expenses-provided that it can be demonstrated that the expenses were actually incurred - and that established reconciliation procedures are followed, for example, the completion of a claim form. A claim form must include an itemised account of expenditure and should not be general in nature.

Council will not reimburse personal travel expenses.

4.6. Expenses – Accompanying Person

When a service is shared between a Councillor and accompanying person, the expense associated with the service will be reimbursed as long as the expense did not increase due to the attendance of the accompanying person.

Where costs increase due to the attendance of the accompanying person, Council will only reimburse the amount that relates to the Councillor. In the case of accommodation paid by Council, the Councillor must pay the difference between the single person rate and the rate charged for additional persons.

However, Council will meet the reasonable direct costs of an accompanying person for attendance at official Council functions that are of a formal and ceremonial nature within the City of Broken Hill. For example, civic receptions; award ceremonies; conferences held in Broken Hill at which Council is the host or is represented and charitable functions for charities supported by the Council.

Council will not pay for costs associated with accompanying persons who accompany a Councillor at any event or function outside the Council area, including interstate and overseas.

SPECIFIC EXPENSES FOR MAYOR AND COUNCILLORS

4.7. Attendance at Seminars and Conferences

Councillor Attendance at seminars and conferences must be approved by Council on a case by case basis.

Council will cover registrations fees for conferences, seminars and the like that are attended by the Councillor as a representative of the Council.

Council will also cover travel and accommodation costs as set out in Clauses 4.4 and 4.12.

4.8. Attendance at External Committee Meetings

Councillors may travel to and attend meetings directly relating to their appointment on external committees and other groups on behalf of Council, without prior approval of Council.

Council will cover travel and accommodation costs as set out in Clauses 4.4 and 4.12.

4.9. Training and Educational Expenses

Council supports the professional development of all Councillors. In order to facilitate this, an annual training plan shall be maintained and a budget provided to meet the needs identified in the training plan.

In general, training will be provided on a group basis for all Councillors. Council will organise and fully fund the training. All training and educational expenses must be directly related to the Councillor's civic functions and responsibilities.

Training for individual Councillors must be approved by the Mayor upon receipt of a request in writing. The Mayor will consult with the General Manager as approval is subject to availability of funds and relevance of training in accordance with the Division of Local Government Councillor Induction and Professional Development – A Guide for Councils.

Council will continue to develop, fund and implement a Councillor training and development program with particular reference to the Division's Councillor Induction and Professional Development Guide.

4.10. Travel Arrangements and Expenses

All travel associated with Council business must be properly authorised prior to travel being undertaken. Councillors must not approve their own travel. Authorisation must be obtained in the following ways:

4.11. Authorisation

- a) All Councillors' travel must be authorised by resolution of Council, except in cases of urgency or where it relates to attendance at external committee meetings to which the Councillor has been appointed by Council. In situations of urgency, the Mayor may authorise travel which must then be endorsed at the next Council meeting;
- b) Councillors' Authority to Travel forms may be obtained from the Executive Support Team. They must be signed by the Mayor, or the Deputy Mayor in the absence of the Mayor;
- c) In cases of exceptional circumstances, Councillor's travel may be authorised by the General Manager, or the Acting General Manager, in the absence of the General Manager;
- d) In the case of the Mayor, Authority to Travel forms may be authorised by the General Manager or the Acting General Manager in the absence of the General Manager;
- e) Authority to Travel forms must be signed by the Councillor who undertook the travel as soon possible after travel has been completed to confirm that the travel was undertaken and payment for any approved outstanding expenses may be made. These forms must be returned to the Executive Support Team, within 30 days of the travel being completed, unless reasonable cause can be shown for the delay.

4.12. Travel Arrangements

- a) All travel arrangements must be made through the Executive Support Team. Travel arrangements must not be made by individuals unless prior approval has been obtained in writing from the General Manager;
- b) Travel must be for the purpose approved. Changes must not be made to travel arrangements unless prior approval has been obtained from the General Manager;
- c) Should the General Manager approve Councillors to make their own travel arrangements, the Councillor is not permitted to accumulate Frequent Flyer points for Council-funded travel;
- d) Travel may be by air (economy class), rail (first class), coach or motor vehicle, depending upon which is the most cost effective mode;
- e) Councillors intending to travel by motor vehicle must abide by the provisions of Council's Motor Vehicle Usage Policy;

- f) Councillors requiring air travel should advise the Executive Support Team as soon as travel has been authorised so that any discount fares may be utilised;
- g) Should Councillors wish to be accompanied by another person, prior approval must be obtained from the Mayor. All travel costs associated with the travel of the other person must be paid by the other person unless otherwise resolved by Council;
- h) All travel by Councillors must be undertaken using the most direct route and the most practicable and economical mode of transport, subject to any personal medical considerations;
- i) Councillors are personally responsible for all traffic or parking fines incurred whilst they are driving private or Council vehicles on Council business.

4.13. Accommodation

- a) The Executive Support Team will arrange suitable room accommodation, based upon cost and convenience. A Councillor may choose accommodation at a different location but it must be at the same cost or less;
- b) Council will pay accommodation costs and hotel/motel parking fees where they are not included in accommodation costs;
- c) Council will not pay for separate or upgraded accommodation for spouse, partner or accompanying persons. The Councillor will be invoiced for any additional associated costs;
- d) Council orders for accommodation will not include meals, drinks, laundry, telephone and other costs incurred at a hotel/motel; such costs will be paid by the Councillor on check-out;
- e) Should accommodation not be able to be booked in advance because of uncertain travel arrangements, accommodation charges must be paid by the traveller and a reimbursement claimed upon return to Broken Hill. Reimbursement of reasonable accommodation costs will only be made if a tax invoice is produced.

4.14. Incidental Expenses

Council will reimburse the reasonable out-of-pocket expenses involved in travel as detailed in this Policy.

4.15. Overseas Travel

Prior to any action in respect of overseas travel, a report shall be prepared for Council's consideration in advance of the proposed travel, detailing the purpose of the travel, meetings, costs, conferences and seminars together with the expected tangible benefits that may be derived for the Broken Hill community.

If the overseas travel is approved all the provisions within this Councillor Support Policy will apply in respect of travel arrangements and costs to be met by Council.

Upon return a detailed report is to be provided to Council by the Councillor(s) who undertook the travel measuring tangible outcomes against the original expectations.

4.16. Cancellation

Any cancellation of travel arrangements must be advised to the Executive Support Team as soon as practicable.

4.17. Telephone Costs and Telecommunications

Call charges up to the monetary monthly limit shall be reimbursed by Council upon receipt of a Statutory Declaration by a Councillor that the amount relates to Council business and is accompanied by a schedule of itemised calls.

4.18. Care and Other Related Expenses

Council adopts the principle of the payment of child care expenses for children up to and including the age of 16 years, to enable a Councillor to attend to their civic duties.

However, child care will only be available to enable the Councillor's attendance at essential Council activities and will be the subject of a separate application by the affected Councillor in each instance, for determination by the Mayor and General Manager.

In situations where care is required for a partner or other immediate family member to enable the Councillor's attendance at essential Council activities, a separate application will be required from the affected Councillor in each instance, for determination by the Mayor and General Manager.

4.19. Insurance Expenses and Obligations

Section 382 of the Act requires Council to make arrangements for adequate insurance against public liability and professional liability.

Council will affect an appropriate level of insurance for Councillors in the following areas:

- a) Personal Accident/Travel Insurance – coverage of Councillor and spouse, partner or accompanying person, while on Council business;
- b) Public Liability – for matters arising out of Councillors' performance of their civic duties and/or exercise of their Council functions;
- c) Professional Indemnity – for matters arising out of Councillors' performance of their civic duties and/or exercise of their Council functions;
- d) Councillors & Officers Liability – for matters arising out of Councillors' performance of their civic duties and /or exercise of their Council functions.

Council will meet any excess applicable under a policy but the appropriate excess applicable will be reviewed upon the renewal of these insurances. A duty of care is required by all insured persons. Terms and conditions are as per policy wordings.

Councillors are not covered by workers compensation payments or arrangements.

Council may obtain insurance cover against the risk of having to meet the reasonable legal costs of a Councillor or to reimburse those costs, provided that the costs or reimbursements are ones that Council is authorised to meet.

4.20. Attendance at Non-Council Functions

- a) Consideration will be given to meeting the cost of Councillors' attendance at dinners and other non-Council functions that provide briefings from key members of the community, politicians and business where the function is relevant to the Council's interest and is held in Broken Hill, such cost to be the reasonable expenses of a required registration fee and or necessary meal and beverage cost; when clause 7.8 (b) does not apply. Requests should be made prior to the event via the Mayor to the Council's General Manager;
- b) The majority of briefings for Councillors will be organised by the General Manager and take place at a Council venue and budgeted in Council's operating expenditure;
- c) No payment will be made by Council for attendance by a Councillor at any political fundraising event, for any donation to a political party or candidate's electoral fund, or for some other private benefit.

4.21. Legal Expenses and Obligations

- a) Council will indemnify or reimburse the reasonable legal expenses of:
 - A Councillor defending an action arising from the performance in good faith of a function under the Act; or
 - A Councillor defending an action in defamation provided that the outcome of the legal proceedings is favourable to the Councillor.
- b) Reasonable legal costs may also be available for an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including the following, provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Councillor's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review:
 - Local Government Pecuniary Interest and Disciplinary Tribunal
 - Independent Commission Against Corruption
 - Office of the NSW Ombudsman
 - Division of Local Government
 - Department of Premier and Cabinet
 - NSW Police Force
 - Director of Public Prosecutions
 - Council's Conduct Review Committee / Reviewer
- c) In the case of a conduct complaint made against a Councillor, legal costs may only be made available where a matter has been referred by the General Manager to a conduct reviewer/conduct committee to make formal enquiries into that matter in accordance with the procedures in Council's Code of Conduct;
- d) In the case of a pecuniary interest or misbehaviour matter legal costs may only be made available where a formal investigation has been commenced by the Division of Local Government;
- e) Legal costs will only be provided where the investigative or review body makes a finding that is not substantially unfavourable to a Councillor. This may include circumstances in

which a matter does not proceed to a finding. In relation to a councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome;

- f) Council will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstances;
- g) Council will not meet the legal costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation;
- h) Council will not meet legal costs for legal proceedings that do not involve a Councillor performing their role as a Councillor;
- i) Approval must be sought and given in writing from the General Manager prior to legal expenses being incurred.

GENERAL PROVISION OF FACILITIES

4.22. Provision of Facilities generally

Facilities, equipment and services will be provided that are appropriate to support the Mayor and Councillors in undertaking their role as elected members of the Council.

4.23. Private Use of Equipment and Facilities

Councillors should not obtain private benefit from the provision of equipment and facilities, nor from travel bonuses such as "Frequent Flyer" schemes or any other such loyalty programs while on Council business.

It is acknowledged that incidental use of Council equipment and facilities may occur from time to time and such incidental private use is not subject to a compensatory payment back to Council.

Where more substantive private use occurs, Councillors must advise the General Manager in writing and the Councillor will be charged on a cost recovery basis for that private use. The General Manager will establish a register to record all such applications, reconciliations and reimbursements. Council will invoice Councillors for any such substantive private use on a quarterly basis.

Council facilities, equipment and services are not to be used to produce election material or for any other political purposes.

4.24. Acquisition and Return of Equipment and Facilities

Councillors are required to return all equipment issued to them, excluding clothing, within one (1) month after the completion of their term of office, during extended leave of absence or at the cessation of their civic duties.

Councillors may have the option to purchase Council equipment previously allocated to them at the cessation of their duties. If the item is for sale, it may be purchased at an agreed fair market price or written down value. Councillors may make application in writing to the General Manager for consideration of this option and determination of same.

EQUIPMENT AND FACILITIES PROVIDED FOR COUNCILLORS

4.25. Clothing

Each Councillor will be provided with the following corporate clothing for use as part of their civic duties i.e. attendance at Council Meetings, civic functions etc.:

- a) Jacket with embroidered Council logo – one jacket during a term of office;
- b) Neck tie/scarf – a sufficient number of neck ties/scarves embroidered with the Council's logo; and
- c) A Councillor name badge.

Additional clothing, within the Council's current uniform range may be purchased by Councillors at the Councillor's own expense.

4.26. Office/Meeting Room Facilities

A Councillor Office/meeting room is available on the Second Floor at Council's Administrative Centre for use by Councillors in the conduct of their duties of office and for Councillor interviews with constituents.

The office/meeting room will be equipped with a telephone, a computer with internet, email and Windows software and connected to a scanner/printer/copier.

It will be necessary for Councillors to make bookings for use of the Councillor Office/meeting room through the General Manager's Office Executive Support Team and these bookings will appear on the Councillor's Outlook Calendar as a reference for Councillors of the availability of the office/meeting room.

4.27. Reference Materials

All Councillors will be issued with either an electronic or hardcopy copy of Bluet's Local Government Handbook (NSW) Latest Edition and Councillor's reference manual compiled by the General Manager.

Other reference materials will be provided as requested by Councillors or as deemed necessary by the General Manager.

4.28. Meals and refreshments

Council will provide appropriate light meals and refreshments at Council Workshops, meetings and meetings of Council and Committees which run over normal meal times.

4.29. Mobile Telephones

Upon request Councillors may be provided with a standard mobile telephone for the purpose of conducting Council business and must be used in a manner consistent with the Council's Mobile Phones Policy.

The Mobile Telephone Agreement must be completed by Councillors who are provided with a mobile phone (Appendix 2).

4.30. Portable Computers Devices

A portable computer device will be provided to all Councillors, in lieu of printed Council Business Papers and other reference materials / information.

Councillors are not to store personal photos/videos/music/games on their portable computer devices as this can cause unnecessary operating problems when downloading large documents and business papers.

Help Desk-support will be provided for Council business purposes.

4.31. Council Motor Vehicles

Access to Council's Motor Vehicle Fleet will be provided to the Mayor and Councillors for the purposes of travelling to and from meetings, conferences and seminars where it is identified to be the most direct and / or cost effective option.

Use of Council's Motor Vehicle Fleet is to be in accordance with the Motor Vehicle Usage Policy.

GIFTS AND BENEFITS

4.32. Given By Councillors

In circumstances where it is appropriate for Councillors to give a gift or benefit, for example on a Council business related trip or when receiving visitors; these gifts and benefits should be of token value as defined in Council's Code of Conduct and Council's "Gifts and Benefits" Policy.

4.33. Received by Councillors

The provisions of Council's Code of Conduct and Council's "Gifts and Benefits" Policy will apply.

PROVISION OF ADDITIONAL EQUIPMENT & FACILITIES FOR THE MAYOR

4.34. Mobile Telephone

Council will provide at its cost a mobile phone for use in relation to official duties and functions of the Office of Mayor. Council will meet rental and the cost of official calls. The account for the mobile phone will be in the name of Broken Hill City Council and the Mayor must advise the Council in writing monthly of any personal calls made from the mobile phone as the cost of these personal calls is to be met by the Mayor.

4.35. Office Facilities

Council will provide the following office facilities at the Administrative Centre:

- a) Office space; sufficient quantity of quality office space necessary to fulfil the duties of Mayoral office;
- b) Telephone; a high quality digital telephone with direct in dial and direct line facilities;
- c) Furniture; An appropriate quantity of quality office furniture;
- d) Stationery; including Mayoral letterhead, envelopes and stationery generally.

4.36. Secretarial Support

Secretarial support facilities are available to the Mayor through the Executive Support Team during normal office hours. The General Manager may on request provide access to secretarial support outside office hours for Council business, for example, public meetings and ceremonies.

Council will meet the cost of postage of mail forwarded by the Mayor in the conduct of official duties.

4.37. Purchase Card

Council shall provide the Mayor with a purchase card for business expenditure only and must comply with the general terms and conditions within Council's Purchase Card Procedures or any other relevant policies and procedures.

DISPUTE RESOLUTION REGARDING EXPENSES AND FACILITIES FOR COUNCILLORS

4.38. Process

Should any dispute arise about the payment of expenses or provision of facilities for Councillors, the Councillor(s) concerned are required to submit a formal written request to the General Manager advising the issue in dispute and the provision or remedy sought.

The General Manager is to give proper consideration to any such request and make a decision as to whether the claim is in keeping with this policy; whether the claim is not appropriate and/or whether the Councillor Support Policy needs to be reviewed.

Should the Councillor, on receipt of the General Manager's reply, consider the matter needs to be reviewed; the Councillor must make a written submission to the Independent Chair of the Audit Committee. The Chair will consider and decide the matter.

5. IMPLEMENTATION

5.1. Roles and Responsibilities

The General Manager is responsible for ensuring that Council is operating in accordance with the provisions of this policy.

5.2. Communication

This Policy will be communicated to the community and staff utilising 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 City Council Code of Conduct
- Motor Vehicle Usage Policy
- Mobile Phone Policy
- Purchase Card Procedure
- Annexure 1 – Statutory Declaration
- Annexure 2 – Mobile Telephone Agreement

6. REVIEW

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

This Policy must be reviewed within the first twelve (12) months of each new term of Council with public notice to ensure it meets the requirements of legislation and the needs of Council.

The General 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:

- Local Government Act 1993 (sections 252-254)
- Local Government (General) Regulation 2021 (section 403)
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW 2009.

Council representatives shall refrain from personal activities that would conflict with proper execution and management of Council's Councillor Support Policy; Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

8. DEFINITIONS

"Accompanying Person" shall mean a person who has a close relationship (partner / spouse) with the Councillor and / or provides carer support to the Councillor).

"ATO" shall mean Australian Taxation Office.

"Incidental Travel Expenses" shall mean business expenses incurred while undertaking approved travel other than airfares and accommodation. Expenses such as reasonable business related hospitality and entertainment, domestic meals, taxi fares, business related communication, business related excess baggage and stationery are examples that fall into this category.

"Personal Travel Expenses" shall mean expenses of a personal nature incurred by the traveller when on approved travel. Expenses such as personal entertainment, including use of the hotel mini-bars and in-house videos, laundry and personal travel are examples that fall into this category.

"Traveller" shall mean The Mayor or Councillor approved to undertake travel on behalf of the Council.



ANNEXURE 1

BROKEN HILL CITY COUNCIL

REIMBURSEMENT OF INCIDENTAL EXPENSES INCURRED BY COUNCILLORS

STATUTORY DECLARATION

On _____ (date), I _____ (name),

a Councillor of Broken Hill City Council, of:

_____ (address)

Do solemnly and sincerely declare that:

1. On _____ (date) I did incur expenditure in accordance with the Councillor Support Policy, in the sum of:

\$ _____

2. I am unable to produce invoices, receipts, dockets and/or related documents which evidence the expenditure referred to in paragraph 1. However, I verify that I incurred the expenses in relation to my duties as Councillor for Broken Hill City Council.

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1900.

Signed: _____

Witnessed: _____

Name of Witness: _____

Qualification of the Witness: Justice of the Peace

Solicitor

Registration Number of Justice of the Peace (or stamp): _____

1. Councillor	2. General Manager	3. Executive Support Team
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ANNEXURE 2

BROKEN HILL CITY COUNCIL MOBILE TELEPHONE AGREEMENT

I, _____ (the "approved user")

acknowledge the following:

1. That I have received and read a copy of Council's Mobile Phones Policy;
2. That I have been granted use of a Council mobile telephone in accordance with Council's Mobile Phone Policy;
3. That I will comply with the requirements of this policy;
4. That I accept responsibility for the equipment granted to me;
5. That I will reimburse Council for all private and personal calls made on the Council mobile telephone that has been allocated to me;
6. That the mobile phone and associated equipment must be returned to Council at the end of my term of Council;
7. The mobile telephone number and serial number of the equipment allocated to me are:

a) mobile telephone number: _____

b) mobile telephone serial number: _____

c) sim card serial number: _____

Councillor

Date

POLICY AND GENERAL COMMITTEE

April 8, 2022

ITEM 6BROKEN HILL CITY COUNCIL REPORT NO. 92/22SUBJECT: DRAFT DEBT RECOVERY POLICYD22/17919**Recommendation**

1. That Broken Hill City Council Report No. 92/22 dated April 8, 2022, be received.
2. That Council endorses the Draft Debt Recovery Policy for the purpose of public exhibition.
3. That Council publicly exhibits the Draft Debt Recovery Policy and accepts submissions from the public for a period of 28 days.
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 Debt Recovery Policy.

Executive Summary:

In order to facilitate improved financial management and compliance with the *Local Government Act 1993*, a review of Councils Debt Recovery Policy has been conducted. This review is to ensure Councils Debt Recovery Policy is compliant and in alignment with The *Local Government Act 1993*, and Office of Local Government Debt Management and Hardship Guidelines November 2018. Ratepayer and debtor feedback has been considered and incorporated into the revised policy during this review.

In accordance with the *Local Government Act 1993* any new or reviewed policies require public exhibition for a period no less than 28 days following which all submissions should be considered and the policies be either amended, adopted or rejected.

Report:

Council collects rates and charges each year in line with the *Local Government Act 1993*. Councils that receive funds on time are in a better position to be financially sustainable and continue to deliver the services and facilities that the local community need and expect.

A robust, fair, transparent, and equitable Debt Recovery policy is essential in managing the collection of rates and charges and communication with ratepayers.

The review of Councils Debt Recovery policy has been conducted with the *Local Government Act 1993*, OLG - Debt Management and Hardship Guidelines November 2018, and ratepayer and debtor feedback as the guiding principles.

Key elements required for an effective Debt Recovery policy:

- Recovery of debt in a fair, equitable and respectful manner
- Modern payment methods and bill smoothing

- Stop the clock approach
- Clear and accessible communication – early engagement
- Cost minimisation
- Consistent approach
- Regular review of policies and procedures

Proposed Key Changes to existing policy:

- Days to respond between reminder and demand letters increased from 14 to 21 days.
- Threshold for proceeding to legal action recovery increased from \$800 to \$1000.
- Final Reminder notice to be issued on Council Letterhead 21 days after due date.

The proposed changes in the draft debt recovery policy have been included in response to feedback received from rates and sundry debtors. Debtors have expressed a preference for initial contact to come from Council, on Council letterhead rather than from an external debt recovery agent. Debtors have also communicated a preference to avoid legal costs where possible and that they have been experiencing delays with the mail, making the 14 day response time difficult to meet. The above changes, including the extension of time between letters from 14 to 21 days, the legal action threshold increase to \$1000 and the final reminder to be issued on Council letterhead have been included as a response to these issues.

This revised policy will provide a sound debt recovery policy to ensure that appropriate controls are in place for the management of rates and sundry debtors as part of council's overall financial management system.

Strategic Direction:

Key Direction: 4	Our Leadership
Objective: 4.1	Openness & Transparency in Decision Making
DP Action:	Maintain good governance and best practice methods and ensure
4.1.1.21	compliance with various guidelines, legislation and report requirements

Relevant Legislation:

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

Financial Implications:

This policy will provide a sound corporate debt recovery policy to ensure that appropriate controls are in place for the management of rates and sundry debtors as part of council's overall financial management system.

Attachments

1. [↓](#) Draft Debt Recovery Policy
2. [↓](#) Debt-Management-And-Hardship-Guidelines-Nov-2018

SIMON BROWN
CHIEF FINANCIAL OFFICER

JAY NANKIVELL
GENERAL MANAGER



DEBT RECOVERY POLICY

QUALITY CONTROL		
TRIM REFERENCES	12/14 – D16/44049	
RESPONSIBLE POSITION	Manager Finance	
APPROVED BY		
REVIEW DATE	1 st July 2018	REVISION NUMBER 1
EFFECTIVE DATE	ACTION	MINUTE NUMBER
30 November 2016	Public Display	45377
22 February 2017	Adopted	45460
25 March 2020	Adopted temporary amendment	46209

1. INTRODUCTION

The purpose of this policy is to ensure effective control over debts owed to Council by maximising the collection of outstanding rates and sundry income. Fulfilling the statutory requirements of the *Local Government Act 1993* and associated Local Government Regulations with respect to the recovery of rates, charges and other debts. Also, to ensure consistency, fairness, integrity and confidentiality of all proceedings for both Council and the debtor including those facing hardship and to provide contemporary and flexible payment options for ratepayers and reduce the use of expensive court processes to recover debts.

2. POLICY OBJECTIVE

In managing Council's most significant cash inflow, it is essential that an effective and equitable debt management policy exists to recover all rates and charges revenue.

This policy outlines the principles and guidelines for managing the recovery of outstanding rates and charges, incorporating the following major elements:

- Aim to collect all rates and charges by the end of each rating year.
- Apply a fair and reasonable approach to recovering overdue rates and charges.
- Achieve and maintain an outstanding rates and charges ratio at or below the industry standard.
- Apply the provisions of the Act relating to the sale of land as and when required.

3. POLICY SCOPE

Authority for implementation of the Debt Recovery Policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993*.

The General Manager may delegate the debt recovery function to an authorised council officer. Other finance staff will assist in the day to day administration of the debt recovery process which is in accordance with relevant legislation and guidelines.

4. POLICY STATEMENT

4.1. ETHICS AND CONFLICTS OF INTEREST

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

4.2. PRIVACY OBLIGATIONS

Personal information means information or opinion, whether it is true or not, about an individual that can reasonably allow the individual to be identified.

A debtor's personal information will be treated with respect and Council will comply with the *Privacy and Personal Information Protection Act 1998* when collecting and disclosing information throughout the debt recovery process.

4.3. RECOVERY OF DEBTS

4.3.1. RATES AND CHARGES

Council will levy rates charged by service of a rates notice in accordance with Section 546 the Local Government Act. Council will levy rates notices in the month of July of every year.

If the rates notice is served in July, under section 562(3) of the Act, ratepayers have the option of making payment of the amounts owing in those rates notices by one lump sum (which is to be paid by 31 August) or by four quarterly instalments due on the last day of the following months:

- 31 August
- 30 November
- 28 February
- 31 May

Instalment Reminder Notices

Under Section 562(5) of the Local Government Act, Council must send instalment reminder notices to each ratepayer by instalment on or before 31 October, 31 January and 30 April.

Final Reminder

A Final Reminder Notice is to be sent to any ratepayer who has not, within twenty-one (21) days of the due date:

- a) Paid the amount of any instalment; or
- b) Come to an arrangement for payment of the instalment by instalments; or

- c) Made written application for waiver, credit or reduction of the instalment; or
- d) Taken some action to dispute the amount is payable.

The Final Reminder Notice will:

- a) Be on Council Letterhead
- b) Set out the amount of the instalment.
- c) Request payment of the instalment within twenty-one (21) days of the date of the notice
- d) Urge the ratepayer to contact Council if they believe that the instalment has been paid or is not payable; and
- e) Urge the ratepayer to make contact to come to a suitable arrangement if they are unable to make payment of the instalment amount within the time allowed.

Demand Letter

A Demand Letter (in an approved form) is to be sent to any ratepayer who has not within twenty-one (21) days of the Final Notice:

- a) Paid the amount of any instalment; or
- b) Come to an arrangement for payment of the instalment by instalments; or
- c) Made written application for waiver, credit or reduction of the instalment; or
- d) Taken some action to dispute that the amount is payable.

The Demand Letter will:

- a) Set out the amount of the instalment;
- b) Demand payment of the instalment within twenty-one (21) days of the date of the notice
- c) Urge the ratepayer to contact Council if they believe that the instalment has been paid or is not payable; and
- d) Urge the ratepayer to contact Council to come to a suitable arrangement if they are unable to make payment of the instalment amount within the time allowed.

Commencement of Legal Action

Council is to instruct the external debt recovery agency to commence legal action with the issue and service of a Statement of Claim against any ratepayer with an instalment (or instalments) unpaid and owing greater than \$1000 (including any accrued interest); and who has not:

- a) Come to an arrangement for payment of the instalment by instalments; or
- b) Made written application for waiver, credit or reduction of the instalment; or
- c) Taken some action to dispute that the amount is payable.

Costs of Legal Action

Council is to ensure that the costs of any legal action taken are legally recoverable as a charge on the property pursuant to Section 550 of the Act and to upload those costs to the property as required.

Obtaining Judgment

Council is to instruct their external law firm to make application for judgment if, within the time allowed by the relevant legislation (currently twenty-eight days after service of the statement of claim), the ratepayer has not:

- (a) Paid the debt and costs claimed; or
- (b) Filed a defence; or
- (c) Filed an acknowledgement of claim; or
- (d) Come to an arrangement to pay by instalments; or
- (e) Taken any other action that means Council is unable to apply for judgment.

Enforcing Judgment

Council is to instruct their external law firm to enforce any judgment obtained by one or more of the following methods as advised by their external debt recovery agent:

- (a) Writ against property;
- (b) Examination; (c) Garnishee of bank accounts;
- (d) Garnishee of wages or other debts;
- (e) Bankruptcy;
- (f) Winding up of companies;
- (g) "Rent for Rates" under Section 569 of the Act; or
- (h) Such other method as Council is advised.

Duplicate Matters

With ratepayers who have not paid instalments, referral for recovery will be done quarterly, in order to keep costs to a minimum should legal action be required. Council will adhere to the following practice:

1. If debt recovery has already commenced to recover the previous instalments then no further debt recovery is to be taken on later instalments until such time as the amount claimed in those legal proceedings (including costs) have been paid.
2. If debt recovery has not commenced to recover the previous instalment then the amount of any later instalment is to be added to the earlier instalment for the taking of that debt recovery.

Payment of Debt and Costs

If, after the commencement of legal proceedings, a ratepayer makes payment of the instalment claimed but not the costs of those proceedings, Council's external debt recovery is to send the

relevant ratepayer a letter setting out the amount payable for costs and demanding payment of same within twenty one (21) days.

If the ratepayer does not make payment of those costs within twenty one (21) days of the sending of the letter legal action is to be continued for the recovery of those costs.

4.4. AGREEMENTS FOR PERIODICAL PAYMENT

Council acknowledges that in certain cases, some ratepayers may genuinely be experiencing a period of financial hardship and as a result may have difficulty in meeting the cost of each rates and charges instalment when they fall due. In such cases, Council encourages ratepayers to enter into an agreement for periodical payment of rates and charges applicable to their property in accordance with Council's Hardship Policy.

