



# BUSINESS PAPER

Policy and General  
Committee Meeting

Council Chambers  
18 October 2023

5.30pm

**BROKEN HILL**  
CITY COUNCIL

**AUSTRALIA'S FIRST  
HERITAGE LISTED CITY**

## MEMBERS OF THE POLICY & GENERAL COMMITTEE:

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

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, 18 October 2023** commencing at **5:30pm** to consider the following business:

| AGENDA |   |
|--------|---|
| 1      | Opening the Meeting                             |
| 2      | Apologies                                       |
| 3      | Leave of Absence Applications                   |
| 4      | Prayer  |
| 5      | Acknowledgement of Country                      |
| 6      | Acknowledgement of Broken Hill's Mining History |
| 7      | Minutes for Confirmation                        |
| 8      | Disclosure of Interest                          |
| 9      | Reports   |
| 10     | Confidential Matters                            |
| 11     | Conclusion of the Meeting                       |

### STATEMENT OF ETHICAL OBLIGATIONS

All Councillors undertook an Oath or Affirmation at the beginning of their term of office and declared to undertake the duties of the office of Councillor in the best interests of the people of the Broken Hill Local Government Area and the City of Broken Hill; and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the *Local Government Act 1993* or any other Act to the best of their ability and judgment.

### LIVE STREAMING OF COUNCIL MEETINGS

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

**JAY NANKIVELL**  
**GENERAL MANAGER**

# MINUTES FOR CONFIRMATION

Minutes of the Policy And General Committee of the City of Broken Hill held  
Wednesday, September 20, 2023.

**MINUTES OF THE POLICY AND GENERAL COMMITTEE MEETING HELD  
WEDNESDAY, SEPTEMBER 20, 2023 (5.30PM)**

**PRESENT:** Councillor T. Kennedy (Mayor) Councillor B. Algate (Chairperson),  
Councillors M. Boland and H Jewitt.

Councillor A. Chandler.

General Manager, Director Finance and Commercial, Director  
Infrastructure and Environment, Executive Officer and Executive  
Assistant.

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

**APOLOGIES:** Nil

**LEAVE OF ABSENCE**

- APPLICATIONS:**
- 1) Deputy Mayor Hickey submitted a Leave of Absence application and provided the reason "*Recreational Leave from 14 September 2023 to 5 October 2023*".
  - 2) Councillor Browne submitted a Leave of Absence application and provided the reason "*Travelling from 1 September 2023 to 24 September 2023*".

**Procedural Motion**

Moved Mayor Tom Kennedy, Seconded Councillor Hayley Jewitt

That the applications be received and Deputy Mayor Hickey and Councillor Browne be granted a leave of absence for this meeting.

CARRIED UNANIMOUSLY

**PRAYER**

Councillor Boland delivered the Prayer.

**ACKNOWLEDGEMENT OF COUNTRY**

Councillor Jewitt delivered the Acknowledgement of Country.

**ACKNOWLEDGEMENT OF BROKEN HILL'S MINING HISTORY**

Mayor Kennedy delivered the Acknowledgement of Broken Hill's Mining History.

## MINUTES FOR CONFIRMATION

### Recommendation

Moved Councillor Michael Boland, Seconded Mayor Tom Kennedy

That the Minutes of the Policy And General Committee meeting held Wednesday August 23, 2023 be confirmed.

CARRIED UNANIMOUSLY

## DISCLOSURE OF INTEREST

Nil

## REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 172/23 - DATED JUNE 08, 2023 - ANNUAL FEES - MAYOR AND COUNCILLORS D23/29923

### Recommendation

Moved Councillor Michael Boland, Seconded Councillor Hayley Jewitt

1. That Broken Hill City Council Report No. 172/23 dated June 8, 2023, be received.
2. That Council notes the outcome of the community poll conducted regarding whether the Mayor and Councillors should receive a three (3) percent increase in their fees for the 2023/2024 financial year.
3. That Council notes that the Local Government Remuneration Tribunal determined that there be a three (3) percent increase to the minimum and maximum fees applicable to Councillors and Mayors in each existing category for the financial year commencing 1 July 2023.
4. That Council also notes that the current annual fees paid to Broken Hill City Council's Mayor and Councillors is below the maximum fees determined for the category of "Regional Rural".
5. That Council determines that no increases be applied to the current fees for the Mayor and Councillors for the 2023/2024 financial year.
6. That allocation of a fee for the Deputy Mayor when acting in the role as Mayor, being the daily fee based on the annual additional Mayoral fee; with the fee so payable deducted from the Mayor's fee, be reaffirmed.

CARRIED UNANIMOUSLY

2. BROKEN HILL CITY COUNCIL REPORT NO. 173/23 - DATED AUGUST 31, 2023 - ENDORSEMENT OF DISPLAY FORMAT FOR COUNCILLOR MEETING/BRIEFING ATTENDANCE IN DRAFT 2022/23 ANNUAL REPORT D23/46951

**Recommendation**

Moved Mayor Tom Kennedy, Seconded Councillor Hayley Jewitt

1. That Broken Hill City Council Report No. 173/23 dated August 31, 2023, be received.
2. That Council endorse the proposed display format for Councillor attendance at Ordinary, Extraordinary and Standing Committee Meetings and Briefings for placement in the Draft 2022/2023 Annual Report.

**CARRIED UNANIMOUSLY**

3. BROKEN HILL CITY COUNCIL REPORT NO. 174/23 - DATED AUGUST 23, 2023 - PUBLIC INTEREST DISCLOSURES ANNUAL REPORT - 2022/2023 D23/45024

**Recommendation**

Moved Councillor Michael Boland, Seconded Councillor Hayley Jewitt

1. That Broken Hill City Council Report No. 174/23 dated August 23, 2023, be received.
2. That the Broken Hill City Council Public Interest Disclosures Annual Report 2022/2023 be forwarded to the Minister for Local Government and the NSW Ombudsman by 30 October 2023

**CARRIED UNANIMOUSLY**

4. BROKEN HILL CITY COUNCIL REPORT NO. 175/23 - DATED SEPTEMBER 07, 2023 - 2022/2023 DRAFT ANNUAL FINANCIAL STATEMENTS D23/48829

**Recommendation**

Moved Mayor Tom Kennedy, Seconded Councillor Hayley Jewitt

1. That Broken Hill City Council Report No. 175/23 dated September 7, 2023, be received.
2. That the 2022/2023 Draft Primary Financial Statements as attached be received.
3. That the 2022/2023 Draft Primary Financial Statements as attached be referred to audit.
4. That Council adopt the attached Statements of Opinion on the 2022/23 General Purpose and Special Purpose Financial Statements and the Mayor, the Deputy Mayor, the General Manager and the Responsible Accounting Officer sign the Statements in accordance with Section 413(2)(c) of the *Local Government Act 1993*.

5. That Council delegate to the General Manager the authority to finalise the date at which the auditor's report and financial statements are to be presented to the public.
6. That Council delegate the General Manager the authority to authorise the 2022/23 General Purpose and Special Purpose Financial Statements and associated Special Schedules for issue immediately upon receipt of the auditors reports subject to there being no material audit changes or audit issues, in accordance with AASB 110.
7. That Council notes that representatives from the Local Government Grants Commission, who gave a briefing to Councillors and Council Management regarding Financial Assistance Grants, recognised that Broken Hill City Council is one of only a small number of Councils in NSW whose finances are being well managed during the current financial climate, and that Councillors and Council staff should be congratulated on their management of Council's finances.

**CARRIED UNANIMOUSLY**

5. BROKEN HILL CITY COUNCIL REPORT NO. 176/23 - DATED SEPTEMBER 07, 2023 - BUDGET CARRYOVER'S 2022/23 D23/48540

**Recommendation**

Moved Mayor Tom Kennedy, Seconded Councillor Michael Boland

1. That Broken Hill City Council Report No. 176/23 dated September 7, 2023, be received.
2. That Council revoke the budget items as listed below in *Table 1* for the amount of \$399,100.
3. That Council note the carryover budget items as listed below in *Table 2* for the amount of \$41,510,479.

**CARRIED UNANIMOUSLY**

6. BROKEN HILL CITY COUNCIL REPORT NO. 177/23 - DATED SEPTEMBER 07, 2023 - INVESTMENT REPORT FOR AUGUST 2023 D23/48850

**Recommendation**

Moved Councillor Michael Boland, Seconded Councillor Hayley Jewitt

1. That Broken Hill City Council Report No. 177/23 dated September 7, 2023, be received.

**CARRIED UNANIMOUSLY**

7. BROKEN HILL CITY COUNCIL REPORT NO. 178/23 - DATED SEPTEMBER 12, 2023 - MEMORANDUM OF UNDERSTANDING - FINANCIAL ASSISTANCE TO THE SILVER CITY CUP RACE COMMITTEE D23/49511

Recommendation

Moved Councillor Michael Boland, Seconded Councillor Hayley Jewitt

1. That Broken Hill City Council Report No. 178/23 dated September 12, 2023, be received.
2. That the General Manager be authorised to negotiate and execute a Memorandum of Understanding for financial assistance to the Silver City Cup Race Committee for the 2023/24 and 2024/25 financial years.
3. That the terms of the Memorandum of Understanding include financial assistance grants of \$7,300.00 per annum to cover in-kind waste services fees and the remainder to be used towards utility/hire costs for the conduct of the 2023 and 2024 Silver City Cup Races held at the Broken Hill Racecourse in November each year.
4. That the Memorandum of Understanding includes KPI's on the financial reporting of the Silver City Cup Races (income and expenditure financial statements following each Race meet) and the reporting of acquittal of grant funds each year.

CARRIED UNANIMOUSLY

8. BROKEN HILL CITY COUNCIL REPORT NO. 179/23 - DATED SEPTEMBER 06, 2023 - MINUTES OF THE S355 AGEING WELL ADVISORY COMMITTEE MEETING HELD 2 AUGUST 2023 D23/48283

Recommendation

Moved Mayor Tom Kennedy, Seconded Councillor Michael Boland

1. That Broken Hill City Council Report No. 179/23 dated September 6, 2023, be received.
2. That the minutes of the S355 Ageing Well Advisory Committee meeting held 2 August 2023 be received.
3. That Council prepare and send correspondence to service providers to enquire if they provide meals to clients, if so, where are the meals prepared and what is the cost of the meals.
4. That the Ageing Well Advisory Committee provides a report to the General Manager outlining the issues currently being faced by the local aged care industry (aged care facilities and in-home aged care providers) with the issue of the reoccurrence of local elderly people being sent to Wentworth or Mildura Nursing Homes to be included in the report.

CARRIED UNANIMOUSLY



9. BROKEN HILL CITY COUNCIL REPORT NO. 180/23 - DATED SEPTEMBER 07, 2023 - MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 24 AUGUST 2023 D23/48533

**Recommendation**

**Moved Councillor Michael Boland, Seconded Councillor Hayley Jewitt**

- 1. That Broken Hill City Council Report No. 180/23 dated September 7, 2023, be received.**
- 2. That minutes of the Audit, Risk and Improvement Committee meeting held 24 August 2023 be received and noted.**

**CARRIED UNANIMOUSLY**

**CONFIDENTIAL MATTERS**

Nil

**CLOSURE OF THE MEETING**

There being no further business to consider, the meeting was declared closed at 5:51pm.

The foregoing minutes were read and confirmed at the Policy and General Committee meeting held on 17 October 2023.

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Chairperson

# REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 197/23 - DATED OCTOBER 05, 2023 - CORRESPONDENCE REPORT - LOCAL GOVERNMENT REMUNERATION TRIBUNAL REVIEW FOR 2024 ANNUAL DETERMINATION (D23/54534) ..... 11
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## POLICY AND GENERAL COMMITTEE

October 5, 2023

**ITEM 1****BROKEN HILL CITY COUNCIL REPORT NO. 197/23**

**SUBJECT:** **CORRESPONDENCE REPORT - LOCAL GOVERNMENT  
REMUNERATION TRIBUNAL REVIEW FOR 2024 ANNUAL  
DETERMINATION** **D23/54534**

**Recommendation**

1. That Broken Hill City Council Report No. 197/23 dated October 5, 2023, be received.
2. That a Councillor Briefing be held in November for Councillors to determine whether a Council submission be forwarded to the Local Government Remuneration Tribunal.
3. That should Councillors determine that a submission be sent, this submission be formulated and presented to the November Council Meeting for Council's endorsement and submission to the Local Government Remuneration Tribunal by 21 December 2023.

**Executive Summary:**

Council has received correspondence dated 3 October 2023 from the Local Government Remuneration Tribunal seeking submissions from NSW Councils into the review for the 2024 annual determination.

**Report:**

Correspondence has been received from the Local Government Remuneration Tribunal advising that they have commenced the 2024 review of the annual determination.

Pursuant to Section 241 of the *Local Government Act 1993*, the Local Government Remuneration Tribunal is required to make an annual determination on the fees payable to Mayors and Councillors.

The Tribunal is also required to undertake make a determination on categories, the criteria applicable to each category and the allocation of councils into these categories at least once every three years. This determination was made by the Tribunal in 2023 and the next review and determination will occur in 2026.

Sections 239 and 241 of the *Local Government Act 1993* state:

***"239 Categorisation of councils and mayoral offices***

- (1) *The Remuneration Tribunal must, at least once every 3 years –
  - (a) determine categories for councils and mayoral offices, and
  - (b) place each council and mayor office into one of the categories it has determined.*

*(2) The determination of categories by the Remuneration Tribunal is for the purpose of enabling the Remuneration Tribunal to determine the maximum and minimum amounts of fees to be paid to mayors and councillors in each of the categories so determined."*

**“241 Determination of fees**

*The Remuneration Tribunal must, not later than 1 May each year, determine, in each of the categories determined under section 239, the maximum and minimum amounts of fees to be paid during the following year to councillors (other than mayors) and mayors.”*

As part of the Local Government Remuneration Tribunal’s annual review, the Tribunal will meet with Local Government NSW to receive a sector wide view for local government in NSW.

The Local Government Remuneration Tribunal is seeking submissions from Councils into its annual review. Submissions are required to be endorsed at a Council Meeting and lodged by 21 December 2023.

This report recommends that a Councillor Briefing be held to discuss whether Councillors wish to make a submission, and if so, to formulate the submission to be presented to the November Council Meeting for endorsement by Council.

**Attachments**

1. [↓](#) Correspondence from the Local Government Remuneration Tribunal
2. [↓](#) Copy of the 2023 Annual Determination Report

LEISA BARTLETT  
EXECUTIVE OFFICER

JAY NANKIVELL  
GENERAL MANAGER



## Local Government Remuneration Tribunal

Ref: A7503044

To Mayors/General Managers

via email to Councils

Dear Mayors/General Managers,

I write to advise that the Local Government Remuneration Tribunal has commenced its review for the 2024 annual determination.

As outlined in section 241 of the Local Government Act 1993 (LG Act), the Tribunal is required to make an annual determination, on the fees payable to Councillors and Mayors. The determination is to take effect from 1 July 2024.

The minimum and maximum fee levels for each category will be assessed by the Tribunal as part of the 2024 review process.

### Submissions

The Tribunal invites submissions from individual councils as part of this review. **It is expected that submissions are endorsed by their respective council.**

Any submission that Council may wish to make should be received no later than 21 December 2023 and should be emailed to [remunerationtribunals@psc.nsw.gov.au](mailto:remunerationtribunals@psc.nsw.gov.au) attention Joanne Nava.

### 2023 Annual Determination

In 2023 the Tribunal undertook a review of the categories and the allocation of councils into each of these categories as required under the LG Act. The Tribunal is only required to determine categories at least once every three years and will next consider the model, the criteria applicable to each category and the allocation of councils in detail in the 2026 review.

A copy of the Tribunal's 2023 Annual Determination can be found [here](#).

Please note that any material provided to the Tribunal may be made available under the Government Information (Public Access) Act 2009.

As part of the annual review the Tribunal will seek to meet with Local Government NSW, as it does each year, to receive a sector wide view for local government in NSW.

If you require any further information, please email or [joanne.nava@psc.nsw.gov.au](mailto:joanne.nava@psc.nsw.gov.au) telephone on 02 8226 0250.

Yours sincerely



Viv May PSM  
Local Government Remuneration Tribunal  
3 October 2023

**Local Government  
Remuneration Tribunal**

# Annual Determination

Report and determination under sections  
239 and 241 of the Local Government Act  
1993

27 April 2023



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# Executive Summary

The *Local Government Act 1993* (the LG Act) requires the Local Government Remuneration Tribunal (the Tribunal) to report to the Minister for Local Government by 1 May each year on its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

## Categories

Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years.

In accordance with the LG Act the Tribunal undertook a review of the categories and allocation of councils into each category as part of this review.

Accordingly, the revised categories of general purposes councils are determined as follows:

| Metropolitan        | Non-Metropolitan        |
|---------------------|-------------------------|
| Principal CBD       | Major Regional City     |
| Major CBD           | Major Strategic Area    |
| Metropolitan Major  | Regional Strategic Area |
| Metropolitan Large  | Regional Centre         |
| Metropolitan Medium | Regional Rural          |
| Metropolitan Small  | Rural Large             |
|                     | Rural                   |

## Fees

The Tribunal determined a 3 per cent per annum increase in the minimum and maximum fees applicable to each category.

For the new categories, the Tribunal has determined fees having regard to the relevant factors and relativities of remuneration ranges for existing categories.

Twenty six (26) councils are recategorised into a higher existing category or placed in a new category.

# Section 1 – Introduction

1. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last undertook a significant review of the categories and the allocation of councils into each of those categories in 2020.
2. Section 241 of the LG Act provides that the Tribunal determine 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 for each of the categories determined under section 239.
3. Section 242A(1) of the LG Act requires the Tribunal to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission.
4. The Tribunal can also determine that a council can be placed in another existing or new category with a higher range of fees without breaching the Government's Wages Policy as per section 242A (3) of the LG Act.
5. Natural disasters have a significant impact on the way mayors in particular work. There is an increase on time demands from the community, and media during these events as well as an increase in workloads. Whilst it is worth noting these issues, it is not within the Tribunal's authority to determine additional remuneration in recognition of the increasing demands on a mayor's time for these events.
6. The Tribunal's determination takes effect from 1 July each year.

# Section 2 – 2022 Determination

7. In 2022, the Tribunal received eight (8) submissions, which included five (5) requests for recategorisation. Three of these requests sought the creation of new categories.
8. The Tribunal found that the current categories and allocation of councils to these categories remained appropriate but noted that some councils may have a case for recategorisation at the next major review of categories in 2023.
9. The Tribunal determined that fees would increase 2 per cent in the minimum and maximum fees applicable to each category from 1 July 2022.

# Section 3 – 2023 Review

## 2023 Process

10. The Tribunal's annual review commenced in October when it wrote to all councils inviting submissions regarding fees, categorisation and any other general matters. The invitation noted that it is expected that submissions are endorsed by the respective council.
11. The Tribunal also wrote to the President of Local Government NSW (LGNSW) inviting a submission.
12. The Tribunal received 18 written submissions, of which 15 were from individual councils, 1 submission from LGNSW, 1 from Australian National University academic, Associate Professor Tanya Jakimow, and 1 from the United Services Union (USU).
13. The Tribunal notes that 12 of the 15 council submissions were endorsed by the representative councils.
14. The Tribunal acknowledges and thanks all parties for their submissions.
15. Noting its comments in its reports of 2021 and 2022, the Tribunal met Central NSW Joint Organisation member representatives in Orange, and Far South West Joint Organisation member representatives in Broken Hill. The Tribunal also gave an overview of its work to a meeting of the Country Mayors' Association in Newcastle. While in Broken Hill the Tribunal met with LGNSW representatives.
16. The Tribunal and Assessors met as required to discuss submissions, review category criteria and allocation of councils

## Categories

17. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every three years. The Tribunal last reviewed the categories in 2020.
18. In determining categories, the Tribunal is required to have regard to the following matters that are prescribed in Section 240 of the LG Act:
- *the size of areas;*
  - *the physical terrain of areas;*
  - *the population of areas and the distribution of the population;*
  - *the nature and volume of business dealt with by each council;*
  - *the nature and extent of the development of areas;*
  - *the diversity of communities served;*
  - *the regional, national and international significance of the council;*
  - *such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government; and*
  - *such other matters as may be prescribed by the regulations.*
19. The 2020 Determination established the following categories:

| Metropolitan        | Non-Metropolitan        |
|---------------------|-------------------------|
| Principal CBD       | Major Regional City     |
| Major CBD           | Major Strategic Area    |
| Metropolitan Large  | Regional Strategic Area |
| Metropolitan Medium | Regional Centre         |

Metropolitan Small      Regional Rural

Rural

20. For its 2023 review, the Tribunal undertook an extensive examination of the categories, criteria and allocation of councils into each of the categories.
21. The Tribunal examined statistical and demographical data, with population data sourced from Australian Bureau of Statistics (ABS) 2021 Census (the latest available data).
22. Having regard to section 239 of the LG Act, information examined and provided through submissions, the Tribunal has determined the categories of general purpose councils as follows:

| Metropolitan        | Non-Metropolitan        |
|---------------------|-------------------------|
| Principal CBD       | Major Regional City     |
| Major CBD           | Major Strategic Area    |
| Metropolitan Major  | Regional Strategic Area |
| Metropolitan Large  | Regional Centre         |
| Metropolitan Medium | Regional Rural          |
| Metropolitan Small  | Rural Large             |
|                     | Rural                   |

23. In reviewing the current model, the Tribunal sought to improve consistency of criteria.
24. In examining the criteria for each of the categories, the Tribunal is of the view that non-resident population criteria should also be included for consistency in the following categories:

- Major Strategic Area
- Regional Strategic Area
- Regional Centre
- Regional Rural

25. Three (3) councils will be reclassified as a result of meeting criteria thresholds into an existing category.
26. The Tribunal has determined the creation of two (2) new categories, being Metropolitan Major and Rural Large.
27. In determining the 2 new categories the Tribunal gave significant consideration to section 239 of the LG Act, statistical data, the existing categories and relativities between each category.
28. It was determined that the existing Rural category did not differentiate between large and small rural councils, in population, size, and terrain. Evidence demonstrated that a number of Rural councils are large in geographic area, requiring great distances to be covered. The Tribunal also examined a range of data that it believes goes to the delivery of efficient and effective local government.
29. Hence a new category Rural Large is created. The determination is amended to reflect the new category and criteria that includes a population greater than ten thousand, and a councillor to resident ratio of 1 to 1200. The Tribunal notes there are a number of Rural councils on the cusp of this new category.
30. The revised category also shows more clearly the differences for large rural and remote councils. It is becoming apparent these councils require



different considerations regarding the role Mayors and Councillors in servicing the community across such large distances.

