



BUSINESS PAPER

Policy and General
Committee Meeting

Council Chambers
13 December 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, 13 December 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, November 22, 2023.

**MINUTES OF THE POLICY AND GENERAL COMMITTEE MEETING HELD
WEDNESDAY, NOVEMBER 22, 2023 (5.30PM)**

PRESENT:

Councillor T. Kennedy (Mayor and Chairperson) Councillor J. Hickey (Deputy Mayor), Councillors M. Boland, M. Browne, and H. Jewitt.

General Manager, Director Corporate and Community, Director Infrastructure and Environment, Manager Communications and Marketing and Executive Officer.

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

APOLOGIES:

Nil.

LEAVE OF ABSENCE**APPLICATIONS:**

Councillor B. Algate submitted a Leave of Absence application for this meeting and provided the reason "*on holidays*".

Motion

Moved Deputy Mayor Jim Hickey, Seconded Councillor Hayley Jewitt

That the application submitted by Councillor Algate be accepted and a Leave of Absence be granted to Councillor Algate 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

Councillor Hickey delivered the Acknowledgement of Broken Hill's Mining History.

MINUTES FOR CONFIRMATION

Recommendation

Moved Councillor Hayley Jewitt, Seconded Deputy Mayor Jim Hickey

That the Minutes of the Policy And General Committee meeting held Wednesday October 18, 2023 be confirmed.

CARRIED UNANIMOUSLY

DISCLOSURE OF INTEREST

Nil

REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 216/23 - DATED NOVEMBER 01, 2023 - DRAFT ANNUAL REPORT 2022/2023 D23/56384

Recommendation

Moved Councillor Michael Boland, Seconded Deputy Mayor Jim Hickey

1. That Broken Hill City Council Report No. 216/23 dated November 1, 2023, be received.
2. That the Draft Annual Report 2022/2023, inclusive of Delivery Program Achievements, Disability Inclusion Action Plan Achievements and audited Annual Financial Statements for the reporting period 1 July 2022 to 30 June 2023, be endorsed.
3. That the Annual Report 2022/2023, inclusive of Delivery Program Achievements, Disability Inclusion Action Plan Achievements, audited Annual Financial Statements for the reporting period 1 July 2022 to 30 June 2023, be posted on Council's website.
4. That Council's web link for the Annual Report 2022/2023 be provided to the Minister via the Office of Local Government and Minister for Disability Services.

CARRIED UNANIMOUSLY

2. BROKEN HILL CITY COUNCIL REPORT NO. 217/23 - DATED NOVEMBER 10, 2023 - SUBMISSION - LOCAL GOVERNMENT REMUNERATION TRIBUNAL REVIEW FOR 2024 ANNUAL DETERMINATION D23/61303

Recommendation

Moved Deputy Mayor Jim Hickey, Seconded Councillor Hayley Jewitt

1. That Broken Hill City Council Report No. 217/23 dated November 10, 2023, be received.
2. That Council endorses the submission attached to this report to be forwarded to the Local Government Remuneration Tribunal by 21 December 2023 with the key points being that:
 - a) The Local Government Remuneration Tribunal should set one mandatory Councillor and Mayoral fee for each category of Councils and remove the

minimum and maximum fee range for which each Council must make their own determination, sometimes at the detriment of Council's relationship with its local community and essentially politicising an unnecessary item of local government machinery and the Tribunal's decision.

Just as the Tribunal makes the determination as to which category Councils fall into, it should also make the determination for one set mandatory fee for Councillors and Mayors for all Councils in each category to reflect the role, responsibilities and commitment required to perform their functions successfully, the workloads of Councillors and Mayors; and the complexity of the role.

- b) The Local Government Remuneration Tribunal should review the one mandatory fee for Councillors and Mayors in each category and determine if an increase is to be applied each year, which again, should be mandatory for all Councils.

CARRIED UNANIMOUSLY

3. BROKEN HILL CITY COUNCIL REPORT NO. 218/23 - DATED NOVEMBER 09, 2023 - DRAFT PUBLIC INTEREST DISCLOSURE POLICY FOR PUBLIC EXHIBITION D23/61047

Recommendation

Moved Councillor Marion Browne, Seconded Councillor Michael Boland

1. That Broken Hill City Council Report No. 218/23 dated November 9, 2023, be received.
2. That Council endorse the Draft Public Interest Disclosure Policy for the purpose of public exhibition.
3. That the Draft Public Interest Disclosure Policy be exhibited for public comment for a period of 28 days.
4. That a report be presented to Council at the conclusion of the public exhibition period, detailing submissions and any recommended amendments arising, with a view to adopting the Draft Public Interest Disclosure Policy. If adopted the current 'Reporting of Public Interest Disclosures Policy' will be rendered obsolete.
5. That on adoption of the Draft Public Interest Disclosure Policy authority be delegated to the General Manager to make amendments to the Public Interest Disclosure Policy in order to update the contact information in Annexure A and other minor updates as required.

CARRIED UNANIMOUSLY

4. BROKEN HILL CITY COUNCIL REPORT NO. 219/23 - DATED NOVEMBER 01, 2023 - QUARTERLY BUDGET REVIEW STATEMENT FOR THE PERIOD ENDED 30 SEPTEMBER 2023 D23/59264

Recommendation**Moved Deputy Mayor Jim Hickey, Seconded Councillor Hayley Jewitt**

1. That Broken Hill City Council Report No. 219/23 dated November 1, 2023, be received.
2. That the 1st Quarterly Budget Review Statement and recommendations be adopted.
3. That Council note the projected 2023/24 operating surplus (before capital) of \$129,000.
4. That Council note the 2023/24 projected net capital budget expenditure of \$30,416,000.