Similarly, Council is considerate to accepting a mutually agreeable arrangement for the payment of overdue rates and charges. The agreement may be entered into at any time during the recovery process, except when Council has resolved to sell a property under the Sale of Land provisions outlined in the *Local Government Act*.

It is the ratepayer's responsibility to ensure that payments made under approved payment arrangements are made on time. A reminder will not be issued for an unpaid instalment, and debt recovery action will continue.

The following guidelines should be used when considering an appropriate agreement:

- The agreement should be accepted on the basis that the outstanding amounts be finalised as soon as possible;
- Agreements can be made on a weekly, fortnightly or monthly basis;
- Any agreement made should be made such that all amounts are paid in full by 30th June of that financial year;
- An agreement made should not extend beyond two years;
- Council acknowledges that some ratepayers may be experiencing hardship and as such, extenuating circumstances can be taken into consideration if any of the above three conditions cannot be met. In this instance, debtors may be required to complete an application under hardship provisions detailing personal financial information.
- Should the debtor not meet the conditions of the agreement without prior contact with Council, the agreement will be cancelled and debt recovery action will commence.

4.5. INTEREST

Interest accrues on a daily basis, in accordance with Section 566 of the *Local Government Act 1993*, on rates and charges that remain unpaid after they become due and payable. The rate to be charged is the maximum allowed as announced by the Division of Local Government and advertised in Council's Operational Plan.

Ratepayers who are unable to pay accrued interest on rates and charges for reasons beyond their control or because payment of the accrued interest would cause them hardship, may apply to have the accrued interest written off under Section 567 of the *Local Government Act 1993*.

4.6. WRITING OFF ACCRUED INTEREST

Applications for writing off accrued interest under the hardship provisions of the *Local Government Act 1993* shall be determined on the merits of each individual case, on the basis of whether or not the hardship criteria have been satisfied by the applicant and a proper opinion can be formed. The above is not applicable to the writing off of interest amounts raised in error.

4.7. WRITING OFF RATES

Rates or charges (including accrued interest) or other debts will be written off only by resolution of Council or under delegated authority. Any interest which has to be written off due to hardship will be written off by the end of the financial year after confirming if the ratepayer has adhered to the agreed arrangement. Where an arrangement is broken due to missed payments or dishonoured payments, the interest will not be written off.

4.8. SALE OF LAND FOR UNPAID RATES AND CHARGES

Council is to avail itself of the procedure for sale of land for unpaid rates and charges provided for by Part 2 Division 5 of the Act where appropriate

4.9. PENSIONERS

Due consideration is to be given to pensioners, taking into account income and other circumstances. Legal action against pensioners will be a last resort, again depending on the circumstances.

4.9 SUNDRY DEBTORS

Recovery action will commence when invoices issued are not paid by the due date unless arrangements have been entered into (in writing) to make periodical payments.

Due Date for Payment

Invoices for sundry debtors are due for payment thirty (30) days from the date of issue of the invoice.

Reminder

As with rates, a reminder is to be sent to sundry debtors where no payment has been made, within twenty-one (21) days of the due date for payment. Reminders will be made via letter, email or phone call as appropriate.

Demand Letter

A Demand Letter is to be sent by Council's debt recovery agency to any sundry debtor that has not made payment of the amount owing within twenty-one of the date of the Reminder Letter. The Demand Letter will demand payment within Twenty-one (21) days and advise that Council may take legal action to recover the amount without further notice if it is not paid within that time.

Debt Recovery

Council is to instruct its external debt recovery to commence legal action with the issue and service of a Statement of Claim against any sundry debtor with an amount owing greater than \$1000 and who has not:

- a) Come to an arrangement for payment of the debt; or
- b) Made written application for waiver, credit or reduction of the debt; or
- c) Taken some action to dispute that the amount is payable.

Obtaining Judgment

Council is to instruct their external debt recovery agency to make application for judgment if, within the time allowed by the relevant legislation (currently twenty-eight (28) days after service of the statement of claim), the ratepayer has not:

- a) Paid the debt and costs claimed; or
- b) Filed a defence; or
- c) Filed an acknowledgement of claim; or
- d) Come to an arrangement to pay by instalments; or
- e) Taken any other action that means Council is unable to apply for judgment.

Enforcing Judgment

Council is to instruct their external law firm to enforce any judgment obtained by one or more of the following methods as advised by their external law firm:

- a) Writ against property.
- b) Examination.
- c) Garnishee of bank accounts.
- d) Garnishee of wages or other debts.
- e) Bankruptcy.
- f) Winding up of companies.
- g) Such other method as Council is advised.

Arrangements

Council is able to come to an arrangement with any sundry debtor for payment of the amount owing (including any costs and interest).

Any request for an instalment arrangement from a sundry debtor must be in writing and Council will not consider any request until it has been submitted in writing.

Whether or not Council agrees to any arrangement proposal is entirely in the discretion of Council and the following should be taken into account:

- a) The debt size;
- b) The debt age;
- c) The time it will take to pay;
- d) The conduct of the debtor, including any previous arrangements and their outcome;
- e) The amount of costs incurred;
- f) The financial circumstances of the debtor, to the extent that Council is aware of them; and

g) Any other matter Council considers relevant.

If Council accepts a proposal from a sundry debtor for payment of a debt by instalments, that acceptance is to be confirmed in writing. The confirmation is to:

1. Refer to the written offer to pay by instalments received;
2. Set out the amount payable under the arrangement;
3. Confirm that the arrangement only applies to that amount payable;
4. Set out the arrangement itself;
5. Urge the debtor to contact Council prior to the due date for payment should they be unable to comply with the arrangement; and
6. Advise that Council reserves the right to continue action without notice should the debtor default on the arrangement

Defaulted Arrangements

Should a sundry debtor default on a payment arrangement then recovery action is to continue from the last stage it reached prior to the arrangement being entered into

5. IMPLEMENTATION

5.1. Roles and Responsibilities

The following Council officers are responsible for the implementation and the adherence to this policy:

- General Manager
- Chief Financial Officer
- Manager Finance
- Management/ Financial Accountant
- Assistant Accountant
- Rates Officer
- Finance Support Officer

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.

- Hardship Policy

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 every two (2) years from the effective date. The responsible Council officer will be notified of the review requirements three (3) months prior to the expiry of this policy.

The Chief Financial 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*
- *Local Government (General) Regulation 2005*
- *Office of Local Government Debt Management and Hardship Guidelines, November 2018*
- *Local Government Code of Accounting Practice and Financial reporting*
- *Australian Accounting Standards*
- *Division of Local Government Circulars*
- *Trade Practices Act 1974*
- *Australian Securities and Investments Commission Act 2001*
- *ACCC and ASIC Debt Collection Guideline for collectors and creditors*
- *Privacy and Personal Information Protection Act 1998*

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

Strengthening local government

Office of Local Government

DEBT MANAGEMENT AND HARDSHIP GUIDELINES

November 2018



GUIDELINES UNDER SECTION 23A OF THE
LOCAL GOVERNMENT ACT 1993

DEBT MANAGEMENT AND HARDSHIP GUIDELINES

NOVEMBER 2018

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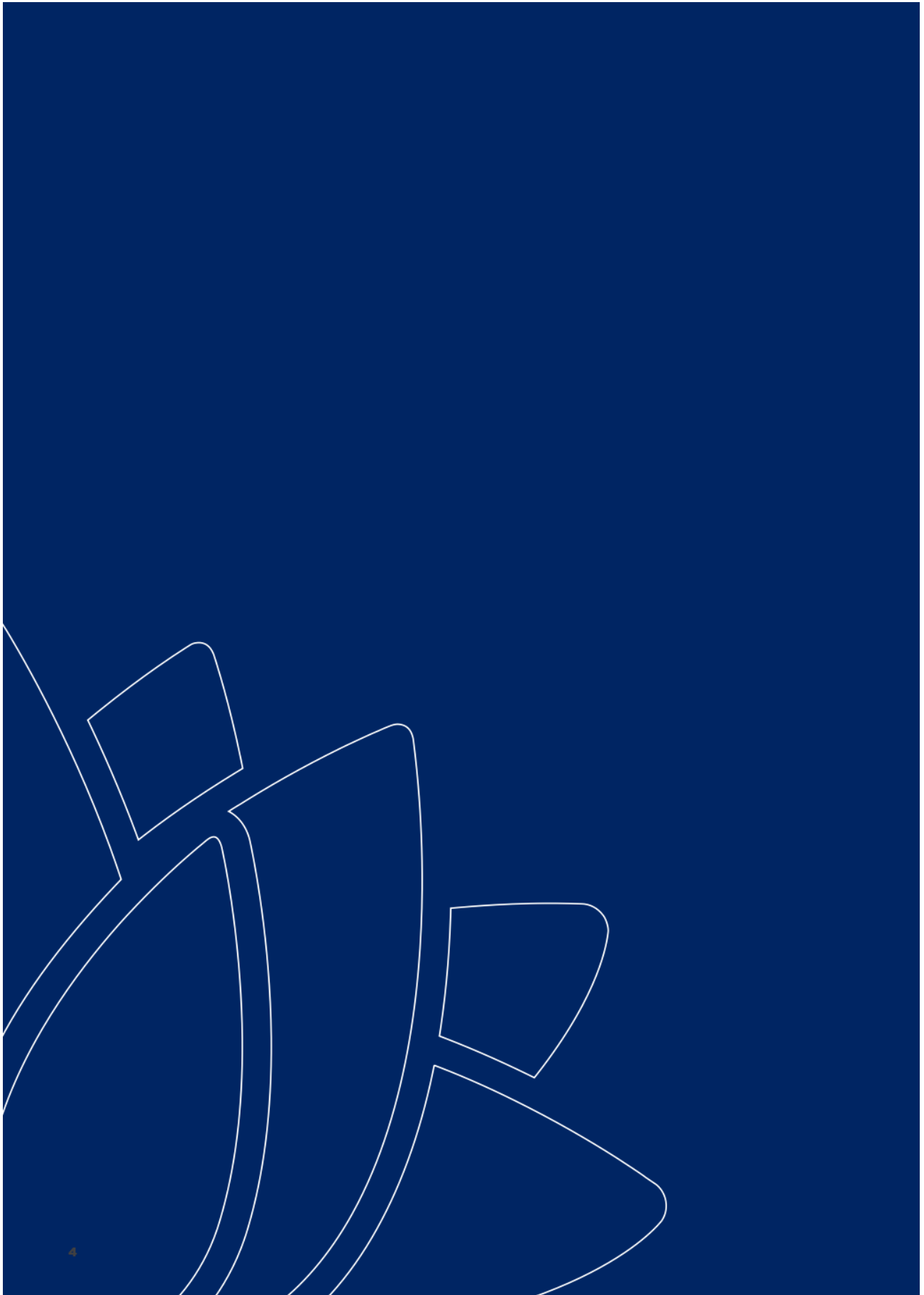
ISBN 978-1-922001-76-4

This document was drafted by the NSW Office of Local Government

This document should be cited: NSW Government (2018), NSW Local Government Debt Management and Hardship Guidelines, Nowra, NSW.

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Foreword

Council rates and charges fund a vast array of services, infrastructure and facilities that local communities rely on. It is therefore vital that councils have good policies and processes in place to ensure rates and charges are collected promptly, fairly and efficiently, while minimising the risk of debt from overdue payments.

Local communities expect governments, including councils, to have modern payment processes in place that best suit current day needs, including electronic payments of rates and charges and options to smooth out payments across the year for more substantial bills.

It is important for councils to recover debt from unpaid rates and charges fairly and equitably. Councils are encouraged to give special consideration for people facing hardship to limit unnecessary fees, interest and legal costs that can cause additional financial stress in difficult times.

To support NSW councils to develop and apply modern, fair and effective debt recovery and hardship policies and practices in line with the requirements of the *Local Government Act 1993*, the NSW Office of Local Government, in conjunction with the NSW Department of Justice, has published these section 23A Debt Management and Hardship Guidelines.

The Guidelines set out information that councils must take into account when developing and implementing debt management and hardship policies, as well as best practice examples of easy-to-follow communication, hardship assessment, early mediation and dispute resolution.

They should be implemented alongside appropriate financial management practices to enable councils to maintain financial sustainability and achieve financial performance benchmarks.

Tim Hurst

Chief Executive
Office of Local Government

Part 1:

Debt Management

and Hardship for

Local Government

1.1 Introduction

NSW councils collect rates and charges each year in line with the *Local Government Act 1993*. Councils receiving funds on time are in a better position to be financially sustainable and continue to deliver the services and facilities local communities need and expect.

Each council should adopt robust, fair and transparent policies and procedures outlining how they will communicate with ratepayers, collect monies owing, assess hardship claims and, where necessary, recover overdue payments to manage debt.

Good debt management by councils generally flows from having good rates and charges collection processes in place.

The Office of Local Government has worked with the NSW Department of Justice to prepare these *Debt Management and Hardship Guidelines*.

The Guidelines support councils to review and update existing debt management policies and practices to collect rates and waste charges, water and sewerage charges, and align them to best practice across the sector. They provide guidance on proactive measures councils can take to ensure prompt payment and minimise default, as well as how to follow up ratepayers and recover any debts incurred fairly and effectively.

When recovering debt, and at other times, councils must consider whether a ratepayer is facing hardship and the best way to support a person in hardship to pay their bills. Guidance on developing relevant hardship policies and procedures is also included.

Councils must take these section 23A Guidelines into account when exercising debt management and hardship functions or making relevant decisions. Debt Management and Hardship policies may be prepared separately or as a comprehensive article but must be integrated in their application.

Some helpful definitions for key terms in these Guidelines are set out at **Appendix A**.

1.2 Status and scope of Guidelines

The Guidelines are issued under section 23A of the *Local Government Act*. Councils must therefore take the Guidelines into account when implementing local debt management and hardship policies and/or procedures. They apply to all NSW councils, whether or not debt recovery functions are outsourced.

While the Guidelines have been developed with particular reference to collecting debts from individual ratepayers, much of the information will also be relevant to the collection of other debts, such as from businesses or other organisations.

Councils must always seek and be guided by their own independent legal advice on these matters.

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The Guidelines have drawn on best practice material in a number of NSW council policies and the *Debt collection guideline: for collectors and creditors* (Commonwealth, 2015) and the *Debt Recovery Guidelines – Responsible collection of State debts: Guidelines for Revenue NSW to collect State debt* (Revenue NSW). Valuable and timely feedback from the Revenue Professionals and a number of its member council practitioners is also acknowledged.

1.3 Objectives

The Guidelines assist councils to develop policies and procedures that provide for:

- efficient and effective collection of council rates, charges and outstanding debt
- contemporary and flexible options to collect money from ratepayers
- fair and equitable treatment of ratepayers, including those facing hardship
- how to identify and work with ratepayers in hardship when collecting money
- reduced use of expensive court processes to recover debts
- improved financial sustainability of councils, including performance in managing outstanding rates and charges, and
- compliance with legislative requirements, including the *Local Government Act* and privacy laws.

1.4 Legal framework

The *Local Government Act* provides the legal framework for how councils set and levy rates and charges each year and recover debt from overdue rates and charges, including for waiving or reducing rates in cases of hardship. A best practice debt recovery summary flowchart is set out at **Appendix B**.

Rates and charges are set in a council's Revenue Policy as part of their Integrated Planning and Reporting requirements. Rates and charges are made by 1 August each year. Notices state rates owing, any arrears and interest, any postponed rates, amount due and date to pay. Notices also advise that interest accrues after the due date, at a daily rate set by council up to a cap set yearly under the *Local Government Act*.

Councils are permitted to agree to periodic payments of rates and charges, write off accrued interest and postpone rates payments. In extreme cases, councils may also sell land to recover unpaid rates and charges. Councils may also provide discount incentives for prompt payment in full, if desired.

Hardship provisions are stipulated to encourage councils to have fair and equitable policies in place to assess hardship claims, particularly for pensioners, and procedures that make it as easy as possible for ratepayers in hardship to pay.

The NSW Government encourages councils to incorporate modern and flexible periodic and electronic payment systems and other incentives to make it as easy as possible for ratepayers to pay promptly and to minimise the risk of debt.

Relevant legislative excerpts from the *Local Government Act* and a list of other relevant laws are at **Appendix C**.

1.5 Principles

The advice and options in this Guideline are based on best practice from across the local government sector, with reference to a set of guiding principles.

Councils should consider the following guiding principles in establishing or reviewing their own policies and practices to support effective debt management:

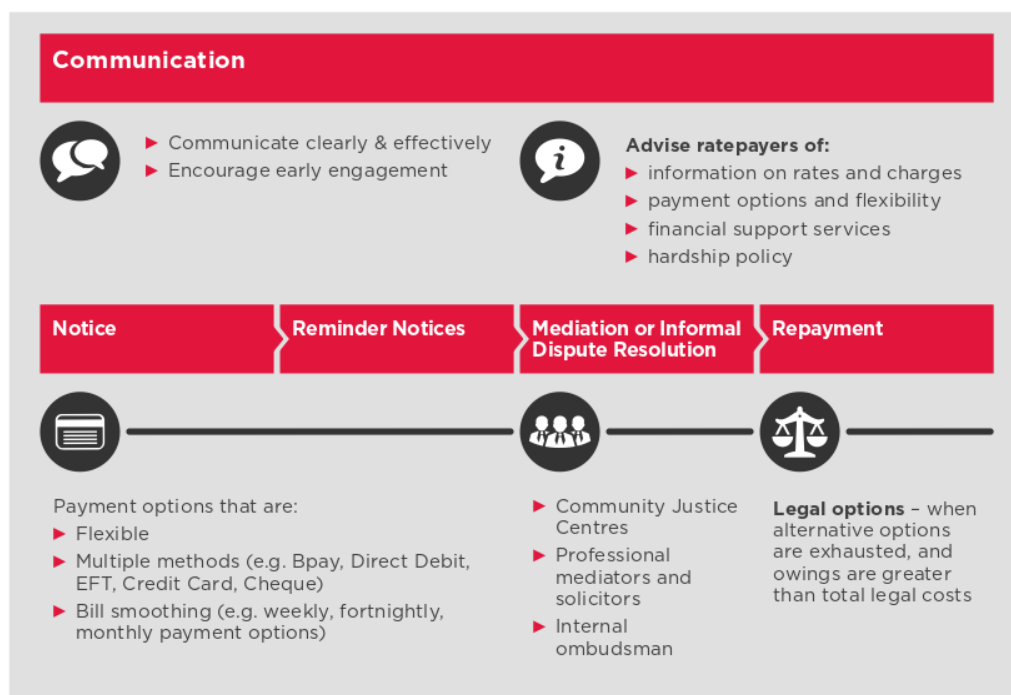
- **clear and accessible communication** – easy-to-understand information about rates and charges, how to pay, hardship, who to contact and the council's approach to overdue rates and dealing with hardship claims
- **local flexibility** – providing payment options and processes that meet local needs and the special circumstances of those facing hardship

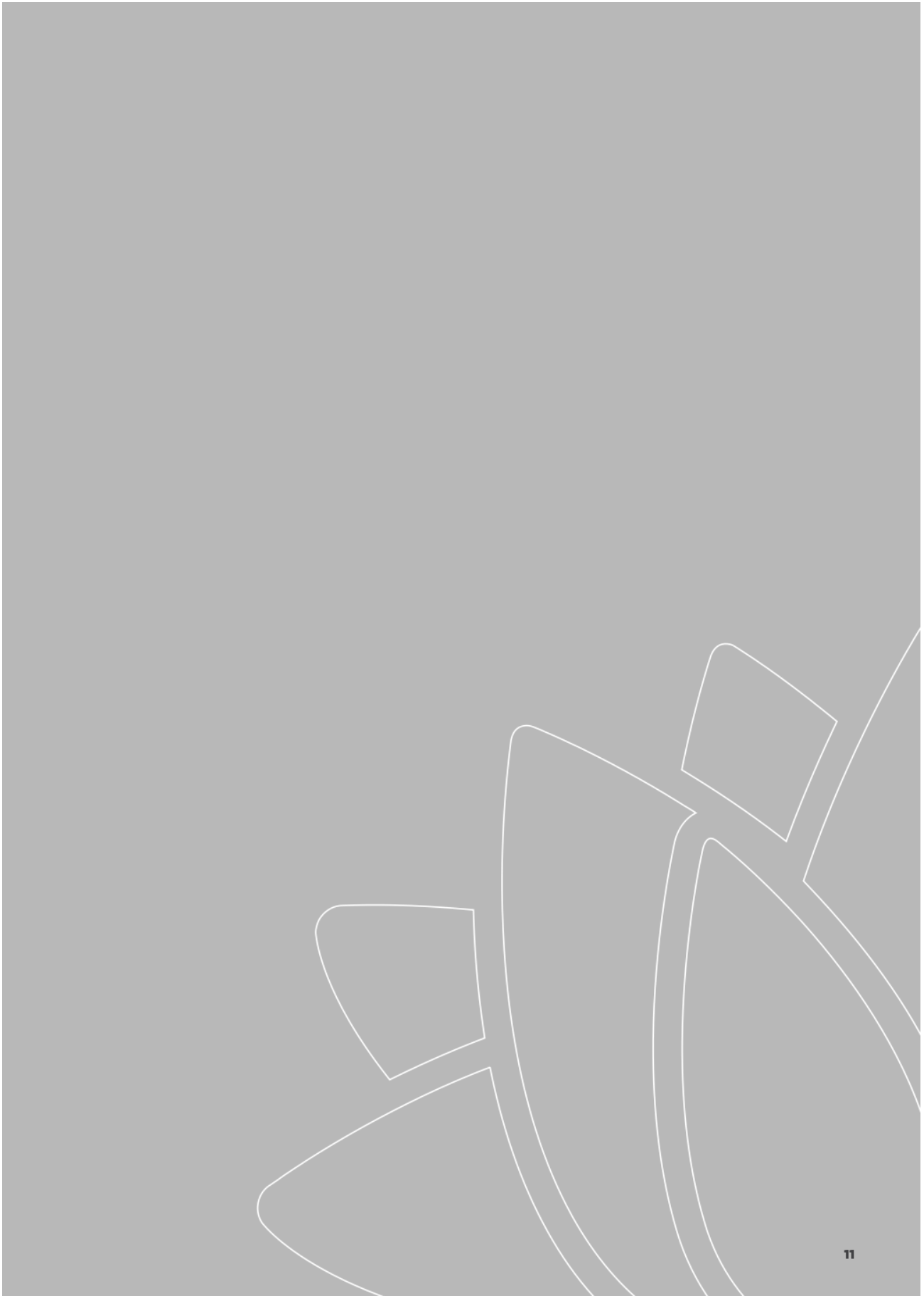
- **fair, equitable and respectful treatment** – of all ratepayers, including respectful communication with those facing hardship
- **a 'stop the clock' approach** – to suspend debt recovery, legal action and interest accrual while a ratepayer's hardship application is awaiting determination, or while they are complying with an approved payment arrangement
- **informal action first** – timely action to prompt payments and communicate relevant information when following-up overdue amounts prior to taking formal action
- **minimise costs** – try to achieve payment without increasing ratepayer debts
- **maintain confidentiality and privacy** – information provided by applicants is treated confidentially and only used for appropriate purposes, such as to assess a hardship application
- **regular review of policies and procedures** – to identify good practice and areas for improvement, and
- **consistent debt management and hardship approaches and policies.**

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1.6 Good practice summary flowchart

Figure 1 below summarises the good practice approaches to debt recovery and hardship taken by a number of NSW councils. These are further expanded on and explained in the following sections of the Guidelines.





Part 2:

Ensuring prompt payment

Debt Management and Hardship Guidelines

When ratepayers act and pay promptly, and when councils are fair and realistic, the need for debt management is reduced. Below are some practical ways that councils can assist ratepayers to act promptly to meet their financial commitments.

2.1 Information for ratepayers

Most ratepayers act responsibly if they are given enough information about the rates and charges they owe, as well as reasonable opportunity and flexibility to pay in an easy and timely way that takes their needs into account.

Councils should support this approach by ensuring that their policies and procedures:

- allow for alternative payment options including flexible payment arrangements before rates are due – for example, periodic payments (i.e. weekly, fortnightly, monthly or quarterly), and electronic payment options
- authorise council staff to make suitable payment arrangements with ratepayers that have not paid on time, such as a Time to Pay agreement
- include helpful information on rates notices to encourage ratepayers to contact council early if they may have difficulty paying, and
- encourage staff to refer ratepayers making enquiries to financial counsellors and other low cost support services.

Councils can take proactive steps to reduce overdue payments and support ratepayers experiencing hardship such as:

- promoting debt recovery and hardship policies
- developing clear, simple information, such as ‘fact sheets’ about rates and charges and options available to make sure they are paid on time

- translating material into other languages commonly used in their local area or including a list of local language services
- promoting flexible payment options in other communication materials, and
- improving access to policies, e.g. having key search terms to find them online (i.e. “debt recovery”, “local government”, “rates”, “hardship”).

Councils may also consider offering a discount on rates for ratepayers that promptly pay their rates in full under section 563 of the *Local Government Act*.

2.2 Rates and charges notices

Councils recover rates and charges owed by issuing a notice under section 546 of the *Local Government Act*. Information that must be included on rates and charges notices is listed in clause 127 of the *Local Government (General) Regulation 2005*.

Some ratepayers have difficulty navigating and understanding the complex and detailed information in rates notices. To support understanding and timely payments, councils should include in their policies and procedures how they will ensure notices have accurate, easy to understand and accessible information.

For example, while formatting is not prescribed, councils should design rates notices to be accessible and easy to understand. Councils with diverse communities should consider translating key information on rates notices into relevant languages.

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Some important information to highlight prominently on, or with, notices includes:

- name of rateable person – every effort should be made to identify this
- the rate or charge amount due
- any outstanding rate or charge overdue and any interest charges
- when each payment is due
- payment options
- how to contact the council with any questions about the notice
- where to go for further information, such as a link to the council website, on:
 - a council's financial hardship policy
 - any English as a Second Language (ESL) services, and
 - local financial counselling services.

Good Practice Case Study

A number of councils are sending out a flyer with their rates notices to provide advice to ratepayers about what to do if they cannot pay on time.

2.3 Modern and flexible payment options

Ongoing advances in technology are making it easier than ever for councils to create easy payment options for ratepayers. Communities expect councils to provide modern and flexible options that support easy payment and take into account different needs and circumstances.

Electronic billing and payments

Electronic billing and payments help to make sure that bills are received and payments are made on time, including for ratepayers living or travelling outside the local government area, and allow ratepayers to schedule payments and avoid going in person to a council during regular work hours.

NSW council policies should enable ratepayers the opportunity to make payments electronically and enable ratepayers to enter into an agreement to receive their rates notices electronically (via email).

Periodic payments and payment smoothing

Most people need to budget in advance for significant annual expenses, such as rates, waste, water and sewerage charges, as well as other utilities and insurances.

Councils should provide flexible options to enable periodic payment as do most modern businesses and governments. This may include 'payment smoothing' to reduce the impact of large bills by spreading payments evenly out across the year.

Allowing ratepayers to make small, consistent payments helps councils obtain rates and charges on time and helps ratepayers manage their budget more easily. Councils should consider combining this with a direct debit option, potentially with a discount incentive, to create seamless, automatic payments.

Council should enable periodic payment options, including payment smoothing, to help ratepayers pay on time. This may be as frequently as monthly, fortnightly or weekly to balance convenience to ratepayers with what is practical for councils.

Section 564 of the *Local Government Act* enables councils to enter into agreements with ratepayers that allow periodic payments to be made, at the council's discretion.

Councils should consider preparing a template agreement to make it easier to provide this option to all ratepayers.

Centrepay

Centrepay is a voluntary way for people to pay bills directly from their Centrelink payments through regular automatic deductions.

Councils should consider using and promoting Centrepay to ratepayers as an easy way to pay rates and charges through regular deductions from Centrelink payments. There is no cost to the ratepayer and councils pay a small transaction fee based on an agreement negotiated with the Commonwealth Department of Human Services.

Benefits to councils include reduced administrative costs, a secure option that helps ratepayers on lower fixed incomes to automatically pay bills on time, and a reduced risk of overdue rates and charges and recovery costs. Further information is at: www.humanservices.gov.au/individuals/services/centrelink/centrepay

2.4 Contacting ratepayers, currency of contact details and privacy laws

Councils should include information in their policies and procedures about their approach to proactively contacting ratepayers to collect rates and charges and recover debt beyond the legal requirements to serve rates and charges notices under section 127 of the *Local Government (General) Regulation* (see **Appendix C**).

Policies and procedures should include information about:

- **reasonable and appropriate contact** – for the council to contact a ratepayer about rates and charges payments and any outstanding debt
- **ensuring contact details are current** – for what a council will do in this case, for example, if a rates notice is returned to the council
- **reasonable and appropriate follow-up** – to again contact a ratepayer
- **conduct towards a ratepayer** – in line with the law and the council's Code of Conduct and including respect and courtesy as well as protection from misleading, humiliating, intimidating, demeaning or abusive conduct
- **how information will be used and confidentiality and privacy will be maintained**, and
- **strategies for dealing with inappropriate behaviour from ratepayers** – potentially including training, escalation of matters to be handled by senior staff and ceasing contact in extreme situations.

Councils, or their debt recovery agent if this function is outsourced, should proactively update contact details and contact ratepayers about rates and charges owed, and outstanding debts while maintaining confidentiality and meeting privacy protection laws.

Councils should consider reviewing their Privacy Management Plans and Privacy Notification/Consent Forms to ensure they have resident and ratepayer permission to share personal information between internal business units of the council for general administrative purposes, including the collection of rates and charges.

Taking a proactive contact approach will help resolve payment issues and outstanding debt quickly and cheaply with little adverse impact on finances and ratepayers.

Appendix D to this Guideline provides further detail about best practice on contacting people to recover debt based on other relevant debt recovery guidelines.

2.5 Payments by pensioners

Under the *Local Government Act* eligible pensioners are currently entitled to a \$250 discount on their annual rates and domestic waste management service charges, as well as an \$87.50 discount on each of their annual water and sewerage charges in NSW, with the subsidy cost shared between the NSW Government (55%) and councils (45%).