31. Evidence reviewed established the need to differentiate between some Large Metropolitan councils. Comparison data reviewed included population, operating revenue, and submission evidence relevant to section 239 of the LG Act. This examination further exposed the gap between Metropolitan Large and Major CBD categories, thus resulting in the Tribunal establishing a new category to bridge the gap.
32. The determination is amended to reflect a new category, Metropolitan Major, with a population criteria threshold of 400,000 (including non-resident).
33. Accordingly, the Tribunal has identified a number of councils that will be recategorised into these new categories.
34. Given the relativities in population threshold criteria, the Tribunal is of the view that the population criteria for Regional Strategic Area be adjusted from 200,00 down to 100,000.
35. As a result, three (3) councils will be reclassified as Regional Strategic.
36. Whilst the Tribunal did explore additional criteria points that may go to efficient and effective local government, within the bounds of statutory provisions no further changes to the criteria could be determined in this review.
37. The category County Councils remain unchanged, retaining the categories of Water and Other.

38. **Appendix 1 Criteria that apply to categories** has been amended to reflect changes outlined above.

## Submissions Received – Categorisation

39. Nine (9) submissions received from councils requested recategorisation and five (5) of these requested the creation of new categories.
40. A summary of matters raised in submissions and the Tribunal's consideration of those matters is outlined below

## Request for New Categories

41. Requests were received for the creation of new categories namely, Metropolitan Large Growth Area, Metropolitan Major, Metropolitan Medium Growth and Regional Growth.
42. Blacktown City Council again requested the creation of a new category, Metropolitan Large - Growth Area. Council stated its current categorisation in Metropolitan Large "*does not reflect the complexities of servicing their rapid rate of growth and economic influence*".
43. Blacktown City Council contends that a new category would allow a criteria to be set that reflects:
- Size
  - Rate of growth
  - Economic influence
  - Operational budget

- Complexities of remaining financially sustainable whilst maintaining services and providing new infrastructure

44. Penrith Council reiterated previous submissions, again requesting the creation of a new category, Metropolitan Large Growth Centre. Council argues they are unique compared to other similar sized councils, providing significant regional services to Greater Western Sydney.
45. Penrith Council contends its claim for creation and inclusion in a new category is enhanced through their leading role in the region demonstrating the exponential growth that will occur in the Penrith Local Government area. Council submits they are playing a leading role in several significant city-shaping projects and initiatives such as:
- Western Sydney Airport
  - Western Sydney Priority Growth Area
  - Penrith Health and Education Precinct
  - The Greater Sydney Commission District planning process
  - National Growth Areas Alliance
  - Sydney Science Park
  - Defence Industries Precinct and
  - South Creek Corridor
46. While the Tribunal understands that areas of Western Sydney are developing rapidly, not least with the new airport and associated infrastructure it is not persuaded to create a new category, Metropolitan Large - Growth Area/Centre. These councils are experiencing growth and will in the future have populations of residents and non-residents that meet the thresholds for recategorisation. It is not within the Tribunal's legislative

remit to anticipate growth. However as dealt with earlier in this determination, the Tribunal acknowledges the need for a new Metropolitan category to reflect increasing population and bridge gap between current categories, Metropolitan Large and Major CBD.

47. Canterbury Bankstown Council proposed the creation of a new category, Metropolitan Major, that would sit in between current category of Metropolitan Large and Major CBD.
48. Council based its argument for a new category on the following grounds:
  - Categories need to have consistent criteria
  - A new category of Metropolitan Major would capture increased population and workloads post amalgamation process
  - New criteria should be based on population size and councillor to resident ratio
  - Councils size, with a current population of 372,322 across five wards
  - Population and distribution of population
  - Councils' area and physical terrain
  - Diversity of communities served
  - Nature and volume of business dealt with by Council
49. Council proposed a new criteria could include population threshold and councillor to resident ratio, with thresholds being 350,000 and 1 to 24,000.
50. The Tribunal considered the suggested criteria of a councillor to resident ratio for all categories. Whilst the Tribunal has included this criteria for

Rural Large category, it has not included it for all categories. It may warrant further consideration for other categories in future reviews.

51. The Tribunal is persuaded to include a new category, Metropolitan Major, with a population criteria threshold of 400,000 in the determination.
52. Camden Council's submission requests the creation of a growth category for Metropolitan Medium councils. They argue the proposed new category would allow criteria to be established to better reflect their growth rate, economic influence and complexities involved in servicing growth.
53. Council proposes the new category be called Metropolitan Medium – Growth Area. Council submits that its inclusion into this new category is based on the following:
  - Population growth
  - Development corridors
  - Growing assets and major infrastructure
  - Major services and institutions
54. The Tribunal has already determined a new metropolitan category, taking into account population and relatives in population between existing categories. It is not persuaded to include another new metropolitan category.
55. Maitland City Council requested the creation of a new category, Regional Growth Area to bridge the gap between Regional Centre and Regional Strategic.
56. Council based its argument for a new category on the following grounds:

- Maitland is the fastest growing regional city in NSW
- significant role in accommodation growth
- Council being an emerging health centre, with the \$470 million investment in the new Maitland Hospital
- Significant role in delivery of state goals, including Greater Newcastle Metropolitan Plan 2036 and a state partner in infrastructure delivery including roads and facilities

57. Council also contends the current categorisation model for non-metropolitan is inadequate. It argues that the application of the population criteria is flawed as increments initially rise by 20,000 before leaping up by 160,000.

58. The current population criteria thresholds for non-metropolitan councils are outlined in the table below:

| Category                | Population Criteria |
|-------------------------|---------------------|
| Rural                   | <20,000             |
| Regional Rural          | >20,000             |
| Regional Centre         | >40,000             |
| Regional Strategic Area | >200,000            |
| Major Strategic Area    | >300,000            |

59. The Tribunal has considered the issues raised in Council's submission but is not persuaded for reasons noted earlier for anticipation of growth versus actual population, to create a new category, Regional Growth Area.

60. The Tribunal acknowledges the point made in Council's submission regarding incremental increases for non-metropolitan categories population criteria.
61. As outlined earlier the Tribunal has determined to change the population criteria for Regional Strategic from 200,000 to 100,000. This will result in Maitland Council being reclassified.

## Requests for Recategorisation

62. The Tribunal received four (4) requests for recategorisation. Liverpool, Byron, Tweed and Burwood Councils put forward individual cases for recategorisation for the Tribunal's consideration.
63. A summary of council's requests and the Tribunal's findings are outlined in the paragraphs below.
64. Liverpool Council requested to be reclassified from their current classification of Metro Large to Major CBD category. Liverpool Council's case to be included in Major CBD category is based on the following grounds:
- Population forecast to grow by 59.23% in the next 20 years from 242,817 to 386,646
  - A GDP estimated at \$13.03 billion, with 91,000 jobs in the LGA
  - Significant development in the LGA that includes new council offices and chambers, new city library, childcare facility, and the \$106 million Liverpool Quarter development consisting of retail, commercial, food and beverage spaces

- Liverpool being an integral part of Western Sydney Deal to deliver transformative change
- Liverpool being home to several significant infrastructure projects, including Western Sydney Airport, Western Sydney Infrastructure plan, Holsworthy Barracks and Liverpool Hospital upgrades
- Diversity of population

65. The Tribunal notes that the current criteria for Major CBD remains unchanged. It includes being a major provider of business and government services, and secondary CBD to metropolitan Sydney.
66. Having regard to section 239 of the LG Act, the criteria, the submission put forward, and for reasons outlined earlier in regard to anticipated growth versus actual growth, the Tribunal is not persuaded to include Liverpool Council in Major CBD category.
67. Byron Shire Council requested to be reclassified from their current category of Regional Rural into Regional Centre.
68. Council noted, based on ABS 2021 census data, with a population of 36,077, it is on the cusp of reaching the population threshold of 40,000 residents.
69. Council believes they meet several other additional criteria that supports their case for reclassification. Council's request is based on the following grounds:
- Non-resident population of 4,817 travel from surrounding locations to work in the LGA



- A population growth increase of 7.2% over the last 5 years, which is above the state increase of 5.3%
- Proximity to Gold Coast and Ballina/Byron airports
- Byron being home to internationally renowned Hinterland region
- Byron being home to a large number of festivals and events

70. As outlined earlier in this determination, the criteria for Regional Centre has been amended to include non-resident population as a criteria point.

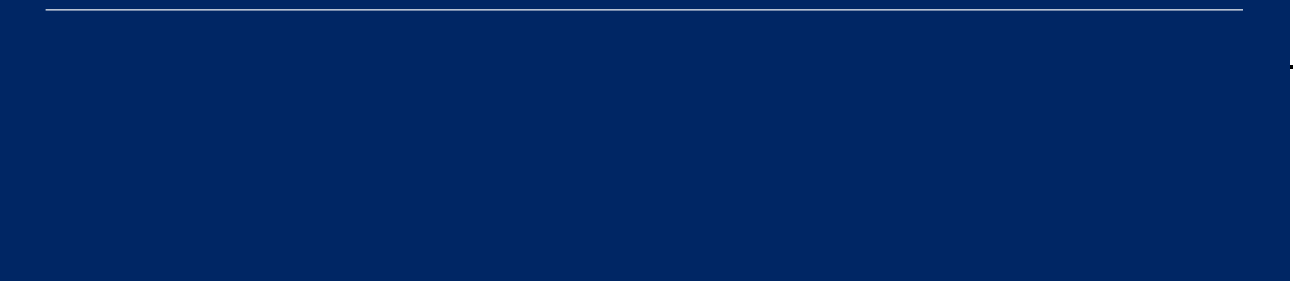
71. This result is Byron Shire Council will be reclassified to Regional Centre.

72. Tweed Shire Council once again requested reclassification from Regional Centre to Regional Strategic Area on the following grounds:

- Proximity to Sydney via Gold Coast airport
- Proximity to Brisbane and Gold Coast
- Tweed being a major city centre and population centre for Northern Rivers Joint Organisation
- Tweed being the largest employer and strongest growth area in the Northern Rivers
- The construction of new state of the art Tweed Valley Hospital due to open in late 2023

73. Tweed Shire Council will be reclassified as a result of changes to Regional Strategic Area criteria outlined earlier in this determination.

74. Burwood Council requested to be reclassified from their current classification of Metropolitan Small to Metropolitan Medium. Council acknowledged that they do not currently meet the population criteria to be



placed into the requested category. The criteria as outlined in the 2022 Determination, Appendix 1 of the criteria that apply to categories states

“Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000.”

75. If Burwood Council’s non-resident working population was included, the total population would be 53,435 well short of exceeding the population threshold for Metropolitan Medium.
76. Further examination demonstrates that Burwood council does not meet the broader criteria for Metropolitan Medium. Accordingly, Burwood Council will remain in current classification of Metropolitan Small.
77. The matters raised generally in submissions of Berrigan, Cowra, Inner West, Kur-ring-gai, Singleton and Temora Councils are outside of the scope of the Tribunal statutory functions, but in the view of the Tribunal are worthy of further consideration. These matters relate to the current remuneration principles and structures that apply to mayors and councillors in NSW and the potential impacts of these constraints. These are discussed further below.

# Section 4 – 2023 Fees

78. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required by section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* (IR Act), when making or varying awards or orders relating to the conditions of employment of public sector employees.
79. Pursuant to section 146C (1) (a) of the IR Act, the current government policy on wages is expressed in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2014 (IR Regulation). The IR Regulation provides that public sector wages cannot increase by more than 3 per cent per annum and the tribunal therefore has the discretion to determine an increase of up to 3 per cent per annum.
80. Four (4) submissions received addressed the issue of the fees quantum increase. These submissions sought an increase of 2.5% or greater.
81. The LGNSW submission requested that the Tribunal increase fees by the maximum 3 per cent, but further argued that the maximum increase is *“inadequate and does not address the historic undervaluation of work performed by elected representatives and the substantial responsibility associated with local government.”*
82. LGNSW used economic and wage data to support their argument, that included:
- Consumer Price Index (CPI)
  - National and State Wage cases
  - Market comparability

83. LGNSW in their meeting with The Tribunal and Assessors, further emphasised that remuneration for Councillors and Mayors has been reduced in real terms due to impacts of inflation and capping of remuneration increases.
84. The Tribunal received a late submission from the USU, advocating for the maximum increase to be applied. The USU argued that all work carried out in local government needed to be fairly remunerated and reflect the rise in cost of living.
85. Whilst only five of the eighteen submissions received addressed the issue of quantum increase of fees, more than half of the submissions provided commentary on a range of remuneration issues.
86. Submissions suggested that the current remuneration structure is inadequate and requires further review. It has been suggested that the current remuneration structure does not adequately reflect:
- Role, responsibilities, and commitment required to perform functions successfully
  - Workloads
  - Complexity of role
  - Commitment and skills required
  - Fairness
87. Furthermore, it has been suggested that the low level of remuneration is a barrier to encouraging participation and diversity of candidates that reflects communities.

88. Associate Professor Jakimow of the Australian National University provided a detailed submission outlining the negative impacts of inadequate remuneration. The substance of the submission is that current remuneration levels do not adequately reflect the hours and complexity of work. Furthermore, low remuneration is a barrier to participation and diversity.
89. Associate Professor Jakimow argues that:
- “inadequate pay has significant negative consequences: low quality local democracy, an unacceptable burden on councillors and their families, and poor councillor diversity.”*
90. A number of submissions provided comparison data to demonstrate that the current remuneration principles and structure are not reflective of time, skills and competencies required to effectively perform the roles of councillor and mayor.
91. Comparisons were made to State and Federal parliamentary members, councillors and mayors in the Queensland and Victorian local government jurisdictions, average remuneration of a chairperson of a board, not for profit organisations and national minimum wage. The basis of the argument is that NSW mayor and councillors are paid below these organisations.
92. One submission noted that legislative change would be required to change remuneration model.
93. The Tribunal acknowledges issues raised in submissions regarding remuneration principles, structure and potential impacts. Many of these issues are worth serious consideration, they are however not currently

within the Tribunal's remit. The Tribunal concludes these matters should be given further investigation and consideration.

94. The Tribunal has considered key economic indicators, including the Consumer Price Index and Wage Price Index, and has determined that the full 3 per cent increase will apply to the minimum and maximum fees applicable to existing categories.
95. As an initial determination, the ranges for new categories are not subject to the wages policy. Future increases in those categories, as is the case for existing categories, will be subject to wages policy in accordance with section 242A(4) of the LG Act.
96. The minimum and maximum fees for the new categories have been determined having regard to the relativities of existing categories

## Time for Fresh Thinking

97. Submissions made to the 2023 review and the Tribunal's own conclusions from evidence it has examined, suggest that there are significant issues underlying the concerns raised about mayor and councillor remuneration. It is apparent to the Tribunal that those issues which include a lack of diversity in representation, changing nature of work required to be undertaken and changed community expectations cannot be easily resolved under the existing framework. In the Tribunal's view, there would be merit in a comprehensive review of the framework for mayor and councillor remuneration.
98. The criteria under which the Tribunal makes these determinations has

been in existence since 1994 and at that time NSW had 177 Councils. Much has changed over the past 30 years, but the criteria has not.

99. As noted earlier in this determination the Tribunal and Assessors met with two Joint Organisation member representatives. While much of what was discussed has been dealt with in this determination it is worthy for the record to restate the view of LGNSW of the *“need for major reform”*.
100. Key themes and issues raised during discussions by mayors, councillors and general managers with the Tribunal and Assessors include:
- Changes to ways of working including expectations of increased use of social media and online platforms (“always on” expectations from constituents)
  - Impacts of future development
  - Impact of changes to legislation and regulation on workload
  - Serving constituents in regional centres, country areas regional areas, rural and remote areas
  - Remuneration principles
  - Natural Disasters including floods, fires, mice, locusts and tragedies generally
  - Confusion in roles and responsibilities – need for compulsory and consistent training of candidates prior to election and induction of those elected

- Popularly elected mayors and two-year mayoral terms and the role of the Deputy Mayor when a mayor is absent, as distinct from temporarily unavailable
- Questioning whether the guidelines by the Office of Local Government for the payment of expenses and the provision of facilities for mayors and councillors that were issued in 2009 are still fit for purpose. There appears to be significant variation in the interpretation of the guidelines and subsequent council policies
- The optional payment of superannuation being used for political purposes
- Paid parental leave for councillors
- Is remuneration holding back quality candidates or are behavioural issues – both in and out of meeting environment
- Parity in the payment differential in existing categories between councillors and mayors
- A possible alignment in categories of councillor to resident and ratepayer ratios and rateable property ratios
- Clarity in the payment of fees for chairpersons and voting members of Joint Organisations for additional workloads

101. Diversity was a strong theme heard by the Tribunal, both diversity of communities served and diversity of representation. We heard that



younger people, women, Aboriginal and Torres Strait Islander people and members of culturally and linguistically diverse communities among others, are underrepresented in many councils.

102. The Tribunal acknowledges that it is not within its authority to address many of the issues that were raised in submissions.

103. The Tribunal is not suggesting a fundamental review of the role of councillors and notes that people enter local government representation from a sense of civic service rather than for remuneration.

## Conclusion

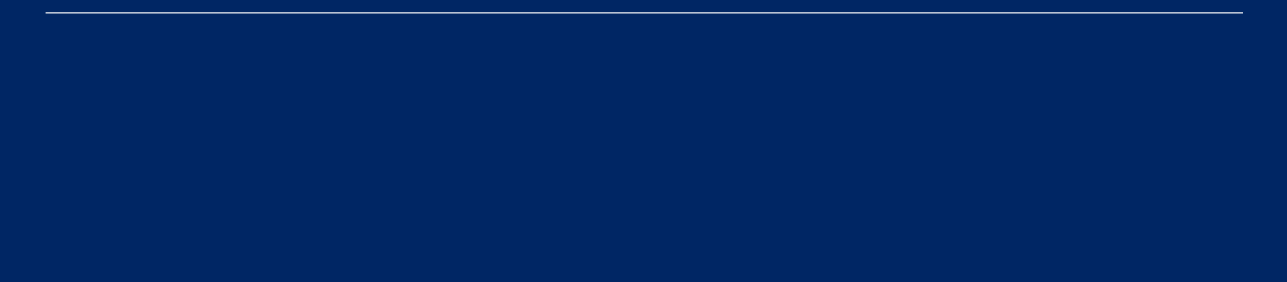
104. The Tribunal is of the view that a broader consideration is required of the matters raised in this determination. If the Minister decided to refer these matters under section 238 (2) of the LG Act the Tribunal would be willing to assist noting that it would require considerable consultation with the sector and access to suitable resources from Government.

105. The Tribunal's determinations have been made with the assistance of the Assessors Ms Kylie Yates, Gail Connolly PSM (in her role as Acting Deputy Secretary) and Mr Brett Whitworth.