CARRIED UNANIMOUSLY

5. BROKEN HILL CITY COUNCIL REPORT NO. 220/23 - DATED NOVEMBER 08, 2023 - INVESTMENT REPORT FOR OCTOBER 2023 D23/60723

Recommendation**Moved Councillor Michael Boland, Seconded Deputy Mayor Jim Hickey**

1. That Broken Hill City Council Report No. 220/23 dated November 8, 2023, be received.

CARRIED UNANIMOUSLY

6. BROKEN HILL CITY COUNCIL REPORT NO. 221/23 - DATED NOVEMBER 08, 2023 - MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 18 OCTOBER 2023 D23/60689

Recommendation**Moved Deputy Mayor Jim Hickey, Seconded Councillor Hayley Jewitt**

1. That Broken Hill City Council Report No. 221/23 dated November 8, 2023, be received.
2. That minutes of the Audit, Risk and Improvement Committee meeting held 18 October 2023 be received and noted.

CARRIED UNANIMOUSLY

7. BROKEN HILL CITY COUNCIL REPORT NO. 222/23 - DATED OCTOBER 18, 2023 - RE-ESTABLISHMENT OF ALCOHOL-FREE ZONES D23/51342

Recommendation**Moved Councillor Marion Browne, Seconded Councillor Hayley Jewitt**

1. That Broken Hill City Council Report No. 222/23 dated October 18, 2023, be received.

2. That Council notes that one submission was received during the public exhibition period from the Barrier Police District in support of the Re-establishment of the Alcohol-Free Zones known as Creedon Street zone, Shell Memorial zone, South Broken Hill zone and E.T. Lamb Memorial Oval zone.
3. That Council re-establish the Alcohol-Free Zone known as Creedon Street as per attached proposal, including public roads and laneways, public car parks and footpath area of Creedon Street bounded by Rakow and Wills Streets.
4. That Council re-establish the Alcohol-Free Zone known as Shell Memorial as per attached proposal, including all public roads and laneways, public car parks and footpaths in an area bounded by Iodide, Thomas, Bromide and Mica Streets; including Oxide Street from Thomas Street through to Morgan Street.
5. That Council re-establish the Alcohol-Free Zone known as E.T. Lamb Memorial Oval as per attached proposal, including public roads and laneways, public car parks and footpath area surrounding the oval bounded by South, Boughtman, Comstock and Jamieson Streets.
6. That Council re-establish the Alcohol-Free Zone known as South Broken Hill as per attached proposal, including all public roads and laneways, public car parks and footpaths in an area bounded by Bonanza, Patton, Central and Hebbard Streets including South Street from Piper Street through to Wilson Street; with extension along Bonanza Street to Morish Street and off Bonanza Street from Wilson Street to Picton Street.
7. That the necessary signage be updated showing operation of Zones from 9 November 2023 to 9 November 2027.
8. That re-establishment of the Creedon Street, Shell Memorial, E.T. Lamb Oval and South Broken Hill Alcohol-Free Zones be advised to the public by way of media release and advertisement in the Barrier Daily Truth. That the advertisement also confirms that the existing CBD Alcohol-Free Zone remains in force.
9. Council note the late submission received by Maari Ma Health Aboriginal Corporation and remain open to further discussion with Maari Ma Health Aboriginal Corporation and the Barrier Police District.

CARRIED UNANIMOUSLY

8. BROKEN HILL CITY COUNCIL REPORT NO. 223/23 - DATED NOVEMBER 09, 2023 - NOMINATION FOR THE APPOINTMENT OF COMMUNITY REPRESENTATIVES TO SECTION 355 RIDDIFORD ARBORETUM COMMUNITY COMMITTEE

D23/61043

Recommendation

Moved Councillor Marion Browne, Seconded Councillor Michael Boland

1. That Broken Hill City Council Report No. 223/23 dated November 9, 2023, be received.
2. That Council appoint Ms Mandy Nelson as community representative on the Riddiford Arboretum Community Committee.
3. That Ms Mandy Nelson be advised of her appointment and advice also be sent to the Councillor Delegate/ Secretary of the Committee.

CARRIED UNANIMOUSLY

9. BROKEN HILL CITY COUNCIL REPORT NO. 224/23 - DATED NOVEMBER 09, 2023 - NOMINATION FOR THE APPOINTMENT OF COMMUNITY REPRESENTATIVES TO SECTION 355 FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE D23/60809

Recommendation

Moved Councillor Marion Browne, Seconded Councillor Hayley Jewitt

1. That Broken Hill City Council Report No. 224/23 dated November 9, 2023, be received.
2. That Council appoint Ms Narelle Tweedie and Mr Gregory Wayne Edwards as community representatives on the Friends of the Flora and Fauna of the Barrier Ranges Community Committee.
3. That Ms Narelle Tweedie and Mr Gregory Wayne Edwards be advised of their appointment and advice also be sent to the Secretary of the Committee.
4. That Mr and Mrs Spielvogel, who have recently resigned from the Committee, be sent a letter of acknowledgement expressing Council's gratitude for their contribution to the Committee for in excess of 10 years.

CARRIED UNANIMOUSLY

10. BROKEN HILL CITY COUNCIL REPORT NO. 225/23 - DATED NOVEMBER 10, 2023 - NOMINATION FOR THE APPOINTMENT OF COMMUNITY REPRESENTATIVES TO SECTION 355 E.T. LAMB MEMORIAL OVAL COMMUNITY COMMITTEE D23/61125

Recommendation

Moved Deputy Mayor Jim Hickey, Seconded Councillor Hayley Jewitt

1. That Broken Hill City Council Report No. 225/23 dated November 10, 2023, be received.
2. That Council appoint Mr. Scott Liston as community representative on the E.T. Lamb Memorial Oval Community Committee.
3. That Mr. Scott Liston be advised of his appointment and advice also be sent to the Secretary of the Committee.