Councils can choose to provide and meet further pensioner discounts on these rates and charges for hardship or in certain circumstances (s575).

The Local Government Act outlines separate requirements and flexibility for pensioners in relation to overdue rates and charges which councils must consider when adopting local debt management and hardship policies. Councils should balance the need to ensure financial sustainability with factors such as local socio-economic conditions and social justice principles.

Strategies councils should consider for pensioners include:

- working to achieve payment through informal means
- actively promoting flexible payment options, such as time to pay (s564)
- mandatory review before commencing legal action to recover debts
- deferring rates payments
- writing off debts (s582 and 583), and
- considering individual circumstances of pensioners.

These strategies are also relevant for other ratepayers.

Further information about pensioners is under **section 3.4** and **section 4** of these Guidelines.

2.6 Measuring council performance

Councils should monitor and report on their financial performance to ensure they are financially sustainable. This reporting provides each council with a means to check how they are going over time and identify areas where further attention is needed.

A key indicator of council financial performance is outstanding rates and charges. For this purpose, these payments are outstanding if they have been overdue for at least 30 days.

The local government performance indicator for outstanding rates and charges is presented as a ratio. This ratio reflects the impact of uncollected rates and charges on liquidity and the efficiency of council's debt recovery practices by comparing outstanding amounts to the total amount of rates and charges levied by each council.

The Office of Local Government has set councils a performance benchmark of:

- less than 5% for councils in city and coastal areas, and
- less than 10% for other regional and rural areas.

In 2016-17, outstanding rates and charges for NSW councils ranged from 1.1% to 35.7%, with outstanding amounts owed ranging from \$140,000 to \$25.98 million. The figures clearly show that, while some councils are meeting their performance benchmark, others are not.

Councils should regularly check the total value of outstanding rates and charges as well as their performance against the State-wide performance indicator.

Part 3:

Recovering debts fairly and effectively

Councils and communities rely on rates and charges to fund vital local services and facilities. Councils need effective debt recovery policies in place to recover rates and charges in a timely way to ensure they remain financially sustainable and able to continue to deliver quality services.

However, from time to time some ratepayers will face difficulties, such as loss of employment or illness, and councils need to take a fair and flexible approach to managing their debts.

To balance these considerations, councils should have policies that first seek to recover outstanding payments using a fair and effective process that promptly determines how each debt will be paid outside a formal court process. This minimises overall costs to the individual ratepayer, who may already be facing difficulties, and cost to the community.

Council Activity in the NSW Local Courts

In 2013 NSW councils filed 34,098 actions in the Local Court. Of these claims, around 95% were for unpaid rates and charges. The average claim was \$1,600 and over 80% were for less than \$2,000. Almost 70% of these matters settled, were paid or written off by councils prior to judgement.

In around 27% of these matters the ratepayer did not file a notice of defence in the court action. This means that these ratepayers were either not aware of the proceedings, did not understand the court process, were not willing to make a response to the claims, or were unable to seek representation.

3.1 Debt management options

Each council should determine how best to resource their debt collection and recovery role based on local circumstances and need.

While some councils undertake this role in-house, others engage professional businesses or debt recovery agents.

Agents acting on behalf of councils do so under express or implied authority. The council is ultimately liable for the agent's actions in recovering debt and the debt management process, as for any in-house debt recovery process.

- **conflicts of interest** – this should require any conflicts to be identified, declared and managed, including circumstances where the same business is performing other work for the council and/or is representing council in any subsequent legal action
- **personal conduct** – this should require agents to approach ratepayers with respect, courtesy and discretion
- **pensioners and others facing hardship** – this should set out special requirements for how these ratepayers are to be assessed and managed to meet council's legal obligations and policies
- **use of alternative resolution options** – this should set out the council's requirements around attempting to resolve matters informally before filing in court and/or to follow certain dispute resolution guidelines or procedures, and
- **confidentiality and privacy** – this should set out how personal information must be managed, including limiting provision and use of information.

3.2 Reminder notices and payment arrangements

Where councils choose to outsource debt collection and recovery, they should have appropriate contracts and operations in place that take into account **sections 2.4** and **3.2** of these Guidelines and the following principles:

- **contacting ratepayers** – this should require clear, fair and efficient processes to identify, locate and contact ratepayers to recover debt
- **provision of information and documents** – this should facilitate prompt and efficient processes for agents relaying requests to the council, and for councils to respond to those requests, and for collection activity to be suspended at times when it is arranged for the council to respond directly about account information or documents

Even councils that proactively use best practice to support ratepayers to pay rates and charges on time will have some outstanding payments to manage each year.

Councils are required to issue an annual rates and charges notice and reminders of each quarterly instalment one month prior to the relevant due date.

If a rates instalment is overdue, councils should issue ratepayers with a reminder notice, advising that full payment is required by a stipulated due date, unless a payment agreement has been made or a deferred payment has been approved.

Where contact details are out of date or rates notices are returned to the council, there is little advantage in issuing multiple reminder notices. In this case, councils should make attempts to obtain current ratepayer contact details. See **Appendix D** for information about how some councils achieve this.

Payment arrangements and repayment negotiations

Generally, if a ratepayer fails to meet two payment arrangements, councils issue a reminder notice advising that full payment is required within the date specified, after which debt recovery action will commence.

Councils are encouraged to work with ratepayers by taking a flexible and realistic approach, such as by:

- making reasonable allowances for ongoing living expenses
- considering if the ratepayer is on a fixed low income (for example a disability pension or other welfare payments) and prospects of future income, and
- any other debts owing to different creditors.

Under no circumstances should councils provide ratepayers with financial advice. Any repayment arrangement reached should be fully and accurately documented and a copy provided to the ratepayer.

Where this prompts a ratepayer to reveal financial or other difficulties preventing payment, councils should follow special policies and procedures to assess and deal with hardship, as discussed in **Section 4**.

Council policies and procedures should include information about how best to deal with non-payment.

*Councils should consider checking currency of contact details at the reminder notice stage, if they appear out of date, and how best to bring the notice to the ratepayer's attention (see also **section 2.4 and Appendix D**).*

Some councils offer prominent 'Change of Name' and 'Change of Address' services online for ratepayers and regularly undertake electronic ratepayer contact detail updates.

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Councils should develop a template reminder notice for overdue payments including:

- amount owing and date on which payment was due
- any interest charges that apply, or will apply, under the Act
- advice that the ratepayer should contact council immediately to discuss an alternative payment arrangement if unable to pay in full
- contact details to discuss the debt
- advice that the council officer will be respectful, courteous and discreet when working with the ratepayer to resolve the matter
- notification that, if payment is not made, council will first seek resolution through internal dispute resolution but may need to resort to legal proceedings
- notification that all legal costs and expenses incurred in recovering rates will be charged against the property under the Act
- advice where to find further information about local support services, including free legal advice or financial counselling
- confirmation that council may agree to a payment arrangement before or after legal action has commenced but may continue legal action if the ratepayer does not comply with their arrangement with council, and
- notification, if relevant, that the ratepayer will be listed on the Credit Reference listing by credit bodies if payment is not made by a certain date.

If a ratepayer does not pay by the date on the reminder notice, council should consider issuing a final notice or letter of demand before taking legal action. Council should again try to find current contact details prior to sending the notice.

The final notice should repeat the reminder notice information, refer to the previous reminder notice and confirm that council will take further action without notice unless payment is made or the ratepayer negotiates an alternative arrangement with council.

3.3 Counselling, mediation and informal dispute resolution (IDR)

Local court data shows that councils file many claims for small debts at a much greater rate than State and Commonwealth governments, electricity and water providers combined. This results in unnecessary time, cost, use of court resources and stress on ratepayers. It can also indicate poor debt management practices.

Council should let ratepayers know about legal and financial counselling options, as well as any mediation or dispute resolution processes in place to help resolve issues.

Importantly, if a ratepayer is actively participating in a dispute resolution process, has made an application for financial hardship that has not yet been determined, or is complying with a payment arrangement made with a council in good faith, any action to sell the debt, retrieve the debt or start legal proceedings should be suspended (and then only be commenced if liability is confirmed).

Any business or agent acting on the council's behalf must also be aware of the council's policy in relation to mediation and dispute resolution. Further detail about different levels of mediation and dispute resolution is below.

Referring ratepayers to legal and financial advice

Councils can outline options for ratepayers to access support services to help resolve legal or financial issues and/or negotiate arrangements to manage debt. This will be mutually beneficial as it may result in an early agreement about payment arrangements.

Community legal centres and financial counsellors assist people resolve debt issues by providing free, tailored expert advice. Solicitors from these centres or Legal Aid can provide legal advice and assistance to ratepayers.

Financial counsellors provide a mix of social, financial and paralegal advice and advocacy on debt issues. Assistance can include:

- assessing whether or not the debt is legally owed
- advice around protected income and assets (in broad terms, where a ratepayer's sole income is social security and they have only basic household assets, a creditor may be unable to enforce a debt against them), and
- advice about budgets, options for reducing expenses and possible debt repayment strategies, and
- negotiating with other creditors to free up income that can assist people to pay rates and other essential charges.

Support services councils should refer ratepayers to

www.moneysmart.gov.au/managing-your-money/managing-debts
Financial Advice, including financial counsellor search function

www.legalaid.nsw.gov.au/get-legal-help/find-a-service
Legal Aid service (Legal Advisers)

Community Legal Centres in different local government areas:
www.clcnsw.org.au/find_legal_help

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Mediation, negotiation and informal dispute resolution (IDR)

Mediation or informal dispute resolution is a quick, cheap, flexible and confidential process. It can help preserve business or personal relationships.

Mediation or informal dispute resolution is a key option to support councils to reach a payment arrangement with a ratepayer and many councils report high success rates using this. This should occur before any legal action is commenced. It may also occur during resolution of a legal claim or after a court has made a judgement.

Council policies should include Informal Dispute Resolution options. Timely mediation to resolve debt informally, prior to filing in court, benefits both councils and the ratepayers. It is effective and efficient best practice.

Options for mediation and informal dispute resolution differ across NSW and include:

- **Community Justice Centres** – these centres provide free, community mediation services and can assist with many disputes, including debts
- **Professional mediators and solicitors** – a list of people able to assist at cost is available through the Law Society of NSW and District Court of NSW – this is usually only appropriate for larger outstanding debts, and
- **Internal Ombudsmen.**

3.4 Specific considerations for pensioners

Where a ratepayer that owes council a debt for rates and charges is a pensioner, additional options for support and flexibility may exist.

Councils should bring these options to the attention of ratepayers as soon as possible to minimise further costs accruing to those ratepayers and should set out in their policies and procedures how pensioner matters will be handled and relevant factors to consider in assessing applications.

For further information about pensioners refer to **Section 4** of these Guidelines.

3.5 Water and sewerage charges

Like rates and waste charges, councils levy ratepayers for water and sewerage services council provides. To the extent possible, the overall debt collection and recovery process should be consistent with the recovery of rates and charges.

Also like for rates and waste charges, pensioners are eligible for a discount on their water and sewerage charges.

While some special considerations apply to collecting these charges and responding to overdue payments, councils should also ensure they have appropriate policies and procedures in place to manage non-payment for water and sewerage charges.

Notifying ratepayers and occupiers

Particular considerations that should be included as part of these policies will apply where council may consider restricting water supply due to non-payment.

Debt Management and Hardship Guidelines

Councils should be aware that:

- a decision to restrict water supply must be consistent with the *Local Government (General) Regulation* and allow sufficient water use to maintain personal hygiene
- if payment is not made after a reminder notice is issued, council may choose to issue a notice of Intention to Restrict Water Supply
- notices should advise what action will be taken and a time period set by council, together with other matters usually set out on a reminder notice for rates
- notices should be sent to the legal owner of the property affected at his or her last known address and a copy sent to the 'Occupier' at the property address
- if council receives no response to a Notice of Intention to Restrict, a further Water Restriction Notice should be served on the occupier, and, the property owner at their last known address. This further notice should state when service will be restricted, at least 7 days from the date of the notice
- arrangements for payment should not be entered into directly with tenants
- if payment is not received and a restrictor is installed, a notice should be given to the occupier advising that water supply has been restricted or, if that is not possible, left at the property address, and
- the final notice should state that water supply will not be restored until payment is made, including a reconnection fee.

3.6 Writing off debt

If a debt cannot be recovered, or a council chooses not to take any further action, outstanding debts should be settled, where legally allowable.

One option is to reduce or write-off an outstanding debt. This can happen before, during or after any legal action is commenced, and may include:

- rates and charges in certain circumstances – clause 131 *Local Government (General) Regulation*
- accrued interest – s.567 *Local Government Act*
- pensioners' rates and charges – s.582 and 583 *Local Government Act*, and
- sundry fees and charges – s.610E, *Local Government Act* (after public notice).

Further information about the procedures for these actions is set out in the Council Revenue and Rating Manual.

Bad debts may be written off by a General Manager with delegated authority. For example, an elected council may resolve that the General Manager can write off debts below a certain amount or in specific circumstances without council resolution in accordance with the *Local Government Act*, such as in cases where it is believed that an attempt to recover the amount would not be cost effective.

3.7 External Dispute Resolution options

Businesses in many industries belong to an external dispute resolution (EDR) scheme. Specialist collection and debt purchasing agencies may also decide to join a scheme. At times, these schemes can help to resolve disputes that are unable to be resolved through the council's internal or informal dispute resolution processes.

Some councils are members of the Energy and Water Ombudsman scheme (EWON). Councils may wish to consider joining such a scheme for water charges. Further information is available at: www.ewon.com.au/.

The benefits of external review are that it provides an independent and transparent process to present a case, explain decisions and often resolve issues before the need for court action. It can also inform continual improvement in council policies and procedures.

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Council policies should specify any circumstances in which outstanding payment issues are to be elevated to more formal dispute resolution processes.

3.8 Legal options

While there are a number of local government court claims for unpaid rates in NSW each year, only 0.1% go to a final hearing. Almost all disputes are resolved through negotiation or other informal dispute resolution processes prior to judgement, and this is often required before a claim can be heard.

Court claims dealing with unpaid rates and charges can waste time, resources and cause unnecessary stress to ratepayers. Excessive court claims by councils can be a sign of poor debt recovery practices.

Councils should take legal action in court as a last resort rather than a matter of practice. This should only occur if an informal payment arrangement with a ratepayer is not successful, a ratepayer breaches an existing payment arrangement or a ratepayer has a long history of not paying rates and charges.

In considering whether to commence legal proceedings, councils should also consider the amount of a debt, how overdue it is and action taken to date. Special considerations may apply if the ratepayer is a pensioner, has a mental illness, is in hardship or otherwise requires assistance to defend a legal claim.

Councils should develop and apply a set of principles or criteria as part of their policies to assist in their decision about whether to proceed with legal action. This could include whether the ratepayer has:

- attempted to contact council or make instalments
- previously failed to pay their rates
- complied with any alternative arrangements to make payments
- more than one rates instalment outstanding, and
- participated willingly in mediation or other attempts to settle the debt.

Filing in court

Only when other options are exhausted – and a council determines the next best option is to file in court – councils may use the NSW Department of Justice Online Registry to file forms including Statements of Claim and applications for default judgement. This may reduce the need to engage agents to file matters for councils. Further information is at: onlineregistry.lawlink.nsw.gov.au/content/.

NSW Government Civil Justice Strategy

The Department of Justice is developing a new Civil Justice Strategy that places a strong emphasis on dispute resolution prior to filing in court, particularly by State agencies and councils. This strategy recognises that more than 95% of court matters settle before final judgements and that the formal justice system should be involved in civil matters such as outstanding debts only where necessary.

Statements of Claim

Councils can recover debts in the Local Court for up to \$100,000. A flowchart of the debt recovery process is at **Appendix B**. The Small Claims Division handles debts up to \$10,000. This provides a lower cost process with less formality, less technicality in proceedings and fewer rules of evidence. Costs that can be awarded are therefore capped to a fixed amount. Most matters are usually dealt with by court assessors rather than magistrates.

Court orders and recovery action

The court may order that a ratepayer owes a council a debt. If not paid, the council or agent may take recovery action. This should only be authorised by a council officer with appropriate delegation. Council policies that contemplate legal action should provide guidance about how to choose an appropriate course of action such as an examination summons or garnishee order. Councils should only ever choose options that are commensurate with the nature of the debt owed.

Sale of land for unpaid rates

Under Chapter 17, Division 6 of the *Local Government Act*, councils are able to sell land to recover rates and charges in certain circumstances where the debts have been outstanding for more than five years. Councils should only resort to this option as a last resort, particularly where a ratepayer lives on the property and the debt owing is a small amount. Councils should be guided by sound policies and procedures if taking this action.

If a property is sold and the amount received by council is less than the outstanding rates and charges, the council should consider the debt paid in full as per Section 719 of the *Local Government Act*.

If the amount received is more than the amount outstanding, the council will hold the money for persons having estates or interests in the land immediately before the sale according to their respective estates and interests.

Section 720 of the *Local Government Act* provides for councils to pay the balance of the purchase money or any part of the balance to or among the persons who are, in its opinion, clearly entitled to it. Receipt by the person of any payment made under this section is an effectual discharge of the council's liability.

Part 4:

Ensuring hardship is fairly and effectively assessed

Councils should act proactively, fairly, realistically and flexibly when they think a ratepayer may be experiencing hardship. They should also take into account the individual circumstances causing hardship. This will better ensure that the ratepayer is supported to meet their financial commitments.

Councils should ensure hardship information is easily accessible and understandable to ratepayers.

Councils should ensure that their hardship and debt management policies and procedures are integrated well, even if they are written as separate policies.

Many of the principles, policies and processes that apply to debt management, as outlined in the earlier sections of these Guidelines, also apply to hardship. Below is additional information that councils should take into account when preparing and implementing hardship policies and procedures.

4.1 Understanding hardship

Hardship is difficulty in paying debts when repayment is due. Any person who cannot pay their rates or charges due to hardship can apply to council for assistance at any time. Ratepayers should be encouraged to seek assistance from the council as soon as practical. The council should then consider each case on its merits.

Short term hardship can arise from a temporary change in circumstances:

- Loss or change in income
- Illness
- Loss arising from an accident
- Natural disaster or emergency situation
- Death in the family
- Separation, divorce or other family crisis
- Family violence, and/or
- Some other temporary financial difficulty due to loss of income or increase in essential expenditure.

Long term hardship can arise from any of the reasons listed above, or it can relate to the problem of managing living costs with a low or fixed income such as a pension or superannuation payment.

4.2 Clear and upfront communication with ratepayers about hardship

As for debt management generally, councils should adopt and widely communicate local hardship policies and procedures in an easy to understand and accessible format. This should include having fact sheets, forms and other information on the council's website.

Where possible, councils should include information about language services to support the hardship claim process.

Councils should additionally define and clearly communicate financial support contacts, or information about where contacts can be found, as part of their debt management and hardship communication strategies. Key contacts could include:

- Financial Counsellors Association
- Financial Rights Legal Centre
- Mortgage Hardship Service
- National Debt Helpline, and/or
- any other relevant services in the local area.

Councils should clearly communicate key sections of their debt management and hardship policy to ratepayers, including alternative payment options available to ratepayers (**section 2.3**), privacy provisions for ratepayers engaging with council (**section 2.4**), and arrangements for pensioners (**section 2.5** of this Guideline).

4.3 Assessing applications for hardship assistance

Councils should have information in their policies and procedures about how they will consistently assess hardship applications.

Resources, such as hardship factsheets and application forms, should be easily accessible on the council website to allow ratepayers to make an application. Information should include a contact point in the council for any queries a ratepayer has. Applications should be able to be submitted by the ratepayer or by another person on their behalf.

How applications may be assessed

As each local community is different, councils should develop a methodology for assessing hardship based on local circumstances.

Applications may be assessed by the council or a delegate (e.g. a Hardship Committee or council employee). Factors to be considered may include, but are not limited to, whether the ratepayer:

- has provided appropriate evidence of financial and/or other hardship
- receives Centrelink benefits
- receives other benefits (e.g. emergency relief funding)
- whether the applicant could be considered in acute financial hardship, for example, if an individual earns below 75% of the minimum weekly wage
- is experiencing domestic or family violence involving financial abuse
- has been referred by an accredited financial counsellor, welfare agency or legal assistance service, or
- has a payment history that indicates they have difficulty in meeting payments in the past.
- has appropriately completed a hardship application form (if required).

Debt Management and Hardship Guidelines

Councils may wish to consider best practice hardship processes of peer councils and/or talk to Legal Aid NSW or local financial support agencies when developing their hardship assessment processes.

Capacity to pay

An individual's capacity to pay should be assessed as part of this process. The payment amount and/or payment plan should take into account and reflect a ratepayer's personal circumstances including, but not limited to:

- the ratepayers total disposable income and current financial commitments
- the number of children and/or dependents of the ratepayer, and/or
- advice from an accredited financial counsellor.

Financial hardship and council assistance

There are several ways the council may help a ratepayer who is experiencing financial hardship including, but not limited to:

- a payment plan or agreement (s564 of the *Local Government Act*) so that rates and charges (whether overdue or not) are paid on a weekly, fortnightly or monthly basis
- interest may be waived or reduced for a set period of time
- a pensioner rebate (additional to the legislated rebate) may be given
- interest, rates or charges may be written off, waived, reduced, or deferred for eligible applicants (s564, s577, s601 *Local Government Act*).

When a payment plan is being arranged, the delegated council officer should work with the applicant to ensure the plan is realistic in terms of the applicant's capacity to pay.

When a payment plan is agreed the applicant should be given written notice of:

- how long the plan will last
- the amount of each instalment payable under the plan
- the due date of each instalment
- what action the council will take if the applicant misses a payment
- who to contact if the applicant's circumstances change, and
- details of any payment deferral options (e.g. s601, *Local Government Act*).

Penalty interest charges may normally be written off or reduced if:

- if the applicant complies with their payment plan, or
- if the applicant is a 'first time' defaulter with a good payment history and there are mitigating circumstances.

Hardship application decisions and appeals

The council, or delegate deciding hardship applications, should generally make a recommendation to the General Manager about whether or not to grant hardship. The General Manager would then make a decision.

The applicant should be informed of the General Manager's decision in writing within a reasonable timeframe after making the application (say 14 days) and should be given reasons for the decision.

If not satisfied with the outcome, the applicant should be able to appeal the decision, potentially to the elected council. Any hardship request considered by the elected council should be done at a closed meeting.

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Length of payment arrangements

Any form of assistance provided under a local debt management and hardship policy may be for 6 months, 12 months, or a period agreed to between both parties. A further application for hardship consideration may be made after this period.

Cancelling hardship arrangements

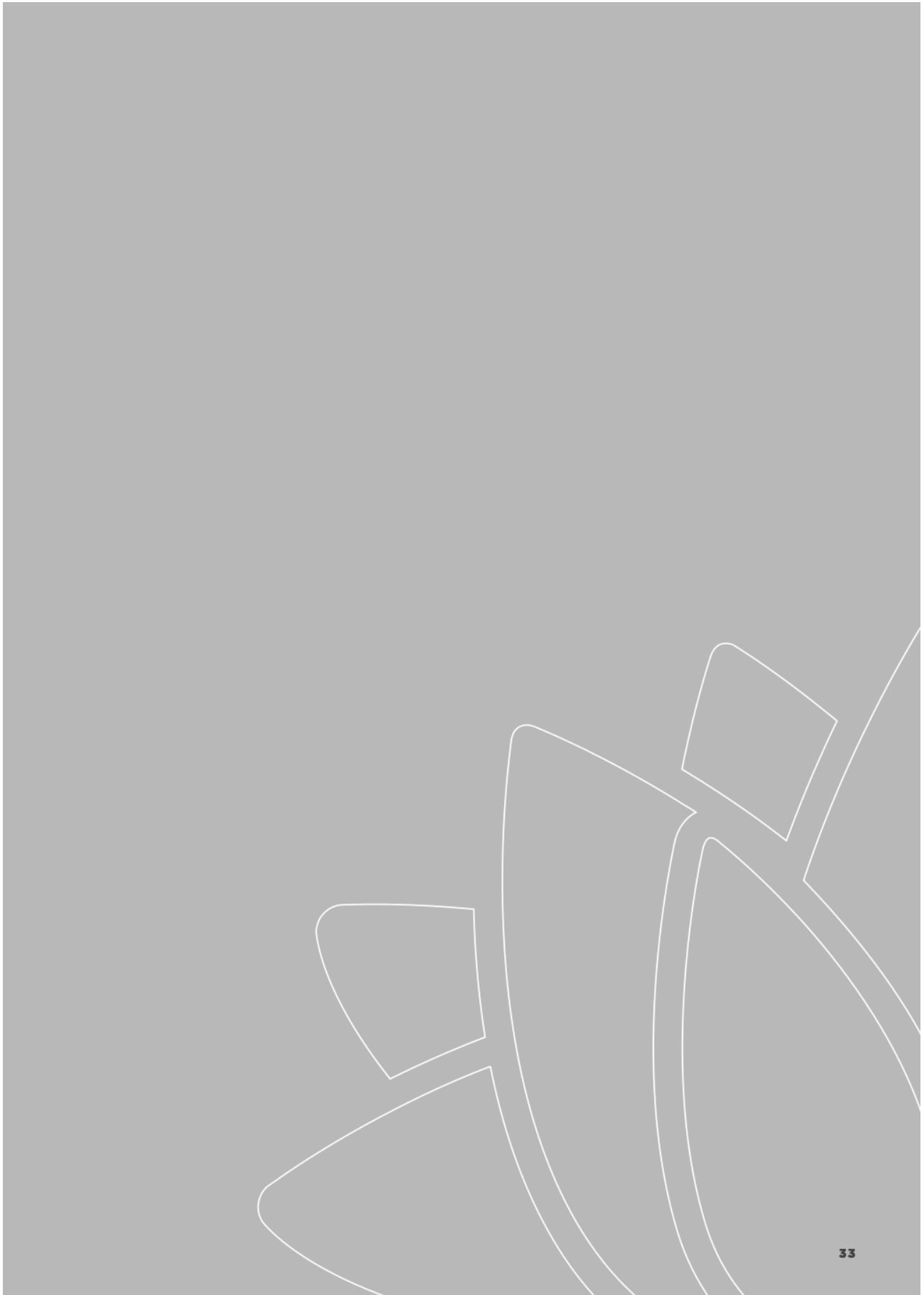
A hardship arrangement may be cancelled if the ratepayer:

- fails to comply with their payment plan
- no longer owns the land
- advises the council that financial hardship no longer applies, or
- provides false or misleading evidence of financial hardship to council.

Where a ratepayer fails to comply with their payment plan or contact the council about failing to pay, council should send a reminder to make a payment or contact the council.

If the ratepayer does not respond within an appropriate timeframe, say ten business days, and the council determines the payment plan is unlikely to be met, the payment plan may be cancelled and this decision communicated to the ratepayer in writing. The ratepayer's debt would then become subject to the normal debt recovery processes of the council.

Relevant checklists are in **Appendices E** and **F**.



Appendices

Appendix A

Definitions

Term	Definition
Agent	A person who has the express or implied authority to undertake collection activity on behalf of a council in circumstances where a debt has not been sold or assigned
Authorised representative	A person such as a financial counsellor, solicitor, financial advisor, carer, trustee or guardian who has been authorised by a ratepayer to act on their behalf
Capacity to pay	A payment amount or plan that takes account a ratepayer's personal circumstances including, but not limited to: <ul style="list-style-type: none"> a) total disposable income and current financial commitments b) number of children and/or other dependents of the ratepayer, or c) advice from an accredited financial counsellor
Costs	Amounts incurred by a council in recovering overdue debts (e.g. Court, interest and professional costs) which can be legally recovered from the ratepayer
The Council	The elected representatives, or councillors, who form the governing body of a local council.
Council policy	Policy created and approved by the General Manager of a council and/or the elected body
Credit listing	The listing of an unpaid debt on a person's credit report
Credit report	Any record or information that: <ul style="list-style-type: none"> • is being or has been prepared by a credit reporting agency • has any bearing on an individual's <ul style="list-style-type: none"> - eligibility to be provided with credit - history in relation to credit, or - capacity to repay credit, or • is used or has the capacity to be used as a factor in establishing an individual's eligibility for credit.
Debt collector	A person collecting a debt in the course of a business, including councils, agencies collecting a debt on a council's behalf and independent collection agencies
Debt Recovery Procedure	A council procedure that defines the processes to implement to meet the objectives of a council's debt recovery policy
Default Judgment	In cases where the ratepayer does not respond to a Summons issued to them, the Court may make a default judgment whereby it will make a decision without having the matter heard in Court
Financial counsellor	A person who provides information, support and advocacy to assist people in financial difficulty

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Term	Definition
Garnishee	Legal document issued by the court ordering third parties who hold funds on behalf of the defendant (eg. an employer) to pay funds to a council. Garnishees can be issued against a defendant's wages, bank accounts or other third party holding funds on behalf of the defendant.
Hardship	Hardship is any situation where an individual is having difficulty paying legally owed debt. This can result from life changes (for example, because of illness, unemployment or changed financial circumstances) restricting the short-term capacity to pay
Judgment debt	A debt confirmed by an order or judgment of a court
Notice of Demand	Demand letter from a council or a council's legal recovery representative issued in accordance with the Australian Competition and Consumer Commission and the Australian Securities and Investments Commission guidelines
Penalty interest	Interest raised in accordance with the <i>Local Government Act</i> and as adopted by a council in its Revenue Policy
Pensioner	An eligible pensioner as defined in clause 134 of the <i>Local Government (General) Regulations 2005</i>
Rateable valuation	Land value used for rating purposes i.e. net of allowances allowed by the <i>Valuation of Land Act 1916</i> and s.585 <i>Local Government Act</i>
Reasonableness	Assessed according to an objective standard, taking into account all relevant circumstances
Rent for rates	Section 569 of the <i>Local Government Act</i> allows a council to order tenants of properties with overdue rates to pay rent to a council in lieu of unpaid rates, under specific circumstances
Sale of Land	In accordance with s713 of the <i>Local Government Act</i> , a council has the authority to sell land which has any unpaid rates or charges for more than 5 years, or 1 year for vacant land, where the owing debt exceeds the land valuation
Write off	The accounting procedure for cancelling a debt that is no longer collectable resulting in its removal from the ratepayer's balance sheet account

Appendix B

Debt recovery process flowchart

	Debt recovery process	Council / delegated authority	Debtor
1	Rate and charges notice s562 1 August 31 days	<ul style="list-style-type: none"> Flexible payment options Financial hardship policy Debt recovery policy Debt communication 	<ul style="list-style-type: none"> Contact Council Ensure contact details are correct Payment of Council debt <ul style="list-style-type: none"> Fixed Flexible Apply for hardship arrangements
2	Rate and charges instalment notice s562 30 days		
3	Notification of outstanding debt 14 days	<ul style="list-style-type: none"> Confirm debtor contact details are correct Debt review Early dispute Resolution (EDR) Financial Counsellors 	<ul style="list-style-type: none"> As above Payment of council debt, via agreement
4	"Notice of Demand" Final reminder notification 14 days	<ul style="list-style-type: none"> As above Develop payment agreement s564 Defer payment requirements, s607 Write off interest, debt, s564, s567, s607, c1131 Refer for legal action if not paid Sale of land, s713 	<ul style="list-style-type: none"> As above
5	Statement of claim 28 days	<ul style="list-style-type: none"> Debt review File claim Process claim Report 	<ul style="list-style-type: none"> As above
6	Notice of motion default judgment		Quarterly payment by: <ul style="list-style-type: none"> 31 August 30 November 28 February 31 May
7	Recovery action Weeks, months, years		

Note: Red indicates action referred to the NSW Local Courts, whereby rates, charges and fees remain unpaid after a final reminder notification.