106. It is the requirement of the Tribunal that in the future all submissions have council endorsement.

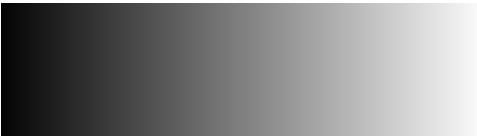
107. Determination 1 outlines the allocation of councils into each of the categories as per section 239 of the LG Act.

108. Determination 2 outlines the maximum and minimum fees paid to



councillors and mayors and members and chairpersons of county councils  
as per section 241 of the LG Act.

109. The Tribunal acknowledges and thanks the secretariat for their excellent  
research and support in completing the 2023 determination.



Viv May PSM

**Local Government Remuneration Tribunal**

Dated 27 April 2023

# Section 5 – Determinations

Determination No. 1 – Allocation of councils into each of the categories as per section 239 of the LG Act effective 1 July 2023

## General Purpose Councils – Metropolitan

### Principal CBD (1)

- Sydney

### Major CBD (1)

- Parramatta

### Metropolitan Major (2)

- Blacktown
- Canterbury-Bankstown

### Metropolitan Large (10)

- Bayside
- Cumberland
- Fairfield
- Inner West
- Liverpool
- Northern Beaches
- Penrith
- Ryde
- Sutherland
- The Hills

### Metropolitan Medium (8)

- Campbelltown
- Camden
- Georges River
- Hornsby
- Ku-ring-gai
- North Sydney
- Randwick
- Willoughby

### Metropolitan Small (8)

- Burwood
- Canada Bay
- Hunters Hill
- Lane Cove
- Mosman
- Strathfield
- Waverley
- Woollahra

## General Purpose Councils - Non-Metropolitan

### Major Regional City (2)

- Newcastle
- Wollongong

### Major Strategic Area (1)

- Central Coast

### Regional Centre (23)

- Albury
- Armidale
- Ballina
- Bathurst
- Blue Mountains
- Byron
- Cessnock
- Clarence Valley
- Coffs Harbour
- Dubbo
- Eurobodella
- Hawkesbury

### Regional Strategic Area(4)

- Lake Macquarie
- Maitland
- Shoalhaven
- Tweed
  
- Lismore
- Mid-Coast
- Orange
- Port Macquarie-Hastings
- Port Stephens
- Queanbeyan-Palerang
- Shellharbour
- Tamworth
- Wagga Wagga
- Wingecarribee
- Wollondilly

**Regional Rural (12)**

- Bega
- Broken Hill
- Goulburn Mulwaree
- Griffith
- Kempsey
- Kiama
- Lithgow
- Mid-Western
- Nambucca
- Richmond Valleys
- Singleton
- Snowy Monaro

**Rural Large (18)**

- Bellingen
- Cabonne
- Cootamundra-Gundagai
- Cowra
- Federation
- Greater Hume
- Gunnedah
- Hilltops
- Inverell
- Leeton
- Moree Plains
- Murray River
- Muswellbrook
- Narrabri
- Parkes
- Snowy Valleys
- Upper Hunter
- Yass

**Rural (38)**

- Balranald
- Berrigan
- Bland
- Blayney
- Bogan
- Bourke
- Brewarrina
- Carrathool
- Central Darling
- Cobar
- Coolamon
- Coonamble
- Dungog
- Edward River
- Forbes
- Gilgandra

- Glen Innes Severn
- Gwydir
- Hay
- Junee
- Kyogle
- Lachlan
- Liverpool Plains
- Lockhart
- Murrumbidgee
- Narrandera
- Narromine
- Oberon
- Temora
- Tenterfield
- Upper Lachlan
- Uralla
- Walcha
- Walgett
- Warren
- Warrumbungle
- Weddin
- Wentworth

## County Councils

### Water (4)

- Central Tablelands
- Goldenfields Water
- Riverina Water
- Rous

### Other (6)

- Castlereagh-Macquarie
- Central Murray
- Hawkesbury River
- New England Tablelands
- Upper Hunter
- Upper Macquarie

## Determination No. 2 - Fees for Councillors and Mayors as per section 241 of the LG Act effective from 1 July 2023

The annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2023 as per section 241 of the *Local Government Act 1993* are determined as follows:

**Table 4: Fees for General Purpose and County Councils**

### General Purpose Councils – Metropolitan

#### Councillor/Member Annual Fee (\$) effective 1 July 2023

| Category            | Minimum | Maximum |
|---------------------|---------|---------|
| Principal CBD       | 29,610  | 43,440  |
| Major CBD           | 19,760  | 36,590  |
| Metropolitan Major  | 19,760  | 34,590  |
| Metropolitan Large  | 19,760  | 32,590  |
| Metropolitan Medium | 14,810  | 27,650  |
| Metropolitan Small  | 9,850   | 21,730  |

#### Mayor/Chairperson Additional Fee\* (\$) effective 1 July 2023

| Category            | Minimum | Maximum |
|---------------------|---------|---------|
| Principal CBD       | 181,210 | 238,450 |
| Major CBD           | 41,960  | 118,210 |
| Metropolitan Major  | 41,960  | 106,960 |
| Metropolitan Large  | 41,960  | 94,950  |
| Metropolitan Medium | 31,470  | 73,440  |
| Metropolitan Small  | 20,980  | 47,390  |

## General Purpose Councils - Non-Metropolitan

### Councillor/Member Annual Fee (\$) effective 1 July 2023

| Category                | Minimum | Maximum |
|-------------------------|---------|---------|
| Major Regional City     | 19,760  | 34,330  |
| Major Strategic Area    | 19,760  | 34,330  |
| Regional Strategic Area | 19,760  | 32,590  |
| Regional Centre         | 14,810  | 26,070  |
| Regional Rural          | 9,850   | 21,730  |
| Rural Large             | 9,850   | 17,680  |
| Rural                   | 9,850   | 13,030  |

### Mayor/Chairperson Additional Fee\* (\$) effective 1 July 2023

| Category                | Minimum | Maximum |
|-------------------------|---------|---------|
| Major Regional City     | 41,960  | 106,960 |
| Major Strategic Area    | 41,960  | 106,960 |
| Regional Strategic Area | 41,960  | 94,950  |
| Regional Centre         | 30,820  | 64,390  |
| Regional Rural          | 20,980  | 47,420  |
| Rural Large             | 15,735  | 37,925  |
| Rural                   | 10,490  | 28,430  |



## County Councils

### Councillor/Member Annual Fee (\$) effective 1 July 2023

| Category | Minimum | Maximum |
|----------|---------|---------|
| Water    | 1,960   | 10,870  |
| Other    | 1,960   | 6,490   |

### Mayor/Chairperson Additional Fee\* (\$) effective 1 July 2023

| Category | Minimum | Maximum |
|----------|---------|---------|
| Water    | 4,200   | 17,850  |
| Other    | 4,200   | 11,860  |

\*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2))



Viv May PSM

**Local Government Remuneration Tribunal**

Dated 27 April 2023

# Appendices

## Appendix 1 Criteria that apply to categories

### Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

## Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety have been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

## Metropolitan Major

Councils categorised Metropolitan Major will typically have a minimum residential population of 400,000.

Councils may also be categorised Metropolitan Major if their residential population combined with their non-resident working population exceeds 400,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$300M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Major will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

## Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum residential population of 200,000.

Councils may also be categorised as Metropolitan Large if their residential population combined with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

## Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000.

Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

## Metropolitan Small

Councils categorised as Metropolitan Small will typically have a residential population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

## Major Regional City

Newcastle City Council and Wollongong City Councils are categorised as Major Regional City. These councils:

- are metropolitan in nature with major residential, commercial and industrial areas
- typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development

- provide a full range of higher order services and activities along with arts, culture, recreation, sporting and entertainment facilities to service the wider community and broader region
- have significant transport and freight infrastructure servicing international markets, the capital city and regional areas
- have significant natural and man-made assets to support diverse economic activity, trade and future investment
- typically contain ventures which have a broader State and national focus which impact upon the operations of the council.

### **Major Strategic Area**

Councils categorised as Major Strategic Area will have a minimum population of 300,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum



- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Central Coast Council meets the criteria to be categorised as a Major Strategic Area. Its population, predicted population growth, and scale of the Council's operations warrant that it be differentiated from other non-metropolitan councils. Central Coast Council is also a significant contributor to the regional economy associated with proximity to and connections with Sydney and the Hunter Region.

### **Regional Strategic Area**

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Centre category on the basis of their significant population and will typically have a residential population above 100,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum

- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Lake Macquarie Council meets the criteria to be categorised as a Regional Strategic Area. Its population and overall scale of council operations will be greater than Regional Centre councils.

### **Regional Centre**

Councils categorised as Regional Centre will typically have a minimum residential population of 40,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large city or town providing a significant proportion of the region's housing and employment
- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$100M per annum
- the highest rates of population growth in regional NSW

- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

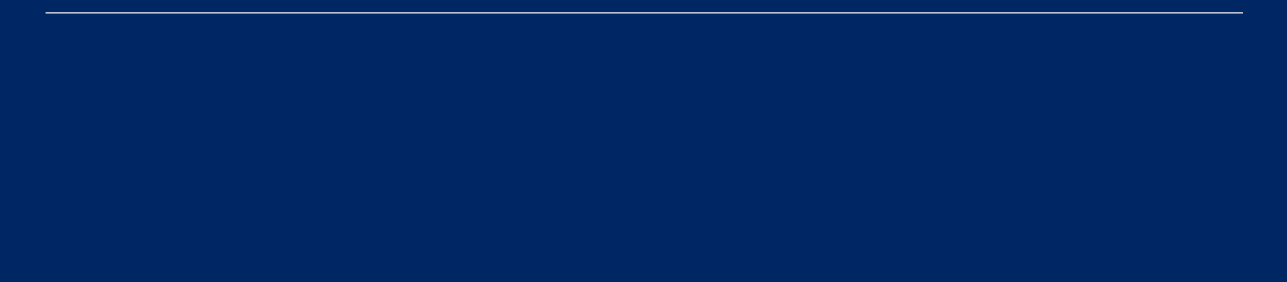
Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

### **Regional Rural**

Councils categorised as Regional Rural will typically have a minimum residential population of 20,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages
- health services, tertiary education services and regional airports which service a regional community
- a broad range of industries including agricultural, educational, health, professional, government and retail services
- large visitor numbers to established tourism ventures and events.



Councils in the category of Regional Rural provide a degree of regional servicing below that of a Regional Centre.

### **Rural Large**

Councils categorised as Rural Large will have a residential population greater than 10,000, and a councillor to resident ratio of at least 1 to 1200.

Other features may include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

## **Rural**

Councils categorised as Rural will typically have a residential population less than 10,000.

## **County Councils - Water**

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

## **County Councils - Other**

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the Biosecurity Act 2015.



- contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest;
- a person (other than a member of the senior staff of the Council) who is a member of a Committee of the Council identified by the Council as a Committee whose members are designated persons because the functions of the Committee involve the exercise of the Council's functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

As per the *Local Government (General) Regulations 2021*, Designated Persons must complete the necessary Disclosure of Interest Return which declares their interest in:

- Real property
- Gifts
- Contributions to travel
- Interests and positions in corporations
- Positions in trade unions and professional or business associations
- Dispositions of real property
- Sources of income
- Debts
- Discretionary disclosures

Accordingly, completed Disclosure Returns have been received by the General Manager from all Councillors and Designated Persons required to submit a return for the period to June 30, 2023.

It should be noted that the mandatory proactive release provisions of the *Government Information (Public Access) Act 2009* (GIPA Act) and the *Government Information (Public Access) Regulation 2018* (GIPA Regulation) applies to the disclosure of information contained in returns disclosing the interests of Councillors and designated persons as open access information. The combined effect of the GIPA Act and GIPA Regulation is that the information in the returns needs to be disclosed on the website of each local Council, unless to do so would impose unreasonable costs on the Council, or if there is an overriding public interest against disclosing the information.

A Councillor or Designated Person can apply for specific information to be redacted from the published copy of their Disclosure Return, but only if there is a sufficient reason that relates to a specific clause in Division 2 of the GIPA Act. When considering whether certain information should be redacted from the published copy of a Disclosure Return by Councillors and Designated Persons, the General Manager is required to apply the public interest test. Section 6 of the GIPA Act provides that there is a presumption in favour of disclosure of government information unless there is an overriding public interest against disclosure.

It should also be noted that Section 5 of the *Privacy and Personal Information Protection Act 1998* (PPIP Act) states that nothing in the PPIP Act affects the operation of the GIPA Act and in particular the PPIP Act does not lessen any obligations under the GIPA Act in respect of a public sector agency, and so therefore, does not lessen the presumption in favour of disclosure. The fact that a Disclosure Return by Councillors and Designated Persons is open access information (as prescribed by the GIPA Act) is an important factor in favour of disclosure.

The Disclosures by Councillors and Designated Persons Returns will be published on Council's website under the "Open Access" section in accordance with the provisions of the GIPA Act, GIPA Regulation and any guidelines published by the NSW Information and

Privacy Commissioner, along with a register outlining the nature of any redactions made to Returns.

The Disclosures by Councillors and Designated Persons Returns are to be tabled at this Council Meeting.

**Strategic Direction:**

|                |       |   |
|----------------|-------|---|
| Key Direction: | 4     | Our Leadership  |
| Objective:     | 4.1   | Openness and transparency in decision making            |
| Strategy:      | 4.1.5 | Support the organisation to operate its legal framework |

**Relevant Legislation:**

*Local Government (General) Regulations 2021 (Division 2)*

*Government Information (Public Access) Act 2009*

*Government Information (Public Access) Regulation 2009*

*OLG Model Code of Conduct for Local Council in NSW*

*Broken Hill City Council Code of Conduct Policy*

**Financial Implications:**

Nil

**Attachments**

There are no attachments for this report

LEISA BARTLETT  
EXECUTIVE OFFICER

JAY NANKIVELL  
GENERAL MANAGER



## POLICY AND GENERAL COMMITTEE

October 5, 2023

**ITEM 3**BROKEN HILL CITY COUNCIL REPORT NO. 199/23SUBJECT: ADOPTION OF REVIEWED INTELLECTUAL PROPERTY POLICY  
D23/54538**Recommendation**

1. That Broken Hill City Council Report No. 199/23 dated October 5, 2023, be received.
2. That Council adopts the reviewed Intellectual Property Policy as a Policy of Council.
3. That Council notes that, once adopted, the reviewed Intellectual Property Policy will supersede the 2015 Intellectual Property Policy.

**Executive Summary:**

Council's Intellectual Property Policy was last adopted by Council in 2015 and has been reviewed as part of an organisation wide review of Council's Policy Register currently underway to ensure that all of Council's strategic policies are updated to comply with current legislation and industry model codes, guidelines and best practice; and also reflect any changes in technology or service delivery.

It is considered best practice that Policies be reviewed and adopted at least once per Term of Council, regardless of whether the review identified that amendments were required to be made to a Policy.

The review of the Intellectual Property Policy revealed that no amendments were required to be made to the content of the Policy and only one update of a position title was made, and therefore the reviewed Policy is presented to Council for adoption.

**Report:**

Council's Executive Leadership Team has commenced a review of Council's Policy Register to ensure strategic policies comply with current legislation and align with the Office of Local Government's (OLG) model codes, guidelines and best practice for Local Government and reflect any changes in technology or service delivery.

The Intellectual Property Policy was introduced to manage, protect, share and commercialise Intellectual Property within Council. The policy applies to all activities of Council and to all Councillors, staff, consultants, contractors or other appointees of Council taking part in such activities (the personal records of Councillors and former Mayors and Aldermen are not considered Intellectual Property for the purpose of this policy).

As part of the Policy Register review, the Intellectual Property Policy was reviewed and found to be compliant with relevant legislation and therefore no amendments have been made to the content of the Policy (there was however one update of a position title made).

Section 335(d) of the *Local Government Act 1993* allows the General Manager to recommend to Council the appropriate form of community consultation required on the

strategic plans, programs, strategies and policies of the Council and other matters related to the Council. As the review identified that no amendments were required to the content of the Policy, the Intellectual Property Policy is now presented to Council for consideration of adoption, which if adopted will supersede the 2015 Intellectual Property Policy.

**Community Engagement:**

Due to no amendments being made to the content of the Intellectual Property Policy during its review, it is recommended that the Policy be adopted as per Section 335(d) of the *Local Government Act 1993*.

**Strategic Direction:**

|                |       |   |
|----------------|-------|---|
| Key Direction: | 4     | Our Leadership  |
| Objective:     | 4.1   | Openness and transparency in decision making            |
| Strategy:      | 4.1.5 | Support the organisation to operate its legal framework |

**Relevant Legislation:**

*Local Government Act 1993 Section 335(d)*

**Financial Implications:**

Nil.

**Attachments**

1. [↓](#) Intellectual Property Policy

DARRIN MANUEL  
MANAGER COMMUNICATIONS AND MARKETING

JAY NANKIVELL  
GENERAL MANAGER

## INTELLECTUAL PROPERTY POLICY

| QUALITY CONTROL      |                   |                 |   |
|----------------------|-------------------|-----------------|---|
| EDRMS REFERENCES     | 12/114 – D15/7452 |                 |   |
| RESPONSIBLE POSITION | General Manager   |                 |   |
| APPROVED BY          |                   |                 |   |
| REVIEW DATE          | September 2023    | REVISION NUMBER | 1 |
| EFFECTIVE DATE       | ACTION            | MINUTE NUMBER   |   |
| 29/07/2015           | Adopted           | 45006           |   |

### 1. INTRODUCTION

The intellectual property (IP) of Broken Hill City Council is an asset. *IP has many of the same ownership rights as physical property and needs to be managed responsibly, in the same way Council manages its tangible assets, such as its finances, buildings, infrastructure and the environment.*

This policy has been introduced to manage, protect, share and commercialise Intellectual Property within Broken Hill City Council.

### 2. POLICY OBJECTIVE

Broken Hill City Council owns, controls and manages all intellectual property (IP) that it has created or acquired. All staff, contractors and consultants have a responsibility to properly identify, attribute and preserve the IP of Broken Hill City Council.

The two main types of IP owned by BHCC are:

- Copyright, including website content, multimedia, written materials; and
- Registered and Unregistered trademarks, including brand names, logos, tag lines and other insignia of origin.

The purpose of this policy is to ensure that IP is managed professionally, protected, shared and commercialised where appropriate.

### 3. POLICY SCOPE

This policy applies to all activities of Broken Hill City Council and to all Councillors, staff, consultants, contractors or other appointees of Council taking part in such activities.

The personal records of Councillors and former Mayors and Aldermen are not considered Intellectual Property for the purpose of this policy.

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

This policy is intended to apply to all IP created in or during the course of employment or engagement with BHCC and includes IP created while participating in any project or program supported by funding obtained or provided by or through BHCC.

BHCC is committed to ensuring the community of Broken Hill have the best opportunity to benefit from the IP through effective management, protection, sharing and commercialisation Intellectual Property.

##### **4.1 Staff And Intellectual Property Rights**

BHCC owns, controls and manages all IP created by BHCC staff pursuant to the terms of their employment or otherwise created under the direction or control of BHCC.

Any literary work, computer program, invention, design, patent, copyright, trademark, improvement or idea developed by the employee in the course of employment with BHCC is the sole property of Council and Council will unless otherwise agreed have the exclusive right to use, adapt, patent and otherwise register it.

BHCC staff employed or otherwise engaged outside of this organisation cannot use BHCC IP as part of this employment or engagement unless permission has been granted in writing by the General Manager or his/her delegate.

The employee will immediately disclose to the General Manager any literary work, computer program, invention, design, patent, copyright, trademark, improvement or idea developed by the employee after their commencement date to enable the General Manager to ascertain whether it was discovered, developed or produced wholly outside and wholly unconnected with the course of employment under this contract.

To protect disclosures made by employees, the General Manager or the employee may require a confidentiality agreement to be signed prior to, during or immediately after discussion of the intellectual property being considered.

##### **4.2 Consultants, Contractors And Agency Staff And Intellectual Property Rights**

Where BHCC engages any contractor or consultant, and that contractor or consultant creates any IP (including copyright) as part of that engagement, then there must be a written agreement which clearly sets out that BHCC owns this IP.

Any such agreement must also address the issue of sub-contractors being engaged and the ownership of any IP created. This also applies to individuals employed by BHCC through an agency.

##### **4.3 Other Appointees Or Persons And Intellectual Property**

IP may be created and owned by persons or organisations not engaged by BHCC in an employment or contractor/consultant relationship, for example:

- committee and board members;
- students on voluntary placements within BHCC, or who receive a nominal
- payment, scholarship or sponsorship; and
- visitors and volunteers.

