



# **BOGAN SHIRE COUNCIL**

## **Ordinary Business Paper**

**I hereby give notice that an Ordinary Council Meeting will be held on:**

**Date: Thursday, 23 November 2023**

**Time: 5.30pm**

**Location: Bogan Shire Council  
Council Chambers  
81 Cobar Street  
Nyngan**

**Derek Francis  
General Manager**





### **Published Recording of Council Meeting**

This Council Meeting is being recorded for publishing on Council's website as a public record. By speaking at the Council Meeting, you agree to being recorded and for this recording to be published. Please ensure that if and when you speak at this Council Meeting that you are respectful to others and use appropriate language at all times. Bogan Shire Council accepts no liability for any defamatory or offensive remarks made during the course of this Council Meeting.



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- 1 OPENING PRAYER**
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- 4 DISCLOSURE OF INTERESTS**

**5 CONFIRMATION OF MINUTES**

**6.1 MINUTES OF ORDINARY MEETING - 26 OCTOBER 2023**

The minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 26 October 2023 have been circulated to Council.

**Recommendation**

1. That the minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 26 October 2023, be received and noted.





## **BOGAN SHIRE COUNCIL**

### Ordinary Minutes

Date: Thursday, 26 October 2023

Time: 5.30pm

Location: Bogan Shire Council  
Council Chambers  
81 Cobar Street  
Nyngan

Derek Francis  
General Manager

**Published Recording of Council Meeting**

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Ordinary Council Meeting Minutes

26 October 2023

**MINUTES OF BOGAN SHIRE COUNCIL  
ORDINARY COUNCIL MEETING HELD AT THE BOGAN SHIRE COUNCIL,  
COUNCIL CHAMBERS, 81 COBAR STREET, NYNGAN  
ON THURSDAY, 26 OCTOBER 2023 AT 5.30PM**

**PRESENT:** Cr G Neill (Chairperson), Cr V Boag (Deputy Chairperson), Cr K Bright, Cr G Deacon, Cr J Douglas, Cr G Jackson , Cr D Menzies , Cr R Milligan

**IN ATTENDANCE:** D Francis (General Manager), M Salter (Executive Officer)

**1 OPENING PRAYER**

**2 REMEMBRANCES**

**3 APOLOGIES**

Cr Tony Elias

Resolved 227/23

Moved: Cr Douglas

Seconded: Cr Deacon

That the apology received from Cr Elias be accepted and leave of absence be granted.

**4 DISCLOSURE OF INTERESTS**

Cr Douglas

- 10.1 Checklist, Item 11 Banking Situation

Reason: Due to position at Commonwealth Bank, Nyngan

**5 CONFIDENTIAL MATTERS**

Resolved 228/23

Moved: Cr Jackson

Seconded: Cr Menzies

**EXCLUSION OF PRESS AND PUBLIC:** Council move into a closed session of Council with the public excluded, in accordance with the *Local Government Act 1993* section 10A(2).

The following discussions and resolutions arose from decisions made in the Closed and Confidential Section of the Meeting, 26 October 2023:

**5.1 CONFIDENTIAL MAYORAL MINUTE  
GENERAL MANAGER'S PERFORMANCE REVIEW**

**Resolved 229/23**

Moved: Cr Deacon  
Seconded: Cr Douglas  
Unanimous

1. That Council, having reviewed the performance of the General Manager over the last 12 months, have assessed his performance at a 4.5, based on the following scale of: 5 – Outstanding, 4 – More than satisfactory, 3 – Satisfactory, 2 – Some concerns or 1 – Unsatisfactory.

**Resolved 230/23**

Moved: Cr Boag  
Seconded: Cr Menzies  
Unanimous

That for the period from now until 31 January 2025, should the appointment of an Acting General Manager be necessary, Council appoints one or more of the following, at the discretion of the Mayor and General Manager:

- a. Stephanie Waterhouse
- b. Debb Wood
- c. Ross Earl
- d. An individual nominated by Local Government Appointments

**Resolved 231/23**

Moved: Cr Deacon  
Seconded: Cr Jackson

**INCLUSION OF PRESS AND PUBLIC:** That the meeting move into open Council.

In attendance from 7.15am: S Waterhouse (Director Finance and Corporate Services), R Davy (Acting Director Engineering Services), C Foley (Acting Director Development and Environmental Services), M Salter (Executive Officer)

**6 CONFIRMATION OF ORDINARY MINUTES- 28 SEPTEMBER 2023**

**Resolved 232/23**

Moved: Cr Jackson  
Seconded: Cr Milligan

That the minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 28 September 2023, be received and noted.