Appendix C

Local Government Act and regulations – excerpts

The *Local Government Act 1993* (the Act) provides the legal framework for how councils in NSW may set and levy rates and charges and recover debt from overdue rates and charges. This is supported in provisions in the *Local Government (General) Regulation 2005*. Some relevant excerpts are set out in the tables below.

Councils must take a range of other laws into account when undertaking these activities. This Guideline does not capture all other legislation, in relation to which councils should take their own advice.

Local Government Act 1993

Section 546 How is a rate or charge levied?

- (1) A rate or charge is levied on the land specified in a rates and charges notice by the service of the notice.
- (2) The notice may be served at any time after 1 July in the year for which the rate or charge is made or in a subsequent year.
- (3) A notice that is required to effect an adjustment of rates or charges may be served in the year for which the rate or charge is made or a subsequent year.
- (4) The notice may include more than one rate, more than one charge and more than one parcel of land.
- (5) It is not necessary to specify the name of the rateable person or the person liable to pay the charge in the notice if the council does not know the person's name.

Section 562 Payment of rates and annual charges

- (1) Annual rates and charges may be paid in a single instalment or by quarterly instalments.
- (2) If payment is made by quarterly instalments, each instalment is to be a quarter of the rates or charges, disregarding any remainder, together, in the case of the first instalment, with the remainder. However, if the amount of an instalment, other than the first instalment, is not a multiple of 10 cents, the amount of each instalment in excess of a multiple of 10 cents is to be subtracted from that instalment and added to the first instalment.
- (3) Except as provided by subsection (4):
 - (a) if payment is made in a single instalment, the instalment is payable by 31 August, and
 - (b) if payment is made by quarterly instalments, the instalments are payable by 31 August, 30 November, 28 February and 31 May.
- (4) If the rates and charges notice is not served by 1 August:
 - (a) the single instalment (if payment is made in a single instalment), or
 - (b) the first 2 instalments (if payment is made by quarterly instalments),
 is or are payable by 30 November, or by the day that is 30 days after service of the notice, whichever is the later.
- (5) On or before 31 October, 31 January and 30 April, a council must send reminder notices (to be sent separately from the rates and charges notice) to each person whose rates and charges are being paid by quarterly instalments.

Section 563 Discount for prompt payment in full

A council may discount the amount of a rate or charge to such extent as it determines if the whole of the discounted amount of the rate or charge is paid by a date nominated by the council

Section 564 Agreement as to periodical payment of rates and charges

- (1) A council may accept payment of rates and charges due and payable by a person in accordance with an agreement made with the person.
- (2) The council may write off or reduce interest accrued on rates or charges if the person complies with the agreement.

Section 566 Accrual of interest on overdue rates and charges

- (1) Interest accrues on rates and charges that remain unpaid after they become due and payable.
- (2) Interest accrues on a daily basis.
- (3) The rate of interest is that set by the council but must not exceed the rate specified for the time being by the Minister by notice published in the Gazette.
- (4) Accrued interest is, for the purpose of its recovery, taken to be a rate or charge which is due and payable.
- (5) Interest continues to accrue on unpaid rates or charges even though judgment for payment of the rates or charges may have been obtained in a court. Interest is not payable on the judgment debt, despite any other Act.

Section 567 Writing off of accrued interest

The council may write off accrued interest on rates or charges payable by a person if, in its opinion:

- (a) the person was unable to pay the rates or charges when they became due and payable for reasons beyond the person's control, or
- (b) the person is unable to pay the accrued interest for reasons beyond the person's control, or
- (c) payment of the accrued interest would cause the person hardship.

Section 570 Transfer of land in payment of rates or charges

A council may accept a transfer of the land in respect of which rates or charges are or accrued interest is due and payable in full satisfaction of the rates, charges or accrued interest.

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Section 577 Extension of concession to avoid hardship

- (1) If a council considers it proper to do so to avoid hardship, the council may, by order, direct that:
- (a) a person specified in the order:
 - (i) who occupies a dwelling as his or her sole or principal place of living, which dwelling is the sole or principal place of living of an eligible pensioner, and
 - (ii) who is jointly liable with that eligible pensioner or with that eligible pensioner and one or more other persons in respect of the land on which that dwelling is situated, and
 - (iii) in respect of whom a reduction of rates or charges would not, if that person were solely liable in respect of that land, be required to be made under this Division, or
 - (b) any person belonging to a class of persons specified in the order, being persons referred to in paragraph (a),

is, on and from the effective date of the order, taken, for the purposes of this Division, to be or to have been an eligible pensioner.
- (2) If a council considers it proper to do so to avoid hardship, the council may, by order, direct that:
- (a) an eligible pensioner specified in the order who, although not liable, or although liable jointly with one or more other persons, to do so, has, for such period as, in the opinion of the council, warrants the making of an order under this section in respect of that person, paid the whole of the rates or charges for the land on which that dwelling is situated or is, in the opinion of the council, likely to pay the whole of the rates or charges in circumstances that in the opinion of the council warrant the making of an order under this subsection, or
 - (b) any person belonging to a class of persons specified in the order being persons referred to in paragraph (a),

is, on and from the effective date of the order, taken, for the purposes of this Division, to be or to have been the person solely liable in respect of the land on which the dwelling is situated.
- (3) An order under this section has effect according to its tenor.

Section 578 When does an order under sec 577 take effect?

- (1) An order under section 577 takes effect (or is taken to take effect) on such date as is specified in the order (the effective date), being a date in the year commencing on 1 July during which the order is made, whether or not that date is before or after the date on which the order is made.
- (2) If a council makes an order under section 577 that is taken to take effect on a date that is before the date of the making of the order, the council may, in that order or in a subsequent order, give such directions as to refunding any rates or charges that have been paid and the charging of interest on overdue rates or charges and as to such other matters as the council thinks fit.
- (3) An order under subsection (2) has effect according to its tenor.
-

Section 579 When and how is an application made for the purposes of this Division?

- (1) An application under this Division is to be made within the time and in the manner prescribed by the regulations.
- (2) If no such regulations are in force, the application is to be made within the time and in the manner fixed by resolution of the council and, if an application is made for an order referred to in section 577, as the council may require.
- (3) If, pursuant to an application made under this Division, a reduced rate or charge applies, the council may, if the eligibility of the applicant for a reduction in a subsequent rate or charge is verified by the council as prescribed by the regulations, reduce the subsequent rate or charge without requiring a further application under this Division.

Section 580 Variation by regulation of amounts of reductions

The amount by which a rate or charge is to be reduced in accordance with this Division may be varied from time to time by the regulations.

Section 582 Abandonment of pensioners rates and charges

A council may waive or reduce rates, charges and interest due by any person prescribed by the regulations who is in receipt of a pension, benefit or allowance under the Social Security Act 1991 of the Commonwealth.

Section 583 Writing off of pensioners rates and charges

- (1) A council is to write off amounts of rates, charges and interest which are reduced or waived under this Division.
- (2) A council may not take proceedings to recover an amount so written off unless the amount has been written off because of a wilfully false statement in an application under this Division or except as provided by section 584.

Section 585 Who may apply for postponement of rates?

The rateable person for land described in any of the following paragraphs may apply to the council for a postponement of rates payable for the land in the current or following rating year (or in both years):

- (a) a parcel of land on which there is a single dwelling-house used or occupied as such and which is zoned or otherwise designated for use under an environmental planning instrument for the purposes of industry, commerce or the erection of residential flat buildings, not being land referred to in paragraph (b) or (c),
- (b) a parcel of land (which may comprise one or more lots or portions in a current plan) on which there is a single dwelling-house used or occupied as such and which is zoned or otherwise designated under an environmental planning instrument so as to permit its subdivision for residential purposes, not being land referred to in paragraph (c),
- (c) a parcel of rural land (which may comprise one or more lots or portions in a current plan) which is zoned or otherwise designated under an environmental planning instrument so as to permit its use otherwise than as rural land, or its subdivision into two or more lots or portions, one or more of which has an area of less than 40 hectares.

Section 595 Rates to be written off after 5 years

- (1) If 5 years have elapsed since the commencement of a rating year for which part of the rates levied on land have been postponed under this Division, the part postponed and any interest accrued on that part must be written off by the council.
 - (2) Nothing in this section affects the right of the council to recover rates and interest, even though they have been written off under this section, if it subsequently appears to the council that they should not have been written off.
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Section 601 Hardship resulting from certain valuation changes

- (1) A ratepayer who, as a consequence of the making and levying of a rate on a valuation having a later base date than any valuation previously used by a council for the making and levying of a rate, suffers substantial hardship, may apply to the council for relief under this section.
 - (2) The council has a discretion to waive, reduce or defer the payment of the whole or any part of the increase in the amount of the rate payable by the ratepayer in such circumstances, for such period and subject to such conditions as it thinks fit.
 - (3) An applicant who is dissatisfied with a council's decision under this section may request the council to review its decision and the council, at its discretion, may do so.
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Section 710 Service of notices on persons

- (1) A notice required by or under this Act to be served on a person may be served as provided by this section.
 - (2) The service may be:
 - (a) personal, or
 - (b) by delivering the notice at or on the premises at which the person to be served lives or carries on business, and leaving it with any person apparently above the age of 14 years resident or employed at the premises, or
 - (c) by posting the notice by prepaid letter addressed to the last known place of residence or business or post office box of the person to be served, or
 - (d) by transmitting the notice by facsimile transmission to a number specified by the person (on correspondence or otherwise) as a number to which facsimile transmissions to that person may be sent, or
 - (d1) by transmitting the notice by electronic mail to an email address specified by the person (on correspondence or otherwise) as an address to which electronic mail to that person may be transmitted, or
 - (e) by fixing the notice on any conspicuous part of the land, building or premises owned or occupied by the person, or
 - (f) in the case of an offence involving a vehicle, by attaching the notice to the vehicle, or
 - (g) if the person to be served maintains a box at a document exchange established in New South Wales, by depositing the notice in that box or leaving it at another such exchange for transmission to the first mentioned exchange for deposit in that box.
 - (2A) Subsection (2) (d1) does not authorise a notice to be transmitted to a person by electronic mail unless the person has requested the council, in writing, that notices of that kind be transmitted to the person by electronic mail, and has not subsequently withdrawn the request.
 - (2B) A person's request under subsection (2A) is taken to have been withdrawn in relation to a particular kind of notice only if the person has informed the council, in writing, that notices of that kind are no longer to be transmitted to the person by electronic mail.
 - (2C) While a person's request under subsection (2A) has effect in relation to a particular kind of notice, the address to which notices of that kind are to be transmitted is:
 - (a) the email address indicated in the request, or
 - (b) if the person subsequently directs the council, in writing, to transmit notices of that kind to a different email address, that different address.
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Debt Management and Hardship Guidelines

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- (3) If a notice is deposited in a box, or left at a document exchange, service of the notice is, until the contrary is proved, taken to be effected 2 days after the day on which the notice is so deposited or left.
 - (4) In addition to the means of service prescribed by subsection (2):
 - (a) in any case where the person to be served is, or after inquiry appears to be, absent from New South Wales, the service may be on the agent of that person by any of the means prescribed by subsection (2) (a), (b), (c) or (d), and
 - (b) in any case where the land, building or premises are unoccupied and the owner or the owner's address or place of residence is not known to the council, service by the council may be by advertisement in the approved form published in:
 - (i) a newspaper circulating in the area or part of the area in which the land, building or premises are situated that is published in print form at intervals not exceeding 26 days, or
 - (ii) a manner determined by the council having regard to the object of bringing notices to the attention of owners in cases of that kind, and
 - (c) in the case of the service of a rates and charges notice, the service may be effected by delivering the notice to the premises at which the person to be served lives or carries on business and depositing it in a box or receptacle at, on or in the proximity of those premises that is provided, used or designed for the reception of letters addressed to that person.
 - (5) The notice may be addressed by the description of "rateable person" or "owner" or "occupier" of the land, building or premises (naming or otherwise sufficiently indicating the same) in respect of which the notice is served, and without further name or description.
 - (6) The notice may be wholly printed, wholly written or partly printed and partly written.
 - (7) If a notice has been served by any of the means prescribed by this section, all inquiries required under this section are taken to have been made, and the service is conclusive evidence of them.
 - (8) Proof by affidavit or orally that a notice has been posted, or its transmission by electronic mail has been initiated, in accordance with this section is conclusive evidence of service.
 - (9) For the purposes of this section, a justice of the peace is authorised to take and receive an affidavit, whether any matter to which the affidavit relates is or is not pending in any court.
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Section 713 Sale of land for unpaid rates and charges

- (1) For the purposes of this Division, a rate or charge is overdue if:
- (a) in the case of vacant land, it has remained unpaid for more than one year, or
 - (b) in the case of any other land, it has remained unpaid for more than 5 years, from the date on which it became payable.
- (2) A council may, in accordance with this Division:
- (a) sell any land (including vacant land) on which any rate or charge has remained unpaid for more than 5 years from the date on which it became payable, and
 - (b) sell any vacant land on which any rate or charge has remained unpaid for more than one year but not more than 5 years from the date on which it became payable, but only if:
 - (i) the council obtains a valuation of the land from the Valuer-General, and
 - (ii) the total amount of unpaid rates or charges on the land exceeds the valuation, and
 - (iii) the council sells the land within 6 months after the date when the council received the valuation.
- (3) The council must not sell any such land unless the general manager or the public officer certifies in writing:
- (a) what rates and charges (including overdue rates and charges) are payable on the land, and
 - (b) when each of those rates and charges was made and how it was levied, and
 - (c) when each of those rates and charges became payable, and
 - (d) what amounts are payable by way of overdue rates and charges on the land, and
 - (e) what amounts are payable by way of rates and charges (other than overdue rates and charges) on the land.
- (4) The council may, in the case of adjoining parcels of land (whether in the same or different ownerships) each of which may be sold under this Division:
- (a) sell them separately or as a single parcel and under whatever conditions of sale it considers proper, and
 - (b) do such things as it considers appropriate for the purpose of selling the land at its full value.
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Local Government (General) Regulation 2005

cl.127 Rates and charges notices

- (1) A rates and charges notice must contain the following information:
- (a) the land to which it relates,
 - (b) the land value of the land to which it relates and the base date of the general valuation from which the land value is derived,
 - (c) particulars of each rate or charge levied on the land by the notice,
 - (d) if the rate consists of a base amount to which an ad valorem amount is added, particulars of the base amount,
 - (e) the date the notice is taken to have effect,
 - (f) particulars of any outstanding arrears of rates and charges levied on the land and of any interest payable on those amounts,
 - (g) the total amount due and the dates for payment of the rates or charges concerned,
 - (h) the amounts payable for, and the due dates for payment of, instalments of rates or charges,
 - (i) particulars of any waiver of an amount of special rate in consideration of payment of a lump sum,
 - (j) a statement that concessions are available to eligible pensioners for any quarter in which they are eligible pensioners,
 - (k) particulars of any concession extended in respect of payment of the rates,
 - (l) particulars of any discount for prompt payment in full of a rate or charge,
 - (m) particulars of any postponement of rates or postponed rates,
 - (n) particulars of any option to pay a lump sum towards the capital cost of any works, services or facilities instead of a special rate in the notice,
 - (o) a statement that if payment is not made on or before the due date or dates interest accrues on the overdue amount,
 - (p) a statement as to how to make inquiries about the notice,
 - (q) the text, or a summary, of the following provisions of the Act (if applicable):
 - (i) section 524 (Notice of change of category),
 - (ii) section 525 (Application for change of category),
 - (iii) section 526 (Appeal against declaration of category),
 - (iv) section 555 (What land is exempt from all rates?),
 - (v) section 556 (What land is exempt from all rates, other than water supply special rates and sewerage special rates?),
 - (vi) section 557 (What land is exempt from water supply special rates and sewerage special rates?),
 - (vii) section 562 (Payment of rates and annual charges),
 - (viii) section 563 (Discount for prompt payment in full),
 - (ix) section 564 (Agreement as to periodical payment of rates and charges),
 - (x) section 566 (Accrual of interest on overdue rates and charges) (xi) section 567 (Writing off of accrued interest), (xii) section 574 (Appeal on question of whether land is rateable or subject to a charge),

Appendix D

Best practice procedures for contacting ratepayers

Councils should contact ratepayers if they have not paid their rates after a reminder notice is issued, and potentially in other circumstances in which rates and charges are owed.

Council officers can contact local residents and ratepayers without breaching their obligation to protect their privacy.

The following is an overview of some issues and practical considerations when contacting ratepayers about outstanding debt. If there is any doubt, councils should seek and be guided by their own legal advice.

When can a ratepayer be contacted?

1. When you have a reasonable purpose for contacting a ratepayer

You must only contact a ratepayer for a *reasonable purpose* and only to the extent necessary. It may be necessary and reasonable if your purpose is to:

- make a demand for payment
- offer to work with the ratepayer to reach a flexible repayment arrangement
- accurately explain the consequences of non-payment, including any legal remedies available to the collector/creditor, and any service restrictions that may apply in the case of utilities
- make arrangements for repayment of a debt
- put a settlement proposal or alternative payment arrangement to the ratepayer
- review existing arrangements after an agreed period
- ascertain why earlier attempts to contact the ratepayer have not been responded to within a reasonable period, if this is the case
- ascertain why an agreed repayment arrangement has not been complied with, if this is the case

- investigate whether the ratepayer has changed their residential location without informing you, when there are grounds for believing this has occurred, or
- other similar purposes.

You may also contact a person at their request.

Whether or not a purpose is reasonable may depend on the personal circumstances of each ratepayer – e.g., if you know a person cannot make repayments (for example, because they are in jail) then continuing to contact them to demand payment is not reasonable or appropriate unless you know, or have good reason to think it is likely, that the ratepayer's financial situation has improved.

There may be circumstances where contact is made for a reasonable purpose, or contact is made initially for a reasonable purpose, and yet other relevant considerations mean the contact becomes unreasonable or unacceptable. Relevant considerations may include the ratepayer's mental illness or intellectual disability, or the ratepayer's incarceration.

If you make contact with a ratepayer in order to convey a demand for payment it may be contact for a reasonable purpose. However, if the ratepayer disputes liability and requests proof of a debt, and you continue to pursue that person without properly investigating the claims, then this will not be contact for a reasonable purpose.

2. It is necessary and reasonable to contact the ratepayer (again)

It is not acceptable to harass a ratepayer. Make a written record of all contact with ratepayers and check these records before contacting a ratepayer. For this purpose *contact* is interpreted widely and includes:

- telephone calls and text messages – whether or not the person receives the call if you leave a message;
- all written correspondence – for example, this includes letters, emails, text messages, faxes, social media, instant chats and other private messages; and
- face to face contact – including contact at their work, home or elsewhere.

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Importantly, if you phone a ratepayer and leave a message on their voice mail, and you also send the ratepayer an email, and a text message, then you will have made three separate contacts with that person.

Once you have made contact, leave a reasonable interval before next contacting the ratepayer. Give the ratepayer time to respond to your previous communications, and/or to organise payments if this has been agreed.

If you have spoken to the ratepayer and it is understood that the ratepayer requires a few days to speak to third parties or consider options, then contacting the ratepayer on the following day may be considered unreasonable, even though it is within the recommended limits.

3. It is a reasonable time to contact the ratepayer, given their circumstances and reasonable wishes

The following table sets out general guidance on what may be a reasonable time to contact a ratepayer.

Type of contact	Day	Reasonable contact times
Contact by telephone	Monday to Friday	7:30am – 9pm
	Weekends	9am – 9pm
	National public holidays	No contact recommended
Face to face contact	Monday to Friday	9am – 9pm
	Weekends	9am – 9pm
	National public holidays	No contact recommended
All contact at the ratepayer's workplace	Ratepayer's normal working hours if known, or 9 am to 5 pm on weekdays	

There may be reasons why contact during the above times is unreasonable, or contact outside these times is reasonable. For example, a ratepayer may ask that contact be made at other or more restricted times for various reasons, such as, because he or she is a shift worker, is responsible for children, or caring for a family member. He or she may also not wish to be contacted when other family members are present. In these and other such cases, the reasonable wishes of the ratepayers should be respected, and contact limited to the times requested.

However, you may alter the time of contact if, after reasonable efforts over a reasonable period of time to contact the ratepayer during normal hours or at the times requested, you have not been able to do so.

Generally, you should not contact a ratepayer more than three times per week, or 10 times per month at most (when contact is actually made, as distinct from attempted contact) and only when it is necessary to do so. This does not apply to face-to-face contact – you should not make more than one face-to-face contact with a ratepayer per month.

Think carefully about where to contact a ratepayer. In general, face to face visits should be an option of last resort after less intrusive means have failed. Particular care should be taken in visiting a person's home or workplace.

Office of Local Government**Ensure the person is the correct ratepayer before discussing their debt**

Before discussing the reason for making contact or any other confidential information, make sure you are speaking to the correct ratepayer. It is important that you do not reveal directly or indirectly that the ratepayer has a debt to another person. Particular care should be taken when calling a ratepayer's workplace.

If the ratepayer has requested contact by a particular means (such as email) or specifically asked not to be contacted a certain way, adopt that preference and avoid contacting them by other channels as far as possible.

Rate payers have the right to have an authorised representative (such as a financial counsellor, financial advisor, community worker, solicitor, guardian or carer) represent them or advocate on their behalf. Where possible, it is helpful if this advice is provided formally to council, such as in writing, to ensure council does not inadvertently discuss private information with unauthorised individuals.

If you know, or should know, a ratepayer has chosen to have another person represent them, you should not contact the ratepayer directly unless:

- the ratepayer specifically requests direct communication with you
 - the representative does not consent to represent the ratepayer or tells you he or she does not have instructions from the ratepayer about their debt
 - the representative does not respond to your communications within a reasonable time (normally seven days) and you advise the representative in writing after the reasonable time has passed that if they do not respond within the next seven days, you will make direct contact with the ratepayer; and
 - you advised the ratepayer you require a written authority which states that you are only to communicate through his or her representative, and you do not receive this in a reasonable time (normally seven days).
- Note: that this does not apply where the ratepayer's representative is a solicitor.*

Further exceptions may apply where the representative is not a qualified legal practitioner, qualified accountant or a financial counsellor.

Provide the ratepayer with current information about their debt

Make sure the ratepayer is told what they owe, when it was due, any payments they have made and what the payment was for. He or she may then request further information or documents.

It is also important to make sure that the ratepayer has contact details for the person or team managing their debt for council, such as contact phone number, postal address and email address, and that this information is included in all written correspondence to them.

Conduct towards ratepayer must be respectful and appropriate at all times

A ratepayer approached about an outstanding debt is entitled to respect and courtesy at all times by a council, debt collector or any of their agents or representative.

Inappropriate conduct, as outlined below, is likely to breach the law and the council's Code of Conduct. Ratepayers should never be subjected to

- **abusive, offensive, obscene, discriminatory language or disrespectful or demeaning remarks** – about character, situation in life, financial position, physical appearance, intelligence or other characteristics or circumstances
- **embarrassment or humiliation** – for example, by sending open correspondence to the ratepayer via a shared post-box, posting messages in a public online forum, making employers or co-workers aware that the ratepayer is being pursued for a debt, or creating an impression that the ratepayer is under surveillance
- **aggressive, threatening or intimidating behaviour** – for example, by shouting at or continually interrupting the ratepayer, or by refusing to listen to what they say
- use, or threat of violence or physical force, or

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- **misleading information** – about the nature or extent of a debt, consequences of non-payment, identity (for example, falsely stating you work for a solicitor, court or government agency), or action not legally permitted to take (for example, to seize goods).

Strategies for dealing with inappropriate behaviour by a ratepayer

Inappropriate behaviour by a ratepayer does not justify unprofessional conduct by the collector and council staff and agents should deal with this using strategies such as:

- ensuring appropriate training of staff
- attempting to defuse inappropriate behaviour and refocus discussion on the outstanding debt and arrangements for its repayment
- escalating the matter to a senior staff member who has authority and training to manage such situations
- attempts to propose a viable and achievable repayment arrangement, and
- in the event of violence or other extreme conduct, cease contact immediately and refer the matter to the police.

Ensuring contact details are up to date

Currency of contact details is a huge issue for collecting rates and charges. Many councils feel that there is little advantage in sending additional correspondence or notices requesting payment when the address is not current.

Council policies and procedures may specify what the council will do to keep contact details current. When rates and charges notices are returned to the council, some councils proactively check other business areas of the council for more recent contact details, send information to both postal and physical addresses (where known), use internet searches and databases to ascertain more recent contact details, contact real estate agencies, keep a return mail register and undertake other searches.

Keep accurate, up to date records and protect the ratepayer's privacy

You should ensure you maintain accurate, complete and up-to-date records of all communication with ratepayers, including the time, date and nature of calls, records of any face to face contact, all correspondence sent and all payments made.

Councils and other organisations acting on their behalf should always treat a ratepayer's personal information with respect and ensure that they meet the requirements of the *Privacy and Personal Information Protection Act 1998* (the PPIPA) and their Privacy Management Plan prepared under the Act. Personal information means information or an opinion, whether it is true or not, about an individual that can reasonably allow the individual to be identified.

Particular care should be taken in collecting information about the ratepayer and their financial circumstances as well as disclosing that information, whether directly or inadvertently, to other people. For example, telling a ratepayer's neighbour the reason for trying to find the ratepayer would inappropriately disclose personal information about the ratepayer, as would leaving messages with inappropriate detail that may be seen or accessed by other people.

Councils use *Privacy Notification/Consent Forms* to enable the collection and use of personal information from ratepayers. The information collected cannot be used or disclosed for a purpose other than that for which it was collected, unless the ratepayer has consented or another exception applies.

Councils may consider reviewing their Privacy Notification/Consent Forms to request consent from residents and ratepayers for their personal information to be shared between internal business units of the council for purposes specified in the consent form, including for general administrative purposes including the collection rates and charges.

Office of Local Government

Appendix E

Hardship checklist for local government staff

No	Proposed action by a council	Progress
1	Has the council undertaken a risk assessment of likely defaulting ratepayers to proactively manage financial hardship?	
2	Has the council publically advertised or contacted applicable ratepayer(s) to identify payment options of rates?	
3	Has the council identified if interpretative services are required for the ratepayer?	
4	Has the council referred the rate payer to a financial Counsellor?	
5	Has the council entered into mediation or Informal Dispute Resolution (IDR)?	
6	Has the council deferred payment of additional charges while the hardship application is being assessed?	
7	Has the council developed a payment schedule?	
8	Has the council exhausted all possible options to managed hardship and recover debt prior to referring to the local courts?	
9	Has council reviewed the progress of payment against the signed payment plan?	
10	Are there other options to recover the debt?	

Appendix F

Hardship assistance application checklist for ratepayers

No	Proposed action by ratepayer	Y / N
1	Have you read your council's debt management and/or hardship policies?	
2	Have you compiled the required information noted in the application form?	
3	Have you contacted the nominated council officer to discuss options for the payment of rates or charges?	
4	Have you contacted a financial advisor?	
5	Have you identified an acceptable payment plan?	
6	Have you discussed your options with your local council?	