Whenever BHCC enters into an arrangement with any of the above or agrees to provide services to another party that may result in the creation of IP, there must be a written contract that deals with the relationship and addresses the ownership of any IP created and imported background IP.

Otherwise the other party might claim sole ownership of the IP, notwithstanding that BHCC paid for its development.

#### **Exceptions - BHCC Ownership Of Intellectual Property**

There may be situations arise whereby BHCC ownership is not necessary or desirable and it will be more useful or valuable for BHCC to allow third parties to own IP under negotiated arrangements. Ensuring that the BHCC has the right to use the IP for its own internal purposes may be sufficient.

In asserting and negotiating BHCC ownership or rights to use particular IP, the following consideration should be made:

- the purpose of the ownership (i.e. whether it is necessary or desirable for BHCC to own the IP having regard to its internal use, knowledge transfer and commercialisation requirements);
- in the case of contractors, the nature of the services, the other terms and conditions of the contract, how the IP arrangements may impact on the project cost, and ongoing cost to BHCC;
- in the case of joint ventures and cooperative projects, any background IP and other resources brought to the project by the participating parties, any further developments to be made or funded by each party and their respective capacities and opportunities to leverage the developed IP for broader application;
- the cost of protecting and maintaining the IP; and
- in the case of students, joint appointments or secondments, whether joint or a negotiated proportional ownership with the relevant university, research institution or other third party is indicated.

Under such circumstances, approval must be provided by the General Manager.

#### **4.4 Community Use Of Intellectual Property**

The General Manager or his/her delegate may approve the use of BHCC IP for non-profit community purposes where a net benefit to the community is considered applicable. In such circumstances, consideration should be given to the impact on the value of IP if such use is approved.

#### **4.5 Commercialisation Of Intellectual Property**

Any use of IP owned by BHCC must be approved by the General Manager or his/her delegate.

The preferred approach for the commercialisation of IP owned by BHCC is through assignment or licence to a third party. BHCC may licence the right to exploit IP under certain conditions for a set term.

BHCC remuneration for the assignment or licence may include upfront or deferred payments and periodic royalties.

The assignment or licence may be in return for other benefits such as information and materials exchanges or payments, equity participation in a commercialisation vehicle, collaborative agreements and other forms of remuneration appropriate to the specific case.

Any assignment or license of the IP must be legally documented and, if appropriate, should provide that BHCC can continue to use the IP for its own purposes.

BHCC may assign ownership of its IP outright to a third party under appropriate negotiated arrangements only with the approval of Council.

BHCC may also manage commercialisation of IP or enter into partnership or joint venture commercialisation models.

#### **4.6 Copyright Ownership Statement**

All published or distributed copyright material owned by BHCC must include the following copyright statement:

- © Copyright Broken Hill City Council [year]

#### **4.7 Moral Rights**

BHCC recognises the moral rights of the creators of certain works in accordance with the Copyright Act 1968. These include the right of fair attribution, and the need for work not to be altered or used in such a way that it harms the reputation of the creator. Where a creator agrees to be involved in research activities as part of a project between BHCC and an external contractor or other third party, the creator may be required to provide a written consent in respect of the creator's moral rights in relation to certain works that may be created during the project prior to work commencing.

#### **4.8 Indigenous Cultural And Intellectual Property Rights**

The heritage of indigenous people is a living one and includes items that may be created in the future, based on that heritage. BHCC recognises and will protect indigenous cultural and intellectual property rights as identified under Australian federal laws.

### **5. IMPLEMENTATION**

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

The following Council officers are responsible for the implementation of and the adherence to this Policy:

- General Manager;
- Manager Communications and Marketing
- Managers

#### **5.2 Communication**

The Policy will be communicated to the community and staff utilising Broken Hill City Council's Policy and Procedure 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.

- Code of Conduct
- Statement of Business Ethics
- Secondary Employment Policy

- Engagement of Consultants Procedure

Authority for implementation of this Policy is delegated by Council to the General Manager in accordance with the Local Government Act 1993.

**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 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 General Manager is responsible for the review of this policy.

**7. LEGISLATIVE AND LEGAL FRAMEWORK**

This policy considers Patents Act 1990, Copyright Act 1968, Trademarks Act 1995, Designs Act 2003 and Circuit Layouts Act 1989, Councils Code of Conduct and Statement of Business Ethics.

Council Officers and Councillors shall refrain from personal activities that would conflict with proper execution and management of Council's Intellectual Property Policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

**8. DEFINITIONS**

|                                     |  |
|-------------------------------------|--|
| <b>"Background IP"</b>              | shall mean IP that is already in existence at the time of entering into a contractual arrangement involving that IP and is made available by a party prior to the development of new IP or during the course of the contractual arrangement.   |
| <b>"BHCC"</b>                       | shall mean Broken Hill City Council.   |
| <b>"Intellectual Property (IP)"</b> | shall mean Intellectual Property (IP) is a term that describes the application of the mind to develop something new or original. All statutory and other proprietary rights (including rights to require information be kept confidential) in respect of inventions, copyright, trademarks, designs, patents, plant breeder's rights, circuit layouts, know-how, trade secrets and all other rights. |



## POLICY AND GENERAL COMMITTEE

October 5, 2023

**ITEM 4**BROKEN HILL CITY COUNCIL REPORT NO. 200/23

SUBJECT: ADOPTION OF REVISED DRAFT WORKPLACE HEALTH AND SAFETY POLICY D23/54609

**Recommendation**

1. That Broken Hill City Council Report No. 200/23 dated October 5, 2023, be received.
2. That Council adopts the draft revised Workplace Health and Safety Policy as a Policy of Council.
3. That Council notes that, once adopted, the draft revised Workplace Health and Safety Policy will supersede the 2016 Workplace Health and Safety Policy.

**Executive Summary:**

Council's Workplace Health and Safety Policy was last adopted by Council in 2016 and has been reviewed as part of an organisation wide review of Council's Policy Register which is currently underway to ensure that all of Council's strategic policies are updated to comply with current legislation and industry model codes, guidelines and best practice; and also reflect any changes in technology or service delivery.

It is considered best practice that Policies be reviewed and adopted at least once per Term of Council, regardless of whether the review identified that amendments were required to be made to a Policy.

The review of the Workplace Health and Safety Policy revealed that only one minor amendment was required to be made to the content of the Policy, and therefore the reviewed Policy is presented to Council for adoption pursuant to the *Local Government Act 1993 Section 335(d)*.

**Report:**

Council's Executive Leadership Team has commenced a review of Council's Policy Register to ensure strategic policies comply with current legislation and align with the Office of Local Government's (OLG) model codes, guidelines and best practice for Local Government and reflect any changes in technology or service delivery.

The Workplace Health and Safety Policy was established to address Council's duty of care obligation under the *Work Health and Safety Act 2011* to ensure, as far as is reasonably practical, the health and safety of all workers; and to ensure, through the course of its operations, that the health and safety of other persons is not put at risk from work Council carries out.

As part of the Policy Register review, the Workplace Health and Safety Policy was reviewed and it was found that a minor amendment was required to clause 5.3 - Associated Documents to include reference to Council's Enterprise Risk Management Policy and Framework.

Section 335(d) of the *Local Government Act 1993* allows the General Manager to recommend to Council the appropriate form of community consultation required on the strategic plans, programs, strategies and policies of the Council and other matters related to the Council. As the review identified only a minor amendment to the Policy, the draft reviewed Workplace Health and Safety Policy is now presented to Council for consideration of adoption, which if adopted will supersede the 2016 Workplace Health and Safety Policy.

### **Community Engagement:**

Due to only a minor amendment being made to the Workplace Health and Safety Policy during its review, it is recommended that the Policy be adopted as per Section 335(d) of the *Local Government Act 1993*.

### **Strategic Direction:**

|                |       |   |
|----------------|-------|---|
| Key Direction: | 4     | Our Leadership  |
| Objective:     | 4.1   | Openness and transparency in decision making            |
| Strategy:      | 4.1.5 | Support the organisation to operate its legal framework |

### **Relevant Legislation:**

*Local Government Act 1993 Section 335(d)*  
*Workplace Health and Safety Act 2011 No 10*  
*Workplace Health and Safety Regulation 2017*  
 Risk Management – Principles and Guidelines AS/NZS ISO 3100:2018

### **Financial Implications:**

Nil.

### **Attachments**

There are no attachments for this report.

CASEY DEERY  
EXECUTIVE MANAGER PEOPLE AND CULTURE

JAY NANKIVELL  
GENERAL MANAGER

## POLICY AND GENERAL COMMITTEE

October 3, 2023

**ITEM 5**BROKEN HILL CITY COUNCIL REPORT NO. 201/23

SUBJECT: DRAFT MANDATORY NOTIFICATION OF DATA BREACH POLICY  
D23/53577

**Recommendation**

1. That Broken Hill City Council Report No. 201/23 dated October 3, 2023, be received.
2. That Council endorses the draft Mandatory Notification of Data Breach Policy for the purpose of public exhibition.
3. That Council publicly exhibits the draft Mandatory Notification of Data Breach 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 Mandatory Notification of Data Breach Policy.

**Executive Summary:**

To codify and document Council's approach to notifying customers and handling disclosure of a data breach, a policy is required. This documented policy is required to comply with the NSW Mandatory Notification of Data Breach Scheme, which is an amendment to the Privacy and Personal Information Protection Act 1998 (PPIP Act).

**Report:**

Council's Executive Leadership Team has commenced a review of Council's Policy Register to ensure strategic policies comply with current legislation and align with the Office of Local Government's (OLG) model codes, guidelines and best practice for Local Government and reflect any changes in technology or service delivery. The review was also used to highlight any gaps where Council may not have a policy in place to comply with current legislation.

Due to the Policy Register Review, it was revealed that a policy was required to be developed to provide guidance to Council Officers in the response to a Data Breach of Broken Hill City Council held information.

Council retains personal and sensitive information as part of its daily operations. Part 6A of the Privacy and Personal Information Protection Act 1998 (NSW) (PPIP Act) establishes the NSW Mandatory Notification of Data Breach (MNDB) scheme.

The MNDB Scheme requires every NSW public sector agency bound by the PPIP Act to notify the Privacy Commissioner and affected individuals of eligible data breaches.

The draft Mandatory Notification of Data Breach Policy sets out the procedures for managing a Data Breach, including the considerations around notifying persons whose privacy may be affected by the breach.

The new draft Mandatory Notification of Data Breach Policy is presented to Council for the purpose of endorsement for public exhibition. The draft Policy will be placed on public

exhibition for a period of 28 days during which time Council will accept submissions from the public.

Council will then be provided with a further report outlining any amendments made to the draft Mandatory Notification of Data Breach Policy as a consequence of the submissions received.

#### **Community Engagement:**

The draft Mandatory Notification of Data Breach Policy will be placed on public exhibition of a period of 28 days during which time Council will accept submissions from the public.

#### **Strategic Direction:**

|                |       |   |
|----------------|-------|---|
| Key Direction: | 4     | Our Leadership  |
| Objective:     | 4.1   | Openness and transparency in decision making            |
| Strategy:      | 4.1.5 | Support the organisation to operate its legal framework |

#### **Relevant Legislation:**

*Privacy and Personal Information Protection Act 1998*  
*Local Government Act 1993*

#### **Financial Implications:**

Nil.

#### **Attachments**

1. [↓](#) DRAFT Mandatory Notification of Data Breach Policy

SIMON BROWN  
DIRECTOR FINANCE AND COMMERCIAL

JAY NANKIVELL  
GENERAL MANAGER

## DRAFT MANDATORY NOTIFICATION OF DATA BREACH POLICY

| QUALITY CONTROL             |   |                          |
|-----------------------------|---|--------------------------|
| <b>EDRMS REFERENCES</b>     | D23/50644                                       |                          |
| <b>RESPONSIBLE POSITION</b> | Manager Information & Communications Technology |                          |
| <b>APPROVED BY</b>          | Council   |                          |
| <b>REVIEW DATE</b>          | November 2026                                   | <b>REVISION NUMBER</b> 1 |
| <b>EFFECTIVE DATE</b>       | <b>ACTION</b>                                   | <b>MINUTE NUMBER</b>     |
| <Enter Date>                | Public Exhibition                               | <Enter Minute Number>    |
| <Enter Date>                | Adopted   | <Enter Minute Number>    |

### 1. INTRODUCTION

Part 6A of the *Privacy and Personal Information Protection Act 1998 (NSW)* (PIIP Act) establishes the NSW Mandatory Notification of Data Breach (MNDB) scheme.

The MNDB Scheme requires every NSW public sector agency bound by the PPIP Act to notify the Privacy Commissioner and affected individuals of eligible data breaches.

### 2. POLICY OBJECTIVE

The purpose of this policy is to provide guidance to employees in responding to a Data Breach of Broken Hill City Council held information.

This policy sets out the procedures for managing a Data Breach, including the considerations around notifying persons whose privacy may be affected by the breach. It:

- provides examples of situations considered to constitute a Data Breach;
- details the steps to respond to a Data Breach; and
- outlines the considerations around notifying persons whose privacy may be affected by the breach.

Effective breach management, including notification where warranted, assists Council in avoiding or reducing possible harm to both the affected individuals/organisations and Broken Hill City Council. It also provides the opportunity for lessons to be learned which may prevent future breaches.

### 3. POLICY SCOPE

This policy applies to all Broken Hill City Council Officers.

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

**4.1.** Council will form a Data Breach Review Team, whose role it is to investigate, respond and report internally on any known or notified Data Breach involving Confidential Information.

**4.2.** There are four key steps required in responding to a Data Breach. These are:

1. Contain the breach.
2. Evaluate the associated risks.
3. Consider notifying affected individuals.
4. Prevent a repeat.

**4.3.** The first three steps may be undertaken concurrently.

##### **4.3.1. Step 1: Contain the breach**

- 4.3.1.1. Containing the Data Breach will be prioritised by Council. All necessary steps possible must be taken to contain the breach and minimise any resulting damage. For example, recover or request deletion of the information, shut down the system that has been breached, suspend the activity that led to the breach, revoke or change access codes or passwords.
- 4.3.1.2. If a third party is in possession of personal information and declines to return it, it may be necessary for Council to seek legal or other advice on what action can be taken to recover the information. When recovering information, Council will endeavour to make sure that copies have not been made by a third party or, if they have, that all copies are recovered.

##### **4.3.2. Step 2: Evaluate the associated risks**

- 4.3.2.1. To determine what other steps are needed, an assessment of the type of information involved in the breach and the risks associated with the breach will be undertaken.
- 4.3.2.2. Some types of information are more likely to cause harm if compromised. For example, financial account information, health information, and security classified information will be more significant than names and email addresses on a newsletter subscription list.
- 4.3.2.3. Given Council's regulatory responsibilities, release of case-related personal information will be treated very seriously. A combination of information will typically create a greater potential for harm than a single piece of data (for example, an address, date of birth and bank account details, if combined, could be used for identity theft).
- 4.3.2.4. Factors to consider include:
  - a) Who is affected by the Data Breach? Council will review whether individuals and organisations have been affected by the breach, how many individuals and organisations have been affected and whether any of the individuals have personal circumstances which may put them at particular risk of harm.

- b) What was the cause of the Data Breach? Council's assessment will include reviewing whether the breach occurred as part of a targeted attack or through human error or an inadvertent oversight. Was it a one-off incident, has it occurred previously, or does it expose a more systemic vulnerability? What steps have been taken to contain the breach? Has the Confidential Information been recovered? Is the Confidential Information encrypted or otherwise not readily accessible?
- c) What is the foreseeable harm to the affected individuals/organisations? Council's assessment will include reviewing what possible use there is for the Confidential Information. This involves considering the type of information (such as Health Information, Personal Information subject to special restrictions under s.19(1) of the Privacy and Personal Information Protection Act 1998 which could be used for identity theft, or lead to threats to physical safety, financial loss, or damage to reputation. Who is in receipt of the information? What is the risk of further access, use or disclosure, including via media or online? If case related, does it risk embarrassment or harm to a client and/or damage Council's reputation?

**4.3.3.Step 3: Consider notifying affected individuals/organisations**

- 4.3.3.1. Council recognises that notification to individuals/organisations affected by a Data Breach can assist in mitigating any damage for those affected individuals/organisations.
- 4.3.3.2. Notification demonstrates a commitment to open and transparent governance, consistent with Council's values and approach.
- 4.3.3.3. Council will also have regard to the impact upon individuals in recognition of the need to balance the harm and distress caused through notification against the potential harm that may result from the breach. There are occasions where notification can be counter productive. For example, notifying individuals about a privacy breach which is unlikely to result in an adverse outcome for the individual, may cause unnecessary anxiety and desensitise individuals to a significant privacy breach.
- 4.3.3.4. Factors Council will consider when deciding whether notification is appropriate include:
  - a) Are there any applicable legislative provisions or contractual obligations that require Council to notify affected individuals?
  - b) What type of information is involved?
  - c) Who potentially had access and how widespread was the access?
  - d) What is the risk of harm to the individual/organisation?
  - e) Is this a repeated and/or systemic issue?

- f) What risks are presented by the mode of the breach e.g. is it encrypted information or contained in a less secure platform e.g. email?
- g) Does the breach relate to regulatory functions and include case-related material flowing from the exercise of our regulatory functions?
- h) What steps has Council taken to date to avoid or remedy any actual or potential harm?
- i) What is the ability of the individual/organisation to take further steps to avoid or remedy harm?
- j) Even if Council would not be able to take steps to rectify the situation, is the information that has been compromised confidential, or likely to cause humiliation or embarrassment for the individual/organisation?
- k) In situations when notification is required it should be done promptly to help avoid or lessen any potential damage by enabling the individual/organisation to take steps to protect themselves.
- l) The method of notifying affected individuals/organisations will depend in large part on the type and scale of the breach, as well as immediately practical issues such as having contact details for the affected individuals/organisations.

**4.3.4.** Considerations include the following:

**When to notify**

- 4.3.4.1. In general, individuals/organisations affected by the breach should be notified as soon as practicable. Circumstances where it may be appropriate to delay notification include where notification would compromise an investigation into the cause of the breach or publicly reveal a system vulnerability.

**How to notify**

- 4.3.4.2. Affected individuals/organisations should be notified directly – by telephone, letter, email or in person. Indirect notification – such as information posted on Council's website, a public notice in a newspaper, or a media release – should generally only occur where the contact information of affected individuals/organisations are unknown, or where direct notification is prohibitively expensive or could cause further harm.

**What to say**

- 4.3.4.3. The notification advice will be tailored to the circumstances of the particular breach.
- 4.3.4.4. Content of a notification could include:
  - a) information about the breach, including when it happened.



- b) a description of what confidential or personal information has been disclosed.
- c) what Council is doing to control or reduce the harm?
- d) what steps the person/organisation can take to further protect themselves and what Council will do to assist people with this?
- e) contact details for questions or requests for information.
- f) the right to lodge a privacy complaint with the NSW Privacy Commissioner.

**4.3.5.Step 4: Prevent a Repeat**

- 4.3.5.1.1. Council will further investigate the circumstances of the breach to determine all relevant causes and consider what short or long-term measures could be taken to prevent any reoccurrence.
- 4.3.5.1.2. Preventative actions could include a:
  - a) security audit of both physical and technical security controls
  - b) review of policies and procedures
  - c) review of Council Officer/contractor training practices
  - d) review of contractual obligations with contracted service providers.

**4.3.6.Notifying the NSW Privacy Commissioner**

- 4.3.6.1. As a matter of good practice, Council will notify the NSW Privacy Commissioner of a Data Breach where personal information has been disclosed and there are risks to the privacy of individuals.
- 4.3.6.2. In doing so Council will ensure that relevant evidence is contained securely for access by the Privacy Commissioner should regulatory action be considered appropriate. Such notification will:
  - a) demonstrate to the affected individuals and broader public that Council views the protection of personal information as an important and serious matter and may therefore maintain public confidence in Council; and
  - b) facilitate full, timely and effective handling of any complaints made to the Privacy Commissioner in regard to the breach and thus assist those whose privacy has been breached.
- 4.3.6.3. Notification should contain similar content to that provided to individuals/organisations. The personal information about the affected individuals should not be provided. It may be appropriate to include:
  - a) a description of the breach
  - b) the type of personal information involved in the breach.
  - c) what response Council has made to the breach?

- d) what assistance has been offered to affected individuals?
- e) the name and contact details of the appropriate contact person.
- f) whether the breach has been notified to other external contacts.

#### **4.3.7. Internal notifications**

The following roles will be notified of any data breach:

- General Manager
- Director Corporate & Community
- Manager Information & Communications Technology
- Director Finance & Commercial
- Relevant Business Unit Manager
- Manager Corporate Risk

#### **4.3.8. Data breach documentation**

- 4.3.8.1. Documentation relating to data breaches will be stored in the Content Manager document management system.
- 4.3.8.2. An internal register of data breach incidents will be recorded in Vault.
- 4.3.8.3. An external register will be accessible on the Broken Hill City Council website for the public to access.