Business Arising: Nil

Ordinary Council Meeting Minutes

26 October 2023

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**7 NOTICE OF MOTION**

Nil

**8 ORDINARY MAYORAL MINUTE**

Nil

**9 COMMITTEE MEETING MINUTES**

Nil

10 GENERAL MANAGER'S REPORTS

10.1 GENERAL MANAGERS CHECKLIST

Item	Date	Minute No	Matter	Action Required	Officer	Status
1	23/09/2021	349/2021	Increase of train speed through Nyngan	Prior to the next state Election, Council raise the issue of the Hoskins Street Level Crossing & Train Speeds with Barwon candidates	GM	TNSW has informed Council that it is considering trialing a Rail Active Crossing System at Hoskins Street crossing. This is a solar powered, wireless, flashing lights system.  Discussed with Roy Butler 07/08/2023. Followed up with Roy Butlers' office 11/08/2023 who have requested a status update from the Minister.
2	27/05/2022	122/2022	Nyngan Emergency Bore	Council seeks advice from the Minister for Water, as to a mechanism for periodic extraction of water for maintenance purposes, given that it is understood that Council is unable to extract water from the bore at this stage.	GM	Letter written to new Minister for Water, advising them of resolution 122/2022 and seeking clarification on funding. Minister for Water has advised that: <ul style="list-style-type: none"> <li>• Work has begun on amendments to the Water Sharing Plan.</li> <li>• No further funding is available for the bore project.</li> </ul>

Item	Date	Minute No	Matter	Action Required	Officer	Status
	23/02/2023	010/2023		Council vote for a 200mm pipe instead of 375mm pipe, on the basis of water consumption. A decision on the request for a meeting be deferred until Council receives a response from the NSW Government on whether the emergency bore hole project is to be funded.	GM	Public Works have provided an alternative cost estimate of \$5.002M, based on the 200mm pipeline.  On hold pending response.
	27/04/2023	081/2023		Virginia and Richard Woodlock be requested to provide Council with specific concerns of concerned landholders and rate payers in writing, so that responses can be prepared, and arrangements made for appropriate NSW Government staff to be available.		Letter sent to Richard and Virginia Woodlock advising them of Council's resolution.

Ordinary Council Meeting Minutes

26 October 2023

Item	Date	Minute No	Matter	Action Required	Officer	Status
	24/05/2023	184/23		That Council prioritises remaining available grant funding of \$7,111,871 across the following projects: <ul style="list-style-type: none"> <li>a. Water purchases</li> <li>b. Belaringar Creek Siphon</li> <li>c. Nyngan Emergency Bore pipeline</li> </ul>		DPE advised accordingly
3	25/02/2021	012/2021	<b>Nyngan Railway Wool Dump</b>	A colour information sign be erected at the Nyngan Railway Wool Dump on stand adjacent to the dump. A cement path from the existing walkway to the sign be constructed, with available funding.	DES	<u>UPDATE:</u> Research underway for information sign in collaboration with Nyngan Museum.

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Ordinary Council Meeting Minutes

26 October 2023

Item	Date	Minute No	Matter	Action Required	Officer	Status
4	27/05/2021	126/2021	<b>Addressing Local Job Vacancies</b>	Council delays the launch of the marketing campaign until progress is made with establishing more housing accommodation in Nyngan.	DPCS	Planning for new residential subdivision has commenced.
	28/09/2023			Council provides a budget of \$25,000 for production of videos for the relocation campaign.		Scheduled for 2024/25.
5	28/10/2021	182/2021	<b>Section 355 Committee – Nyngan Museum</b>	General Manager to proceed with discussions to formalise a constitution and associated delegations for Nyngan Museum Committee as a Section 355 Management Committee of Council with a further report to Council.	GM	Initial meeting held with Museum Committee.  Referred to Audit & Risk Committee.

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Ordinary Council Meeting Minutes

26 October 2023

Item	Date	Minute No	Matter	Action Required	Officer	Status
6	15/12/2022	291/2022		Council progress investigations and discussion to progress to Section 355 or an incorporated body for the functions of managing and operating the Nyngan Museum.		<b>UPDATE:</b> The General Manager met with the Museum Committee 04/10/2023 who have elected to progress formalisation of a Section 355 Committee.
	23/08/2022	126/2022	<b>New Water Treatment Plant Site</b>	A further report to Council be considered for location of the New Water Treatment Plant, including the location as presented to Council, as well as other options outside/adjacent to the levy bank.	DES	Public Works to discuss with Crown Lands use of site adjacent to electricity substation at the end of Dandaloo Street.
	23/03/2023	011/2023		Council request NSW Public Works to provide a report to Council on the relative cost of the proposed substation and existing pump station sites, including relative pros and cons.		Public Works has been requested to prepare a report on comparing the Dandaloo Street site with the raw water pumpstation site when the funding deed has been signed.