4. That per section 8.3 of the E.T. Lamb Memorial Oval Community Committee, Council resolves to increase the number of community representatives on the Committee above that currently specified in the E.T. Lamb Memorial Oval Community Committee Constitution.

CARRIED UNANIMOUSLY

11. BROKEN HILL CITY COUNCIL REPORT NO. 226/23 - DATED NOVEMBER 10, 2023 - MINUTES OF THE BROKEN HILL HERITAGE COMMITTEE MEETINGS HELD 26 SEPTEMBER 2023 AND 31 OCTOBER 2023 D23/61163

Recommendation

Moved Councillor Marion Browne, Seconded Councillor Hayley Jewitt

1. That Broken Hill City Council Report No. 226/23 dated November 10, 2023, be received.
2. That the minutes of the Broken Hill Heritage Committee Meetings held 26 September 2023 and 31 October 2023 be received.
3. That council endorses and acknowledges in writing the resignation of Mr Gary Cook from the Section 355 Heritage Advisory Committee and express its gratitude and appreciation for his contribution to the Committee and the community.

CARRIED UNANIMOUSLY

CONFIDENTIAL MATTERS

Nil

CLOSURE OF THE MEETING

There being no further business for the Committee to consider, the meeting was declared closed at 5:41pm.

The foregoing minutes were read and confirmed at the Policy and General Committee meeting held on 13 December 2023.

Chairperson

REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 233/23 - DATED
NOVEMBER 13, 2023 - CODE OF CONDUCT COMPLAINT STATISTICS
ANNUAL REPORT 2022/23 (D23/61566)12

2. BROKEN HILL CITY COUNCIL REPORT NO. 234/23 - DATED
NOVEMBER 02, 2023 - ADOPTION OF DRAFT MANDATORY
NOTIFICATION OF DATA BREACH POLICY (D23/60057)16

3. BROKEN HILL CITY COUNCIL REPORT NO. 235/23 - DATED
NOVEMBER 30, 2023 - ADOPTION OF REVIEWED CREDIT CARD
POLICY (D23/65120)26

4. BROKEN HILL CITY COUNCIL REPORT NO. 236/23 - DATED
NOVEMBER 30, 2023 - NOMINATION FOR THE APPOINTMENT OF
COMMUNITY REPRESENTATIVES TO SECTION 355 FRIENDS OF THE
FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY
COMMITTEE (D23/64290)34

5. BROKEN HILL CITY COUNCIL REPORT NO. 237/23 - DATED
NOVEMBER 30, 2023 - MINUTES OF THE S355 YOUTH ADVISORY
COMMITTEE MEETING HELD 24 OCTOBER 2023 (D23/65183)40

POLICY AND GENERAL COMMITTEE

November 13, 2023

ITEM 1**BROKEN HILL CITY COUNCIL REPORT NO. 233/23**

SUBJECT: CODE OF CONDUCT COMPLAINT STATISTICS ANNUAL
REPORT 2022/23 D23/61566

Recommendation

1. That Broken Hill City Council Report No. 233/23 dated November 13, 2023, be received.
2. That the Code of Conduct Complaints Statistics Annual Report for the Broken Hill City Council for the period of 1 September 2022 – 31 August 2023 be forwarded to the Office of Local Government.

Executive Summary:

In accordance with the NSW Office of Local Government (NSW OLG) requirements, "At the end of each year, councils are required to report on the numbers of code of conduct complaints made about councillors and the general manager, how they were dealt with and how much it cost the council to deal with them. This will ensure that councillors are individually and collectively accountable to their communities for their conduct and performance".

The reporting period is from the 1 September 2022 - 31 August 2023.

Report:

The NSW OLG requires that the General Manager "must appoint a member of staff or another person as the Complaints Coordinator and another person as the alternate Complaints Coordinator. The Complaints Coordinator is responsible for the coordination of complaints management, liaison with and provision of administrative support to conduct reviewers, liaison with the Office of Local Government and the reporting of code of conduct complaints statistics".

Part 11 Reporting Statistics on Code of Conduct Complaints About Councillors and the General Manager of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW states "The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year".

Specifically, clause 11.1 requires the following information:

- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
- b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
- d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period

- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.

Clause 11.2 states “The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year”

In accordance with the requirements, Broken Hill City Council provides the following statistics for the period of 1 September 2022 – 31 August 2023. A copy of this report will be forwarded to NSW OLG, as well as submitted electronically via an excel spreadsheet represented below which has expanded information requirements.

The statistical collection form below is provided to Councils from the Office of Local Government for the purpose outlined in the “Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW”.

OLG will publish this data in the Time Series Data publication and will include the data in the next iteration of the *Your Council* website (<https://www.olg.nsw.gov.au/public/my-local-council/yourcouncil-website>)

Statistics for Code of Conduct investigations in the reporting period 1 September 2022 - 31 August 2023:

Number of Complaints			
1	The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct from the following sources:		
	i	Community	2
	ii	Other Councillors	1
	iii	General Manager	0
	iv	Other Council Staff	0
2	The total number of complaints finalised in the period about councillors and the GM under the code of conduct in the following periods:		
	i	3 Months	1
	ii	6 Months	1
	iii	9 Months	0
	iv	12 Months	0
	v	Over 12 months	0
Overview of Complaints and Cost			
3	a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	2
	b	The number of complaints referred to the Office of Local Government (OLG) under a special complaints management arrangement	1
	c	The number of code of conduct complaints referred to a conduct reviewer	0
	d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	0
	e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	0
	f	The number of finalised code of conduct complaints investigated by a conduct reviewer	0
	g	Cost of dealing with code of conduct complaints via preliminary assessment	0
	h	Progressed to full investigation by conduct reviewer	0

	i	The number of finalised complaints investigated where there was found to be no breach	0
	j	The number of finalized complaints investigated where there was found to be a breach	0
	k	The number of complaints referred by the BM or Mayor to another agency or body such as ICAC, the NSW Ombudsman, OLG or Police	
	i	ICAC	0
	ii	NSW Ombudsman	0
	iii	OLG	1
	iv	Police	0
	v	Other Agency	0
	l	The number of complaints being investigated that are not yet finalised	0
	m	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staffing costs	\$11,809
Preliminary Assessment Statistics			
4		The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:	
	a	To take no action	0
	b	To resolve the complaint by alternative and appropriate strategies	0
	c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies	0
	d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police	0
	e	To investigate the matter	0
	f	Other action	0
Investigation Statistics			
5		The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:	
	a	That the council revise its policies or procedures	0
	b	That a person or persons undertake training or other education	0
6		The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:	
	a	That the council revise any of its policies or procedures	0
	b	In the case of a breach by the GM, that action be taken under the GM's contract for the breach	0
	c	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the <i>Local Government Act 1993</i>	0
	d	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the <i>Local Government Act 1993</i> and that the matter be referred to OLG for further action	0
7		Matter referred or resolved after commencement of an investigation	0
Categories of Misconduct			
8		The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
	a	General conduct (Part 3)	0
	b	Non-pecuniary conflict of interest (Part 5)	0
	c	Personal benefit (Part 6)	0
	d	Relationship between council officials (Part 7)	0
	e	Access to information and resources (Part 8)	0

Outcome of Determinations			
9	The number of investigated complaints resulting in a determination that there was a breach in which the council:		
	a	Adopted the independent conduct reviewer's recommendation	0
	b	Failed to adopt the independent conduct reviewer's recommendation	0
10	The number of investigated complaints resulting in a determination where:		
	a	The external conduct reviewer's decision was overturned by OLG	0
	b	Council's response to the external conduct reviewer's recommendation was overturned by OLG	0
11	Date Code of Conduct data was presented to council	20/12/2023	

Community Engagement:

The Code of Conduct Complaints Statistics Annual Report 2022/23 will be available in the Business Paper for Council's Ordinary meeting held 20 December 2023.

Strategic Direction:

Key Direction:	4.	Our Leadership
Objective:	4.1	Openness and transparency of decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Relevant Legislation:

Local Government Act 1993, Section 440 Codes of Conduct.

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020.

Financial Implications:

Costs associated with Code of Conduct complaints are provided for in Council's budget for the relevant year.

Attachments

There are no attachments for this report

RAZIJA NU'MAN
DIRECTOR CORPORATE AND COMMUNITY

JAY NANKIVELL
GENERAL MANAGER

POLICY AND GENERAL COMMITTEE

November 2, 2023

ITEM 2BROKEN HILL CITY COUNCIL REPORT NO. 234/23

SUBJECT: ADOPTION OF DRAFT MANDATORY NOTIFICATION OF DATA
BREACH POLICY D23/60057

Recommendation

1. That Broken Hill City Council Report No. 234/23 dated November 2, 2023, be received.
2. That Council notes that the draft Mandatory Notification of Data Breach Policy was placed on public exhibition for a period of 28 days during which time Council received nil submissions from the public.
3. That Council adopts the draft Mandatory Notification of Data Breach Policy as a Policy of Council.

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).

At the Council Meeting held 25 October 2023, Council considered the draft Mandatory Notification of Data Breach Policy and resolved to place the draft Policy on public exhibition for a period of 28 days for submissions from the public. The public exhibition period closed on 30 November 2023 during which time Council received nil submissions.

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 was placed on public exhibition for a period of 28 days, closing 30 November 2023, during which time Council received nil submissions from the public.

The draft Mandatory Notification of Data Breach Policy is now presented to Council for the purpose of adoption.

Community Engagement:

The draft Mandatory Notification of Data Breach Policy was placed on public exhibition of a period of 28 days.

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			
EDRMS REFERENCES	D23/50644		
RESPONSIBLE POSITION	Manager Information & Communications Technology		
APPROVED BY	Council		
REVIEW DATE	November 2026	REVISION NUMBER	1
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
<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)* (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.

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

Term	Meaning
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"> • Manager Corporate Risk (or delegate) • Manager Information & Communications Technology • Manager Corporate & Customer Experience • Manager Communications & Marketing • Director Finance & Commercial <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

November 30, 2023

ITEM 3BROKEN HILL CITY COUNCIL REPORT NO. 235/23SUBJECT: ADOPTION OF REVIEWED CREDIT CARD POLICY D23/65120**Recommendation**

1. That Broken Hill City Council Report No. 235/23 dated November 30, 2023, be received.
2. That Council adopts the reviewed Corporate Credit Card Policy as a policy of Council.
3. That the Corporate Credit Card Policy adopted April 2021 becomes obsolete.

Executive Summary:

In order to facilitate improved financial management and compliance with the *Local Government Act 1993*, Councils Corporate Credit Card Policy has been reviewed. The purpose of having a corporate credit card policy is to ensure Council has a documented and clear approach to the management of corporate credit cards.

The reviewed Corporate Credit Card Policy Audit was endorsed at the Audit, Risk & Improvement Committee meeting held Thursday 23 November 2023 and is now presented to Council for adoption.

Report:

Credit cards are an efficient means of payment, especially for low-value purchases. Compared to the use of petty cash, credit card transactions provide better transparency and accountability for expenditure. By using credit cards, councils only need to make one payment each month, which can reduce the time spent on paying separate vendors, as in the case of purchase orders.