### **5. IMPLEMENTATION**

The following Council Officers are responsible for the implementation and the adherence to this policy.

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

All Council Officer will:

- immediately report any actual or suspected Data Breaches to the Manager ICT.

The Manager Information & Communications Technology will:

- immediately notify the Data Breach Review Team and assemble the Team as soon as possible.
- undertake relevant internal notifications as required by this policy.
- take immediate and any longer-term steps to contain and respond to security threats to Council's IT systems and infrastructure.

The Data Breach Review Team will:

- assemble promptly to review and respond to a data breach.
- follow this policy when responding to a data breach.

- consult with internal and external stakeholders as required.
- prepare a data breach review report for each separate Data Breach incident.

The Manager Corporate Risk will:

- undertake notifications as required to affected individuals/organisations and the NSW Privacy Commissioner
- notify Council's insurers as required.

**5.2. Communication**

This Policy will be communicated to Council Officers in accordance with Council's Policy, Procedure and Process Framework. Following approval by the Council, the Policy will be made available on Council's intranet.

**6. ASSOCIATED DOCUMENTS**

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

- Information and Privacy Commission (IPC) Data Breach Guidance for NSW Agencies
  - NSW Mandatory Notification of Data Breach (MNDB) Scheme
- Information and Privacy Commission Data Breach Policy
- Information & Communications Technology Security Policy
- Privacy Management Plan

**7. 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 Manager Information & Communications Technology is responsible for the review of this policy.

**8. LEGISLATIVE AND LEGAL FRAMEWORK**

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

- *Privacy and Personal Information Protection Act 1998*
- *Health Records and Information Privacy Act 2002*

Council Officers shall refrain from personal activities that would conflict with proper execution and management of Council's Mandatory Notification of Data Breach Policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

**9. DEFINITIONS**

| <b>Term</b>                       | <b>Meaning</b>   |
|-----------------------------------|--|
| Broken Hill City Council Officers | Includes Elected Members, full time, part time, casual, temporary and fixed term employees, agency staff and contractors.  |
| Confidential Information          | Information and data (including metadata) including Personal Information, Health Information, information protected under legal professional privilege, information covered by secrecy provisions under any legislation, commercial-in-confidence provisions, floor plans of significant buildings, Security Classified Information and information related to the Broken Hill City Council IT/cyber security systems.   |
| Council                           | Broken Hill City Council   |
| Data Breach                       | For the purposes of this policy, a data breach occurs when there is a failure that has caused unauthorised access to, or disclosure of, Confidential Information held by Broken Hill City Council.   |
| Data Breach Review Team           | <p>The core Data Breach Review Team comprises:</p> <ul style="list-style-type: none"> <li>• Manager Corporate Risk (or delegate)</li> <li>• Manager Information &amp; Communications Technology</li> <li>• Manager Corporate &amp; Customer Experience</li> <li>• Manager Communications &amp; Marketing</li> <li>• Director Finance &amp; Commercial</li> </ul> <p>Depending on the nature and circumstances of the breach, other employees may be called on to form part of the Data Breach Review Team.</p> |
| IPC                               | Information and Privacy Commission   |
| MNDB                              | NSW Mandatory Notification of Data Breach Scheme   |
| PPIP ACT                          | <i>Privacy and Personal Information Protection Act 1998 (NSW)</i>  |

## POLICY AND GENERAL COMMITTEE

September 18, 2023

**ITEM 6**BROKEN HILL CITY COUNCIL REPORT NO. 202/23

SUBJECT:                    SECTION 355 ANNUAL AND FINANCIAL REPORTS 2022/2023  
D23/50741

**Recommendation**

1. That Broken Hill City Council Report No. 202/23 dated September 18, 2023, be received.
2. That the 2022/2023 Norm Fox Sporting Complex Community Committee Annual and Financial Reports be received and noted
3. That the 2022/2023 Broken Hill Heritage Committee Annual Report be received and noted

**Executive Summary:**

In accordance with Section 355 of the *Local Government Act 1993* (the Act), Council has the ability to delegate some of its functions to a Committee of Council by way of appointment of community members to manage or advise on particular Council assets or functions. The committees are commonly known and referred to as Section 355 Committees.

There are currently 12 Section 355 Committees, made up of eight Asset Committees and four Advisory Committees.

**Asset Committees:**

- Alma Oval Community Committee
- BIU Band Hall Community Committee
- E.T. Lamb Memorial Oval Community Committee
- Friends of the Flora and Fauna of the Barrier Ranges Community Committee
- Memorial Oval Community Committee
- Norm Fox Sporting Complex Community Committee
- Picton Sportsground Community Committee
- Riddiford Arboretum Community Committee

**Advisory Committees:**

- Ageing Well Advisory Committee
- Broken Hill City Art Gallery Advisory Committee
- Broken Hill Heritage Committee
- Youth Advisory Committee

**Report:**

Council's Section 355 Advisory and Asset Committee Manuals state that all committees are in place for the term of the Council (four years) however, due to the COVID-19 Pandemic, Local Government Elections were postponed until December 2021. The Section 355 committees at the time of the delay, were asked to remain in place during the extended term until elections were held. This has caused an ongoing effect whereby the current elected

Section 355 Committees will remain in place for the current Council term of 2 years and 9 months.

Council's Section 355 Advisory and Asset Committee Manuals state that Committees are required to submit Annual and Financial (where applicable) Reports for the 2022/2023 period.

Reports specifically required include:

- Asset Committees: Annual Report 2022/2023 and Financial Report 2022/2023
- Advisory Committees: Annual Report 2022/2023

Reports have been received from the following committees:

- Norm Fox Sporting Complex Community Committee
- Broken Hill City Art Gallery Advisory Committee
- Broken Hill Heritage Committee

Reports remain outstanding for the following committees and will be presented to Council once available:

- Alma Oval Community Committee
- BIU Band Hall Community Committee
- Friends of the Flora and Fauna of the Barrier Ranges Community Committee
- Memorial Oval Community Committee
- Picton Sportsground Community Committee
- Riddiford Arboretum Community Committee
- Ageing Well Advisory Committee
- Youth Advisory Committee

It is to be noted that the E.T. Lamb Memorial Oval Community Committee held no meetings during the 2022/2023 period and funds have not been returned to the committee since it's re-establishment in August 2022, therefore no Annual Reports will be submitted

The Community Strategic Plan Round Table Committee held no meetings during the 2022/2023 period therefore no Annual Report will be submitted, furthermore the Section 355 Community Strategic Plan Round Table Committee was disbanded by Council at its September 2023 Ordinary Meeting (minute number 47337).

#### Strategic Direction:

|                |       |   |
|----------------|-------|---|
| Key Direction: | 4     | Our Leadership  |
| Objective:     | 4.1   | Openness and transparency in decision making            |
| Strategy:      | 4.1.5 | Support the organisation to operate its legal framework |

#### Relevant Legislation:

*Local Government Act 1993* - Section 355 'How a council may exercise functions' and Section 377 'General power of the council to delegate'.

Section 355 Asset and Advisory Committees operate under Council's Section 355 Asset or Advisory Committee Framework, which includes the Section 355 Asset or Advisory Committee Manual (adopted 30 March 2022 Minute Number 46795) and each of the individual Section 355 Committee Constitutions (adopted 30 March 2022 Minute Number 46795).

#### Financial Implications:

There are no financial implications arising from the recommendations of this report. Where relevant, a Financial Report for the 2022/2023 period has been included.

#### Attachments

1. Section 355 Norm Fox Sporting Complex Community Committee Annual Report  
[↓](#) 2022-23 - Redacted
2. Section 355 Norm Fox Sporting Complex Community Committee Annual Financial  
[↓](#) Report 2022-23
3. Section 355 Broken Hill Heritage Committee - Annual Report 2022-2023 - Redacted  
[↓](#)

RAZIJA NU'MAN  
DIRECTOR CORPORATE AND COMMUNITY

JAY NANKIVELL  
GENERAL MANAGER

## Section 355 committee annual report

Please complete this form as accurately as possible and return to [council@brokenhill.nsw.gov.au](mailto:council@brokenhill.nsw.gov.au)  
If insufficient room please supply additional attachments.

**SECTION 355 COMMITTEE**

Name of Committee: NORM FOX SPORTS COMPLEX

Annual Report Period: 1<sup>ST</sup> JULY 2022-30<sup>TH</sup> JUNE 2023

| <b>ANNUAL REPORT</b>   |                 |                    |           |
|--|-----------------|--------------------|-----------|
|  | Date of Meeting | Meeting held (Y/N) | No quorum |
| <b>1. Number of meetings conducted and dates of meetings</b> | 25/8/22         | Y                  | 5         |
|  | 22/9/22         | Y                  | 4         |
|  | 18/1/23         | Y                  | 5         |
|  | 30/3/23         | Y                  | 4         |
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|  |                 |                    |           |
| <b>Date of Annual General Meeting</b>                        | 25/8/22         | Y                  | 5         |



| 2. Meeting Attendance |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |
|-----------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Member Name           | Date of meeting | Date of meeting | Date of meeting | Date of meeting | Date of meeting | Date of meeting | Date of meeting | Date of meeting | Date of meeting | Date of meeting | Date of meeting | Date of meeting | Date of meeting |
| Collin Casey          | 25/8/22         | 22/9/22         | 18/1/23         | 30/3/23         |                 |                 |                 |                 |                 |                 |                 |                 |                 |
| Peter Johnston        | 25/8/22         | 22/9/22         | 18/1/23         | 30/3/23         |                 |                 |                 |                 |                 |                 |                 |                 |                 |
| Ian Squire            | 25/8/22         | 22/9/22         | 18/1/23         | 30/3/23         |                 |                 |                 |                 |                 |                 |                 |                 |                 |
| Bob Algate            | 25/8/22         |                 | 18/1/23         | 30/3/23         |                 |                 |                 |                 |                 |                 |                 |                 |                 |
| D. Turley             | 25/8/22         | 22/9/22         |                 | 30/3/23         |                 |                 |                 |                 |                 |                 |                 |                 |                 |
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Section 355 Committee Annual Report

|  |  |
|--|--|
| 3. Activities and Projects achieved over the past year | Cunrooms extensively cleaned and outer surrounds of oval well maintained by caretaker  |
| 4. Achievements and highlights over the past year      | Oval used extensively by mens and womens cricket throughout the summer. North Football Club conducted pre-season AFL training at the ground before switching back to the Jubilee Oval for the season proper. BBQ purchased to bolster canteen facilities |
| 5. Activities/Projects in progress                     | Looking to improve canteen facilities and equipment to improve revenue raising possibilities   |
| 6. Ongoing Issues                                      | Still waiting for promised ride on mower to maintain outer oval areas.   |
| 7. Completed Maintenance                               |  |
| 8. Financial Report                                    | \$4,695.52 surplus income over expenditure.  |

**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 contact details and to assess your suitability for appointment to a 355 Committee. The intended recipients of the personal information collected includes Council officers, 355 Committee members, and contractors or other agents contracted by Council. If appointed to a committee, your name and 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 the information is voluntary. You may make an application for access to your personal information or consent to information held by Council. Council will consider any such application in accordance with the Act. Enquiries concerning this matter should be directed to the Council Clerk, Broken Hill City 240 Blende Street.

Signature \_\_\_\_\_ Date 10/8/2023

Printed Name Peter Johnston

—

Section 355 Committee Annual Report

| Position  |
|-----------|
| Secretary |

# NormSection 355 Annual Financial Report Instructions and Form

## Instructions for Completing Annual Financial Reports for Management Committees

This form is provided to give Executive Committee Members step by step instructions on how to use the Annual Financial Report Form.

The Annual Financial Report Form should be completed at the end of each Fiscal year, (1 July to 30 June) and submitted to Council by the third week in August, annually.

The Annual Financial Report Form can also be used on a more regular basis should the Committee wish to do so. This would simplify the process when completing the Annual Financial Report for Council.

If your Committee is already using an accounting software package there is no need to complete the Annual Financial Report Template, however please submit your software generated Profit and Loss by the third week in August, annually.

## Instructions

**A photocopy of the Income and Expenditure (Cash Book) must be attached to the completed Annual Financial Report.**

- Management Committee:** Fill in the name of the Committee on which you are reporting.
- Reporting Period:** Fill in the period in which you are reporting eg July 2021 to June 2022.
- Income Section**  
Record all income (excluding GST) for the entire reporting period. The income should be broken down into income types. There are another two lines which can be used if there are any other income types. Be sure to write what sort of income you are recording should you use either of the blank lines. Income information is to be written onto a printed copy of the spreadsheet.
- Expenditure Section:**  
Record all expenditure (excluding GST) for the entire reporting period. The expenditure should be broken down into income types. There are another five lines which can be used if there are any other expenditure types. Be sure to write what sort of expenditure you are recording should you use any of the blank lines. Income information is to be written onto a printed copy of the spreadsheet.
- Profit and Loss:**  
From the Annual Financial Report, take the total income and minus the expenditure. If the amount left is a positive, the Committee has made a profit. If the amount is a negative, the Committee has made a loss.

Annual Financial Report

**Management Committee:** Norm Fox Sporting Complex

**Reporting Period:** 1<sup>st</sup> July 2022 to 30<sup>th</sup> June 2023

**Note:** All Figures Should Be **Excluding GST**

**Income:**

|                     |                            |
|---------------------|----------------------------|
| Facility Hire       | 2,264.73                   |
| Membership Fees     |                            |
| Other Income        | 6,068.00 (Council Support) |
| Interest Earned     |                            |
| <b>Total Income</b> | <b>8,332.73</b>            |

**Expenses:**

|                        |                 |
|------------------------|-----------------|
| Advertising            |                 |
| Bank Fees              |                 |
| Cleaning               | 867.40          |
| Postage                |                 |
| Printing               |                 |
| Building Maintenance   |                 |
| Grounds Maintenance    | 212.96          |
| Security               |                 |
| Stationery             |                 |
| Electricity            | 2,556.85        |
| Gas                    |                 |
| Garbage                |                 |
| Telephone              |                 |
| Water                  |                 |
| Other Expenses         |                 |
| <b>Total Expenses:</b> | <b>3,637.21</b> |
| <b>Profit/(Loss)</b>   | <b>4,695.52</b> |

## SECTION 355 COMMITTEE ANNUAL REPORT

Please complete this form as accurately as possible and return to [council@brokenhill.nsw.gov.au](mailto:council@brokenhill.nsw.gov.au)  
 If insufficient room please supply additional attachments.

### SECTION 355 COMMITTEE

Name of Committee: Broken Hill Heritage Committee


Annual Report Period: 1 July 2022 – 30 June 2023

### ANNUAL REPORT

|   | Date of Meeting   | Meeting held (Y/N) | No quorum |  |
|---|-------------------|--------------------|-----------|--|
| 1. Number of meetings conducted and dates of meetings | 25 July 2022      | Y                  |           |  |
|   | 30 August 2022    | Y                  |           |  |
|   | 27 September 2022 | Y                  |           |  |
|   | 24 October 2022   | Y                  |           |  |
|   | 28 November 2022  | Y                  |           |  |
|   | 31 January 2023   | Y                  |           |  |
|   | 28 February 2023  | Y                  |           |  |
|   | 30 March 2023     | Y                  |           |  |
|   | 4 May 2023        | Y                  |           |  |
|   | 6 June 2023       | Y                  |           |  |
|   | 25 July 2023      | N                  |           |  |
|   |                   |                    |           |  |
|   |                   |                    |           |  |
| <b>Date of Annual General Meeting</b>                 | 25 July 2022      | Y                  |           |  |

| Member Name                  | Date of meeting | Date of meeting | Date of meeting | Date of meeting | Date of meeting | Date of meeting | Date of meeting | Date of meeting | Date of meeting | Date of meeting | Date of meeting | Date of meeting | Date of meeting |
|------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Councillor<br>Dariea Turley  | 25/7/22         | 30/8/22         | 27/9/22         | 24/10/22        | 28/11/22        | 31/1/23         | 28/2/23         | 30/3/23         | 4/5/23          | 6/6/23          |                 |                 |                 |
| Councillor<br>Marion Browne  | 25/7/22         | 30/8/22         | 27/9/22         | 24/10/22        | 28/11/22        | 31/1/23         | 28/2/23         | 30/3/23         | 4/5/23          | 6/6/23          |                 |                 |                 |
| Councillor<br>Michael Boland | 25/7/22         |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 | 6/6/23          |
| Christine Adams              | 25/7/22         | 30/8/22         | 27/9/22         | 24/10/22        |                 | 31/1/23         | 28/2/23         | 30/3/23         |                 |                 |                 |                 | 6/6/23          |
| Gary Cook                    | 25/7/22         | 30/8/22         |                 | 24/10/22        | 28/11/22        | 31/1/23         | 28/2/23         | 30/3/23         | 4/5/23          | 6/6/23          |                 |                 |                 |
| Cliff Turley                 | 25/7/22         | 30/8/22         |                 |                 | 28/11/22        |                 | 28/2/23         |                 |                 |                 |                 |                 |                 |
| Gigi Barbe                   | 25/7/22         | 30/8/22         | 27/9/22         | 24/10/22        | 28/11/22        | 31/1/23         | 28/2/23         |                 | 4/5/23          | 6/6/23          |                 |                 |                 |
| Simon<br>Molesworth          |                 | 30/8/22         | 27/9/22         | 24/10/22        | 28/11/22        | 31/1/23         | 28/2/23         | 30/3/23         | 4/5/23          | 6/6/23          |                 |                 |                 |
| Jeanette<br>Thompson         | 25/7/2022       |                 | 27/9/22         |                 | 28/11/22        | 31/1/23         | 28/2/23         | 30/3/23         | 4/5/23          |                 |                 |                 |                 |
|                              |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |
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Section 355 Committee Annual Report

|   |  | 2023  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|---|--|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| <b>3.</b>   | <b>Activities and Projects achieved over the past year</b> | Successful Broken Hill Heritage Festival held in April 2023, and Miners memorial service in October 2022.   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| <b>4.</b>   | <b>Achievements and highlights over the past Year</b>      | Successful Broken Hill Heritage Festival held in April 2023. Miners memorial service in October 2022.   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| <b>5.</b>   | <b>Activities/Projects in progress</b>                     | Planning of Heritage events, including Broken Hill Line of Lode 140 <sup>th</sup> anniversary celebration, and Miners Memorial. Initiate Concept Precinct Plan for Old Sydney Railway/MaccGillivray Drive precinct. Work in conjunction with Council staff to establish Repository for heritage materials. Consideration of end of mine life and associated heritage related impacts. |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| <b>6.</b>   | <b>Ongoing Issues</b>                                      | N/A   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| <b>7.</b>   | <b>Completed Maintenance</b>                               | N/A   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| <b>8.</b>   | <b>Financial Report</b>                                    | N/A   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| <b>PRIVACY STATEMENT</b>  |  |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 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 contact details and to assess your suitability for appointment to a S355 Committee. The intended recipients of the personal information collected includes Council officers, S355 Committee members, and contractors or other agents contracted by Council. If appointed to a committee, your name and 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 the information is voluntary. You may make an application for access to your personal information 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 <a href="mailto:council@brokenhill.nsw.gov.au">council@brokenhill.nsw.gov.au</a> or addressed to Broken Hill City 240 Blende Street. |  |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Signature   |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|   |  | Date <u>10/8/2023</u>   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Section 355 Committee Annual Report   |  |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |



Section 355 Committee Annual Report

Printed Name

Tracey Stephens

Acting Secretary, Broken Hill Heritage Committee

Page 4 of 4

## POLICY AND GENERAL COMMITTEE

September 29, 2023

**ITEM 7****BROKEN HILL CITY COUNCIL REPORT NO. 203/23**

**SUBJECT:** **NOMINATION FOR THE APPOINTMENT AND RESIGNATION OF  
COMMUNITY REPRESENTATIVE TO SECTION 355 COMMUNITY  
COMMITTEE** **D23/53157**

**Recommendation**

1. That Broken Hill City Council Report No. 203/23 dated September 29, 2023, be received.
2. That Council appoint Ms Brooke Mallison and Mr Dale Sanderson as community representatives on the E.T. Lamb Memorial Oval Community Committee.
3. That Ms Brooke Mallison and Mr Dale Sanderson be advised of their appointment and advice also be sent to the Councillor Delegate/Chairperson of the Committee.
4. That Council endorses and acknowledges in writing the resignation of Mr Ken Kennedy from the E.T. Lamb Memorial Oval Community Committee.