Office of Local Government

Further information

Relevant agencies

NSW Office of Local Government

Physical Address 5 O'Keefe Avenue NOWRA NSW 2541
Telephone 02 4428 4100
Fax 02 4428 4199
TTY 02 4428 4209
Email olg@olg.nsw.gov.au
Postal Address Locked Bag 3015, NOWRA NSW 2541.
Website www.justice.nsw.gov.au

NSW Department of Justice

Physical Address Parramatta Justice Precinct, 160 Marsden Street
Telephone 02 8688 7777
Fax 02 8688 7980
Postal Address Locked Bag 5111, Parramatta NSW 2124.
Website www.justice.nsw.gov.au

NSW Online Registry

Telephone 1300 679 272 (Call Monday – Friday 8:30am – 4.30pm)
Website www.onlineregistry.lawlink.nsw.gov.au

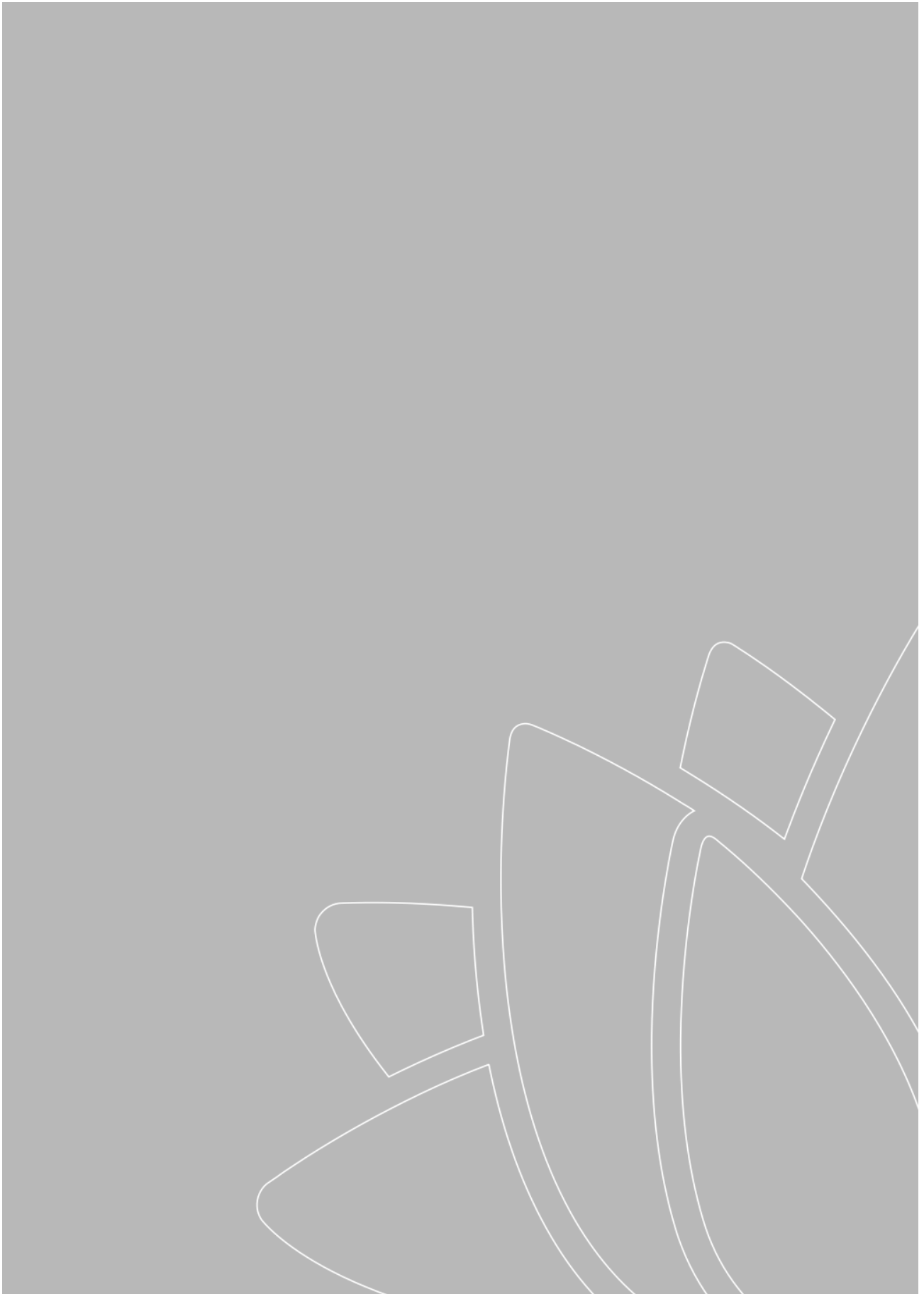
Energy and Water Ombudsman

Physical Address Level 11, 133 Castlereagh Street, Sydney (please make an appointment)
Telephone 1800 246 545
Postal Address Reply Paid 86550, Sydney South NSW 1234.
Website www.ewon.com.au

Further guidance

Commonwealth of Australia (2007), *A guide for business: Debt Collection Guideline for collectors and creditors*, Australian Competition and Consumer Commission and Australian Securities and Investment Commission.

Revenue NSW, *Debt Recovery Guidelines – Responsible collection of State debts: Guidelines for Revenue NSW to collect State debt*





POLICY AND GENERAL COMMITTEE

April 11, 2022

ITEM 7BROKEN HILL CITY COUNCIL REPORT NO. 93/22SUBJECT: RATES - ADDITIONAL SPECIAL VARIATION 2022-23 D22/17923**Recommendation**

1. That Broken Hill City Council Report No. 93/22 dated April 11, 2022, be received.
2. That Council endorse an application to IPART for a permanent Additional Special Variation up to the maximum permissible level of 2.3% under section 508(2) of the *Local Government Act 1993*.
3. That Council note the additional rates revenue to be raised by a successful ASV is \$266,000.
4. That Council has considered the impact on ratepayers and the community in 2022-23 and in future years if the permanent special variation is approved and considers it is reasonable and in accordance with Council's adopted 2022-2031 Long Term Financial Plan.
5. That a Permanent Additional Special Variation up to the maximum permissible level for Broken Hill of 2.3% is needed for Councils financial sustainability to contribute to rising costs of Wages, Insurances Materials and Services and has been factored into Councils adopted 2022-2031 Long Term Financial Plan.
6. That Council note that Councillor budget workshops will be held commencing 26 April 2022, with an extraordinary meeting to be scheduled for May 2022 to consider the Draft Delivery Program and Operational Plan inclusive of the annual operating and capital budget; however, submissions to IPART for any ASV need to be received and resolved by Council by 29 April 2022 to allow IPART appropriate time for community consultation.

Executive Summary:

In late 2021, IPART announced the rate peg for Broken Hill for the 2022-23 financial year was set at an increase of 0.7%, well below what was factored into financial sustainability plans right across the industry and well below inflation.

Due to the inadequate increase in rates peg and as an interim solution, on the 8th of March 2022 the Office of Local Government released Council Circular "22-03 Guidelines for Additional Special Variation (ASV) Process for 2022-23. This circular has since been superseded by Council Circular 22-07 issued on 6 April 2022 and is contained as an attachment to this report.

The once off 2022-23 ASV process is a mechanism to allow councils that received a rate peg of less than 2.5% to apply for the difference between the rate peg they have been advised and a maximum rate peg of 2.5% for the 2022-23 financial year. The application can be made on the basis of a once off or permanent increase.

For the 2022-23 financial year, Broken Hill City Council's Long Term Financial Plan was prepared based on a forecast rate peg of 2.3%. While Council's 2022-2023 budget process is yet to be completed, applications for an ASV are required to be submitted to IPART by 29 April 2022. A rate increase in accordance with Council's adopted Long Term Financial Plan is crucial to Council's operations and ongoing financial sustainability.

In order to apply for an Additional Special Variation Council must have resolved to apply for the special variation under section 508(2) of the Act and the resolution clearly states:

- Whether the resolution is for a temporary or permanent special variation under section 508(2) of the act; and
- The additional income that council will receive if the special variation is approved; and
- Why the special variation is required; and
- That the council has considered the impact on ratepayers and the community in 2022-23 and, if permanent, in future years if the special variation is approved and considers that it is reasonable.

The current rate peg as advised by IPART is 0.7% and this is estimated to be approximately \$266,000 less than if the rate peg had been 2.3%. A rate increase in accordance with Council's adopted Long Term Financial Plan is crucial to Council's operations and ongoing financial sustainability. Rates are Council's most significant income stream and any decrease in 'real' income will severely impact the ongoing sustainability of the Council and jeopardise service levels to the community.

The ASV process enables council to retain rate revenue at the level contained in the forecast, this will allow Council to continue to invest in services and infrastructure at the levels determined by the 2022-31 long term financial plan.

Report:

In late 2021, IPART announced the rate peg for Broken Hill for the 2022-23 financial year was set at an increase of 0.7%. On the 8th of March 2022 the Office of Local Government released Council Circular "22-03 Guidelines for Additional Special Variation (ASV) Process for 2022-23. This circular has since been superseded by Council Circular 22-07 issued on 6 April 2022 and is contained as an attachment to this report.

The Independent Pricing and Regulatory Tribunal (IPART) has advised it will accept and process an additional round of 2022-23 ASV Applications from councils.

The once off 2022-23 ASV process is a mechanism to allow councils that received a rate peg of less than 2.5% to apply for the difference between the rate peg they have been advised and a maximum rate peg of 2.5% for the 2022-23 financial year. The application can be made on the basis of a once off or permanent increase.

The current rate peg as advised by IPART is 0.7% and this is estimated to be approximately \$266,000 less than if the rate peg had been 2.3%. A rate increase in accordance with Council's adopted Long Term Financial Plan is crucial to Council's operations and ongoing financial sustainability. Rates are Council's most significant income stream and any decrease in 'real' income will severely impact the ongoing sustainability of the Council and jeopardise service levels to the community.

The ASV process enables council to retain rate revenue at the level contained in the forecast, this will allow Council to continue to invest in services and infrastructure at the levels determined by the 2022-31 long term financial plan. The current rate peg as advised by IPART is 0.7% and this is estimated to be approximately \$266,000 less than if the rate peg had been 2.3%.

To provide some context, a 0.7% rate peg will provide around \$116,000 in additional funding for Council to maintain essential community infrastructure and services. CPI over the past 12 months has been 4-5 times the current proposed rates peg as show from the figures below.

Cpi for the last 3 Quarters

- All groups CPI to Year ended 30/6/2021 – 3.8%
- All groups CPI to Year ended 30/9/2021 – 3.0%
- All groups CPI to Year ended 30/12/2021 – 3.5%

CPI figures are calculated from a weighted average of 8 Australian Capital cities, remote centres such as Broken Hill often experience higher than CPI increases to expenditure due to increased exposure to freight, travel, and fuel price increases.

A rates increase of 2.3% through a successful application for an ASV is still less than inflation but is in line with budget forecasts and community consultation conducted last year and the adopted long term financial plan. An increase of 0.7% in no way covers expenditure increases due to wages costs and high prices currently being experienced for materials and services. Examples of increased materials costs being experienced now are fuel, with diesel costs increasing approximately 26% between July 2021 – February 2022 and continuing to rise since. Bitumen, Timber, Steel, Concrete, and other construction materials have all also risen sharply in cost in recent times.

Ongoing supply chain issues due to the ongoing COVID-19 pandemic and the war in Ukraine (increasing gas/ energy prices) are primary factors fueling inflation increases. The road to recovery for regional and rural communities as we emerge from the pandemic will continue to be tough, the risks of not applying for the ASV include missing the opportunity to keep funding from rates revenue at the level determined in the 2022-31 long term financial plan, jeopardising Councils return to surplus and the worsening of key financial ratios.

Council, as one of the city's largest employers plays an integral role in the city's recovery from the effects of the pandemic. Increasing rates revenue by the current rate peg of 0.7% rather than 2.3% if a successful application for an additional special variation is made would require choosing between cuts to jobs, roads maintenance, parks, libraries, and other community services due to lack of available funding. Not applying for a permanent ASV for 2022-23 also has flow on effects into future years, as a permanent ASV becomes part of Councils ongoing permissible income and without it will reduce overall 'real' income.

This is essentially \$266,000 less to spend on crucial Community Services for the 2023 Financial Year and ongoing.

Very little time has been provided for Council to consider the information provided and prepare an application with applications being due 29 April 2022. At the time of preparing this report, the revised application form and supporting information are not yet available on IPART's website so Council staff will still need to access this information when it is available to confirm the eligibility requirement and ensure that the information that will be sought by the application process can be provided.

From the information available to date, Council would appear to be eligible to apply.

Circular 22-07 advised the following key points:

- The ASV application is a simpler more targeted application process
- IPART will not require councils to demonstrate community consultation or criteria outside of the processes outlined above. To demonstrate community consultation, IPART will consider the consultation undertaken through the IP&R process and consider the resolution to apply for a ASV meets the requirements.

- In late 2021, IPART announced the rate peg for the 2022-23 financial year was set at an increase of between 0.7% and 5.0%.
- Special variations provide an opportunity for councils to vary general income by an amount greater than the annual rate peg. However, IPART's normal period for special variation applications in relation to the 2022-23 rate peg has now passed.
- The Office of Local Government and IPART recognize that, due to the delayed council elections and the determination of the 2022-23 rate peg at a lower rate than councils had forecast, councils may not have had sufficient time to prepare special variation applications within the normal timeframe. This may result in some councils not having sufficient funds to pay for required infrastructure and services
- As such the NSW Government and IPART have agreed to a one-off ASV round for the 2022-23 financial year only.
- This process is not intended to address applications from councils that require a special variation (above 2.5%) to achieve long term financial sustainability for reasons other than those set out in the criteria, which should be addressed through the standard special variation process.
- IPART's website will be updated with revised application forms and information papers shortly

Community Engagement:

Nil

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:

This report is provided for Council's consideration in compliance with the requirements of *Part 9, Division 5, Clause 212 of the Local Government (General) Regulations 2005*.

Financial Implications:

A successful application for an ASV up to 2.3% as forecast in the 2022-31 Long Term financial plan will retain rates revenue at the forecast levels. A failure to apply or an unsuccessful application would lead to a shortfall in rates revenue of \$266,000. This is essentially \$266,000 less to spend on crucial Community Services for the 2023 Financial Year and ongoing.

Attachments

1. OLG - CIRCULAR TO COUNCILS 22-07 GUIDELINES FOR ADDITIONAL SPECIAL VARIATION (ASV) PROCESS FOR 2022-23
[↓](#)
2. Extracted pages from Long-Term-Financial-Plan-2022-2031-Adopted-30.06.2021
[↓](#)

SIMON BROWN
CHIEF FINANCIAL OFFICER

JAY NANKIVELL
GENERAL MANAGER

Office of
Local Government

Circular to Councils

Circular Details	22-07/6 April 2022/A815377
Previous Circular	22-03 Guidelines for Additional Special Variation (ASV) Process for 2022-23
Who should read this	Councillors / General Managers / Rating and Finance Staff
Contact	Policy Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Information

Subject**Guidelines for Additional Special Variation (ASV) Process for 2022-23**

***** The ASV Guidelines set out in this circular apply in place of, and supersede, the ASV Guidelines issued in Circular 22-03 *****

What's new or changing

- The Independent Pricing and Regulatory Tribunal (IPART) will accept and process an additional round of 2022-23 Special Variation (ASV) applications from councils.
- For applications made under the ASV process, the ASV Guidelines set out in this circular apply in place of the [Guidelines for the preparation of an application for a special variation to general income](#) issued by the Office of Local Government in 2020.
- The ASV Guidelines set out in this circular apply in place of, and supersede, the ASV Guidelines issued in Circular 22-03.
- For more information on when these ASV Guidelines apply, please see 'What this will mean for your council' below.
- This one-off ASV round is available for the 2022-23 financial year only.
- This one-off ASV round is for councils that can show that the special variation will enable them to meet the obligations they set for 2022-23 in their 2021-22 Integrated Planning and Reporting (IP&R) documentation.
- Councils seeking a permanent special variation will also need to demonstrate the need for the special variation to be included in their rate base on an ongoing basis.
- Separately, IPART has also agreed to undertake a broader review of its rate peg methodology, including the Local Government Cost Index, with outcomes from the review expected to shape rate peg determinations in future years.

What this will mean for your council

- The ASV Guidelines set out in this Circular apply where council is applying for:
 - a temporary or permanent single year special variation for 2022-23 under section 508(2) of the *Local Government Act 1993* (the Act), AND
 - the percentage sought in the application is the lower of:
 - 2.5% (including population factor) or

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- the council's assumed 2022-23 rate peg as set out in its 2021-22 IP&R documentation (including population factor)
- For ASV applications made under the Guidelines set out in this Circular, councils will need to provide IPART with the following information:
 - Council's 2021-22 IP&R documentation identifying that council budgeted for an income increase above the percentage specified for the council for 2022-23 under section 506 of the Act; and
 - Where councils are applying for a permanent special variation, in addition to the above information, the council's 2021-22 IP&R documentation identifying that the council forecast an average Operating Performance Ratio (OPR) of 2% or lower over the next 5 years or, alternatively, evidence of need, for example, but not limited to, that the council needs to maintain a higher OPR so it can meet its capital funding requirements; and
 - Council has resolved to apply for the special variation under section 508(2) of the Act and that the resolution clearly states:
 - whether the resolution is for a temporary or permanent special variation under section 508(2) of the Act; and
 - the additional income that council will receive if the special variation is approved; and
 - why the special variation is required; and
 - that the council has considered the impact on ratepayers and the community in 2022-23 and, if permanent, in future years if the special variation is approved and considers that it is reasonable.
- The ASV application process is a simpler more targeted application process.
- IPART will not require councils to demonstrate community consultation or criteria outside of the processes outlined above. To demonstrate community consultation, IPART will consider the consultation undertaken through the IP&R process and consider the resolution to apply for a ASV meets the requirements outlined above.
- Revised application forms and further information will be released by IPART shortly.
- Under this ASV round of applications:
 - IPART will accept applications until 29 April 2022;
 - IPART will publish applications to enable community consultation for a period of at least three weeks; and
 - IPART will notify councils of its decision no later than 21 June 2022.

Key points

- In late 2021, IPART announced the rate peg for the 2022-23 financial year was set at an increase of between 0.7% and 5.0%.
- Special variations provide an opportunity for councils to vary general income by an amount greater than the annual rate peg. However IPART's normal period for special variation applications in relation to the 2022-23 rate peg has now passed.
- The Office of Local Government and IPART recognise that, due to the delayed council elections and the determination of the 2022-23 rate peg at a lower rate than councils had forecast, councils may not have had sufficient time to prepare special variation application within the normal timeframe.

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This may result in some councils not having sufficient funds to pay for required infrastructure and services.

- As such the NSW Government and IPART have agreed to a one-off ASV round for the 2022-23 financial year only.
- This process is not intended to address applications from councils that require a special variation (above 2.5%) to achieve long term financial sustainability for reasons other than those set out in the criteria above, which should be addressed through the standard special variation process.
- [IPART's website](#) will be updated with revised application forms and information papers shortly.

Where to go for further information

- For further information please contact IPART on 02 9290 8400 or by email to ipart@ipart.nsw.gov.au.

Melanie Hawyes
Group Deputy Secretary, Crown Lands and Local Government

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LONG TERM FINANCIAL PLAN - 2022-2031 - BALANCED SCENARIO												
INCOME STATEMENT												
\$ '000	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
	Actual	Q2 Review	Proposed Budget	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast
Income from Continuing Operations												
Revenue:												
Rates & annual charges	18,473	18,923	19,464	19,912	20,430	20,961	21,506	22,065	22,639	23,227	23,831	24,451
User charges & fees	3,149	3,011	3,762	3,856	3,952	4,051	4,152	4,256	4,362	4,471	4,583	4,698
Interest & investment revenue	53	286	497	426	462	513	585	771	892	1,035	1,201	1,392
Other revenues	470	366	243	249	256	262	268	275	282	289	296	304
Grants & contributions for operating purposes	6,728	6,761	6,621	6,754	6,889	7,026	7,167	7,310	7,457	7,606	7,758	7,913
Grants & contributions for capital purposes	1,684	30,338	771	3,260	3,342	3,408	3,476	3,546	3,617	3,689	3,763	3,838
Other Income:												
Net gains from disposal of assets	-	-	-	-	-	-	-	-	-	-	-	-
Net share of interests in joint ventures	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL INCOME FROM CONTINUING OPERATIONS	30,557	59,685	31,358	34,456	35,329	36,221	37,155	38,224	39,248	40,318	41,433	42,596
Expenses from Continuing Operations												
Employee benefits & costs	12,463	12,908	13,503	13,773	14,049	14,330	14,616	14,909	15,207	15,511	15,821	16,138
Borrowing costs	737	727	641	606	570	533	495	455	413	371	327	284
Materials & contracts	9,580	6,238	5,459	5,484	5,508	5,533	5,558	5,583	5,608	5,633	5,659	5,684
Depreciation & amortisation	7,147	7,064	7,074	6,490	6,518	6,547	6,576	6,604	6,634	6,663	6,692	6,721
Impairment	-	-	-	-	-	-	-	-	-	-	-	-
Other expenses	4,831	4,768	4,813	4,835	4,857	4,879	4,901	4,923	4,945	4,967	4,989	5,012
Net losses from disposal of assets	131	-	-	-	-	-	-	-	-	-	-	-
Net share of interests in joint ventures	102	-	-	-	-	-	-	-	-	-	-	-
TOTAL EXPENSES FROM CONTINUING OPERATIONS	34,991	31,705	31,491	31,187	31,502	31,821	32,145	32,474	32,806	33,145	33,488	33,839
OPERATING RESULT FOR THE YEAR	(4,434)	27,981	(133)	3,269	3,827	4,400	5,010	5,750	6,442	7,172	7,944	8,757
NET OPERATING RESULT FOR THE YEAR BEFORE GRANTS & CONTRIBUTIONS FOR CAPITAL PURPOSES	(6,118)	(2,358)	(904)	9	486	991	1,533	2,204	2,825	3,483	4,181	4,918
NET OPERATING RESULT FOR THE YEAR EXCLUDING EXTRAORDINARY ITEMS BEFORE GRANTS & CONTRIBUTIONS FOR CAPITAL PURPOSES	(6,118)	(2,358)	(904)	9	486	991	1,533	2,204	2,825	3,483	4,181	4,918
Assumptions												
Rate Peg	2.70%	2.80%	2.80%	2.30%	2.80%	2.80%	2.80%	2.80%	2.80%	2.80%	2.80%	2.80%
General Index	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%
Employee Cost Index	2.50%	2.75%	2.75%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Grant Index	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Investment Interest rate	3.50%	2.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.50%	3.50%	3.50%	3.50%	3.50%
Overhead rates interest rate	8.00%	8.50%	8.00%	7.00%	7.00%	7.00%	8.00%	8.00%	8.00%	8.00%	8.00%	8.00%
Efficiency gain on Materials & Contracts	-2.00%	-2.00%	-2.00%	-2.00%	-2.00%	-2.00%	-2.00%	-2.00%	-2.00%	-2.00%	-2.00%	-2.00%

LONG TERM FINANCIAL PLAN - 2022-2031 - BALANCED SCENARIO												
STATEMENT OF FINANCIAL POSITION												
\$ '000	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
	Actual	Q2 Review	Proposed Budget	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast
Assets												
Current Assets:												
Cash & cash equivalents	13,527	4,413	1,807	2,959	4,619	6,794	9,523	11,932	13,975	15,685	19,103	24,372
Investments	6,000	11,000	11,000	11,000	11,000	11,000	11,000	12,000	14,000	17,000	19,000	21,000
Receivables	3,690	5,116	5,518	5,942	6,227	6,292	7,141	7,313	7,669	8,038	8,449	8,867
Inventories	112	115	118	121	124	127	130	133	136	140	143	147
Other	673	690	707	725	743	761	780	800	820	840	861	883
Non-current assets classified as 'held for sale'	190	-	-	-	-	-	-	-	-	-	-	-
TOTAL CURRENT ASSETS	24,192	21,333	19,149	20,746	22,713	24,974	28,574	32,178	36,601	41,703	47,556	55,269
Non-Current Assets:												
Investments	-	-	-	-	-	-	-	-	-	-	-	-
Receivables	16	-	-	-	-	-	-	-	-	-	-	-
Inventories	-	-	-	-	-	-	-	-	-	-	-	-
Infrastructure, property, plant & equipment	248,757	289,590	290,643	291,292	291,944	292,599	293,257	293,917	294,580	295,247	295,916	296,588
Investments accounted for using the equity method	1,359	1,359	1,359	1,359	1,359	1,359	1,359	1,359	1,359	1,359	1,359	1,359
Investment property	-	-	-	-	-	-	-	-	-	-	-	-
Intangible assets	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL NON-CURRENT ASSETS	250,132	290,949	292,002	292,651	293,303	293,958	294,616	295,276	295,939	296,606	297,275	297,947
TOTAL ASSETS	274,324	312,282	311,152	313,398	316,016	318,932	323,190	327,454	332,540	338,309	344,832	353,216
Liabilities												
Current Liabilities:												
Payables	3,456	3,994	2,774	2,939	2,597	2,070	1,981	1,547	1,239	978	606	322
Income Received in Advance	-	-	-	-	-	-	-	-	-	-	-	-
Contract Liabilities	544	-	-	-	-	-	-	-	-	-	-	-
Borrowings	535	1,428	1,469	1,508	1,551	1,595	1,641	1,687	1,736	1,786	733	733
Provisions	3,835	3,401	3,184	2,855	2,529	2,256	1,928	1,629	1,329	1,015	715	408
TOTAL CURRENT LIABILITIES	8,370	8,823	7,427	7,301	6,677	5,920	5,551	4,863	4,303	3,779	2,055	1,463
Non-Current Liabilities:												
Payables	-	-	-	-	-	-	-	-	-	-	-	-
Borrowings	11,957	19,610	18,141	16,633	15,082	13,487	11,846	10,159	8,423	6,637	5,904	5,171
Provisions	9,264	10,350	11,912	13,156	14,612	15,927	17,336	18,682	20,070	21,430	22,809	24,175
TOTAL NON-CURRENT LIABILITIES	21,221	29,960	30,053	29,789	29,694	29,414	29,182	28,841	28,493	28,067	28,713	29,346
TOTAL LIABILITIES	29,591	38,783	37,479	37,090	36,371	35,334	34,732	33,704	32,796	31,846	30,767	30,809
NET ASSETS	244,733	273,499	273,673	276,308	279,645	283,598	288,457	293,750	299,744	306,463	314,064	322,407
Equity												
Retained earnings	106,082	134,848	135,022	137,657	140,994	144,947	149,806	155,099	161,093	167,812	175,413	183,756
Revaluation reserves	138,651	138,651	138,651	138,651	138,651	138,651	138,651	138,651	138,651	138,651	138,651	138,651
Council equity interest	244,733	273,499	273,673	276,308	279,645	283,598	288,457	293,750	299,744	306,463	314,064	322,407
Non-controlling interest	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL EQUITY	244,733	273,499	273,673	276,308	279,645	283,598	288,457	293,750	299,744	306,463	314,064	322,407
Assumptions												
General Index	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%
No impact from revaluation of assets												
No restricted cash												

Long Term Financial Plan 2022-2031

LONG TERM FINANCIAL PLAN - 2022-2031 - BALANCED SCENARIO												
STATEMENT OF CASH FLOWS												
\$ '000	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
	Actual	Q2 Review	Proposed Budget	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast
Cash Flows from Operating Activities												
Receipts:												
Rates & annual charges	18,072	18,355	18,880	19,315	19,817	20,332	20,861	21,403	21,959	22,530	23,116	23,717
User charges & fees	2,792	2,921	3,649	3,740	3,834	3,929	4,028	4,128	4,232	4,337	4,446	4,557
Investment & interest revenue received	35	431	495	424	459	510	583	768	889	1,032	1,198	1,389
Grants & contributions	9,955	37,099	7,392	10,014	10,230	10,435	10,643	10,856	11,073	11,295	11,521	11,751
Bonds, deposits & retention amounts received	-	-	-	-	-	-	-	-	-	-	-	-
Other	3,439	355	236	242	248	254	260	267	274	280	287	295
Payments:												
Employee benefits & costs	(12,562)	(12,521)	(13,098)	(13,360)	(13,627)	(13,900)	(14,178)	(14,461)	(14,751)	(15,046)	(15,347)	(15,653)
Materials & contracts	(10,982)	(6,051)	(5,295)	(5,319)	(5,343)	(5,367)	(5,391)	(5,416)	(5,440)	(5,464)	(5,489)	(5,514)
Borrowing costs	(581)	(727)	(641)	(606)	(570)	(533)	(495)	(455)	(413)	(371)	(327)	(284)
Bonds, deposits & retention amounts refunded	(22)	-	-	-	-	-	-	-	-	-	-	-
Other	(6,572)	(4,625)	(4,669)	(4,690)	(4,711)	(4,732)	(4,754)	(4,775)	(4,796)	(4,818)	(4,840)	(4,862)
NET CASH PROVIDED (OR USED IN) OPERATING ACTIVITIES	3,574	35,237	6,949	9,760	10,337	10,928	11,557	12,315	13,027	13,775	14,565	15,396
Cash Flows from Investing Activities												
Receipts:												
Sale of investment securities	3,000	-	-	-	-	-	-	-	-	-	-	-
Sale of infrastructure, property, plant & equipment	2	-	-	-	-	-	-	-	-	-	-	-
Deferred debtors receipts	61	-	-	-	-	-	-	-	-	-	-	-
Other investing activity receipts	-	-	-	-	-	-	-	-	-	-	-	-
Payments:												
Purchase of investment securities	-	(5,000)	-	-	-	-	-	(1,000)	(2,000)	(3,000)	(2,000)	(2,000)
Purchase of infrastructure, property, plant & equipment	(7,983)	(47,897)	(8,127)	(7,139)	(7,170)	(7,201)	(7,233)	(7,265)	(7,297)	(7,329)	(7,361)	(7,394)
Deferred debtors & advances made	-	-	-	-	-	-	-	-	-	-	-	-
NET CASH PROVIDED (OR USED IN) INVESTING ACTIVITIES	(4,920)	(52,897)	(8,127)	(7,139)	(7,170)	(7,201)	(7,233)	(8,265)	(9,297)	(10,329)	(9,361)	(9,394)
Cash Flows from Financing Activities												
Receipts:												
Proceeds from borrowings & advances	-	10,000	-	-	-	-	-	-	-	-	-	-
Payments:												
Repayment of borrowings & advances	(600)	(1,454)	(1,428)	(1,469)	(1,508)	(1,551)	(1,595)	(1,641)	(1,687)	(1,736)	(1,786)	(733)
NET CASH PROVIDED (OR USED IN) FINANCING ACTIVITIES	(600)	8,546	(1,428)	(1,469)	(1,508)	(1,551)	(1,595)	(1,641)	(1,687)	(1,736)	(1,786)	(733)
NET INCREASE/(DECREASE) IN CASH & CASH EQUIVALENTS	(1,946)	(9,114)	(2,606)	1,152	1,659	2,176	2,728	2,409	2,043	1,710	3,418	5,269
plus: CASH & CASH EQUIVALENTS - beginning of year	15,473	13,527	4,413	1,807	2,959	4,619	6,794	9,523	11,932	13,975	15,685	19,103
CASH & CASH EQUIVALENTS - end of year	13,527	4,413	1,807	2,959	4,619	6,794	9,523	11,932	13,975	15,685	19,103	24,372
Additional Information												
plus: Investments on hand - end of year	6,000	11,000	11,000	11,000	11,000	11,000	11,000	12,000	14,000	17,000	19,000	21,000
TOTAL CASH, CASH EQUIVALENTS & INVESTMENTS - end of year	19,527	15,413	12,807	13,959	15,619	17,794	20,523	23,932	27,975	32,685	38,103	45,372
Assumptions												
Rates & charges recovery rate	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%
Debtor recovery rate	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%	97.00%
General index	2.30%	2.50%	2.50%	2.50%	2.50%	2.30%	2.50%	2.50%	2.50%	2.50%	2.50%	2.30%
Investment interest rate	3.30%	2.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
Overdue rates interest rate	7.30%	7.50%	8.00%	7.00%	7.00%	7.00%	8.00%	8.00%	8.00%	8.00%	8.00%	8.00%
No restricted cash												