In September 2020, the Audit office of New South Wales released a report on its performance audit of corporate credit card management in Local Government. Following a review of that report the Corporate Credit Card Policy was developed to further strengthen controls around the management of corporate credit cards and to address gaps or areas of vulnerability highlighted at other councils within that report.

An internal Credit Card Audit conducted by OCM in June 2023, prompted a review of the current policy. Although the audit didn't note any significant areas of non-compliance, the policy was fully reviewed and was updated to reflect regulation date changes and process improvements with the addition of the reloadable card process.

This revised policy will provide a sound Corporate Credit Card Policy to ensure that appropriate controls are in place for the management of credit cards as part of Council's overall procurement system.

The draft Corporate Credit Card Policy was endorsed at the Audit Risk and Improvement Committee meeting held on 23 November 2023 and it is recommended that the Policy be adopted as per Section 335(d) of the Local Government Act 1993.

Community Engagement:

Due to no material amendments being made to the content of the Corporate Credit Card 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 & Transparency in Decision Making
DP Action: Maintain good governance and best practice methods and ensure
4.1.1.21 compliance with various guidelines, legislation and report requirements

Relevant Legislation:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*

Financial Implications:

This policy will provide a sound Corporate Credit Card Policy to ensure that appropriate controls are in place for the management of credit cards as part of Council's overall procurement system.

Attachments

1. [↓](#) Draft Corporate Credit Card Policy

SIMON BROWN
DIRECTOR FINANCE AND COMMERCIAL

JAY NANKIVELL
GENERAL MANAGER

CORPORATE CREDIT CARD POLICY

QUALITY CONTROL			
EDRMS REFERENCES	D21/8322		
RESPONSIBLE POSITION	Manager Finance		
APPROVED BY	Director Finance and Commercial		
REVIEW DATE	Nov 2025	REVISION NUMBER	1
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
24 February 2021	Public Exhibition	46443	
28 April 2021	Adoption	46507	

1. POLICY STATEMENT

1.1 PURPOSE

This policy outlines the requirements, effective controls, and procedures regarding the use of all credit cards (including reloadable purchase cards) by Broken Hill City Council (BHCC) staff. Corporate credit cards are a routine aspect of accounts payable management and procurement for local government organisations.

Corporate credit cards allow for the efficient and effective operation of BHCC business and are not a benefit assigned to specific individuals. The use of corporate credit cards creates savings in staff administration time and are an efficient means of payment, especially for low-value purchases. Compared to the use of petty cash, credit card transactions provide better transparency and accountability for expenditure.

All BHCC credit and reloadable purchase cards are subject to appropriate controls to protect organisational funds, maintain the integrity of governance processes and maintain public confidence in BHCC operations. All local government organisations are obliged to maintain an effective system of internal control, in accordance with the Local Government (General) regulation 2021 to address the significant risks of fraud and misuse of corporate credit cards.

1.2 POLICY OBJECTIVE

The objective of this policy and associated procedures is to detail standard credit card practises across Council and to highlight the obligations of Council officers with the delegated authority to purchase goods and services of any value or type on behalf of Council by way of corporate credit card.

Credit Card usage is a function that is substantial risk in terms of corruption and therefore it is subject to tight rules and processes.

Successful corporate credit card usage provides great flexibility and potentially increases efficiency of services, expediting lead times and reducing administrative burden.

1.3 POLICY SCOPE

All staff are accountable for applying this policy within their areas of responsibility. Specific responsibilities are as follows:

- The General Manager has ultimate responsibility for procurement and delegated authority of expenditure of funds across Council;
- The Director Financial and Commercial and Manager Finance are responsible for the development of all policies and procedures in relation to credit card usage and associated procurement across Council;
- Managers of each division are accountable for the implementation, maintenance, and the management of any breach of policy within their areas of responsibility in accordance with this policy and related policies;
- Each member of staff is responsible for ensuring that they fulfil their obligations in relation to this policy, procedures and Code of Conduct when spending public funds.

2. PROCEDURE AND GUIDANCE NOTES

2.1 Requirement

This policy represents the principles, processes and procedures that will be applied to corporate credit card usage on Council's behalf.

This policy will apply to Councillors, Council staff and all persons undertaking any form of procurement by way of Credit Card on Council's behalf, and they are accountable for complying with all relevant legislative and policy requirements.

2.2 Conduct of Councillors and Council Staff

Councillors and members of staff (and all persons engaged in credit card purchases on behalf of Council) must exercise the highest standards of integrity in a manner able to withstand the closest possible scrutiny.

All members of staff have an overriding responsibility to act with integrity at all times.

2.3 Appropriate Use

- Each individual credit limit must be strictly adhered to, with no over expenditure, and purchases must not be split to avoid the transaction limit.
- BHCC card holders must ensure funds are available within the budget prior to purchasing goods and services and the expenditure is justified.
- Credit cards are not to be used for cash advances, Automatic Teller Machine (ATM) transactions, bank cheques, over the counter withdrawals, Traveller's Cheques, or wire of money transfers.
- BHCC credit cards shall not be used for private or personal expenditure.

- BHCC employees will not be entitled to any rewards program or access to rewards that may be offered as part of the BHCC incurring expenditure.
- Use of a corporate credit card for business purchases over the internet should be restricted to trusted secure sites.
- Cardholders must provide taxation compliant transactional evidence to support all charges. An acceptable receipt for reimbursement of claimable business expenses on the corporate credit card is an original Tax Invoice/Receipt.
- Failure to produce an official Tax Invoice will result in the cardholder having to provide a Statutory Declaration as substantiation and proof that a business-related purchase has occurred.

2.4 Eligibility, Security and Governance

BHCC staff will only be issued a corporate credit or reloadable purchase card in circumstances where there is a clear business case to support their use.