**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 the 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:**

Council is in receipt of two nominations, Mr Dale Sanderson and Ms Brooke Mallison, for community representation on the E.T. Lamb Memorial Oval Community Committee. The nomination from Ms Brooke Mallison, who is not a resident of the Broken Hill City Council LGA, required additional information, an outline of her interests in the committee and ability to attend committee meetings was requested and provided as follows:

'Within my role in NSWRL I oversee the Outback Rugby League Competition. This year was the first time in many years we were able to have a full 9 week competition plus a finals series

I would be able to join face to face in the 'on season' of football as I travel out to BH every 3 weeks and then all other meetings I would be able to link in online.'

Acceptance of both nominations would assist the committee in maintaining its number of community representatives, as per the E.T. Lamb Memorial Oval Community Committee Constitution and provide increased membership to support fulfilling executive positions on the committee.

Mr Ken Kennedy submitted his formal resignation via email received on 13 September 2023 after a phone conversation with him identified that due to a change of employer and location he wished to submit his resignation from the Committee.

As the committee has not yet held a meeting since being re-established in August 2022, Mr Kennedy's resignation has not been presented to the committee.

Representation on the E.T. Lamb Memorial Oval Community Committee is outlined in the table below.

| Name of Committee                           | Number of Community Representatives as per Constitution   | Council Delegate/s on Committees | Current Community Representatives appointed by Council Resolution at previous Council Meetings   | Resignations Received as at 4 October 2023    | Nominations Received as at 4 October 2023                               |
|---|---|----------------------------------|--|---|---|
| E.T. Lamb Memorial Oval Community Committee | 8<br>At least one councillor, allowance for one representative per user group; a reasonable number of community representative reflecting the size and operations of the facility | Councillor Gallagher             | 8<br>Mr Lyndon Pace<br>Mr Ross Morris<br>Mr Luke Driscoll<br>Mr Dean Meadows<br>Mr Des Rumble<br>Mr Roderick Lamb<br>Mr Bryan Williamson<br>Mr Ken Kennedy | 1<br>Mr Ken Kennedy<br>- resignation received | 2<br>Ms Brooke Mallison<br>Mr Dales Sanderson<br>- nominations received |

**Community Engagement:**

Council completed an initial six months of advertising in the Barrier Truth and on social media and received adequate nominations for its Section 355 Committees to commence operating.

Further advertising on social media will continue throughout the term of Council for those committees with minimum community representatives. The bi-monthly newsletter included an article seeking interested community representative volunteers to nominate for membership of Section 355 committees.

**Strategic Direction:**

---

|                |       |   |
|----------------|-------|---|
| Key Direction: | 4     | Our Leadership  |
| Objective:     | 4.1   | Openness and transparency in decision making            |
| Strategy:      | 4.1.5 | Support the organisation to support 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. Section 355 E.T. Lamb Memorial Oval Community Committee Nomination Form -  
[↓](#) Brooke Mallison - Redacted
2. Section 355 E.T. Lamb Memorial Oval Community Committee Nomination - Brooke  
[↓](#) Mallison - Email Correspondence - Redacted
3. Section 355 E.T. Lamb Memorial Oval Community Committee Nomination - Dale  
[↓](#) Sanderson - Redacted

RAZIJA NU'MAN  
DIRECTOR CORPORATE AND COMMUNITY

JAY NANKIVELL  
GENERAL MANAGER

# Section 355 Committee Nomination Form

**BROKEN HILL**  
CITY COUNCIL

Submitted on 19 September 2023, 9:10AM  
Receipt number S355N-81  
Related form version 7

## Contact Details

First Name Brooke

Last Name Mallison

Contact Number

Do you have an email address? Yes

Email Address

Applicant Street Number

Applicant Street Name

Applicant Suburb/City

Applicant State

Applicant Postcode

## Committee Details

Which S355 Committee are you nominating for? ET Lamb Memorial Oval Community Committee

## Privacy

- 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 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.
- 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.

Declaration

I declare that I am over the age of 18

I declare that I have established ties to the Broken Hill community

I declare that I am a resident of the local government area (LGA); or if

**NOMINATION FOR THE APPOINTMENT AND RESIGNATION  
OF COMMUNITY REPRESENTATIVE TO SECTION 355  
COMMUNITY COMMITTEE**

**Attachment 1  
Section 355 E.T. Lamb Memorial Oval  
Community Committee Nomination  
Form - Brooke Mallison - Redacted**

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not a resident, be able to demonstrate an interest in the objectives of the committee and ability to attend committee meetings to the satisfaction of Council

I declare that I will commit to the activities of the Committee and a willingness to be actively involved in the Committee issues

I declare that all the information provided in this application is given by me being the person named as the applicant.

**NOMINATION FOR THE APPOINTMENT AND RESIGNATION  
OF COMMUNITY REPRESENTATIVE TO SECTION 355  
COMMUNITY COMMITTEE**

**Lauren Blunden**

**Attachment 2  
Section 355 E.T. Lamb Memorial Oval  
Community Committee Nomination -  
Brooke Mallison - Email  
Correspondence - Redacted**

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**From:** Brooke Mallison [REDACTED]  
**Sent:** Wednesday, 20 September 2023 9:26 AM  
**To:** Corporate Services  
**Subject:** RE: Section 355 E.T. Lamb Memorial Oval Community Committee Nomination

Morning Lauren,

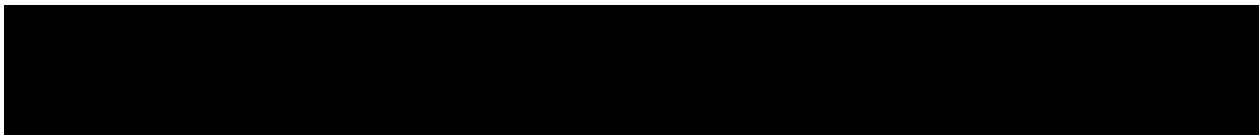
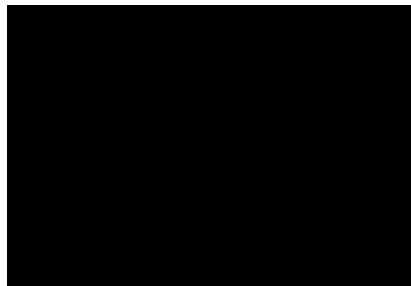
Thanks for quick chat yesterday afternoon

Within my role in NSWRL I oversee the Outback Rugby League Competition. This year was the first time in many years we were able to have a full 9 week competition plus a finals series

I would be able to join face to face in the 'on season' of football as I travel out to BH every 3 weeks and then all other meetings I would be able to link in online.



Brooke Mallison



**From:** Corporate Services <CorporateServices@brokenhill.nsw.gov.au>  
**Sent:** Tuesday, 19 September 2023 2:09 PM  
**To:** Brooke Mallison [REDACTED]  
**Subject:** Section 355 E.T. Lamb Memorial Oval Community Committee Nomination

Good Afternoon Brooke

I tried to call you earlier today and left a message as Council received your nomination form for the Section 355 E.T. Lamb Memorial Oval Community Committee and would like to gather some further information.

The Declaration on the form states: I declare that I am a resident of the local government area (LGA); or if not a resident, be able to demonstrate an interest in the objectives of the committee and ability to attend committee meetings to the satisfaction of Council.

Could you please outline why you would like to be a member of the committee and how you will attend meetings.

Thank you

**Lauren Blunden**  
Corporate Support Officer

**NOMINATION FOR THE APPOINTMENT AND RESIGNATION  
OF COMMUNITY REPRESENTATIVE TO SECTION 355  
COMMUNITY COMMITTEE**

City of Broken Hill  
PO Box 448  
Broken Hill NSW 2880

~~Phone 08 8080 3380~~

[Lauren.Blunden@brokenhill.nsw.gov.au](mailto:Lauren.Blunden@brokenhill.nsw.gov.au)

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

**Attachment 2  
Section 355 E.T. Lamb Memorial Oval  
Community Committee Nomination -  
Brooke Mallison - Email  
Correspondence - Redacted**



*We acknowledge the traditional owners of the land on which we live and work, and pay our respects to their elders past, present, and emerging.*

DISCLAIMER

This e-mail message and any accompanying attachments may contain information that is confidential and subject to legal privilege. If you are not the intended recipient do not read, use, disseminate, distribute or copy this message or attachments.

If you have received this message in error, please notify the sender immediately and delete this message. Views expressed in this e-mail are those of the individual, except where specifically stated otherwise.

Broken Hill City Council does not warrant this message to be free of errors, interference or viruses.



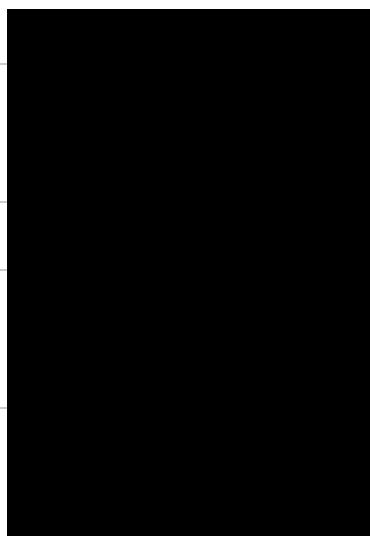
# Section 355 Committee Nomination Form

**BROKEN HILL**  
CITY COUNCIL

Submitted on 1 October 2023, 1:43PM  
Receipt number S355N-82  
Related form version 7

## Contact Details

First Name Dale  
Last Name Sanderson  
Contact Number  
Do you have an email address?  
Email Address  
Applicant Street Number  
Applicant Street Name  
Applicant Suburb/City  
Applicant State  
Applicant Postcode



## Committee Details

Which S355 Committee are you nominating for? ET Lamb Memorial Oval Community Committee

## Privacy

- 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 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.
- 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.

Declaration I declare that I am over the age of 18  
I declare that I have established ties to the Broken Hill community  
I declare that I am a resident of the local government area (LGA); or if

**NOMINATION FOR THE APPOINTMENT AND RESIGNATION  
OF COMMUNITY REPRESENTATIVE TO SECTION 355  
COMMUNITY COMMITTEE**

**Attachment 3  
Section 355 E.T. Lamb Memorial Oval  
Community Committee Nomination -  
Dale Sanderson - Redacted**

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not a resident, be able to demonstrate an interest in the objectives of the committee and ability to attend committee meetings to the satisfaction of Council

I declare that I will commit to the activities of the Committee and a willingness to be actively involved in the Committee issues

I declare that all the information provided in this application is given by me being the person named as the applicant.

## POLICY AND GENERAL COMMITTEE

October 6, 2023

**ITEM 8**BROKEN HILL CITY COUNCIL REPORT NO. 204/23SUBJECT: INVESTMENT REPORT FOR SEPTEMBER 2023 D23/54951**Recommendation**

1. That Broken Hill City Council Report No. 204/23 dated October 6, 2023, be received.

**Executive Summary:**

The *Local Government (General) Regulation 2021* (Part 9, Division 5, Clause 212), effective from 1 September 2021, 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 30 September 2023, Council's Investment Portfolio had a current market valuation of \$36,550,008 or principal value (face value) of \$36,291,016 and was compliant with policy and legislative requirements as per the below table.

**Report:**

Council's investments as at 30 September 2023 are detailed in Attachment 1.

| Portfolio Summary                       |   |                       |
|---|---|-----------------------|
| Portfolio Performance vs. RBA Cash Rate | ✓ | Compliant with policy |
| 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:****Global issues:**

- Many central banks are warning that they could still raise rates further. More central banks left rates on hold over the month than hiked but most retain a tightening bias with several signalling expectations that rates would remain higher for longer than originally projected.
- In China, growth in industrial production, retail sales and credit picked up more than expected, falls in exports and imports slowed and deflation abated. While these were positive factors, on a three-month basis the data is still soft and property indicators are

very weak. Economists question whether the policy stimulus seen so far, with a focus on easier monetary conditions, is enough given weak demand and risk that households may be in a liquidity trap after a rapid rise in debt.

- Global share markets had another poor September, not as bad as Sep 2022, but still a reasonable retreat. Carrying on from August, several factors weighed on the markets including the still high risks of recession; concerns of a sluggish Chinese economy; increasing energy prices; stubbornly high services inflation; and the impending threat of another US Government shutdown, which was only resolved, temporarily, after the last day of trading for the month. European and Chinese markets slipped approx. 1.5% while US shares fell nearly 5%. Japanese shares continued their charmed run with a modest gain of 0.4%, bringing its 12 month return over 30%. Domestically, the ASX All Ords ended the month down 2.8%, with Real Estate Trusts and IT the worst performing sectors and only the Energy sector recording a gain for the month, up 2.2%.

### **Domestic issues**

- Latest GDP data showed a slow down to 2.1% year on year(yoy), but the result was stronger than the RBA's forecast of 1.6%yoy. Much of the growth last quarter came from strong population growth, public spending and energy exports, while interest rate sensitive parts of the economy remain under pressure. Consumer spending rose only slightly, and discretionary spending fell for the third quarter in a row. This reflects the hit from higher interest payments, rising tax payments, falling small business income and cost of living pressures offsetting strong growth in wage income.
- Economists expect a further slowing in GDP growth as consumer spending tips negative, dwelling investment continues to fall, business investment slows and recent strength in public spending and exports moderate with slowing global growth (with China being the main risk).
- Latest jobs figures were up a strong 64,900 after a weak July, but the quality of jobs growth was poor (with full time employment up just 2,800 after a fall of 18,700 in July), hours worked fell and a rise in the participation rate to a record high saw unemployment unchanged at 3.7%, still up from a low of 3.4% last October. The jobs market is still tight but the rising trend in unemployment and underemployment indicates that it is gradually cooling.

### **Interest rates**

- At its September meeting the RBA board noted that inflation was still too high and was expected to remain so for an extended period. They kept the cash target unchanged at 4.10% but indicated that another rate raise may be required.
- The experience in other countries continues to suggest that services price inflation might take some time to decline. Overall, the RBA board members decided that the economy still appears to be on the narrow path by which inflation comes back to target and employment continues to grow, but they will be guided by upcoming economic indicators.
- The market has again priced in one more interest rate hike of 0.25% by mid-2024:
- In September, term deposit rates across the 1 to 12 month range were little changed from last month. Meanwhile, rates on terms between 2 to 5 years rose by approx. 20 basis points as the market adjusted to the possibility of inflation staying higher for longer.

### **Investment Portfolio Commentary**

Council's investment portfolio returned 2.09%pa (0.17% actual) for the month on a marked-to-market basis versus the bank bill index benchmark's 4.18%pa return. Over the past 12 months, the investment portfolio has returned 3.97% versus the bank bill index benchmark's 3.56%.

The poor results in the bond and share markets, triggered by ongoing recession fears and sluggish economic growth, filtered through to the NSW TCorpIM Medium Term Fund with a return of -1.26% (actual) for the month. The fund's result brought Council's overall return below benchmark for the month on a marked-to-market basis.

During September, Council had \$2.5m of deposits mature across a range of 5 to 24 month terms paying an average of 3.73%pa. Council invested \$3m among four new TDs with maturities ranging between 7 and 12 months paying an average of 5.23%pa, providing a good boost to the portfolio's overall yield. Council's TD portfolio is currently yielding over 5%pa.

Council has a well-diversified portfolio invested predominantly among a range of term deposits from highly rated Australian banks. Council also has exposure to a wide range of asset classes, including senior ranked fixed and floating rate notes, listed property and international and domestic shares via the NSW TCorp Medium Term Growth Fund. It is expected that Council's portfolio will achieve above benchmark returns over the medium/long term with prudent investment selection.

### **Council's Portfolio by Source of Funds – September 2023**

As at 30 September 2023, Council's Investment Portfolio had a current market valuation of \$36,550,008 or principal value (face value) of \$36,291,016 and was compliant with policy and legislative requirements as per the table above.

|                         | Source of Funds                           | Principal Amount    |
|-------------------------|---|---------------------|
| <b>GENERAL<br/>Fund</b> | Operating Capital & Internal Restrictions | \$19,591,958        |
|                         | Royalties Reserve                         | \$604,812           |
|                         | Domestic Waste Management Reserve         | \$4,519,564         |
|                         | Grants                                    | \$11,574,682        |
|                         | <b>TOTAL PORTFOLIO</b>                    | <b>\$36,291,016</b> |

### **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 2021*.

**Financial Implications:**

The recommendation has no financial impact.

**Attachments**

1. [↓](#) Investment Report September 2023

SIMON BROWN  
DIRECTOR FINANCE AND COMMERCIAL

JAY NANKIVELL  
GENERAL MANAGER



Investment Summary Report  
September 2023

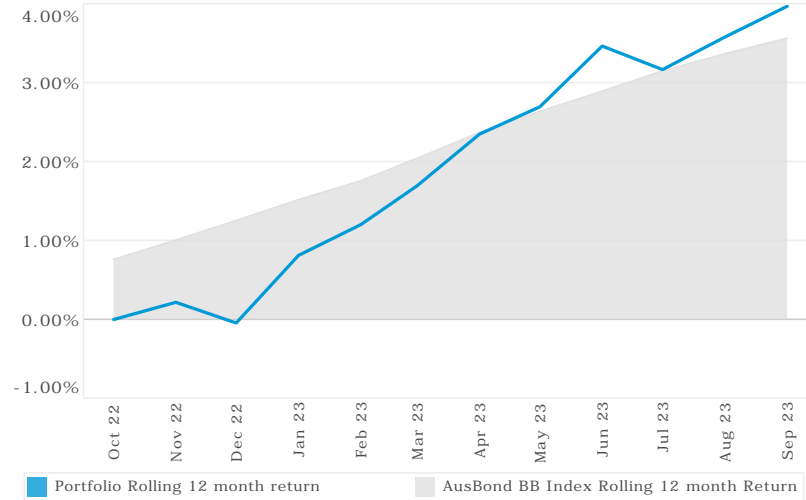




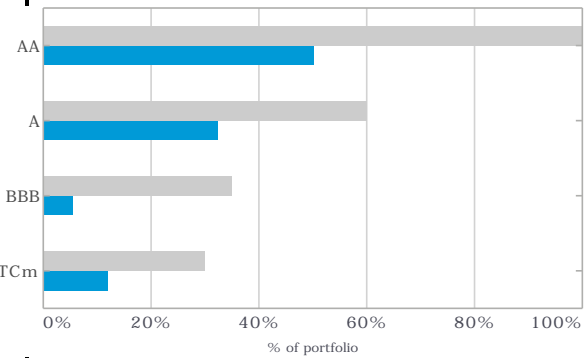
Investment Holdings

|               | Face Value (\$) | Current Value (\$) |
|---------------|-----------------|--------------------|
| Cash          | 12,974,259      | 12,974,259         |
| Managed Funds | 4,316,756       | 4,316,756          |
| Term Deposit  | 19,000,000      | 19,258,992         |
|               | 36,291,016      | 36,550,008         |

Investment Performance

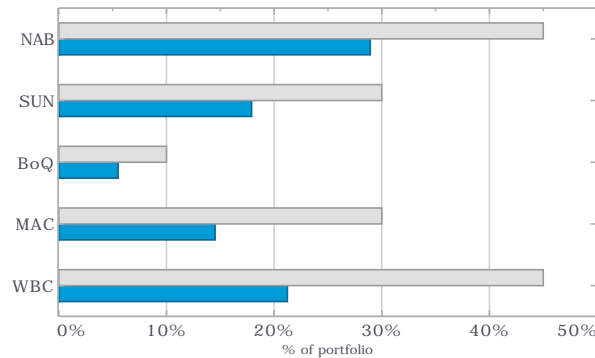


Total Credit Exposure



Investment Policy Compliance

Individual Institutional Exposures



Term to Maturities

|                            | Face Value (\$) | Policy Max  |
|----------------------------|-----------------|-------------|
| Between 0 and 1 years      | 36,291,016      | 100% 100% a |
|                            | 36,291,016      |             |
| <b>Specific Sub Limits</b> |                 |             |
| Between 5 and 10 year      | 0               | 0% 30% a    |

Portfolio Exposure Investment Policy Limit







Cash Accounts

| Face Value (\$) | Current Rate (%) | Institution    | Credit Rating | Current Value (\$) | Deal No. | Reference   |
|-----------------|------------------|----------------|---------------|--------------------|----------|-------------|
| 1,958,250.05    | 0.0000%          | Westpac Group  | AA-           | 1,958,250.05       | 473409   | Cheque      |
| 5,268,971.32    | 4.0648%          | Macquarie Bank | A+            | 5,268,971.32       | 540354   | Accelerator |
| 5,747,038.05    | 5.0500%          | Westpac Group  | AA-           | 5,747,038.05       | 535442   | 90d Notice  |
| 12,974,259.42   | 3.8877%          |                |               | 12,974,259.42      |          |             |