Long Term Financial Plan 2022-2031

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LONG TERM FINANCIAL PLAN - 2022-2031 - BALANCED SCENARIO												
	FINANCIAL RATIOS											
	2020 Actual	2021 Q2 Review	2022 Proposed Budget	2023 Forecast	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast	2028 Forecast	2029 Forecast	2030 Forecast	2031 Forecast
Operating Ratio												
This ratio measures Council's ability to contain operating expenditure within operating revenue	-21.19%	-3.04%	-2.96%	0.03%	1.52%	3.02%	4.55%	6.36%	7.93%	9.51%	11.10%	12.69%
Benchmark - Greater than 0%												
(operating revenue excl. capital grants and contributions - operating expenses) / operating revenue excluding capital grants and contributions												
Cash Expense Cover Ratio												
This ratio indicates the number of months Council can continue paying for its immediate expenses without additional cash inflow	8.64	5.23	3.94	4.46	5.22	6.21	7.43	8.47	9.31	9.97	11.38	13.58
Benchmark - Greater than 3.0 months												
(current year's cash and cash equivalents / (total expenses - depreciation - interest costs)) * 12												
Current Ratio												
This ratio represents Council's ability to meet debt payments as they fall due. It should be noted that Council's externally restricted assets will not be available as operating funds and as such can significantly impact Council's ability to meet its liabilities.	2.89	2.42	2.58	2.84	3.40	4.22	5.15	6.62	8.50	11.04	23.15	37.78
Benchmark - Greater than 1.5												
current assets / current liabilities												
Unrestricted Current Ratio												
To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.	2.29	2.35	2.39	2.46	2.93	3.64	4.58	6.07	8.02	10.69	24.54	43.65
Benchmark - Greater than 1.5												
current assets less off external activities / current liabilities, less specific purpose liabilities												
Own Source Operating Revenue												
This ratio measures the level of Council's fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions. Council's financial flexibility improves the higher the level of its own source revenue	72.47%	37.84%	76.43%	70.94%	71.04%	71.19%	71.35%	71.60%	71.79%	71.99%	72.19%	72.41%
Benchmark - Greater than 80%												
rates, utilities and charges / total operating revenue (inclusive of capital grants and contributions)												
Debt Service Cover Ratio												
This ratio measures the availability of cash to service debt including interest, principal, and lease payments	1.42	2.49	3.29	3.42	3.64	3.87	4.12	4.42	4.70	4.99	5.30	11.72
Benchmark - Greater than 2.0												
operating result before interest and depreciation (EBITDA) / principal repayments + borrowing interest costs												
Interest Cover Ratio												
This ratio indicates the extent to which Council can service its interest bearing debt and take on additional borrowings. It measures the burden of the current interest expense upon Council's operating cash	2.40	7.47	10.62	11.72	13.29	15.14	17.38	20.36	23.90	28.35	34.25	41.99
Benchmark - Greater than 4.0												
operating result before interest and depreciation (EBITDA) / interest expense												
Capital Expenditure Ratio												
This ratio indicates the extent to which Council is forecasting to expand its asset base with capital expenditure spent on both new assets and replacement and renewal of existing assets	1.12	6.78	1.15	1.10	1.10	1.10	1.10	1.10	1.10	1.10	1.10	1.10
Benchmark - Greater than 1.1												
annual capital expenditure / annual depreciation												

Long Term Financial Plan 2022-2031

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POLICY AND GENERAL COMMITTEE

April 6, 2022

ITEM 8BROKEN HILL CITY COUNCIL REPORT NO. 94/22

SUBJECT: ALTERATION TO SCHEDULED STANDING COMMITTEE
MEETING DATES FOR JUNE 2022 DUE TO COUNCILLOR
ATTENDANCE AT THE NATIONAL GENERAL ASSEMBLY OF
LOCAL GOVERNMENT D22/16682

Recommendation

1. That Broken Hill City Council Report No. 94/22 dated April 6, 2022, be received.
2. That due to Councillor attendance at the National General Assembly of Local Government in Canberra in June 2022, the Standing Committee Meeting be rescheduled to the week prior but also avoiding the Queen's Birthday Public Holiday as follows:
 - a) That the Works Committee Meeting scheduled for Monday 20 June 2022 be now held on Tuesday 14 June 2022 at 5:30pm.
 - b) That the Health and Building Committee Meeting scheduled for Tuesday 21 June 2022 be now held on Tuesday 14 June 2022 commencing directly after the Works Committee Meeting.
 - c) That the Policy and General Committee Meeting schedule for Wednesday 22 June 2022 be now held on Wednesday 15 June 2022 at 5:30pm.

Executive Summary:

Due to the attendance of the Mayor, Deputy Mayor, Councillor Chandler and the General Manager at the National General Assembly of Local Government in Canberra from 19-22 June 2022 it is suggested that the Standing Committee week be brought forward to the week prior but avoiding the Queen's Birthday Public Holiday on Monday 13 June 2022.

Rescheduling the meetings will allow the attendance of the Mayor, Deputy Mayor, Councillor Chandler and the General Manager at the Committee meetings.

Report:

At the first Council Meeting of the newly elected Council held on 12 January 2022, Council resolved to introduce three Standing Committees into the Council Meeting process.

Council resolved (Minute No. 46689) – item 7: *“That standing committees, viz: Works, Health and Building, Policy and General be formed such that meetings at 5:30pm be held on Monday, Tuesday and Wednesday of the week preceding scheduled monthly council meetings.”*

Therefore, the Standing Committee Meetings to be held in June 2022 are scheduled to be held as follows:

- Works Committee – Monday 20 June 2022 at 5:30pm
- Health and Building Committee – Tuesday 21 June 2022 at 5:30pm
- Policy and General Committee – Wednesday 22 June 2022 at 5:30pm

Due to the scheduled Committee Meeting dates clashing with the attendance of the Mayor, Deputy Mayor, Councillor Chandler and the General Manager at the National General Assembly of Local Government held in Canberra from 19-22 June 2022, it is suggested that the Standing Committee Meeting week be brought forward and held the week prior and scheduled to avoid the public holiday on Monday 13 June 2022.

Any alteration to scheduled Council or Standing Committee meeting dates as per Council's adopted Code of Meeting Practice Policy or resolved by Council, must be by Council resolution.

It is proposed that Standing Committees for June 2022 be held as follows:

- **Works Committee – Tuesday 14 June 2022 at 5:30pm**
- **Health and Building Committee – Tuesday 14 June 2022 commencing directly following the Works Committee Meeting**
- **Policy and General Committee – Wednesday 15 June at 5:30pm**

Holding two Standing Committees on Tuesday evening will assist to alleviate any impact on the Council Meeting Business Paper production at the end of the Committee Meeting week.

This report is presented to Council to resolve to alter the date and time of Standing Committee Meetings for June 2022.

Community Engagement:

Standing Committee Meetings are open to the public to attend and are advertised in the Barrier Truth and on Council's website.

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, Part 2, Division 1 and 2
Council's adopted Code of Meeting Practice Policy

Financial Implications:

Nil

Attachments

There are no attachments for this report

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

POLICY AND GENERAL COMMITTEE

April 8, 2022

ITEM 9BROKEN HILL CITY COUNCIL REPORT NO. 95/22SUBJECT: INVESTMENT REPORT FOR MARCH 2022D22/17741**Recommendation**

1. That Broken Hill City Council Report No. 95/22 dated April 8, 2022, be received.

Executive Summary:

The *Local Government (General) Regulation 2005* (Part 9, Division 5, Clause 212), effective from 1 September 2005, requires the Responsible Accounting Officer of a Council to provide a written report setting out details of all monies that have been invested under Section 625 (2) of the *Local Government Act 1993*, as per the Minister's Amended Investment Order gazetted 11 March 2011. The Responsible Accounting Officer must also include in the report, a certificate as to whether the investment has been made in accordance with the Act, the Regulations and the Council's Investment Policy.

As at 31 March 2022, Council's Investment Portfolio had a current market valuation of \$19,102,069 or principal value (face value) of \$19,094,285 and was compliant with policy and legislative requirements as per the below table.

Report:

Council's investments as at 31 March 2022 are detailed in Attachment 1.

Portfolio Summary		
Portfolio Performance vs. RBA Cash Rate	✓	Council's investment performance did exceed benchmark.
Investment Policy Compliance		
Legislative Requirements	✓	Compliant with policy
Portfolio Credit Rating Limit	✓	Compliant with policy
Institutional Exposure Limits	✓	Compliant with policy
Term to Maturity Limits	✓	Compliant with policy

Market Review

Global issues

In the US, inflation hit a 40 year high of 7.9% driven by sharp increases in food and energy costs. After raising its key benchmark rate range to 0.25%-0.50%pa, the US Federal Reserve Chairman Powell indicated that the central bank will take the “necessary steps” to control inflation and will hike rates by a further 0.50% in May if appropriate. The increasing expectations of central bank interest rate hikes has further pushed up bond yields globally. The war in Ukraine is also fueling inflation expectations, and with it bond yields, due to increasing gas/ energy prices. The UK recorded a second month of stronger than expected inflation in February of 6.2%, after a 5.4% jump in January. Meanwhile, European consumer confidence fell sharply in March reflecting the impact of the war, particularly in relation to higher energy prices. Global shares, including Australian markets, rallied sharply since the US Federal decided to raise interest rates in March, acting on confidence that the central bank will be able to rein-in runaway inflation without sending the US economy into recession. Australian shares were also aided by a surge in commodity prices, energy and the IT sector.

Domestic issues

In its Budget release, the Australian Government revised up its growth forecasts for this financial year (from 3.75% to 4.25%) and kept 2022-23 GDP growth unchanged at 3.5%. Unemployment is expected to fall to 3.75% by June 2023. Inflation and wages forecasts have also been revised up significantly. Australian jobs data surprised the market with employment growth of +77,400 which was double economists’ projections. The unemployment rate fell from 4.2% to 4%. Retail sales also surprised on the upside with a gain of 1.80% versus expectations of a 1% increase. Other economic releases were mixed with business conditions surveys indicating business owners are positive, but consumers are not. A key consumer confidence index hit a 2 year low believed to be driven largely by inflation fears. Reflecting the boost from the resources sector, Australian shares have fully rebounded from its poor result in November and January and is now recording a 12 month gain of over 15%. Economists expect Australian share markets to remain a relative outperformer globally thanks to the surge in commodity prices. However, Australian fixed interest securities are feeling the brunt of inflation fears with prices on bonds dropping as interest rates increase sharply.

Interest rates

The RBA noted again that while inflation has picked up, it is too early to conclude that it is sustainably within the in the 2-3% target band. The central bank also noted that wages growth remains modest and it is likely to be some time yet before aggregate wages growth is at a rate consistent with inflation being sustainably within target.

Investment Portfolio Commentary

Council’s investment portfolio posted a marked-to-market return of -0.85%pa (-0.07% actual) for the month of March versus the bank bill index benchmark return of 0.04%pa. For the past 12 months, the investment portfolio has returned 0.61%pa, exceeding the bank bill index benchmark’s 0.04%pa by 0.57%pa.

Council had no maturities and made no new investments during the month. Council is taking optimal advantage of a high yielding cash account and a 90 day notice account which are providing rates in excess of most banks’ term deposits out to 6 months.

The NSW TCorpIM MT Growth Fund recorded a small negative marked-to-market return in March, -1.4% (actual), driven by the fall in bond prices within the fund. The increasing expectations of central bank interest rate hikes to address growing inflation pressures has pushed up bond yields globally (and driven prices lower). Ongoing supply chain issues and the war in Ukraine (increasing gas/ energy prices) are primary factors fuelling inflation increases. On the positive side, new TDs and securities being invested in are offering much higher interest rates at levels not seen in nearly 2 years.

Many of the world's share markets recorded healthy gains in March. The Australian share market (All Ords) gained nearly 7% led by IT up nearly 12%, the Energy sector up 10% and Mining/Materials up over 9%. In overseas markets the US S&P 500 fully rebounded from its poor result in February with a gain of 3.7% in March. The European S&P 350 gained 1% and the Japanese S&P 500 was up 4.6%.

Council has a well-diversified portfolio invested among a range of term deposits, fixed and floating rate bonds from highly rated Australian ADIs as well as growth assets via holdings in the NSW TCorpIM Medium Term Growth Fund. Council remains within its investment policy credit limits and term to maturity limits while generating sound returns above benchmark in the current low interest environment. It is expected that Council can continue to achieve above benchmark returns with prudent investment selection for its short and long term holdings.

Council's Portfolio by Source of Funds – March 2022

As at 31 March 2022, Council's Investment Portfolio had a current market valuation of \$19,102,069 or principal value (face value) of \$19,094,285 and was compliant with policy and legislative requirements as per the table above.

	Source of Funds	Principal Amount
GENERAL Fund	Operating Capital & Internal Restrictions	\$13,540,285
	Royalties Reserve	\$712,000
	Domestic Waste Management Reserve	\$1,602,000
	Grants	\$3,240,000
	TOTAL PORTFOLIO	\$19,094,285

Certificate by Responsible Accounting Officer

All investments have been placed in accordance with Council's Investment Policy, Section 625 of the *Local Government Act 1993* (as amended), the Revised Ministerial Investment Order gazetted 11 February 2011, Clause 212 of the *Local Government (General) Regulations 2005*- and Third-Party Investment requirements of the then Department Local Government Circular 06-70. Council continues to obtain independent financial advice on its investment portfolio in accordance with the then Department of Local Government Circular of 16 September 2008.

Community Engagement:

Nil

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:

This report is provided for Council's consideration in compliance with the requirements of *Part 9, Division 5, Clause 212 of the Local Government (General) Regulations 2005*.

Financial Implications:

The recommendation has no financial impact.

Attachments

1. [↓](#) March 2022 Investment Report

SIMON BROWN
CHIEF FINANCIAL OFFICER

JAY NANKIVELL
GENERAL MANAGER



**Investment Summary Report
March 2022**



Broken Hill City Council

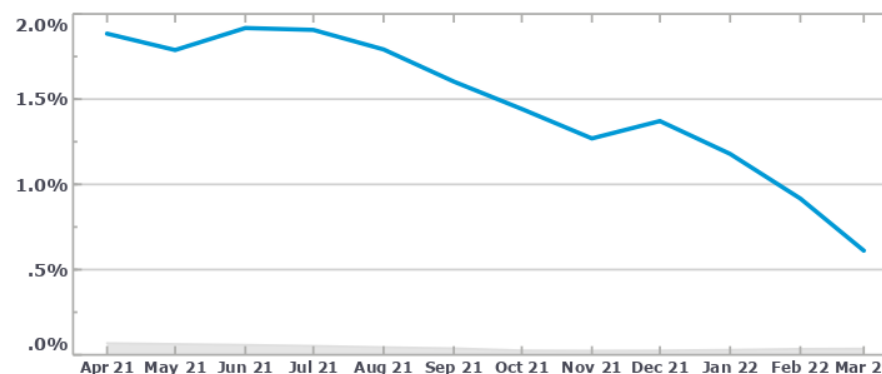
Executive Summary - March 2022



Investment Holdings

By Product	Face Value (\$)	Current Value (\$)	Current Yield (%)
Cash	11,699,353.04	11,699,353.04	0.4894
Managed Funds	4,894,932.09	4,894,932.09	-13.4771
Term Deposit	2,500,000.00	2,507,784.11	0.5720
	19,094,285.13	19,102,069.24	-3.0802

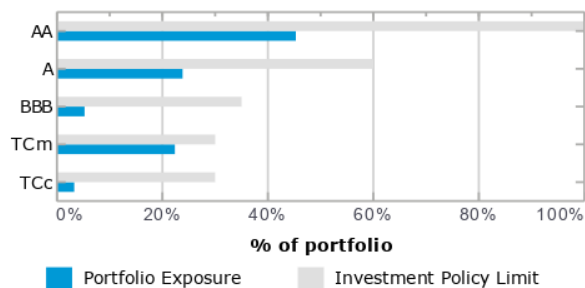
Investment Performance



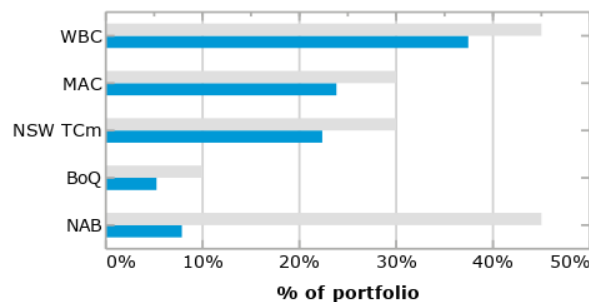
AusBond BB Index Rolling 12 month Return Portfolio Rolling 12 month Return

Investment Policy Compliance

Total Credit Exposure



Highest Individual Exposures



Term to Maturities

Maturity Profile	Face Value (\$)	Policy Max
Less than 1yr	18,094,285	95% 100%
Greater than 1yr	1,000,000	5% 60%
	19,094,285	

Broken Hill City Council

Investment Holdings Report



Cash Accounts										
	Face Value (\$)	Rate (%pa)	Institution	Credit Rating		Current Value (\$)	Deal No.			Reference
	4,548,962.61	0.6000%	Macquarie Bank	A+		4,548,962.61	540354			Accelerator
	5,448,436.45	0.5500%	Westpac Group	AA-		5,448,436.45	535442			90d Notice
	1,701,953.98	0.0000%	Westpac Group	AA-		1,701,953.98	473409			Cheque
	11,699,353.04	0.4894%				11,699,353.04				

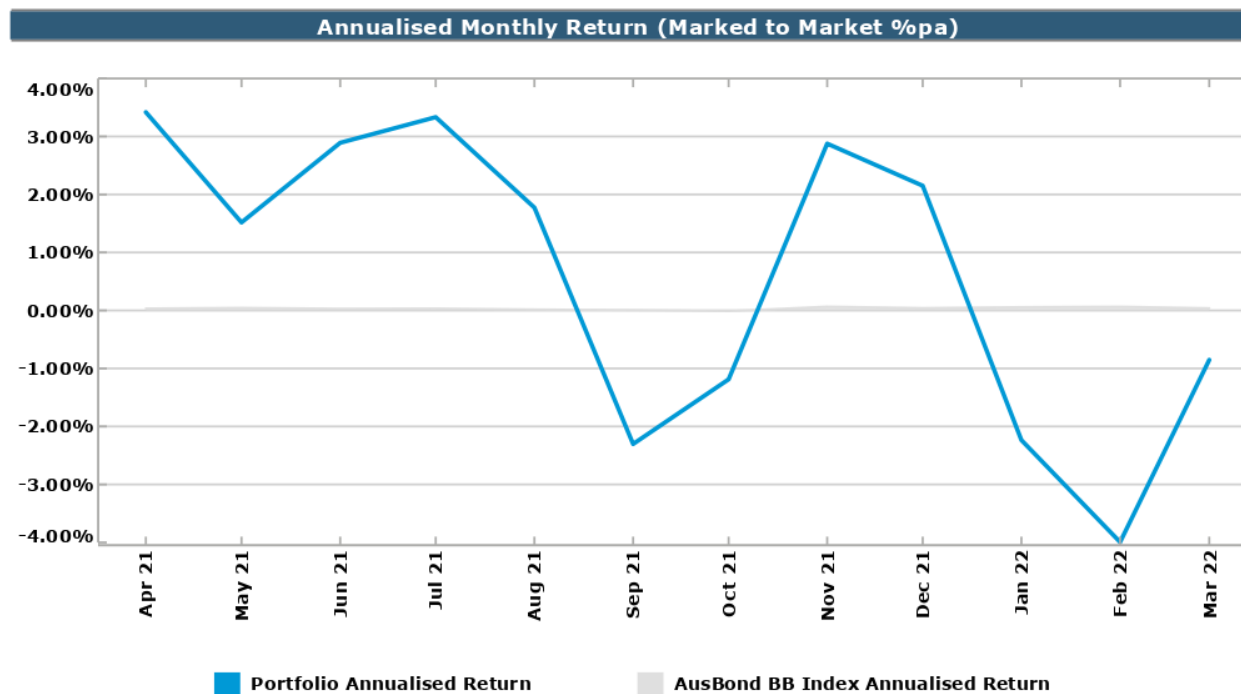
Managed Funds										
	Face Value (\$)	Monthly Return	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.			Reference
	625,247.80	-0.0708%	NSW T-Corp (Cash)	TCc	Cash Fund	625,247.80	535329			
	4,269,684.29	-1.4033%	NSW T-Corp (MT)	TCm	Medium Term Growth Fund	4,269,684.29	536441			
	4,894,932.09					4,894,932.09				

Term Deposits										
Maturity Date	Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency Reference
8-Jun-22	500,000.00	0.5000%	ME Bank	BBB+	500,000.00	9-Jun-21	502,027.40	541512	2,027.40	At Maturity
12-Oct-22	500,000.00	0.4100%	National Australia Bank	AA-	500,000.00	13-Oct-21	500,954.79	541988	954.79	At Maturity
16-Nov-22	500,000.00	0.7000%	ME Bank	BBB+	500,000.00	17-Nov-21	501,294.52	542099	1,294.52	At Maturity
16-Aug-23	500,000.00	0.6200%	National Australia Bank	AA-	500,000.00	18-Aug-21	501,919.45	541757	1,919.45	Annually
27-Sep-23	500,000.00	0.6300%	National Australia Bank	AA-	500,000.00	29-Sep-21	501,587.95	541935	1,587.95	Annually
	2,500,000.00	0.5720%			2,500,000.00		2,507,784.11		7,784.11	

Broken Hill City Council
Accrued Interest Report - March 2022

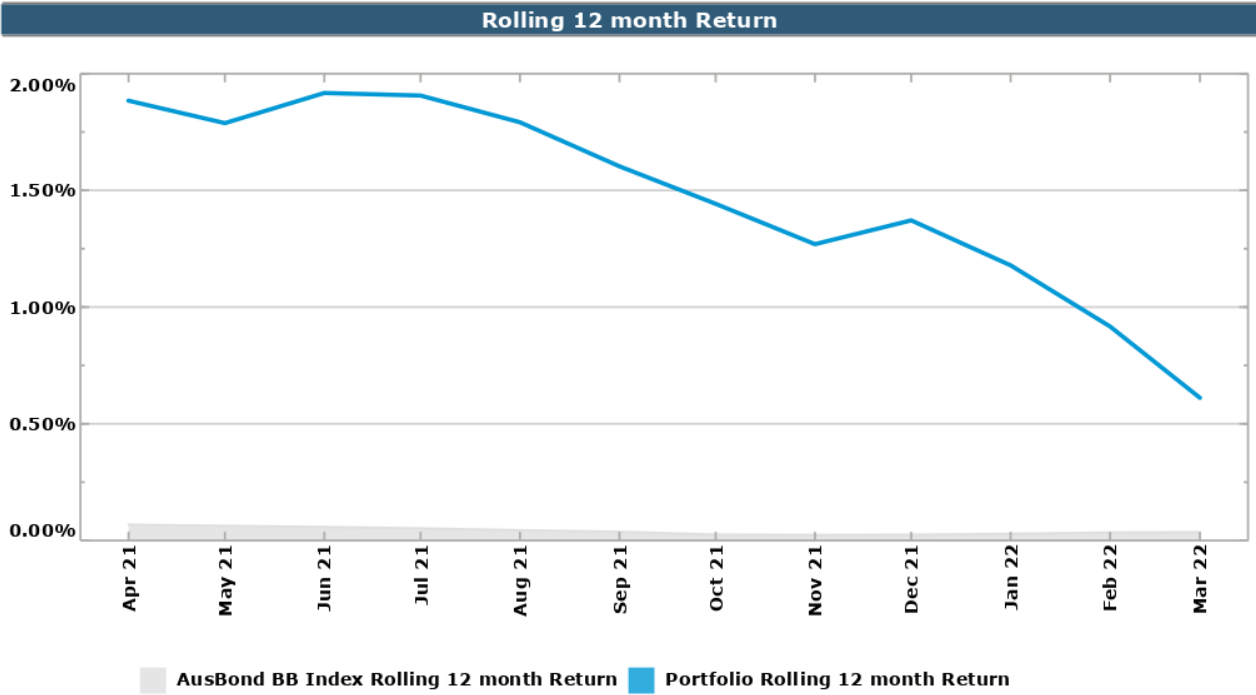
Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
Cash									
Westpac Group	473409	Cheque				0.00	31	0.00	.00%
Westpac Group	535442	90d Notice				2,456.27	31	2,456.27	.55%
Macquarie Bank	540354	Accelerator				2,439.31	31	2,439.31	.60%
Cash Total						4,895.59		4,895.59	.49%
Managed Funds									
Cash Fund	535329			29-May-17		0.00	31	-1,501,504.76	-.83%
Medium Term Growth Fund	536441			12-Feb-18		0.00	31	-60,769.35	-15.33%
Managed Funds Total						0.00		-1,562,274.11	-.86%
Term Deposit									
ME Bank	541512			09-Jun-21	08-Jun-22	0.00	31	212.33	.50%
National Australia Bank	541988			13-Oct-21	12-Oct-22	0.00	31	174.11	.41%
ME Bank	542099			17-Nov-21	16-Nov-22	0.00	31	297.26	.70%
National Australia Bank	541757			18-Aug-21	16-Aug-23	0.00	31	263.29	.62%
National Australia Bank	541935			29-Sep-21	27-Sep-23	0.00	31	267.54	.63%
Term Deposit Total						0.00		1,214.53	.57%
						4,895.59		-1,556,163.99	-.85%

Broken Hill City Council Investment Performance Report



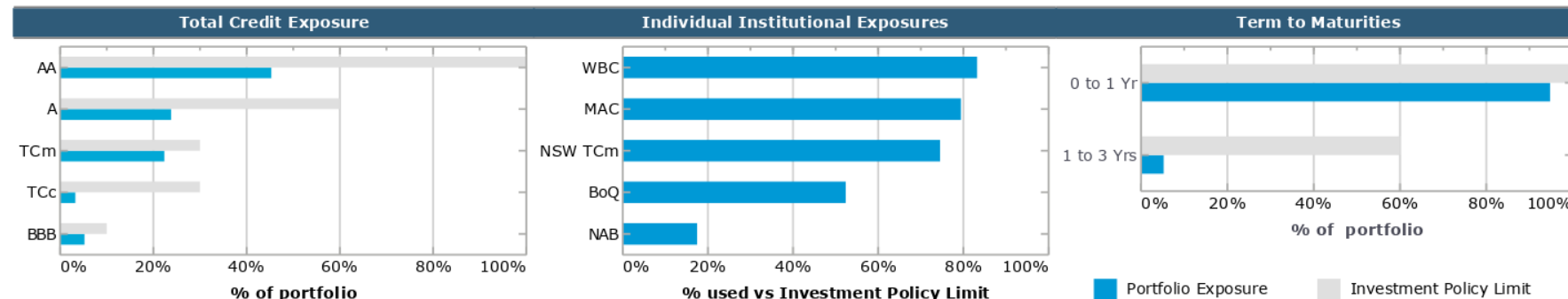
Historical Performance Summary			
	Portfolio	AusBond BB Index	Outperformance
Mar 2022	-0.85%	0.04%	-0.89%
Last 3 Months	-2.31%	0.05%	-2.36%
Last 6 Months	-0.53%	0.04%	-0.57%
Financial Year to Date	-0.04%	0.04%	-0.08%
Last 12 months	0.61%	0.04%	0.57%

Broken Hill City Council
Investment Performance Report



Historical Performance Summary (actual)			
	Portfolio	AusBond BB Index	Outperformance
Mar 2022	-0.07%	0.00%	-0.07%
Last 3 Months	-0.58%	0.01%	-0.59%
Last 6 Months	-0.26%	0.02%	-0.28%
Financial Year to Date	-0.03%	0.03%	-0.06%
Last 12 months	0.61%	0.04%	0.57%

Broken Hill City Council Investment Policy Compliance Report



Credit Rating	Face Value (\$)	Policy Max
AA	7,650,390	
AA	1,000,000	
	8,650,390	45% 100% <input type="checkbox"/>
A	4,548,963	
	4,548,963	24% 60% <input type="checkbox"/>
TCm	4,269,684	
	4,269,684	22% 30% <input type="checkbox"/>
TCc	625,248	
	625,248	3% 30% <input type="checkbox"/>
BBB	1,000,000	
	1,000,000	5% 10% <input type="checkbox"/>
	19,094,285	100%

☐ = compliant
☐ = non-compliant

	% used vs Investment Policy Limit
Westpac Group (LT) (AA-)	83% <input type="checkbox"/>
Macquarie Bank (LT) (A+)	79% <input type="checkbox"/>
NSW T-Corp (MT) (TCm)	75% <input type="checkbox"/>
Bank of Queensland (LT) (BBB+)	52% <input type="checkbox"/>
National Australia Bank (LT) (AA-)	17% <input type="checkbox"/>
NSW T-Corp (Cash) (TCc)	11% <input type="checkbox"/>