Credit cards are to be maintained in a secure manner by the cardholder and guarded against improper use.

- The Manager Finance or Director Finance and Commercial are to authorise the establishment of all BHCC corporate credit cards. Applications are to include details of the need for the facility and proposed use of the credit card, the approval will be based on position held within BHCC, in conjunction with the applicant's financial delegations.
- Cardholders will be required to formally acknowledge policy conditions and complete the Cardholder Approval form (**attachment 1**).
- Card sharing is not permitted and is in breach of Council's obligations with our financial provider and potentially violates Council's internal financial delegation limits.
- Corporate credit cards are to be used with a unique PIN for each card and the PIN is to remain confidential.
- Cardholders should be aware that if they do not obtain or are not able to provide a tax invoice for expenditure, the organisation would not be able to recover any GST that may be applicable on that expenditure.
- The Manager Finance will perform regular reviews and compliance checks of all credit cards, including but not limited to; usage patterns, limits, internal controls, and risk management relating to credit card usage. If necessary or upon request, a summary of the review will be reported to the General Manager.
- Lost, stolen and / or damaged cards are to be reported immediately to the financial institution (Westpac) and to the Manager Finance. (**See attachment 2**)
- Credit cards will be returned to the organisation a minimum of two (2) weeks prior to the cessation of employment, retirement, transfer or promotion (by the cardholder) to another position that does not require the use of the card or if they are instructed to do so by the Manager Finance or Director Finance and Commercial. This will include a reconciliation of expenditure incurred on the card.
- The use of corporate credit cards is to be in accordance with this policy, ensuring that procurement guidelines have been followed and in line with the Procurement Framework Policy and adheres to the financial institution's conditions of use.

- All corporate credit cards will be for business related expenditure only. The limits imposed per card will be assessed by Manager Finance and Director Finance and Commercial based on position and financial delegation held within Council as per Financial Delegation Spend Limit and Purchasing Cards Register (Trim D15/4674).
- The General Managers card will be issued with a \$10,000 limit.
- Director Finance and Commercial, Plant and Fleet Coordinator, Manager Information and Communications Technology, will be issued cards with \$5,000 limits.
- The Airport Coordinator will be issued a card with a \$3,000 limit.
- All other eligible cardholders not mentioned above will be issued cards with a maximum limit of \$2,000 as determined by the General Manager.
- Reloadable cards will be issued temporarily to individual staff on a case-by-case basis after assessment of application and proposed need. This may include, but not be limited to; staff travel, sundry purposes, once off low value purchases up to a maximum \$500 transaction limit. All other requirements of approval and acknowledgement mentioned above, remain the same.

2.5 Reconciliation Process

Reconciliation tasks are to be completed within 30 days of incurring the expense.

The cardholder's supervisor will be responsible for ensuring the correct allocations have been utilised, appropriate budget is available and verify the expenditure incurred is business related and in alignment to this policy.

The General Managers corporate credit card, once reconciled, will go to the Mayor for approval.

The Mayors corporate credit card, once reconciled, will go to the General Manager for approval.

Cardholders who do not acquit their expenditures within 30 days will be sent a reminder of their obligations under this policy. Continued or repeated non-conformance will result in cancellation of the card and other appropriate action taken.

If the cardholder has not completed the reconciliation task and card expenditures are not reconciled or acquitted within 60 days of expenditure occurring, and a plausible explanation not provided to Finance Operations via their supervisor – the corporate card may be cancelled, and the cardholders cost centre debited.

Note that further action may be taken against cardholder.

Corporate Credit Card:

Finance Operations upload Corporate Credit Card transactions daily. Reconciliation tasks are assigned to the cardholder to attach appropriate substantiation by way of Tax Invoice or Statutory Declaration and to allocate expenditure to appropriate cost allocations.

Reloadable Purchase Card:

Finance Accounting manage the reconciliation of the reloadable card float portal and all associated payments and card uploads.

Tax invoice/receipts for any reloadable card purchase must have appropriate management approval and correct cost allocation detailed on receipt, obtained by the card holder prior to submitting to Finance Accounting for processing

2.6 Disputed Transactions

If a transaction is disputed, the cardholder must notify the bank immediately then inform the Manager Finance in writing giving full details of the problem (as per **Attachment 3** Disputed Transactions Form).

Westpac Dispute Transactions Hotline: Ph: 1300 364 294

2.6 Misuse of Card

Cardholders will be considered to have misused the card if they fail to meet their responsibilities as described above.

Misuse of the card may result in:

- The withdrawal of the card
- Disciplinary action being taken

The cardholder is also required to bear the cost of any charges incurred by the organisation arising from any card misuse by the cardholder.

Splitting of invoice or sales dockets to avoid exceeding delegation or card limits is not permitted and is treated as a misuse of the card.

Credit cards are issued to BHCC staff members that are in a position of trust regarding the use of public funds. Improper use of the credit card facility may render the cardholder liable to disciplinary / legal action, and / or criminal prosecution if deemed appropriate.

If a card is inadvertently used for personal use the Cardholder should:

- Identify if the Supplier is able to reverse the transaction, or
- Ensure that repayment is made immediately (or as soon as practically possible), with a copy of the receipt for reimbursement forwarded to Manager Finance.

3 IMPLEMENTATION

3.1 Communication

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

3.2 Associated Documents

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

- Procurement Framework and Policy
- Financial Delegation Spend Limit and Purchasing Cards Register (D15/4674)
- Corporate Credit Card Cardholder Approval, Guidelines and Acknowledgements Form
- Corporate Credit Card – Disputed Transactions Form
- Lost, Stolen or Replacement Cards Form

4 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 Finance is responsible for the review of this policy.