Managed Funds

| Face Value (\$) | Monthly Return (%) | Institution     | Credit Rating | Funds Name              | Current Value (\$) | Deal No. | Reference |
|-----------------|--------------------|-----------------|---------------|-------------------------|--------------------|----------|-----------|
| 4,316,756.38    | -1.2636%           | NSW T-Corp (MT) | TCm           | Medium Term Growth Fund | 4,316,756.38       | 536441   |           |
| 4,316,756.38    | -1.2636%           |                 |               |                         | 4,316,756.38       |          |           |

Term Deposits

| Maturity Date | Face Value (\$) | Current Rate (%) | Institution             | Credit Rating | Purchase Price (\$) | Purchase Date | Current Value (\$) | Deal No. | Accrued Interest (\$) | Next Interest Date | Reference |
|---------------|-----------------|------------------|-------------------------|---------------|---------------------|---------------|--------------------|----------|-----------------------|--------------------|-----------|
| 3-Oct-23      | 500,000.00      | 4.5000%          | Suncorp Bank            | A+            | 500,000.00          | 6-Apr-23      | 510,972.60         | 543999   | 10,972.60             | At Maturity        |           |
| 10-Oct-23     | 500,000.00      | 4.6600%          | National Australia Bank | AA-           | 500,000.00          | 8-Mar-23      | 513,213.97         | 543912   | 13,213.97             | At Maturity        |           |
| 23-Oct-23     | 500,000.00      | 4.5200%          | National Australia Bank | AA-           | 500,000.00          | 26-Apr-23     | 509,783.01         | 544036   | 9,783.01              | At Maturity        |           |
| 7-Nov-23      | 500,000.00      | 4.5000%          | Suncorp Bank            | A+            | 500,000.00          | 6-Apr-23      | 510,972.60         | 544000   | 10,972.60             | At Maturity        |           |
| 28-Nov-23     | 500,000.00      | 4.5100%          | National Australia Bank | AA-           | 500,000.00          | 27-Apr-23     | 509,699.59         | 544038   | 9,699.59              | At Maturity        |           |
| 5-Dec-23      | 500,000.00      | 4.5000%          | Suncorp Bank            | A+            | 500,000.00          | 6-Apr-23      | 510,972.60         | 544001   | 10,972.60             | At Maturity        |           |
| 6-Dec-23      | 500,000.00      | 5.1000%          | Bank of Queensland      | BBB+          | 500,000.00          | 6-Jun-23      | 508,173.97         | 544162   | 8,173.97              | At Maturity        |           |
| 12-Dec-23     | 500,000.00      | 4.7800%          | National Australia Bank | AA-           | 500,000.00          | 10-May-23     | 509,429.04         | 544090   | 9,429.04              | At Maturity        |           |
| 14-Dec-23     | 500,000.00      | 5.4100%          | Suncorp Bank            | A+            | 500,000.00          | 15-Jun-23     | 508,003.84         | 544202   | 8,003.84              | At Maturity        |           |
| 19-Dec-23     | 500,000.00      | 5.3900%          | National Australia Bank | AA-           | 500,000.00          | 21-Jun-23     | 507,531.23         | 544215   | 7,531.23              | At Maturity        |           |
| 24-Jan-24     | 1,000,000.00    | 5.5000%          | Suncorp Bank            | A+            | 1,000,000.00        | 29-Jun-23     | 1,014,164.38       | 544273   | 14,164.38             | At Maturity        |           |
| 6-Feb-24      | 1,000,000.00    | 5.5500%          | Bank of Queensland      | BBB+          | 1,000,000.00        | 4-Jul-23      | 1,013,532.88       | 544288   | 13,532.88             | At Maturity        |           |
| 23-Feb-24     | 2,000,000.00    | 5.5000%          | Suncorp Bank            | A+            | 2,000,000.00        | 29-Jun-23     | 2,028,328.77       | 544274   | 28,328.77             | At Maturity        |           |
| 5-Mar-24      | 500,000.00      | 4.4700%          | National Australia Bank | AA-           | 500,000.00          | 5-Apr-23      | 510,960.68         | 543995   | 10,960.68             | At Maturity        |           |



BRACKEN HILL CITY COUNCIL  
Investment Holdings Report - September 2023



Attachment 1  
2023

| Maturity Date | Face Value (\$) | Current Rate (%) | Institution             | Credit Rating | Purchase Price (\$) | Purchase Date | Current Value (\$) | Deal No. | Accrued Interest (\$) | Next Interest Date | Reference |
|---------------|-----------------|------------------|-------------------------|---------------|---------------------|---------------|--------------------|----------|-----------------------|--------------------|-----------|
| 5-Mar-24      | 1,000,000.00    | 5.5100%          | National Australia Bank | AA-           | 1,000,000.00        | 5-Jul-23      | 1,013,284.38       | 544292   | 13,284.38             | At Maturity        |           |
| 6-Mar-24      | 1,000,000.00    | 5.5000%          | Suncorp Bank            | A+            | 1,000,000.00        | 6-Jul-23      | 1,013,109.59       | 544296   | 13,109.59             | At Maturity        |           |
| 20-Mar-24     | 500,000.00      | 5.2000%          | National Australia Bank | AA-           | 500,000.00          | 16-Aug-23     | 503,276.71         | 544393   | 3,276.71              | At Maturity        |           |
| 27-Mar-24     | 2,000,000.00    | 5.4500%          | National Australia Bank | AA-           | 2,000,000.00        | 28-Jun-23     | 2,028,369.86       | 544239   | 28,369.86             | At Maturity        |           |
| 9-Apr-24      | 500,000.00      | 5.1700%          | National Australia Bank | AA-           | 500,000.00          | 5-Sep-23      | 501,841.37         | 544469   | 1,841.37              | At Maturity        |           |
| 9-Apr-24      | 1,000,000.00    | 4.4700%          | National Australia Bank | AA-           | 1,000,000.00        | 5-Apr-23      | 1,021,921.37       | 543996   | 21,921.37             | At Maturity        |           |
| 16-Apr-24     | 1,000,000.00    | 5.1600%          | National Australia Bank | AA-           | 1,000,000.00        | 19-Sep-23     | 1,001,696.44       | 544514   | 1,696.44              | At Maturity        |           |
| 23-Apr-24     | 500,000.00      | 5.4600%          | Suncorp Bank            | A+            | 500,000.00          | 26-Jul-23     | 505,011.23         | 544336   | 5,011.23              | At Maturity        |           |
| 14-May-24     | 500,000.00      | 5.2200%          | National Australia Bank | AA-           | 500,000.00          | 11-Aug-23     | 503,646.85         | 544380   | 3,646.85              | At Maturity        |           |
| 25-Jun-24     | 500,000.00      | 5.2500%          | Bank of Queensland      | BBB+          | 500,000.00          | 28-Sep-23     | 500,215.75         | 544543   | 215.75                | At Maturity        |           |
| 24-Sep-24     | 1,000,000.00    | 5.3500%          | National Australia Bank | AA-           | 1,000,000.00        | 25-Sep-23     | 1,000,879.45       | 544523   | 879.45                | At Maturity        |           |
|               | 19,000,000.00   | 5.1716%          |                         |               | 19,000,000.00       |               | 19,258,992.16      |          | 258,992.16            |                    |           |

INVESTMENT REPORT FOR SEPTEMBER 2023



BRACKEN HILL CITY COUNCIL  
Accrued Interest Report - September 2023



Attachment 1  
Investment Report Sep 2023  
INVESTMENT REPORT FOR SEPTEMBER 2023

| Investment                         | Deal No. | Comments | Face Value (\$) | Settlement Date | Maturity Date | Interest Received (\$) | Days | Interest Accrued (\$) | Interest Yield (% pa) |
|------------------------------------|----------|----------|-----------------|-----------------|---------------|------------------------|------|-----------------------|-----------------------|
| <b>Cash</b>                        |          |          |                 |                 |               |                        |      |                       |                       |
| Macquarie Bank                     | 540354   |          |                 |                 |               | 17,226.58              | 0    | 17,226.58             | 4.06%                 |
| Westpac Group                      | 473409   |          |                 |                 |               | 0.00                   | 0    | 0.00                  | 0.00%                 |
| Westpac Group                      | 535442   |          |                 |                 |               | 22,966.85              | 0    | 22,966.85             | 5.05%                 |
|                                    |          |          |                 |                 |               | 40,193.43              |      | 40,193.43             | 3.87%                 |
| <b>Managed Funds</b>               |          |          |                 |                 |               |                        |      |                       |                       |
| Nym T-Corp Medium Term Growth Fund | 536441   |          |                 |                 | 1-Jul-24      | 0.00                   | 0    | -55,245.79            | -14.33%               |
|                                    |          |          |                 |                 |               | 0.00                   |      | -55,245.79            | -14.33%               |
| <b>Term Deposits</b>               |          |          |                 |                 |               |                        |      |                       |                       |
| AMP Bank                           | 543323   |          | 500,000.00      | 23-Sep-22       | 25-Sep-23     | 22,623.29              | 24   | 1,479.45              | 4.50%                 |
| AMP Bank                           | 543948   |          | 510,109.59      | 22-Mar-23       | 22-Sep-23     | 11,957.53              | 21   | 1,364.72              | 4.65%                 |
| Bank of Queensland                 | 543561   |          | 500,000.00      | 16-Nov-22       | 19-Sep-23     | 18,504.11              | 18   | 1,084.93              | 4.40%                 |
| National Australia Bank            | 541935   |          | 500,000.00      | 29-Sep-21       | 27-Sep-23     | 3,132.74               | 26   | 224.38                | 0.63%                 |
| Suncorp Bank                       | 543998   |          | 500,000.00      | 6-Apr-23        | 5-Sep-23      | 9,328.22               | 4    | 245.48                | 4.48%                 |
| National Australia Bank            | 543912   |          | 500,000.00      | 8-Mar-23        | 10-Oct-23     | 0.00                   | 30   | 1,915.07              | 4.66%                 |
| National Australia Bank            | 544036   |          | 500,000.00      | 26-Apr-23       | 23-Oct-23     | 0.00                   | 30   | 1,857.53              | 4.52%                 |
| Suncorp Bank                       | 543999   |          | 500,000.00      | 6-Apr-23        | 3-Oct-23      | 0.00                   | 30   | 1,849.31              | 4.50%                 |
| National Australia Bank            | 544038   |          | 500,000.00      | 27-Apr-23       | 28-Nov-23     | 0.00                   | 30   | 1,853.43              | 4.51%                 |
| Suncorp Bank                       | 544000   |          | 500,000.00      | 6-Apr-23        | 7-Nov-23      | 0.00                   | 30   | 1,849.31              | 4.50%                 |
| Bank of Queensland                 | 544162   |          | 500,000.00      | 6-Jun-23        | 6-Dec-23      | 0.00                   | 30   | 2,095.89              | 5.10%                 |
| National Australia Bank            | 544090   |          | 500,000.00      | 10-May-23       | 12-Dec-23     | 0.00                   | 30   | 1,964.38              | 4.78%                 |
| National Australia Bank            | 544215   |          | 500,000.00      | 21-Jun-23       | 19-Dec-23     | 0.00                   | 30   | 2,215.07              | 5.39%                 |
| Suncorp Bank                       | 544001   |          | 500,000.00      | 6-Apr-23        | 5-Dec-23      | 0.00                   | 30   | 1,849.31              | 4.50%                 |
| Suncorp Bank                       | 544202   |          | 500,000.00      | 15-Jun-23       | 14-Dec-23     | 0.00                   | 30   | 2,223.29              | 5.41%                 |
| Suncorp Bank                       | 544273   |          | 1,000,000.00    | 29-Jun-23       | 24-Jan-24     | 0.00                   | 30   | 4,520.54              | 5.50%                 |
| Bank of Queensland                 | 544288   |          | 1,000,000.00    | 4-Jul-23        | 6-Feb-24      | 0.00                   | 30   | 4,561.65              | 5.55%                 |
| Suncorp Bank                       | 544274   |          | 2,000,000.00    | 29-Jun-23       | 23-Feb-24     | 0.00                   | 30   | 9,041.10              | 5.50%                 |

BRACKEN HILL CITY COUNCIL  
 Accrued Interest Report - September 2023

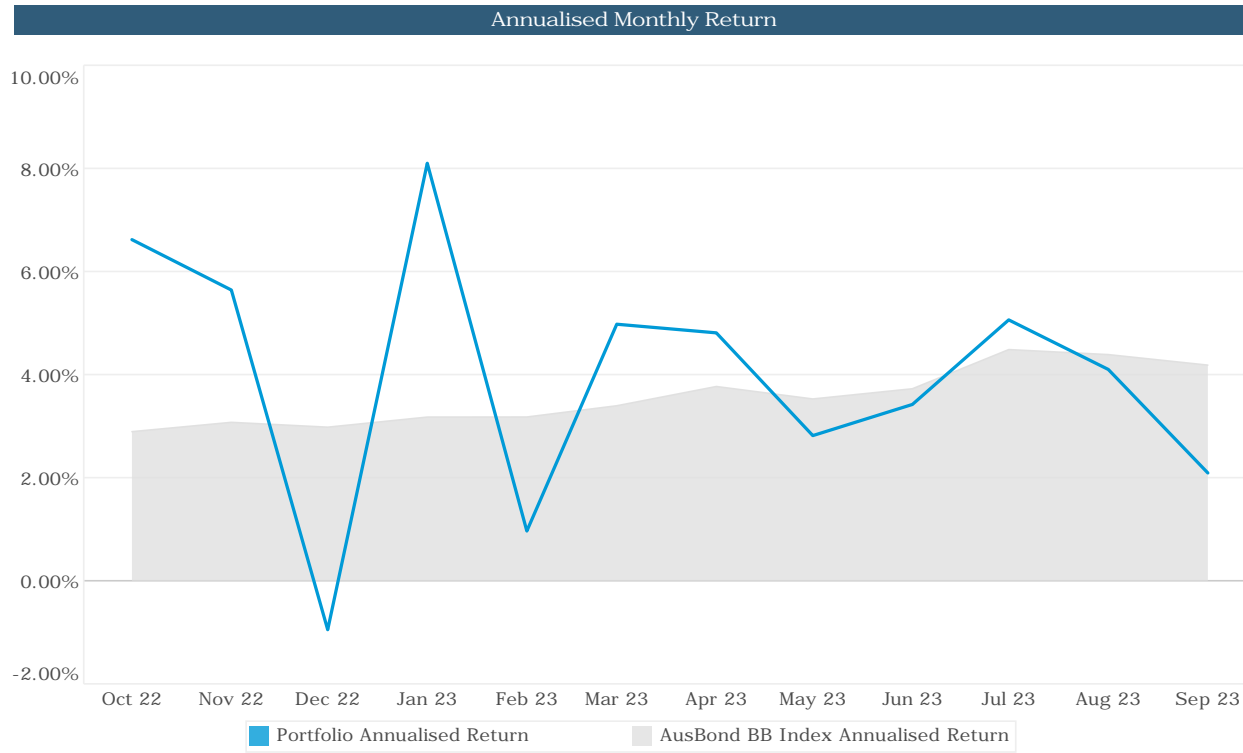


Attachment 1  
 - 2023

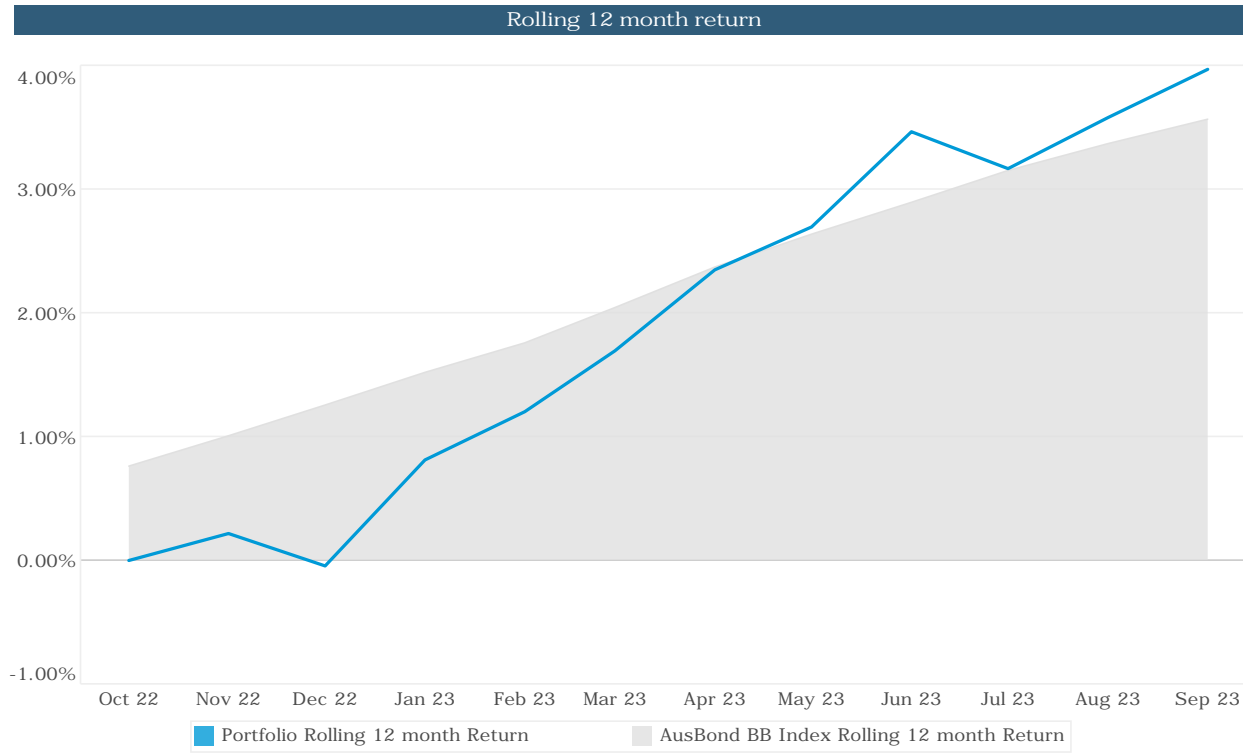
Investment Report - September

INVESTMENT REPORT FOR SEPTEMBER 2023

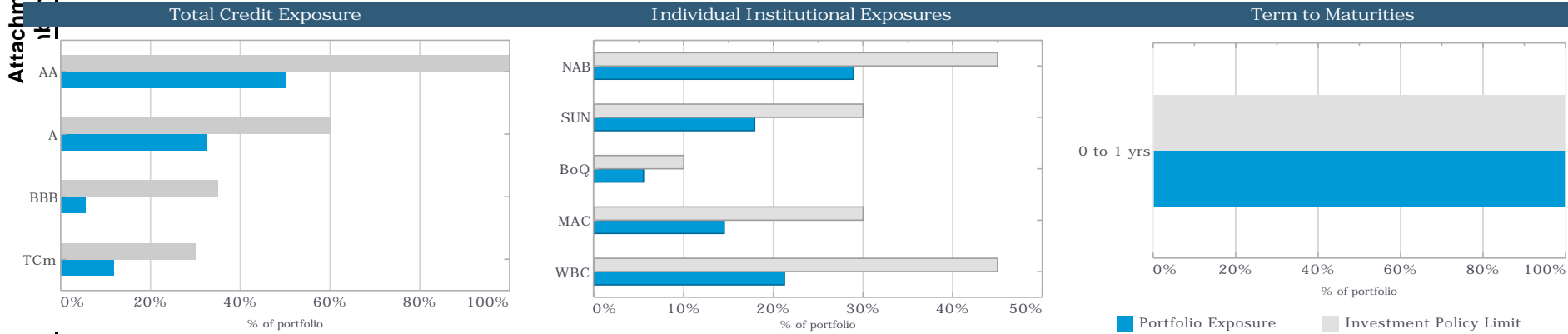
| Investment              | Deal No. | Comments | Face Value (\$) | Settlement Date | Maturity Date | Interest Received (\$) | Days | Interest Yield Accrued (\$) | (% pa)       |
|-------------------------|----------|----------|-----------------|-----------------|---------------|------------------------|------|-----------------------------|--------------|
| National Australia Bank | 543995   |          | 500,000.00      | 5-Apr-23        | 5-Mar-24      | 0.00                   | 30   | 1,836.98                    | 4.47%        |
| National Australia Bank | 544239   |          | 2,000,000.00    | 28-Jun-23       | 27-Mar-24     | 0.00                   | 30   | 8,958.90                    | 5.45%        |
| National Australia Bank | 544292   |          | 1,000,000.00    | 5-Jul-23        | 5-Mar-24      | 0.00                   | 30   | 4,528.76                    | 5.51%        |
| National Australia Bank | 544393   |          | 500,000.00      | 16-Aug-23       | 20-Mar-24     | 0.00                   | 30   | 2,136.98                    | 5.20%        |
| Suncorp Bank            | 544296   |          | 1,000,000.00    | 6-Jul-23        | 6-Mar-24      | 0.00                   | 30   | 4,520.55                    | 5.50%        |
| National Australia Bank | 543996   |          | 1,000,000.00    | 5-Apr-23        | 9-Apr-24      | 0.00                   | 30   | 3,673.97                    | 4.47%        |
| National Australia Bank | 544469   |          | 500,000.00      | 5-Sep-23        | 9-Apr-24      | 0.00                   | 26   | 1,841.37                    | 5.17%        |
| National Australia Bank | 544514   |          | 1,000,000.00    | 19-Sep-23       | 16-Apr-24     | 0.00                   | 12   | 1,696.44                    | 5.16%        |
| Suncorp Bank            | 544336   |          | 500,000.00      | 26-Jul-23       | 23-Apr-24     | 0.00                   | 30   | 2,243.83                    | 5.46%        |
| National Australia Bank | 544380   |          | 500,000.00      | 11-Aug-23       | 14-May-24     | 0.00                   | 30   | 2,145.21                    | 5.22%        |
| Bank of Queensland      | 544543   |          | 500,000.00      | 28-Sep-23       | 25-Jun-24     | 0.00                   | 3    | 215.75                      | 5.25%        |
| National Australia Bank | 544523   |          | 1,000,000.00    | 25-Sep-23       | 24-Sep-24     | 0.00                   | 6    | 879.45                      | 5.35%        |
|                         |          |          |                 |                 |               | 65,545.89              |      | 76,873.03                   | 5.02%        |
| <b>Grand Totals</b>     |          |          |                 |                 |               | <b>105,739.32</b>      |      | <b>61,820.67</b>            | <b>2.09%</b> |