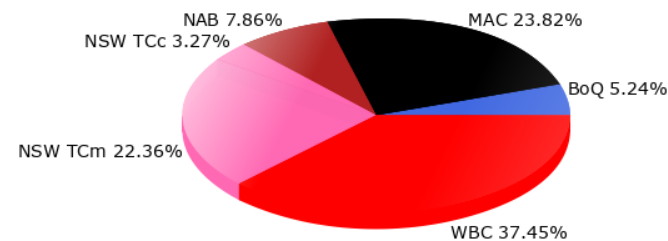
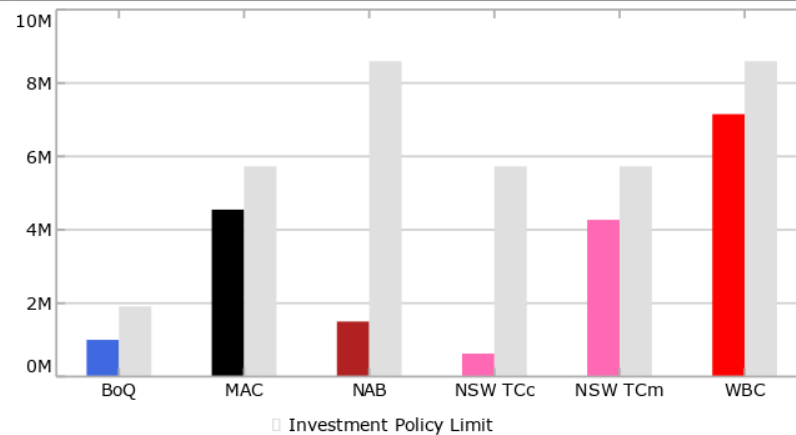
	Face Value (\$)	Policy Max
Between 0 and 1 Year	18,094,285	95% 100% <input type="checkbox"/>
Between 1 and 3 Years	1,000,000	5% 60% <input type="checkbox"/>
	19,094,285	
Detailed Maturity Profile	Face Value (\$)	
00. Cash + Managed Funds	16,594,285	87%
03. Between 60 Days and 90 Days	500,000	3%
05. Between 180 Days and 365 Days	1,000,000	5%
06. Between 365 Days and 3 Years	1,000,000	5%
	19,094,285	

Broken Hill City Council Individual Institutional Exposures Report



Individual Institutional Exposures Individual Institutional Exposure Charts

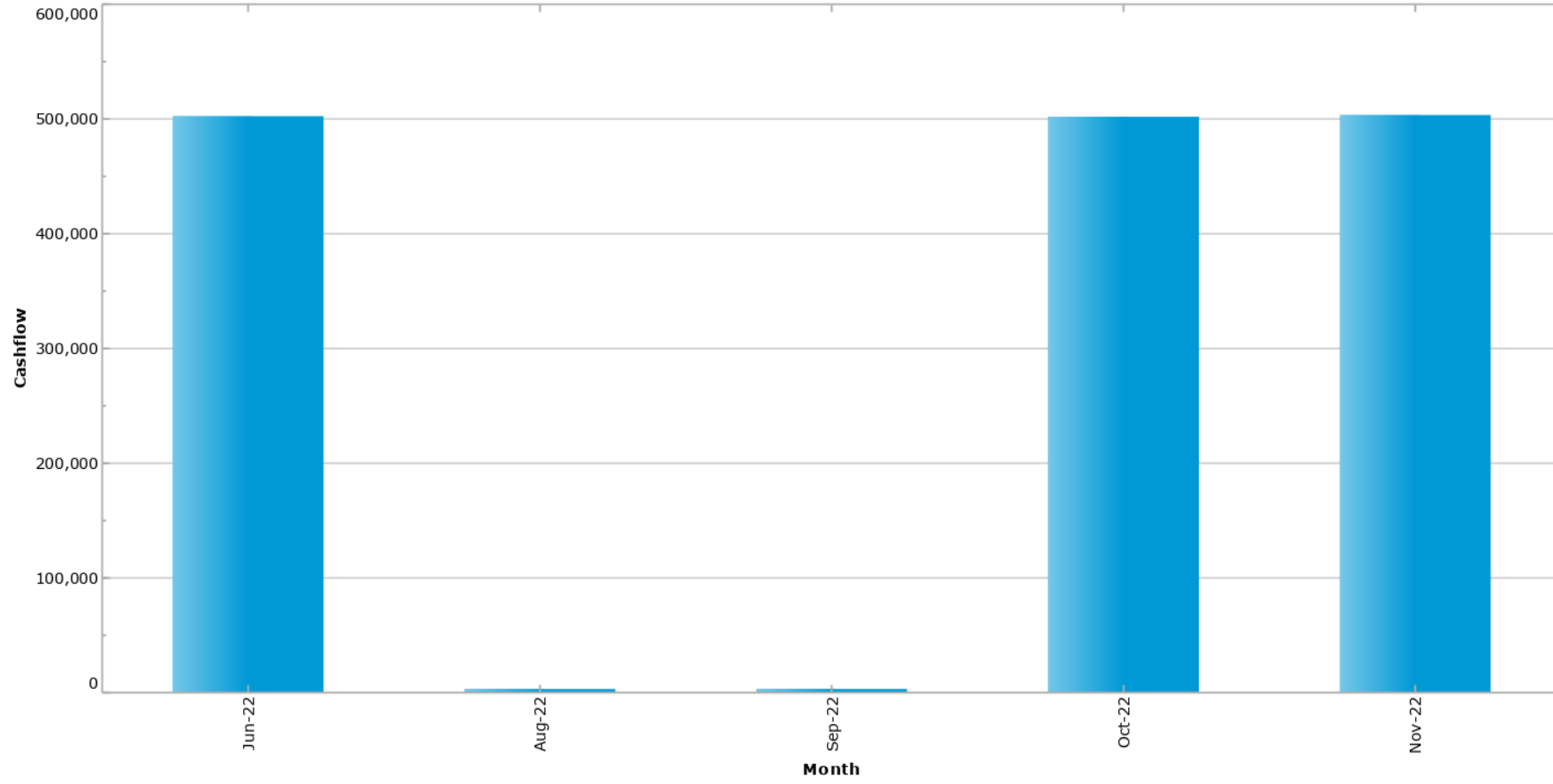
	Current Exposures		Policy Limit		Capacity
Bank of Queensland (BBB+)	1,000,000	5%	1,909,429	10%	909,429
Macquarie Bank (A+)	4,548,963	24%	5,728,286	30%	1,179,323
National Australia Bank (AA-)	1,500,000	8%	8,592,428	45%	7,092,428
NSW T-Corp (TCc)	625,248	3%	5,728,286	30%	5,103,038
NSW T-Corp (TCm)	4,269,684	22%	5,728,286	30%	1,458,602
Westpac Group (AA-)	7,150,390	37%	8,592,428	45%	1,442,038
	19,094,285				



Broken Hill City Council
Cash Flows Report



Current Month Cashflows					
<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Received</u>
<u>Net Cash Movement for Period</u>					
Next Month Cashflows					
<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>
<u>Net Cash Movement for Period</u>					

Broken Hill City Council
Cash Flows Report

POLICY AND GENERAL COMMITTEE

April 6, 2022

ITEM 10BROKEN HILL CITY COUNCIL REPORT NO. 96/22

SUBJECT: NOMINATIONS FOR THE APPOINTMENT OF COMMUNITY REPRESENTATIVES TO SECTION 355 COMMUNITY COMMITTEES D22/17435

Recommendation

1. That Broken Hill City Council Report No. 96/22 dated April 6, 2022, be received.
2. That Council accepts the nomination from Ms Ghislaine Barbe as community representatives on the Broken Hill Heritage Committee.
3. That Council accepts the nominations from Ms Jenny Cattonar, Mr Rick Ball, Mr Clark Barrett and Mr John Hart as community representatives on the Broken Hill City Art Gallery Advisory Group
4. That Council accepts the nominations from Mr John Rogers, Ms Merran Coombe, Mr Jeffrey Crase, Mr Geoffrey Hoare, Ms Susan Spangler, Mr David Spielvogel, Ms Jill Spielvogel, Mr Paul Reed, Ms Gaylene Ford, Mr Michael Ford, Ms Karen Ford, Mr Ronald Fletcher and Ms Ann Evers as community representatives on the Friends of the Flora and Fauna of the Barrier Ranges Community Committee.
5. That Council accepts the nominations from Ms Tanya Martyn, Mr Chris May and Mr Layne Ralph as community representatives on the Memorial Oval Community Committee.
6. That the community representatives be advised of their appointment and advice also be sent to the corresponding Committee Secretary/Chairperson.
7. That Council notes that the current round of advertising closes on 6 May 2022 and a further report will be presented to the May Policy and General Committee Meeting with further nominations received.
8. That Council notes that correspondence has been sent to all outgoing community representatives on Section 355 Committee in appreciation of their service on the Committee and encouraging them to renominate.

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 previously established Section 355 Advisory Committees to provide advice to the General Manager on specific operations of Council.

Council adopted Asset and Advisory Committee Frameworks and Constitutions at its Ordinary Meeting held 30 March 2022 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:

As per Council's adopted Asset and Advisory Committee Framework (adopted 30 March 2022) which states that:

- Committees are to be appointed every four (4) years, within six (6) months after the Local Government General Election. The term of office for all Committees will be aligned to the term of office of the current Council (four years).

Council is currently advertising for nominations for community representatives on its Section 355 Committees, with nominations closing Friday, 6 May 2022.

A report will be presented to the March and April Council Meeting to progressively appoint representatives to the Section 355 Committees and further advertising in May/June/July will be undertaken if required to fill all community representative positions.

As at the time of writing this report, 21 nominations were received for consideration (see attached).

The following table summarises the number of citizen representatives required on each Committee; the number of nominations received and the nominees. It also includes, for Councillors reference, the Council delegate/s on each Committee.

Name of Committee	Number of Citizen Representatives as per Constitution	Nominations Received	Council Delegate/s on each Committee
Alma Oval Community Committee	Reasonable number of community representatives reflecting the size and operations of the facility (to be agreed upon by the Executive)	0	Councillor Boland
BIU Band Hall Community Committee	Reasonable number of community	0	

	representatives reflecting the size and operations of the facility (to be agreed upon by the Executive)		Councillor Algate
Broken Hill Community Strategic Plan Round Table Committee	4 community representatives with governance experience and a demonstrated interest in issues associated with the implementation of the Community Strategic Plan	0	Mayor Kennedy Deputy Mayor Hickey Councillor Algate Councillor Boland
Broken Hill Heritage Committee	6 community representatives with demonstrated experience in heritage, arts, culture and/or planning	1 Ms Ghislaine Barbe	Councillor Boland Councillor Browne Councillor Turley 2 x vacant positions
Broken Hill City Art Gallery Advisory Group	7 community representatives with demonstrated experience in heritage, arts, culture and/or event planning	4 Ms Jenny Cattonar Mr Rick Ball Mr Clark Barrett Mr John Hart	Councillor Boland Councillor Turley
Friends of the Flora and Fauna of the Barrier Ranges Community Committee	Reasonable number of community representatives reflecting the size and operations of the facility (to be agreed upon by the Executive)	13 Mr John Rogers Ms Merran Coombe Mr Jeffrey Crase Mr Geoffrey Hoare Ms Susan Spangler Mr David Spielvogel Ms Jill Spielvogel Mr Paul Reed Ms Gaylene Ford Mr Michael Ford Ms Karen Ford Mr Ronald Fletcher Ms Ann Evers	Councillor Browne
Memorial Oval Community Committee	Reasonable number of community representatives reflecting the size and operations of the facility (to be agreed upon by the Executive)	3 Ms Tanya Martyn Mr Chris May Mr Layne Ralph	Councillor Gallagher Councillor Jewitt
Norm Fox Sporting Complex Community Committee	Reasonable number of community representatives reflecting the size and	0	Councillor Algate Councillor Turley

	operations of the facility (to be agreed upon by the Executive)		
Picton Oval Sportsground Community Committee	Reasonable number of community representatives reflecting the size and operations of the facility (to be agreed upon by the Executive)	0	Councillor Gallagher
Riddiford Arboretum Community Committee	Reasonable number of community representatives reflecting the size and operations of the facility (to be agreed upon by the Executive)	0	Councillor Browne
Total		21	

ET Lamb Memorial Oval Community Committee

As per Council's resolution at the Council Meeting held 30 March 2022 to re-establish the ET Lamb Memorial Oval Community Committee if sufficient nominations for community representatives are received, Council advertised for nominations on the ET Lamb Memorial Oval Community Committee along with all other Section 355 Committees. Council will collect nominations for the ET Lamb Memorial Oval Community Committee over the duration of the advertising period and will present a separate report to Council for consideration of re-establishing the Committee once a sufficient number of nominations are received.

A further report will be presented to the May Policy and General Committee Meeting with any further nomination received.

It should be noted that letters of appreciation have been sent to the outgoing community representatives on all Section 355 Committees as per Council's resolution at the 30 March 2022 Council Meeting. These letters also encouraged the community representatives to renominate.

The report is presented to Council to consider the nominations received to date and to appoint community representative to the various Section 355 Committees.

Community Engagement:

Council is currently advertising for nominations for community representatives on its Section 355 Committees, with nominations closing Friday, 6 May 2022. Further advertising will be conducted if an insufficient number of nominations are received.

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:

Section 355 of the *Local Government Act 1993*

Council's adopted S355 Asset and Advisory Committee Framework and Constitutions.

Financial Implications:

There are no financial implications.

Attachments

1. Nomination for the Broken Hill Heritage Advisory Committee
[↓](#)
2. Nominations for the Broken Hill City Art Gallery Advisory Committee
[↓](#)
3. Nominations for the Friends of the Flora and Fauna of the Barrier Ranges
Community Committee
[↓](#)
4. Nominations for the Memorial Oval Community Committee
[↓](#)

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

Leisa Bartlett

From: Broken Hill City Council <council@brokenhill.nsw.gov.au>
Sent: Tuesday, 25 January 2022 3:44 PM
To: Broken Hill City Council
Subject: 355 Committee Nomination Form
Attachments: SubmissionReceipt-S355CommitteeNominationForm-S355CNF-19.pdf;
114685895.png



355 Committee Nomination Form

S355CNF-19,

Name of Committee:	Advisory Committee - Broken Hill Heritage Committee
Personal Details	
First Name	Ghislaine
Last Name	BARBE
Contact Number	[REDACTED]
Email Address	[REDACTED]
Applicant Street Number	[REDACTED]
Applicant Street Name	[REDACTED]
Applicant Suburb/City	Broken Hill
Applicant State	NSW
Applicant Postcode	2880
Committee Details	
Please outline why you would like to be a member of this committee:	As a responsible resident in Broken Hill and member of a number of local clubs and organisations (GAARA, Bridge Club, Musicians' Club, Willyama Art Society, Gourmet Club, Broken Hill Art Exchange, Workers' Club and others) I feel qualified to represent the views, needs and interests of such communities to the Broken Hill City Council. I moved to the Silver City after being impressed by its environment, people and lifestyle. My interest lies in seeing Broken Hill grow from strength to strength hence my recent candidature in the local government election.

Please outline details of any relevant experience for this committee:	I have significance previous governance experience both in Sydney and Broken Hill. I have been made a Life Member of the Broken Hill Art Exchange in recognition of the quality of my service on its executive committee (2014-2020). I have also served on the Board of Robinson College and on two other local committees: U3A (2015) and Broken Hill Bridge Club (2017-2019) for which I drew a new Constitution to be in line with the Dept of Fair Trading requirements. With regards to the Community Strategic Plan, I have focused on the Heritage strategy by conducting over a hundred Heritage Walks and created a performance during an Heritage Week on the history of the Grand Hotel. Both undertakings were under the Council banner.
What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:	I have resided in Broken Hill for the past nine years and have volunteered for various organisations since I retired from a long career in teaching and educational consultancy with the Dept of Education and the Association of Independent Schools. As Language Consultant for NSW schools and in my executive position on the Modern Language Teachers Association (1983-2012) I organised and spoke at a number of large conferences. In Broken Hill I was instrumental in the successful running of the Broken Hill Art Exchange Desert Equinox exhibitions over many years, in developing some of its policies and in applying for government and other grants. I have participated in most local art events including workshops by various art groups in Broken Hill and am conversant with the needs of the arts community. I have put my life coaching business on the back burner to have time available to volunteer.
Please detail any other relevant information:	I am an Airbnb host and strive to give visitors the best possible experience by encouraging them to visit our museums and galleries during their stay. I have regular contacts with the Visitors Information Centre and Albert Kerstein museum staff, the volunteers at the Railway Museum and the owners of various galleries and businesses in Broken Hill to be up-to-date on relevant tourist information. I am conversant with Section 355 of the Advisory Committee Manual and understand its implications.
Privacy	
Signature	
	Name of signatory: Ghislaine (Gigi) BARBE Link to signature

Leisa Bartlett

From: Broken Hill City Council <council@brokenhill.nsw.gov.au>
Sent: Saturday, 5 February 2022 2:08 PM
To: Broken Hill City Council
Subject: 355 Committee Nomination Form
Attachments: SubmissionReceipt-S355CommitteeNominationForm-S355CNF-21.pdf; Untitled 2.png



355 Committee Nomination Form

S355CNF-21,

Name of Committee:	Broken Hill Regional Art Gallery Advisory Committee
Personal Details	
First Name	Jenny
Last Name	Cattonar
Contact Number	[REDACTED]
Email Address	[REDACTED]
Applicant Street Number	[REDACTED]
Applicant Street Name	[REDACTED]
Applicant Suburb/City	Broken Hill
Applicant State	NSW
Applicant Postcode	2880
Committee Details	
Please outline why you would like to be a member of this committee:	As an artist, I am interested in the Art Gallery and collection which is representative of the art of many of our local artists as well as some significant art from both overseas and our indigenous artists. It is important to me as a community member that we preserve our heritage in these works.
Please outline details of any relevant experience for this committee:	I have been an artist for forty years, have my own gallery and have exhibited widely in Australia. I belong to a number of local art groups and the Royal South Australian Society of Arts as a practising member. I painted the only existing painted group portrait of the Brushmen Of the Bush in 1990

What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:	I was on the Art Advisory Committee for the past 5 years and enjoyed every minute of it. I would like to be a member again for this term of Council.
Please detail any other relevant information:	
Privacy	
Signature	
	Name of signatory: Jenny Cattonar Uploaded signature image: Untitled 2.png

Leisa Bartlett

From: Broken Hill City Council <council@brokenhill.nsw.gov.au>
Sent: Sunday, 20 February 2022 7:13 PM
To: Broken Hill City Council
Subject: 355 Committee Nomination Form
Attachments: SubmissionReceipt-S355CommitteeNominationForm-S355CNF-22.pdf;
 117514970.png



355 Committee Nomination Form

S355CNF-22,

Name of Committee:	Regional Gallery Advisory
Personal Details	
First Name	Rick
Last Name	Ball
Contact Number	[REDACTED]
Email Address	[REDACTED]
Applicant Street Number	[REDACTED]
Applicant Street Name	[REDACTED]
Applicant Suburb/City	BROKEN HILL
Applicant State	NSW
Applicant Postcode	2880
Committee Details	
Please outline why you would like to be a member of this committee:	I have been a member for over a decade, and wish to be part of this exciting period ahead.
Please outline details of any relevant experience for this committee:	Visual artist, practising over 45 years. Visual art educator, 45 years
What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:	Over a decade on this same committee previously.
Please detail any other relevant information:	
Privacy	

Signature	
	Link to signature

Leisa Bartlett

From: Broken Hill City Council <council@brokenhill.nsw.gov.au>
Sent: Monday, 21 February 2022 9:04 AM
To: Broken Hill City Council
Subject: 355 Committee Nomination Form
Attachments: SubmissionReceipt-S355CommitteeNominationForm-S355CNF-23.pdf; clark signature.png



355 Committee Nomination Form

S355CNF-23,

Name of Committee:	Broken Hill Art Gallery Advisor Committee
Personal Details	
First Name	Clark
Last Name	Barrett
Contact Number	[REDACTED]
Email Address	[REDACTED]
Applicant Street Number	[REDACTED]
Applicant Street Name	[REDACTED]
Applicant Suburb/City	Broken Hill
Applicant State	NSW
Applicant Postcode	2880
Committee Details	
Please outline why you would like to be a member of this committee:	I have enjoyed contributing to the arts community during my previous term on this committee. I've had a long association with the BH Gallery dating back to the 1980s. I knew many of the previous gallery managers, was involved in many gallery projects, exhibitions and have a very good knowledge of the gallery's collection. More importantly, the gallery is an invaluable community asset, and I worked to defend and improve it in the past and would like to continue to do so.
Please outline details of any relevant experience for this committee:	Professional exhibiting artist for over 40 years. Extensive knowledge of and involvement with the gallery's collection. 4 time Pro Hart Outback Art Prize finalist. 3 time winner of the Broken Hill Art Prize. Involved in 6 BH community arts mural

	projects. Over 30 years of experience as an arts educator. Deep understanding of issues in the art world and contemporary art due to teaching NSW HSC Senior Visual Arts course for many, many years.
What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:	BH Art Gallery Advisory Committee 2016- 2021.
Please detail any other relevant information:	I view the BH Art Gallery as an icon and important community asset. I have publicly defended its collection against political expediency in the past, as it has arguably one of the most valuable regional gallery collections in the country. I am interested in continuing to promote and improve the gallery for future generations.
Privacy	
Signature	
	Name of signatory: Clark Uploaded signature image: clark signature.png

Leisa Bartlett

From: Broken Hill City Council <council@brokenhill.nsw.gov.au>
Sent: Monday, 21 March 2022 5:33 PM
To: Broken Hill City Council
Subject: 355 Committee Nomination Form
Attachments: SubmissionReceipt-S355CommitteeNominationForm-S355CNF-24.pdf;
121765215.png



355 Committee Nomination Form

S355CNF-24,

Name of Committee:	Broken Hill Regional Art Gallery Advisory Committee
Personal Details	
First Name	John
Last Name	Hart
Contact Number	[REDACTED]
Email Address	[REDACTED]
Applicant Street Number	[REDACTED]
Applicant Street Name	[REDACTED]
Applicant Suburb/City	Broken Hill
Applicant State	NSW
Applicant Postcode	2880
Committee Details	
Please outline why you would like to be a member of this committee:	Long history of involvement on this committee since the Gallery was on the top floor of the Civic Centre
Please outline details of any relevant experience for this committee:	Managing Director Pro Hart Galleries. Exhibiting Visual Artist qualifications B.A. (Hons) Visual Arts
What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:	Broken Hill Regional Art Gallery Advisory Committee
Please detail any other relevant information:	

Privacy	
Signature	
	Name of signatory: John Hart Link to signature

355 Committee Nomination Form

WYOMING

Section 355 Committee

Name of Committee:

LIVING DESERT

Personal Details

First Name Required

JOHN

Last Name Required

ROGERS

Contact Number

[REDACTED]

Email Address

Applicant Street Number

[REDACTED]

Applicant Street Name

[REDACTED]

Applicant Suburb/City

BROKEN HILL

Applicant State (Select one option)

- ☒ NSW
- ☐ SA
- ☐ VIC
- ☐ QLD
- ☐ TAS
- ☐ WA
- ☐ ACT
- ☐ NT

Applicant Postcode

2880

Committee Details

Please outline why you would like to be a member of this committee:

*Not already a committee member and
would like to continue*

Please outline details of any relevant experience for this committee:

*Have been a serving member of the
Living Desert Committee since its
foundation. At Pats Race club for 55
years and Shurt club for 33 years*

What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:

.....

.....

.....

Please detail any other relevant information:

.....

.....

.....

Privacy

Privacy Statement

Council is collecting your personal information in accordance with the Privacy and Personal Information Protection Act 1998.

The purpose for collecting your personal information is to obtain and record details to assess your application.

The intended recipients of the personal information collected include Council officers or other agents contracted by Council. If necessary for reporting purposes, your name will be made publicly available via Council's Business Papers and on Council's website. Your contact details will not be made public on Council's website and will be removed from all applications and reports in Council's Business Papers.

The supply of your personal information may be by law or voluntary. If you cannot provide or do not wish to provide the information sought, Council may not be able to process your application.

You may make an application for access or amendment to information held by Council. Council will consider any such application in accordance with the Act. Enquiries concerning this matter can be directed to the Public Officer by email council@brokenhill.nsw.gov.au or addressed to Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.

Your information will be collected and stored, in accordance with the State Records Act 1998, by Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.

Signature

Would like to commend Daryl on
his dedication to the living desert

End of form

355 Committee Nomination Form

GREENHILL

Section 355 Committee

Name of Committee:

Friends of the Flora & Fauna of the Barrier Ranges

Personal Details

First Name

Merran

Last Name

Coombe

Contact Number

[REDACTED]

Email Address

[REDACTED]

Applicant Street Number

[REDACTED]

Applicant Street Name

[REDACTED]

Applicant Suburb/City

Broken Hill

Applicant State (Select one option)

- ☒ NSW
- ☐ SA
- ☐ VIC
- ☐ QLD
- ☐ TAS
- ☐ WA
- ☐ ACT
- ☐ NT

Applicant Postcode

2880

Committee Details

Please outline why you would like to be a member of this committee:

I have previously been on the
Committee and would like to
continue.

Please outline details of any relevant experience for this committee:

I have enjoyed numerous working
bee's also the opening of the
caravan park & Christmas functions

What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:

Memindee Aerobics established 1992-
1995.
Established Parent support group for
parents of ADHD Children 1997-2000

Please detail any other relevant information:

Enjoyed seeing progress to the
Living Desert after working bees
Have done Voluntary Work for
School Canteen.

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Your information will be collected and stored, in accordance with the State Records Act 1998, by Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.

Signature



Merran Coombe

Name

End of form

355 Committee Nomination Form

GREEN HILL

Section 355 Committee

Name of Committee:

Friends of the Flora and Fauna of the Barrier Ranges

Personal Details

First Name

Jeffrey

Last Name

Crase

Contact Number

[REDACTED]

Email Address

[REDACTED]

Applicant Street Number

[REDACTED]

Applicant Street Name

[REDACTED]

Applicant Suburb/City

Broken Hill

Applicant State (Select one option)

- ☒ NSW
- ☐ SA
- ☐ VIC
- ☐ QLD
- ☐ TAS
- ☐ WA
- ☐ ACT
- ☐ NT

Applicant Postcode

2880

Committee Details

Please outline why you would like to be a member of this committee:

I have served on this committee for 20 years
& would like to continue working for this
committee.

Please outline details of any relevant experience for this committee:

I enjoy helping with Working Bees & keeping
weeds down in the Camping ground.

What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:

I did serve about 5 year on the Broken
Hill District Hearing Resource Centre + 2 year
at the Library

Please detail any other relevant information:

Privacy

Privacy Statement

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The purpose for collecting your personal information is to obtain and record details to assess your application.

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The supply of your personal information may be by law or voluntary. If you cannot provide or do not wish to provide the information sought, Council may not be able to process your application.

You may make an application for access or amendment to information held by Council. Council will consider any such application in accordance with the Act. Enquiries concerning this matter can be directed to the Public Officer by email council@brokenhill.nsw.gov.au or addressed to Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.

Your information will be collected and stored, in accordance with the State Records Act 1998, by Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.

Signature



Name

Jeffrey Chase

End of form

355 Committee Nomination Form

355 COMMITTEE

Section 355 Committee

Name of Committee:

Friends of Flora and Fauna

Personal Details

First Name

Cedfrey

Last Name

Hoare

Contact Number

[REDACTED]

Email Address

[REDACTED]

Applicant Street Number

[REDACTED]

Applicant Street Name

[REDACTED]

Applicant Suburb/City

Broke Hill

Applicant State (Select one option)

☒ NSW

☐ SA

☐ VIC

☐ QLD

☐ TAS

☐ WA

☐ ACT

☐ NT

Applicant Postcode

2880

Committee Details

Please outline why you would like to be a member of this committee:

Like being outdoor have the area

Please outline details of any relevant experience for this committee:

Been a volunteer 13 + yrs

What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:

None

Please detail any other relevant information:

—

Privacy

Privacy Statement

Council is collecting your personal information in accordance with the Privacy and Personal Information Protection Act 1998.

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Your information will be collected and stored, in accordance with the State Records Act 1998, by Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.

Signature

[Redacted Signature]

Name

Geoffrey Hoare

End of form

355 Committee Nomination Form

SECTION 355

Section 355 Committee

Name of Committee:

Friends of the Flora and Fauna

Personal Details

First Name

Susan

Last Name

Spangler

Contact Number

[REDACTED]

Email Address

[REDACTED]

Applicant Street Number

[REDACTED]

Applicant Street Name

[REDACTED]

Applicant Suburb/City

Broken Hill

Applicant State (Select one option)

- ☒ NSW
☐ SA
☐ VIC
☐ QLD
☐ TAS
☐ WA
☐ ACT
☐ NT

Applicant Postcode

2880

Committee Details

Please outline why you would like to be a member of this committee:

I love being outdoors + love
the area

Please outline details of any relevant experience for this committee:

Been a volunteer for this
committee for 13 yrs +

What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:

None

Please detail any other relevant information:

Privacy

Privacy Statement

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Signature



Susan Spangler
Name
Susan Spangler

End of form

355 Committee Nomination Form

ARIZONA

Section 355 Committee

Name of Committee:

Living Desert.