5 LEGISLATIVE AND LEGAL FRAMEWORK

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

- Local Government Act 1993
- Local Government (General) regulation 2021
- Councils Code of Conduct and Business Ethics

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

POLICY AND GENERAL COMMITTEE

November 30, 2023

ITEM 4BROKEN HILL CITY COUNCIL REPORT NO. 236/23

SUBJECT: NOMINATION FOR THE APPOINTMENT OF COMMUNITY REPRESENTATIVES TO SECTION 355 FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE D23/64290

Recommendation

1. That Broken Hill City Council Report No. 236/23 dated November 30, 2023, be received.
2. That Council appoint Mr Richard Ball as a community representative on the Friends of the Flora and Fauna of the Barrier Ranges Community Committee.
3. That Mr Richard Ball be advised of his appointment and advice also be sent to the Secretary of the 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 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.

Council has commenced a review of all Section 355 committee constitutions, prompted by concerns raised at the October 2023 Council Meeting, in relation to the number of community representatives required as outlined in each of the individual committee constitutions and advertising time needed to fill positions.

Report:

Council is in receipt of one nomination for community representation on the S355 Friends of the Flora and Fauna of the Barrier Ranges Community Committee. The nomination is from Mr Richard Ball.

The nomination acceptance would further assist in reaching the number of community representatives as per the current Friends of the Flora and Fauna of the Barrier Ranges Community Committee Constitution.

The below table further highlights the concern relating to the committee's ability to attain the number of community representatives required per the Committee's Constitution, particularly in relation to the Friends of the Flora and Fauna of the Barrier Rangers Community Committee as their functions more so align with those of a volunteer working group.

Name of Committee	Number of Community Representatives as per Constitution	Number of Community Representatives appointed by Council Resolution at previous Council Meetings	Further Nominations Received as at 28 November 2023	Council Delegate/s on Committees
Friends of the Flora and Fauna of the Barrier Ranges Community Committee	23 At least one councillor, a reasonable number of community representatives reflecting the size and operations of the facility	16 Mr Geoffrey Hoare Mr Jeff Crase Ms Susan Spangler Mr Paul Reed Mr John Rogers Ms Karen Ford Mr Michael Ford Ms Gaylene Ford Ms Ann Evers Mrs Kellie Scott Mr Jamie Scott Mr Evan Scott Ms Emily Scott Ms Merran Coombe Ms Narelle Tweedie Mr Gregory Wayne Edwards	1 Mr Richard Ball	Councillor Marion Browne

Community Engagement:

Council previously completed six months of advertising in the Barrier Truth and on social media and received adequate nominations for its Section 355 Committees to commence operating within the term of Council. A quarterly newsletter included an article seeking interested community representative volunteers to nominate for membership of Section 355 committees. Minutes of Section 355 community committees are presented to Council in the Business Paper and are made available to the public on Council's website, Visitor Information Centre and Charles Rasp Memorial Library.

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:

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 Committee Nomination Form - Friends of the Flora and Fauna of the
[↓](#) Barrier Rangers Community Committee - Richard Ball - Redacted

RAZIJA NU'MAN
DIRECTOR CORPORATE AND COMMUNITY

JAY NANKIVELL
GENERAL MANAGER

S355 Committee Nomination Form

BROKEN HILL
CITY COUNCIL

Name of Committee:

Fauna and Flora

Personal Details

First Name Required

RICHARD

Last Name Required

BALL

Contact Number

[REDACTED]

Email Address

[REDACTED]

Applicant Street Number

[REDACTED]

Applicant Street Name

[REDACTED]

Applicant Suburb/City

[REDACTED]

Applicant State (Select 1 option)



Applicant Postcode



Committee Details

Please outline why you would like to be a member of this committee:

The Living Desert is an important part of Broken Hill for both visitors and local residents.

Please outline details of any relevant experience for this committee:

I have accompanied Ann Evers, my partner, on many occasions in opening and locking the gates, and a keen bushwalker.

What is your previous experience with any committee? Please list name/s of Committee/s and periods of service:

Art Gallery Advisory Committee, 16 years.

Please detail any other relevant information:

[Handwritten mark]

[A diagonal line is drawn across the form area.]

Privacy

Privacy Statement

Council is collecting your personal information in accordance with the Privacy and Personal Information Protection Act 1998.

The purpose for collecting your personal information is to obtain and record details to assess your application.

The intended recipients of the personal information collected include Council officers or other agents contracted by Council. If necessary for reporting purposes, your name will be made publicly available via Council's Business Papers and on Council's website. Your contact details will not be made public on Council's website and will be removed from all applications and reports in Council's Business Papers.

The supply of your personal information may be by law or voluntary. If you cannot provide or do not wish to provide the information sought, Council may not be able to process your application.

You may make an application for access or amendment to information held by Council. Council will consider any such application in accordance with the Act. Enquiries concerning this matter can be directed to the Public Officer by email council@brokenhill.nsw.gov.au or addressed to Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.

Your information will be collected and stored, in accordance with the State Records Act 1998, by Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.

Signature

[Redacted signature area]

Name *[Redacted]*

[Handwritten signature: RICK BALL]

End of form

POLICY AND GENERAL COMMITTEE

November 30, 2023

ITEM 5BROKEN HILL CITY COUNCIL REPORT NO. 237/23

SUBJECT: MINUTES OF THE S355 YOUTH ADVISORY COMMITTEE
MEETING HELD 24 OCTOBER 2023 D23/65183

Recommendation

1. That Broken Hill City Council Report No. 237/23 dated November 30, 2023, be received.
2. That the minutes of the S355 Youth Advisory Committee meeting held on 24 October 2023 be received.

Executive Summary:

Minutes of the S355 Youth Advisory Committee meeting held on 24 October 2023 and are presented to Council for endorsement.