| Historical Performance Summary (% pa) |           |                     |                |
|---------------------------------------|-----------|---------------------|----------------|
|                                       | Portfolio | Annualised BB Index | Outperformance |
| Sep 2023                              | 2.09%     | 4.18%               | -2.09%         |
| Last 3 months                         | 3.76%     | 4.35%               | -0.59%         |
| Last 6 months                         | 3.72%     | 4.01%               | -0.29%         |
| Financial Year to Date                | 3.76%     | 4.35%               | -0.59%         |
| Last 12 months                        | 3.97%     | 3.56%               | 0.41%          |



| Historical Performance Summary (% actual) |           |                     |                |
|---|-----------|---------------------|----------------|
|   | Portfolio | Annualised BB Index | Outperformance |
| Sep 2023                                  | 0.17%     | 0.34%               | -0.17%         |
| Last 3 months                             | 0.93%     | 1.08%               | -0.15%         |
| Last 6 months                             | 1.85%     | 1.99%               | -0.14%         |
| Financial Year to Date                    | 0.93%     | 1.08%               | -0.15%         |
| Last 12 months                            | 3.97%     | 3.56%               | 0.41%          |



| Credit Rating Group | Face Value (\$) | Policy Max |        |
|---------------------|-----------------|------------|--------|
| AA                  | 18,205,288      | 50%        | 100% a |
| A                   | 11,768,971      | 32%        | 60% a  |
| BBB                 | 2,000,000       | 6%         | 35% a  |
| TCm                 | 4,316,756       | 12%        | 30% a  |
|                     | 36,291,016      |            |        |

| Institution                   | % of Investment portfolio | Investment Policy Limit |   |
|-------------------------------|---------------------------|-------------------------|---|
| National Australia Bank (AA-) | 29%                       | 45%                     | a |
| Suncorp Bank (A+)             | 18%                       | 30%                     | a |
| Bank of Queensland (BBB+)     | 6%                        | 10%                     | a |
| Macquarie Bank (A+)           | 15%                       | 30%                     | a |
| Westpac Group (AA-)           | 21%                       | 45%                     | a |
| NSW T-Corp (TCm)              | 12%                       | 30%                     | a |

|                       | Face Value (\$) | Policy Max |        |
|-----------------------|-----------------|------------|--------|
| Between 0 and 1 years | 36,291,016      | 100%       | 100% a |
|                       | 36,291,016      |            |        |

| Specific Sub Limits | Face Value (\$) | Policy Max |       |
|---------------------|-----------------|------------|-------|
| BBB+                | 2,000,000       | 6%         | 35% a |

| Specific Sub Limits    | Face Value (\$) | Policy Max |       |
|------------------------|-----------------|------------|-------|
| Between 5 and 10 years | 0               | 0%         | 30% a |

| Credit Rating | Current Longest Maturity (years) | Policy Max |   |
|---------------|----------------------------------|------------|---|
| AA+, AA, AA-  | 0.99                             | 5.00       | a |
| A+, A, A-     | 0.56                             | 3.00       | a |
| BBB+          | 0.74                             | 3.00       | a |

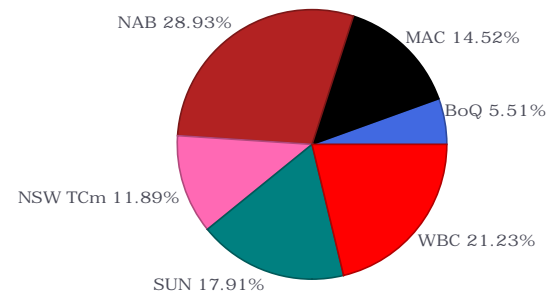
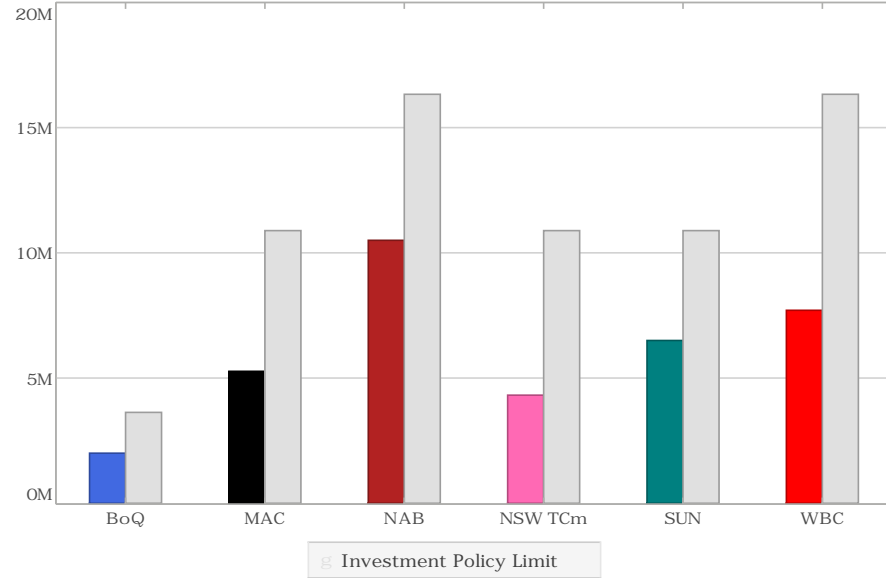
a = compliant  
 r = non-compliant



Individual Institutional Exposures

Individual Institutional Exposure Charts

|                               | Current Exposures |     | Policy Limit |     | Capacity  |
|-------------------------------|-------------------|-----|--------------|-----|-----------|
| State of Queensland (BBB+)    | 2,000,000         | 6%  | 3,629,102    | 10% | 1,629,102 |
| Macquarie Bank (A+)           | 5,268,971         | 15% | 10,887,305   | 30% | 5,618,334 |
| National Australia Bank (AA-) | 10,500,000        | 29% | 16,330,957   | 45% | 5,830,957 |
| NSW T-Corp (TCm)              | 4,316,756         | 12% | 10,887,305   | 30% | 6,570,549 |
| Suncorp Bank (A+)             | 6,500,000         | 18% | 10,887,305   | 30% | 4,387,305 |
| Westpac Group (AA-)           | 7,705,288         | 21% | 16,330,957   | 45% | 8,625,669 |
|                               | 36,291,016        |     |              |     |           |





BRACKEN HILL CITY COUNCIL  
Cashflows Report - September 2023



Actual Cashflows for September 2023

| Date             | Deal No. | Cashflow Counterparty   | Asset Type   | Cashflow Description             | Amount             |
|------------------|----------|-------------------------|--------------|----------------------------------|--------------------|
| 5-Sep-23         | 543998   | Suncorp Bank            | Term Deposit | Maturity: Face Value             | 500,000.00         |
|                  |          | Suncorp Bank            | Term Deposit | Maturity: Interest Received/Paid | 9,328.22           |
|                  |          | <u>Deal Total</u>       |              |                                  |                    |
| 5-Sep-23         | 544469   | National Australia Bank | Term Deposit | Settlement: Face Value           | -500,000.00        |
|                  |          | <u>Deal Total</u>       |              |                                  |                    |
| <b>Day Total</b> |          |                         |              |                                  | <b>9,328.22</b>    |
| 9-Sep-23         | 543561   | Bank of Queensland      | Term Deposit | Maturity: Face Value             | 500,000.00         |
|                  |          | Bank of Queensland      | Term Deposit | Maturity: Interest Received/Paid | 18,504.11          |
|                  |          | <u>Deal Total</u>       |              |                                  |                    |
| 9-Sep-23         | 544514   | National Australia Bank | Term Deposit | Settlement: Face Value           | -1,000,000.00      |
|                  |          | <u>Deal Total</u>       |              |                                  |                    |
| <b>Day Total</b> |          |                         |              |                                  | <b>-481,495.89</b> |
| 22-Sep-23        | 543948   | AMP Bank                | Term Deposit | Maturity: Face Value             | 510,109.59         |
|                  |          | AMP Bank                | Term Deposit | Maturity: Interest Received/Paid | 11,957.53          |
|                  |          | <u>Deal Total</u>       |              |                                  |                    |
| <b>Day Total</b> |          |                         |              |                                  | <b>522,067.12</b>  |
| 25-Sep-23        | 543323   | AMP Bank                | Term Deposit | Maturity: Face Value             | 500,000.00         |
|                  |          | AMP Bank                | Term Deposit | Maturity: Interest Received/Paid | 22,623.29          |
|                  |          | <u>Deal Total</u>       |              |                                  |                    |
| 25-Sep-23        | 544523   | National Australia Bank | Term Deposit | Settlement: Face Value           | -1,000,000.00      |
|                  |          | <u>Deal Total</u>       |              |                                  |                    |
| <b>Day Total</b> |          |                         |              |                                  | <b>-477,376.71</b> |
| 27-Sep-23        | 541935   | National Australia Bank | Term Deposit | Maturity: Face Value             | 500,000.00         |
|                  |          | National Australia Bank | Term Deposit | Maturity: Interest Received/Paid | 3,132.74           |
|                  |          | <u>Deal Total</u>       |              |                                  |                    |
| <b>Day Total</b> |          |                         |              |                                  | <b>503,132.74</b>  |

INVESTMENT REPORT FOR SEPTEMBER 2023

Attachment 1 Investment Report Sep 2023



Attachment 1  
 Investment Report - September 2023  
 Broken Hill City Council  
 Cashflows Report - September 2023

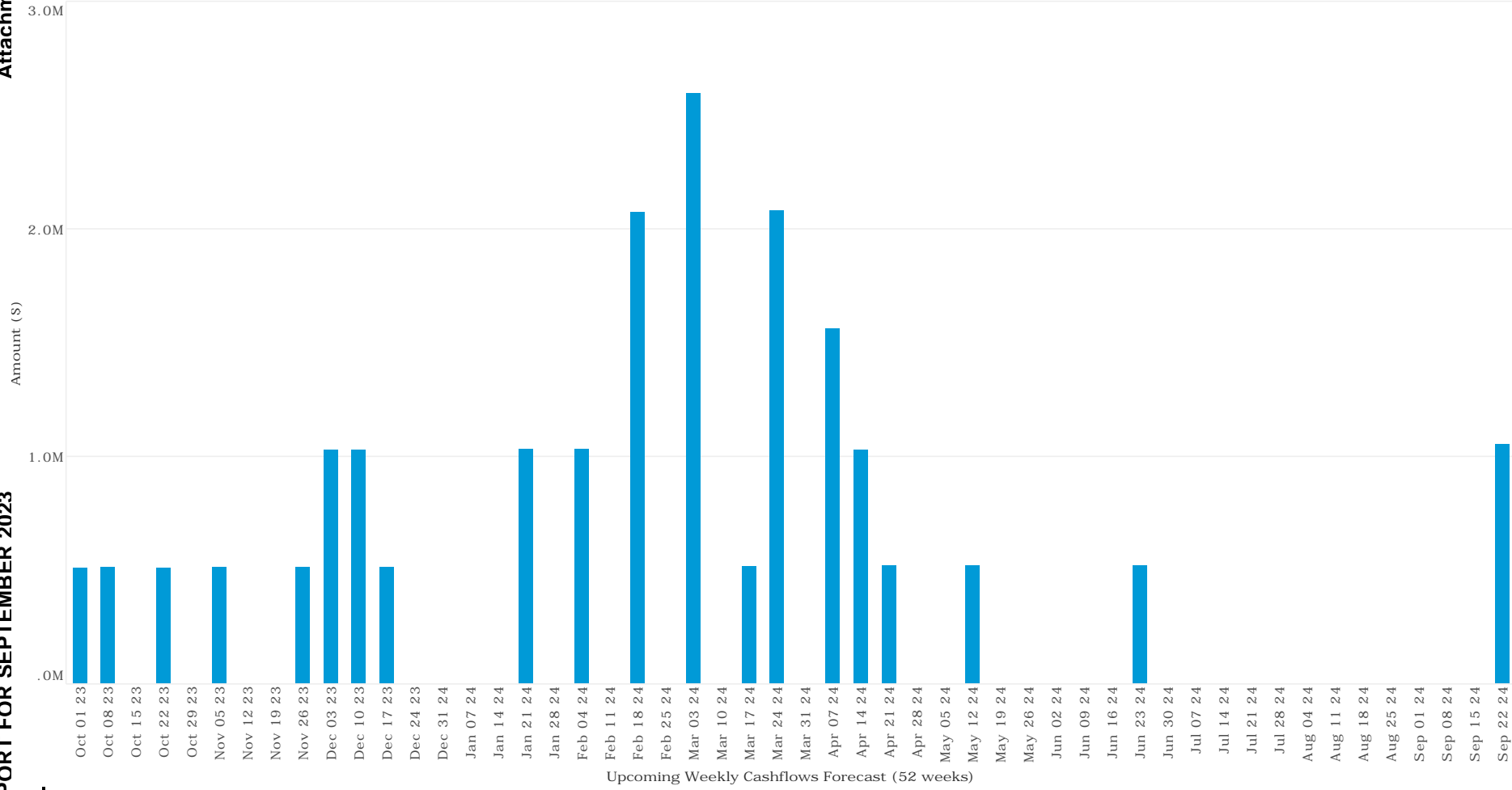


| Date      | Deal No. | Cashflow Counterparty | Asset Type   | Cashflow Description   | Amount             |
|-----------|----------|-----------------------|--------------|------------------------|--------------------|
| 28-Sep-23 | 544543   | Bank of Queensland    | Term Deposit | Settlement: Face Value | -500,000.00        |
|           |          |                       |              | <u>Deal Total</u>      | <u>-500,000.00</u> |
|           |          |                       |              | Day Total              | -500,000.00        |
|           |          |                       |              | <u>Total for Month</u> | <u>-424,344.52</u> |

Forecast Cashflows for October 2023

| Date      | Deal No. | Cashflow Counterparty   | Asset Type   | Cashflow Description             | Amount              |
|-----------|----------|-------------------------|--------------|----------------------------------|---------------------|
| 3-Oct-23  | 543999   | Suncorp Bank            | Term Deposit | Maturity: Face Value             | 500,000.00          |
|           |          | Suncorp Bank            | Term Deposit | Maturity: Interest Received/Paid | 11,095.89           |
|           |          |                         |              | <u>Deal Total</u>                | <u>511,095.89</u>   |
|           |          |                         |              | Day Total                        | 511,095.89          |
| 10-Oct-23 | 543912   | National Australia Bank | Term Deposit | Maturity: Face Value             | 500,000.00          |
|           |          | National Australia Bank | Term Deposit | Maturity: Interest Received/Paid | 13,788.49           |
|           |          |                         |              | <u>Deal Total</u>                | <u>513,788.49</u>   |
|           |          |                         |              | Day Total                        | 513,788.49          |
| 23-Oct-23 | 544036   | National Australia Bank | Term Deposit | Maturity: Face Value             | 500,000.00          |
|           |          | National Australia Bank | Term Deposit | Maturity: Interest Received/Paid | 11,145.21           |
|           |          |                         |              | <u>Deal Total</u>                | <u>511,145.21</u>   |
|           |          |                         |              | Day Total                        | 511,145.21          |
|           |          |                         |              | <u>Total for Month</u>           | <u>1,536,029.59</u> |

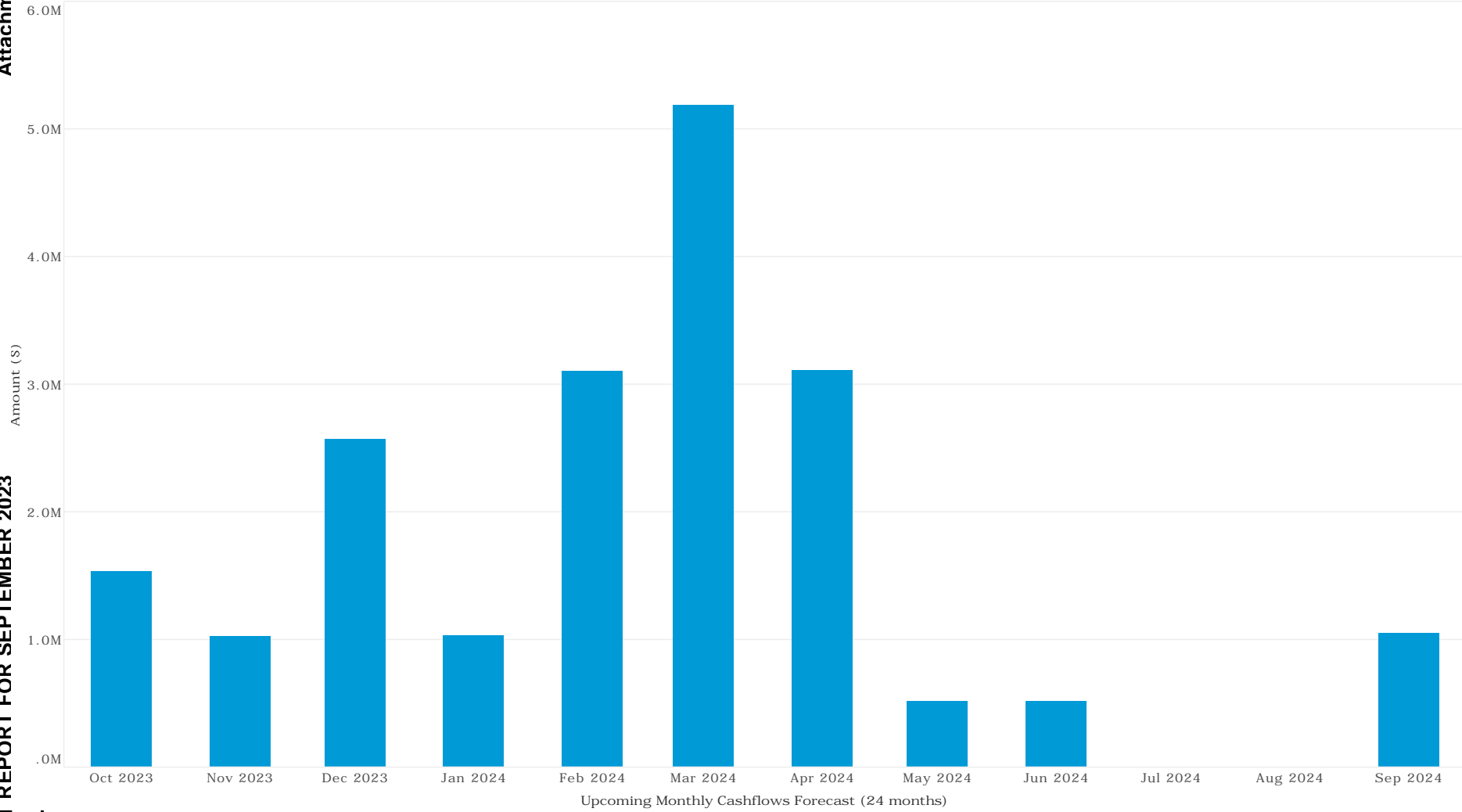
INVESTMENT REPORT FOR SEPTEMBER 2023





Attachment 1

INVESTMENT REPORT FOR SEPTEMBER 2023





CITY COUNCIL

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