Personal Details

First Name

ARIZONA

JILL

Last Name

ARIZONA

Spielvogel

Contact Number

[REDACTED]

Email Address

Applicant Street Number

[REDACTED]

Applicant Street Name

[REDACTED]

Applicant Suburb/City

Broken Hill

Applicant State (Select one option)

☒ NSW

☐ SA

☐ VIC

☐ QLD

☐ TAS

☐ WA

☐ ACT

☐ NT

Applicant Postcode

2880

Committee Details

Please outline why you would like to be a member of this committee:

Have been for 10 years

Please outline details of any relevant experience for this committee:

What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:

Slimmer Club 8 years
Hospital Kiosk 12 years
Friends of the Flora and Fauna of the
Barrier Ranges 10 years

Please detail any other relevant information:

Privacy

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Signature

Name

Jill

Spielvogel

End of form

355 Committee Nomination Form

BOOKENDS

Section 355 Committee

Name of Committee:

Friends of the Flora & Fauna of the Barrier Ranges

Personal Details

First Name

DAVID

Last Name

SPIELVOGEL

Contact Number

[REDACTED]

Email Address

[REDACTED]

Applicant Street Number

[REDACTED]

Applicant Street Name

[REDACTED]

Applicant Suburb/City

BROKEN HILL

Applicant State (Select one option)

- ☒ NSW
☐ SA
☐ VIC
☐ QLD
☐ TAS
☐ WA
☐ ACT
☐ NT

Applicant Postcode

2880

Committee Details

Please outline why you would like to be a member of this committee:

Assen promoting Broken Hill.

Please outline details of any relevant experience for this committee:

I have been on this committee
for over 10 years.

What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:

Silver City National Servicemen Rifle Club 15 years
Friend of the Flora & Fauna of Barrier Ranges

Please detail any other relevant information:

Privacy

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Signature



DAVID
Name
SPIELVOGEL,

End of form

355 Committee Nomination Form

355 COMMITTEE

Section 355 Committee

Name of Committee:

Friends of the Flora + Fauna of the Barrier Ranges

Personal Details

First Name

PAUL

Last Name

REED

Contact Number

[REDACTED]

Email Address

[REDACTED]

Applicant Street Number

[REDACTED]

Applicant Street Name

[REDACTED]

Applicant Suburb/City

BROKEN HILL

Applicant State (Select one option)

- ☒ NSW
- ☐ SA
- ☐ VIC
- ☐ QLD
- ☐ TAS
- ☐ WA
- ☐ ACT
- ☐ NT

Applicant Postcode

2880

Committee Details

Please outline why you would like to be a member of this committee:

PREVIOUS MEMBER - ENJOY WORK AT LIVING DESERT & KEEN
TO REJOIN AND CONTINUE ASSISTING WITH UPKEEP OF
FACILITY.

Please outline details of any relevant experience for this committee:

PREVIOUS VOLUNTEERING AT LIVING DESERT - COMFORTABLE
WITH TYPE OF ACTIVITY REQUIRED AND HAPPY TO ASSIST
UNDER RANGER DARRYL FORD'S DIRECTIONS.

What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:

LIVING DESERT

HERITAGE WALK TOUR GUIDE

Please detail any other relevant information:

Privacy

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Signature



355 Committee Nomination Form

ARDFORM 001

Section 355 Committee

Name of Committee:

FRIENDS OF THE FLORA - FAUNA

Personal Details

First Name

GAYLEUE

Last Name

FORD

Contact Number

[REDACTED]

Email Address

Applicant Street Number

[REDACTED]

Applicant Street Name

[REDACTED]

Applicant Suburb/City

BROKEN HILL

Applicant State (Select one option)

- ☒ NSW
☐ SA
☐ VIC
☐ QLD
☐ TAS
☐ WA
☐ ACT
☐ NT

Applicant Postcode

2880

Committee Details

Please outline why you would like to be a member of this committee:

LOVE THE OUTDOORS . LEARNING ABOUT
THE PLANTS . BIRDLIFE WORKING .
MEETING NEW PEOPLE

Please outline details of any relevant experience for this committee:

A GREAT BUNCH OF PEOPLE
WORKING . HELPING EACH OTHER
BEEN A VOLUNTEER FOR A FEW YEARS

What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:

NONE

Please detail any other relevant information:

Privacy

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Signature



GAYLE FORD
Name
GAYLENE FORD

End of form

355 Committee Nomination Form

PROPOSED

Section 355 Committee

Name of Committee:

FRIENDS OF THE FLORA & FAUNA OF THE BARRIER RANGES COMMUNITY
COMMITTEE

Personal Details

First Name:

MICHAEL

KAREN

Last Name:

FORD

FORD

Contact Number

Email Address

Applicant Street Number

Applicant Street Name

Applicant Suburb/City

BROKEN HILL

Applicant State (Select one option)

- ☒ NSW
☐ SA
☐ VIC
☐ QLD
☐ TAS
☐ WA
☐ ACT
☐ NT

Applicant Postcode

2880

Committee Details

Please outline why you would like to be a member of this committee:

EXISTING MEMBER - RENEWAL - (MICHAEL)

ENJOY OUTDOORS & LOVE GOING TO THE LIVING DESERT

CURRENTLY HELP ON OCCASION TO UNLOCK/LOCK THE DESERT

& FEED THE REOS - (KAREN)

Please outline details of any relevant experience for this committee:

EXISTING + 5 YEARS & HELPED WITH TREE PLANTING & FENCING PRIOR

TO THIS WHEN LIVING DESERT WAS BEING ESTABLISHED. - (MICHAEL)

AS ABOVE - (KAREN)

What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:

MICHAEL { * B.H. VETERAN & VINTAGE CAR CLUB - COMMITTEE MEMBER & MEMBER
* CENTRAL FOOTBALL CLUB OLD TIMERS COMMITTEE MEMBER
* T.H.S. COMMITTEE
* NIL - KAREN

Please detail any other relevant information:

WE BOTH ENJOY VISITING & DOING WORK AT THE LIVING DESERT.
BOTH ENJOY WORKING WITH & BEING WITH FELLOW VOLUNTEERS &
VISITORS TO THE DESERT, ENJOY BEING AROUND PEOPLE. LOVE THE
OUTDOORS & BUSHWALKING ETC.

Privacy

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Signature

 MICHAEL FORD

 KAREN FORD

355 Committee Nomination Form

STANDARD FORM NO. 64

Section 355 Committee

Name of Committee:

FRIENDS OF FLORA & FAUNA

Personal Details

First Name

RONALD

Last Name

FLETCHER

Contact Number

[REDACTED]

Email Address

Applicant Street Number

[REDACTED]

Applicant Street Name

[REDACTED]

Applicant Suburb/City

BROKEN HILL

Applicant State (Select one option)

- ☒ NSW
- ☐ SA
- ☐ VIC
- ☐ QLD
- ☐ TAS
- ☐ WA
- ☐ ACT
- ☐ NT

Applicant Postcode

2880

Committee Details

Please outline why you would like to be a member of this committee:

AS I HAVE BEEN MEMBER 355 20yrs
I LIKE TO KEEP ASSISTING

Please outline details of any relevant experience for this committee:

20yrs

What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:

.....

.....

.....

Please detail any other relevant information:

.....

.....

.....

Privacy

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Signature

Leisa Bartlett

From: Broken Hill City Council <council@brokenhill.nsw.gov.au>
Sent: Saturday, 22 January 2022 2:13 PM
To: Broken Hill City Council
Subject: 355 Committee Nomination Form
Attachments: SubmissionReceipt-S355CommitteeNominationForm-S355CNF-18.pdf;
114386331.png



355 Committee Nomination Form

S355CNF-18,

Name of Committee:	Flora and Fauna
Personal Details	
First Name	Ann
Last Name	Evers
Contact Number	[REDACTED]
Email Address	[REDACTED]
Applicant Street Number	[REDACTED]
Applicant Street Name	[REDACTED]
Applicant Suburb/City	Broken Hill
Applicant State	NSW
Applicant Postcode	2880
Committee Details	
Please outline why you would like to be a member of this committee:	I am interested in helping to maintain the Living Desert and Regeneration Areas as an outstanding natural asset of Broken Hill.
Please outline details of any relevant experience for this committee:	I have had a longterm interest in local flora of the Far West. I have assisted national parks and Landcare with plant identification and advice on conservation. I collect and propagate seed from this region.
What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:	I have been a member of this committee for several years. I was also on the Arboretum Committee for a year.

Please detail any other relevant information:	
Privacy	
Signature	
	Name of signatory: Ann Evers Link to signature

Leisa Bartlett

From: Broken Hill City Council <council@brokenhill.nsw.gov.au>
Sent: Thursday, 21 October 2021 3:13 PM
To: Broken Hill City Council
Subject: 355 Committee Nomination Form
Attachments: SubmissionReceipt-S355CommitteeNominationForm-S355CNF-13.pdf;
 104051525.png



355 Committee Nomination Form

S355CNF-13,

Name of Committee:	Memorial oval
Personal Details	
First Name	Tanya
Last Name	Martyn
Contact Number	[REDACTED]
Email Address	[REDACTED]
Applicant Street Number	[REDACTED]
Applicant Street Name	[REDACTED]
Applicant Suburb/City	Broken Hill
Applicant State	NSW
Applicant Postcode	2880
Committee Details	
Please outline why you would like to be a member of this committee:	As part of the Dog Clubs in Broken Hill we hold a large dog show in May this way we can update and notify the Memorial Oval of progress and be involved in protecting the use of the oval for everyone. I've been part of the Memorial Oval for many years.
Please outline details of any relevant experience for this committee:	As a member of 3 Dog clubs and been on committees I know how it's important to work as a team
What is your previous experience with any committee? Please list	Secretary of Silver City Kennel Club 4 years Treasurer of Ladies Kennel Club 4 years Secretary of the Broken Hill All Breeds Obedience Dog Club 11 years, committee member for all 3 clubs for many years

name/s of Committee/s and periods of service:	
Please detail any other relevant information:	
Privacy	
Signature	
	Name of signatory: Tanya Martyn Link to signature

Leisa Bartlett

From: Broken Hill City Council <council@brokenhill.nsw.gov.au>
Sent: Thursday, 21 October 2021 3:18 PM
To: Broken Hill City Council
Subject: 355 Committee Nomination Form
Attachments: SubmissionReceipt-S355CommitteeNominationForm-S355CNF-14.pdf;
104053158.png



355 Committee Nomination Form

S355CNF-14,

Name of Committee:	Memorial Oval Community Committee
Personal Details	
First Name	Chris
Last Name	May
Contact Number	[REDACTED]
Email Address	[REDACTED]
Applicant Street Number	[REDACTED]
Applicant Street Name	[REDACTED]
Applicant Suburb/City	Broken Hill
Applicant State	NSW
Applicant Postcode	2880
Committee Details	
Please outline why you would like to be a member of this committee:	As part of the Dog Clubs in Broken Hill we hold a large dog show in May this way we can update and notify the Memorial Oval of progress and be involved in protecting the use of the oval for everyone. I've been part of the Memorial Oval for many years.
Please outline details of any relevant experience for this committee:	As a member of all 3 Dog Clubs in Broken Hill I know how important to work as a team
What is your previous experience with any committee? Please list	Have held many rolls on the committee of Silver City Kennel Club, Ladies Kennel Club of Broken Hill and Broken Hill All Breeds Obedience Dog Club for over 30 years

name/s of Committee/s and periods of service:	
Please detail any other relevant information:	
Privacy	
Signature	
	Name of signatory: Chris May Link to signature

Leisa Bartlett

From: Broken Hill City Council <council@brokenhill.nsw.gov.au>
Sent: Wednesday, 3 November 2021 6:51 AM
To: Broken Hill City Council
Subject: 355 Committee Nomination Form
Attachments: SubmissionReceipt-S355CommitteeNominationForm-S355CNF-15.pdf;
105843318.png



355 Committee Nomination Form

S355CNF-15,

Name of Committee:	memorial oval
Personal Details	
First Name	Layne
Last Name	Ralph
Contact Number	[REDACTED]
Email Address	[REDACTED]
Applicant Street Number	[REDACTED]
Applicant Street Name	[REDACTED]
Applicant Suburb/City	Broken Hill
Applicant State	NSW
Applicant Postcode	2880
Committee Details	
Please outline why you would like to be a member of this committee:	representative of the Central Football club
Please outline details of any relevant experience for this committee:	
What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:	
Please detail any other relevant information:	
Privacy	
Signature	

	Name of signatory: Layne Ralph Link to signature
--	--

POLICY AND GENERAL COMMITTEE

April 5, 2022

ITEM 11BROKEN HILL CITY COUNCIL REPORT NO. 97/22

SUBJECT: NOMINATIONS AS INDEPENDENT PANEL MEMBERS ON THE
COMMUNITY ASSISTANCE GRANTS PANEL D22/16494

Recommendation

1. That Broken Hill City Council Report No. 97/22 dated April 5, 2022, be received.
2. That the Community Assistance Grants Policy membership be amended:
 - a) to allow for a minimum of three Independent Panel Members; and
 - b) to remove reference to "Our Community Portfolio Councillor" and clarify that Council's delegates be the Mayor (or nominee) and two (2) Councillors.
3. That Ms Julua Hamel and Ms Tracy Harman be appointed as Independent Panel Members on the Community Assistance Grants Panel for the current term of Council.

Executive Summary:

Council appointed Mr Kenneth Martin, Ms Sandra Haring and Ms Jodie Whitehair as Independent Panel Members on the Community Assistance Grants Panel at the March Council Meeting.

Council has received a further two nominations from Ms Julua Hamel and Ms Tracy Harman just prior to the closing date for nominations being 1 April 2022. It is recommended that Council considers appointing two additional Independent Panel Members to the Community Assistance Grants Panel and to facilitate this, amend the Policy to allow for a minimum of three Independent Panel Members.

The additional two Panel Members will allow for a diversity of knowledge and experience to assist with a thorough assessment of applications and will also allow flexibility in the scheduling of meetings.

Report:

Council first adopted the Community Assistance Grants Policy in February 2016 which changed the way that Council administered Community Assistance Grant funding by introducing two rounds of competitive funding each year, thus eliminating requests being considered in isolation of a structured program.

The Community Assistance Grants Policy was established as 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 also aims to ensure that the allocation of Council's limited resources is undertaken in a fair, transparent, accountable and ethical manner.

To facilitate this, a Community Assistance Grants Panel was formed with membership consisting of the Mayor (or nominee); the “Our Community” Portfolio Councillor (or alternate); an additional Councillor; the Broken Hill Australia Day Citizen of the Year; and two independent members. The Panel is supported by Council’s Executive Officer.

With the disbandment of the Key Direction Working Groups through the introduction of Standing Committees, it is recommended that the reference to “Our Community Portfolio Councillor” be removed and for the Policy to state that Council’s delegates be the Mayor (or nominee) and two Councillors.

Council considered three (3) nominations for membership at the March Council Meeting and adopted the appointment of Mr Kenneth Martin, Ms Sandra Haring and Ms Jodie Whitehair as Independent Panel Members along with an amendment to the Policy to increase the membership of Independent Panel Members from two (2) to three (3).

Further to the March Council Meeting, Council has received two (2) additional nominations for membership prior to the closing date for nominations (1 April 2022). Council has received nominations from Ms Julua Hamel and Ms Tracy Harman.

Ms Hamel and Ms Harman’s nomination forms are attached for Council’s reference. Both nominees will bring a wealth of knowledge and experience to the Panel in the areas of law, advocacy, finance, research, meeting procedures and both are passionate about assisting local community organisations to provide services/activities/events to the community.

It is also recommended that the Community Assistance Grants Policy be further amended to allow for a minimum of three (3) Independent Members, this will facilitate appointment of a further two members which will assist with a thorough assessment of applications due to a diversity of opinions, knowledge and experience. It will also assist in the scheduling of meetings, which need to occur at set times of the year, and for an appropriate number of members present should there be member/s of the Panel who are unable to attend a meeting.

Correspondence was sent to Mr Steven Radford, the current Broken Hill Australia Day Citizen of the Year to invite him to join the Panel for 2022, and I am pleased to advise that Council received a favourable reply from Mr Radford, who is eager to assist the Panel with the assessments of applications this year.

This report is presented to Council to consider amending the Community Assistance Grants Policy to allow for the appointment of two additional independent members along with minor amendments to the Policy to tidy up the membership clause.

Community Engagement:

This report is the result of Council advertising for Expressions of Interest for nominations as Independent Panel Members on the Community Assistance Grants Panel.

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, Section 356

And Council’s adopted Community Assistance Grants Policy

Financial Implications:

Nil.

Attachments

1. [↓](#) Nominations
2. [↓](#) Community Assistance Grants Policy

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

Leisa Bartlett

From: Broken Hill City Council <council@brokenhill.nsw.gov.au>
Sent: Thursday, 31 March 2022 5:49 PM
To: Leisa Bartlett
Subject: Expression Of Interest - CAG Panel
Attachments: SubmissionReceipt-ExpressionOfInterestCommunityAssistanceGrantsPanelMember-EOICAGP-5.pdf

Follow Up Flag: Follow up
Flag Status: Flagged



Expression Of Interest - CAG Panel

EOICAGP-5

NOMINATION FOR INDEPENDENT PANEL MEMBER (Honorary Position)	
Applicant Details	
First Name	Tracy
Last Name	Harman
Contact Number	[REDACTED]
Email Address	[REDACTED]
Applicant Street Number	[REDACTED]
Applicant Street Name	[REDACTED]
Applicant Suburb/City	Broken Hill
Applicant State	NSW
Applicant Postcode	2880
Please explain why you wish to apply for the honorary position of Independent Panel Member on the Community Assistance Grant Panel	<p>To the General Manager,</p> <p>Re: Expression of Interest - Community Assistance Grants Panel Member</p> <p>I would like to submit my nomination for honorary position of Independent Panel Member of the Broken Hill City Council Community Assistance Grants Panel.</p> <p>Having the privilege of living in Broken Hill for 50 years, I know firsthand the importance the local communities and</p>

	<p>not-for-profit organisations have on the success of our wonderful city. Through my association with many of these organisations over the years, I also know of the struggles they face and the significance any financial assistance can have on not only their success, but also their survival.</p> <p>With no current connection to an individual community group or not-for-profit organisation, I feel the time is right for me to look at ways I can give back to my community and feel that this would be an extremely rewarding way to fulfil this aspiration.</p> <p>I consider it a privilege for any person to be appointed such a position and believe I have the necessary knowledge and experience to fulfil this role.</p>
Do you have any experience on a similar panel/finance related committee?	<p>Working in the financial services industry for over 33 years I have a wide range of experience that I consider essential for such a position not limited to the following:</p> <ul style="list-style-type: none"> - Over 25 years lending experience, assessing and approving various forms of finance applications - Knowledge and understanding of reading and preparing financial statements - Experience in preparing all forms of reports - Experience in attending Board Meeting, - Experience with Board Committee meetings at all levels from running meetings to compiling minutes - Demonstrated ability to make hard decisions and work under pressure - Ability to meet tight deadlines - Strong knowledge of risk & compliance requirements - Ability to work alone or in a team - Demonstrated ability to make recommendations - Ability to provide independent judgement <p>(Please note my husband is an employee of the Broken Hill City Council)</p> <p>Should it be required I will be happy to provide any supporting information including training qualifications and or references.</p>
Applicant signature	<p>Name of signatory: Tracy Harman</p> <p>Link to signature</p>

Leisa Bartlett

From: Broken Hill City Council <council@brokenhill.nsw.gov.au>
Sent: Thursday, 31 March 2022 4:23 PM
To: Leisa Bartlett
Subject: Expression Of Interest - CAG Panel
Attachments: SubmissionReceipt-ExpressionOfInterestCommunityAssistanceGrantsPanelMember-EOICAGP-4.pdf

Follow Up Flag: Follow up
Flag Status: Flagged



Expression Of Interest - CAG Panel

EOICAGP-4

NOMINATION FOR INDEPENDENT PANEL MEMBER (Honorary Position)	
Applicant Details	
First Name	Julua
Last Name	Hamel
Contact Number	[REDACTED]
Email Address	[REDACTED]
Applicant Street Number	[REDACTED]
Applicant Street Name	[REDACTED]
Applicant Suburb/City	Broken Hill
Applicant State	NSW
Applicant Postcode	2880
Please explain why you wish to apply for the honorary position of Independent Panel Member on the Community Assistance Grant Panel	I am very motivated to work with others to improve services in Broken Hill and encourage members of our community to develop programs and engage in activities that will grow and enrich Broken Hill. Working with Dionne Devlin, we gathered support from community to challenge the federal government criteria around the locations eligible to apply for funding to establish a child contact service, Successful in our advocacy, Catholic Care is now making an application for funding to establish a contact centre. Other activities I have engaged in since retiring to Broken Hill include nominating Natasha Bearman for a

	<p>citizenship award and working with members of the local Lions club to identify local organisations that the Lions could assist. Working on the project I researched local charities on the ACNC website, spoke to organisations about the project, the process and the steps the agency had to take to access the program. By way of background, I am a retired solicitor. Working at the Far West Community Legal Centre, first as a solicitor and then as Principal Solicitor (Interim), most of my legal work has been in family law and care and protection law.</p> <p>With a diverse employment background, I would bring to the Panel financial knowledge and legal expertise. Working as a family law solicitor I often had to analyse balance sheets and profit and loss data. Using skills learned from working as a data analyst at the Australian Bureau of Statistics, Economic surveys, and my work as a lending officer for a bank and building society, I had little difficulty following the money and identifying attempts to use creative accounting.</p> <p>I am very focused on Broken Hill. I love living here and find it is vibrant, friendly and engaging. In 2019 I bought a house and intend to stay in the area.</p> <p>I believe I would bring energy, insight, financial and legal skills to the Panel. I have skills in working easily with others. An independent thinker, I consider the views of others before making a decision. Skilled in research and advocacy I believe I could assist the Panel make choices and decisions that will improve and enhance services, programs and businesses in the Broken Hill community.</p>
Do you have any experience on a similar panel/finance related committee?	I have previously been a member of the North, North West Community Services Board in Armidale and was an executive member on a community group.
Applicant signature	<p>Name of signatory: Julua Hamel</p> <p>Link to signature</p>

COMMUNITY ASSISTANCE GRANTS POLICY

QUALITY CONTROL			
TRIM REFERENCES	12/114 – D17/3599		
RESPONSIBLE POSITION	General Manager		
APPROVED BY	Council		
REVIEW DATE	April 2021	REVISION NUMBER	5
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
24/02/2016	Adoption	45180	
22/02/2017	Public Exhibition	45461	
26/04/2017	Adoption	45524	
28/11/2018	Adoption	45959	
24/06/2020	Adoption	46284	
30/03/2022	Adoption	46802	

1. INTRODUCTION

Council acknowledges the contribution made by our community towards the betterment of Broken Hill and the contribution of volunteers towards the objectives of Council.

This policy aims to provide support to individuals and groups through a program of Community Assistance Grants.

This policy allows for considered and transparent decisions to be made regarding the distribution of community resources.

2. POLICY OBJECTIVE

The purpose of this policy is to provide 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.

3. POLICY SCOPE

The policy applies to all applications for Community Assistance Grants.

4. POLICY STATEMENT

4.1. General Principles

Council commits itself to the following principles:

- 4.1.1. Accountability, transparency and equity – The policy provides a framework for the transparent and merit-based provision of support and a system of accountability for the recipient.
- 4.1.2. Alignment with Council strategies – The policy aligns with Council priorities outlined in the Broken Hill Community Strategic Plan and Councils Delivery Program.
- 4.1.3. Value for money – The policy ensures Council considers the value for money received in return for Councils investment.

4.2. Scope of Program

- 4.2.1. The total amount available under the Community Assistance Grant Program will be determined annually by the elected Council in connection with the Operational Plan and Delivery Program.
- 4.2.2. Community Assistance Grants may comprise cash/and or value in kind.
- 4.2.3. Council may decide to offer to an applicant a Community Assistance Grant in an amount less, or in a combination different to, what is applied for.
- 4.2.4. A monetary figure will be allocated to all value in kind awarded under the Community Assistance Grant Program, in accordance with its true cost to Council. This amount will be included in the total amount of Community Assistance Grant allocated to any successful applicant.
- 4.2.5. Any amendments to the total budget allocated to the Community Assistance Grant program must be approved by the elected Council.
- 4.2.6. Only single year commitments may be approved under this policy.

4.3. Existing Commitments

- 4.3.1. The following existing committed donations do not meet the requirements for inclusion in a competitive process because they are initiatives instigated by Council and also they are not auspiced by a community organisation, therefore the following annual committed donations will be made:

Name of Organisation	2015/2016 Commitment	Purpose
Local Schools	\$100 per school (\$1,000.00 total)	Donation towards presentation night
David Bowler Memorial Award	\$2,500.00	Co-contribution towards award

- 4.3.2. All other previously committed annual donations will not be made and these organisations must apply to one of the competitive rounds of Community Assistance funding due to their organisation meeting the eligibility criteria to apply.ⁱ

4.4. Program Structure

- 4.4.1. Council will hold up to two competitive rounds for Community Assistance Program each financial year.
- 4.4.2. Council will advertise the details of each round of the Community Assistance Program on Councils website and in the local media.
- 4.4.3. Council may decide to host a public information session in connection with a competitive round to provide information to prospective applicants about the program.

4.5. Eligibility and Assessment

4.5.1. Eligibility Criteria

Council will not support applications that do not meet all of the following Eligibility Criteria:

- a. Applicant must be an incorporated community association/organisation, or a registered not-for-profit association/charitable organisation with an ABN or ACN. Applications will not be accepted from individuals, businesses, government agencies, political parties or lobby groups.
- b. Applicants must lodge a completed application using Council's standard Community Assistance Grant Program Application Form in accordance with any published Guidelines.
- c. Applications must be received on or before the advertised due date.
- d. Applicants must provide evidence that they have appropriate insurances in place.
- e. The event/project/service/activity must be scheduled to occur within the same financial year the application is made and support is received.
- f. The funds received through Community Assistance Grants must not be used to raise funds on behalf of another group.
- g. Applicants may not have received any other sponsorship support from Council within the same financial year, regardless of whether it was for a different event/project/service/activity.
- h. Applicants must have complied with, to Council's satisfaction, the conditions of any previous grant, support or Community Assistance Grant received from Council.
- i. The event/project/service/activity must be consistent with the community values defined in the Community Strategic Plan.
- j. The event/project/service/activity must apply uniformly to all persons in the Broken Hill Local Government Area or to a significant group of persons within the area.
- k. The Applicant must be capable of obtaining all regulatory approvals for the event/project/service/activity.

- I. If a public information session is scheduled in connection with a round of Community Assistance Grant funding, a representative of the Applicant must attend, or otherwise meet with the relevant Council Officer in advance of the application deadline.

4.5.2. Assessment Criteria

Applications that satisfy the Eligibility Criteria set out in clause 4.5.1 will then be assessed against the following Assessment Criteria, which will be weighted according to Councils strategies:

- a. Social benefit to the community. Considerations include: number and age of participants; skills and knowledge developed by applicants.
- b. How the project will support an identified need within or develop community strengths. Considerations include: alignment to community strategic plan and delivery program outcomes; the relevant impact on the Broken Hill community through the implementation of the initiative.

4.5.3. Assessment of Applications

The Relevant Council Officer will receive applications and undertake a preliminary assessment against the Eligibility and Assessment Criteria set out in sections 4.5.1 and 4.5.2.

It is open to the Council Officer to amend estimates and projections included in the application prior to assessment based on information available to Council or Council's past experience. Any changes should be notified to the applicant with the reasoning documented.

If the applicant does not agree with amendments suggested by the Relevant Council Officer, the application will still be presented to the Community Assistance Grant Panel for assessment with information from the Relevant Council Officer as to why amendments are recommended.

The weighting allocated to each assessment criterion will be determined and approved by the Community Assistance Grant Panel prior to applications being called. These weightings must be made available to applicants upon request.

Following a preliminary assessment, the Relevant Council Officer will present all applications to the Community Assistance Grant Panel with a recommendation on eligibility.

The Community Assistance Grant Panel will be convened to assess applications. The Community Assistance Grant Panel's assessment must be recorded on an evaluation form and retained in Council's records management system. The evaluation form will be signed by all members of the Community Assistance Grant Panel.

Each member of the Community Assistance Grant Panel must comply with Councils Code of Conduct, in particular, the provisions covering Conflicts of Interest.

The Community Assistance Grant Panel will make recommendation to the General Manager.

The General Manager approves and provides Council with a report for information subsequent to the awarding of grants.

The event/project/service/activity must be suitable for Council's involvement and consistent with Council's community values defined in the Community Strategic Plan.

4.5.4. Agreements, Payments and Acquittals

Successful applicants and Council must sign an Agreement, containing Council's terms and conditions for the Community Assistance Grant prior to any monies being released.

Payments will be made in accordance with the agreement following receipt of invoice.

All invoices must be received before the end of the financial year in which Community Assistance Grant was awarded and the event/project/service/activity implemented.

Council will not be liable for any amounts over and above the Community Assistance Grant amount as set out in the Agreement.

Successful applicants must provide acquittal information to Council in accordance with the terms of the Agreement.

5. IMPLEMENTATION

5.2. Roles and Responsibilities

The following Council Officers are responsible for the implementation and the adherence to this policy:

- General Manager
- Executive Officer

5.3. 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.

5.4. Associated Documents

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

- Code of Conduct
- Statement of Business Ethics

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 (3) months prior to the expiry of this policy.

The General 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:

Local Government Act 1993 – Sections 377 and 356

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

8. DEFINITIONS

Agreement means the agreement entered into by Council and applicant whose application for Community Assistance Grant has been successful.

Council means Broken Hill City Council.

Community Assistance Grant means Financial Assistance provided by Council as a financial contribution or Value in Kind, to support an event, project, service or activity.

Community Assistance Grant Panel means the panel comprising:

- The Mayor (or nominee)
- The "Our Community" Portfolio Councillor (or alternate)
- An additional Councillor
- The Broken Hill Australia Day Citizen of the Year
- Three independent persons

Financial Assistance means payments given to individuals or organisations that are not commensurate with a reciprocal benefit received by Council.

Guidelines means any guidelines published in connection with Council's Community Assistance Grant program in any year.

Relevant Council Officer means the Council employee responsible for administering the Community Assistance Grant program.

Value in Kind means goods or services supplied by Council in connection with a Community Assistance Grant, including the waiver or discounting of fees and charges for Council facilities.

ⁱ Minute No. 46356 of 30/09/2020 records Council's resolution to increase the Community Assistance Grants budget annually by \$6,000.00 to be quarantined for Golf Broken Hill Inc should they apply and meet all eligibility and assessment criteria, otherwise the funds will be included in the available budget for all applications for Round 2 each year.