Report:

As per Council's Section 355 Advisory Committee Framework Manual and the Constitution of the Youth Advisory Committee (both adopted March 2022), the Committee is required to provide Council with a copy of their meeting minutes following each Committee meeting.

Community Engagement:

Minutes provided to the S355 Youth Advisory Committee members.

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 within its legal framework

Relevant Legislation:

The S355 Youth Advisory Committee operates under Council's Advisory Committee constitution and the *Local Government Act 1993*.

Financial Implications:

Nil

Attachments

1. [↓](#) S355 Youth Advisory Committee - Meeting Minutes - 24 October 2023

RAZIJA NU'MAN
DIRECTOR CORPORATE AND COMMUNITY

JAY NANKIVELL
GENERAL MANAGER

MINUTES OF THE SECTION 355 YOUTH ADVISORY COMMITTEE MEETING HELD TUESDAY, 24 OCTOBER 2023 AT 3PM — AGED PERSONS REST CENTRE BLENDE STREET

22/148

1. Present

Jim Richards	Community Representative (Chair)
Rachel Merton	Events Coordinator (BHCC)
Alison Howse	Community Development Officer (BHCC)
Angie Krause	YMCA Representative
Sophie Doust	Headspace
Councillor Hayley Jewitt	Council Delegate
Sophie Angell	Regional NSW
Nyrie Waite	Minute Taker

Present via Teams

Councillor Darriea Turley AM	Council Delegate
------------------------------	------------------

2. Apologies

Razija Nu'man	Director Corporate and Community (BHCC)
---------------	---

Absent

Tegan Hinchey-Gerard	Community Representative
Councillor Michael Boland	Council Delegate

3. Acknowledgement of Country

Acknowledgement of Country – Jim Richards

4. Confirmation of Minutes of Previous Meeting

Previous Meeting: 25 July 2023

Minutes were unable to be confirmed by any attendees.
Minutes to be confirmed at the next meeting to be held 13 February 2024.

5. Business arising from Previous Minutes

Nil

6. Action List

6.1 Circulate the survey report to the Committee

Update: No update

6.4 Enhancing the Voice of Youth

Recommendation: That Council support the Community Development Officer in investigating the opportunity for a youth coordination day enhancing the voice of youth in 2024.

Update: In Progress

6.5 Thank You Letter

Recommendation: That Council send a letter to the former Community Development Officer acknowledging and thanking her for her contribution and support while in the role.

Update: A letter was sent on 1 August 2023. This action is now complete and can be removed from action list.

6.6 Invitation to Service Providers

Recommendation: That Council support the invitation to the following service providers to appoint representatives, to join the S355 Youth Advisory Committee

- Mission Australia
- PCYC
- Scouts
- Lifeline

Update: Letters were sent 1 August 2023. This action is now complete and can be removed from the action list.

6.7 Invite School Representatives

Recommendation: That Council support the invitation to Student Support Officers from Broken Hill High School and Willyama High School to join the S355 Youth Advisory Committee

Update: Letters were sent 20 September 2023. This action is now complete and can be removed from the action list.

6.8 Youth Events

Recommendation: Committee Members to make a list of events and contact details for the events their agencies have scheduled for the rest of the year. This will allow the Committee to have an overview of all youth events happening in the City.

Update: Two emails have been sent requesting information with no replies.

7. General Business

Angie Krause advised that the YMCA is developing a website for youth, providing information on youth services within the area, including mental health, sexual health, sport and social activities. Angie Krause will be updating the site to ensure it is Broken Hill related and will forward a link to Committee Members. Angie Krause will also send out a form for services to complete when there is an event or program to add. This will allow youth to be able to locate events and programs that may be of interest.

Angie Krause suggested the Committee ask the school officers how the committee can help and what can the Committee do for youth in Broken Hill. Mission Australia provide a program called Rage and the program Love Bites is provided by Violence Abuse and Neglect Services (VANS) Far West Local Health District.

There was discussion around forming a committee with local youth to guide the committee on programs and activities that would be enjoyed. The services will need to work collaboratively to provide incentives for the youth to participate in a committee and any programs, or events.

Council has sent a survey to each school to discover what events would be enjoyed by the youth during school holidays. Suggestions are silent disco, laser tag, water park, and colour run. Rachel Merton will collate and share the information collected with Committee Members.

The Committee discussed a yearly calendar with special weeks and days that events could be organised for youth week. The Committee could also organise some everyday events as well.

Action: A yearly calendar be created listing special weeks and days to assist with organising events.

Rachel Merton to investigate the suggestion of a service provider networking events to be facilitated. Rachel advised that this would require a proposal to be presented, as a budget allocation would be necessary.

Youth week to be placed on the agenda at the February meeting.

8. Next Meeting Tuesday, 13 February 2024

9. Meeting Closed 4.01pm

ITEM NUMBER	ACTION	RESPONSIBLE	DUE
Meeting Held 13 December 2022			
1.	Circulate the survey report to the Committee.	YMCA	To Be Confirmed
Meeting Held 21 March 2023			
Item 7 Enhancing the Voice of Youth	Action That Council support the Community Development Officer in investigating the opportunity for a youth coordination day enhancing the voice of youth in 2024.	Council's Community Development Officer	25 July 2023
Meeting Held 25 July 2023			
Item 7 Youth Events	Action Committee Members to make a list of events and contact details for the events their agencies have scheduled for the rest of the year. This will allow the Committee to have an overview of all youth events happening in the City.	S355 Youth Advisory Committee Members	
Meeting Held 24 October 2023			
Item 7 Yearly Calendar	Action A yearly calendar be created listing special weeks and days to assist with organising events.	Council's Community Development Officer	13 February 2024



www.brokenhill.nsw.gov.au