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Ordinary Council Meeting Minutes

26 October 2023

Item	Date	Minute No	Matter	Action Required	Officer	Status
7	26/07/2022	171/2022	<b>Hoskins Street Subdivision</b>	Council approves the draft subdivision layout, with following amendments inclusion of a laneway between lots 18-23 and lots 28-33. Accordingly reduce the number of affected blocks to retain an average size of around 1000m <sup>2</sup> .  Strong representation is made to the Minister for Western New South Wales in relation to Biodiversity Fund contributions.	DES	Meetings between Alliance of Western Council and NSW Government held on 17/08/2022 and 19/09/2022 to discuss.  Alliance of Western Councils working with Urban Taskforce and making representation to Premier and Minister for Environment.

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Ordinary Council Meeting Minutes

26 October 2023

Item	Date	Minute No	Matter	Action Required	Officer	Status
8	27/10/2022	261/2022	<b>Proposed Amendment to Bogan Local Environmental Plan</b>	The General Manager investigates a process to identify suitable land, for large lot residential and undertakes community consultation, with a further report to Council.	DD&S	Following discussion with the Department of Planning and Environment (DPE), it has been identified that the additional R5 land creation could not be considered in isolation, and that it would need to be considered as part of a broader Housing Strategy for the Shire.  DPE indicated funding may be available after 30 June 2023, but that Council would have to prepare a scope of works for the strategy to be eligible for funding. Grant submitted.
9	23/03/2023	053/2023	<b>Reclassification of Land – 8 Tabratong Street</b>	Council submits a planning proposal under Section 28 of the Local Government Act to reclassify Lot 1 DP102113, Lot 2 DP355558 and Lot 3 DP 945184 from Community Land to Operational Land.	DD&S	Council has requested Department of Planning to consider undertaking the reclassification as part of its Minor Amendments Project.  Awaiting DoP consideration and advice <u>UPDATE:</u> Awaiting DoP Advice.

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Ordinary Council Meeting Minutes

26 October 2023

Item	Date	Minute No	Matter	Action Required	Officer	Status
10	25/05/2023	107/2023	<b>Temporary Workers Accommodation</b>	Report be prepared for Councils consideration regarding the costs and implications to change the land zoning using contents in RU1 – Primary Production under the Bogan Local Environmental Plan (LEP) 2011 from a 'closed zone' to an 'open zone'.	DD&S	Report for future Council Meeting.
11	22/06/2023	139/2023	<b>Banking Situation in Nyngan</b>	Council write to the National Australia Bank regarding the future of the Nyngan Branch of the National Australia Bank.	GM	Letter written.
12	27/07/2023	160/23	<b>School Exchange Program</b>	The General Manager commence discussions around the future of the Tongling Exchange Program, with a report to Council.	GM	Not yet commenced.

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Ordinary Council Meeting Minutes

26 October 2023

Item	Date	Minute No	Matter	Action Required	Officer	Status
13	26/09/2023	209/23	Relocation Marketing Campaign – Promotional Videos	Council investigates creating an artwork that acknowledges Country that can be used in the videos and other purposes, with a report to a future meeting of Council.	DPCS	Not yet commenced.
14	8/09/2023	210/23	Skate Park Tender	The General Manager enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.	DDES	Not yet commenced.

1. Attachments

Nil

**Checklist item 11****Banking Situation in Nyngan (22/06/2023) (139/2023)**

Clr Douglas declared an interest and left the room.

**Resolved 233/23**

Moved: Cr Neill

Seconded: Cr Deacon

That Council follow up with an email to the National Australia Bank (NAB), that if NAB cannot respond to Councils correspondence, that Council will take their business elsewhere.

Clr Douglas returned to the room.

**Resolved 234/23**

Moved: Cr Boag

Seconded: Cr Milligan

That the report relating to the Monthly Checklist be received.

**10.2 CHRISTMAS - NEW YEAR CLOSURE****Resolved 235/23**

Moved: Cr Jackson

Seconded: Cr Deacon

1. That Council closes the Shire administration offices as well as the Library, Bogan Shire Medical Centre and Bogan Shire Youth and Community Centre on Wednesday 27 December 2023, Thursday 28 December 2023 and Friday 29 December 2023 and advises the community accordingly.
2. That Council closes the Bogan Shire Early Learning Centre between Wednesday 20 December 2023 and Friday 12 January 2024 and informs the community accordingly.
3. That the Bogan Shire Council Christmas Party take place between 12.00pm and 3.00pm on Thursday 14 December 2023, involving all Councillors, Staff and their partners, and that Council covers the cost of this event.

**10.3 DECEMBER 2023/JANUARY 2024 RECESS****Resolved 236/23**

Moved: Cr Milligan

Seconded: Cr Bright

1. That Council goes into recess from Friday 22 December 2023 until 31 January 2024 and consequently does not have an Ordinary Meeting during January 2024.
2. Pursuant to and subject to the limitations of Section 377 of the Local Government Act, Council grants authority to the Mayor, Deputy Mayor and General Manager, to collectively make decisions on behalf of Council during this recess period, with Councillors to be consulted if practical.
3. Any such decisions are to be reported to the Council at its first meeting in 2024.

**10.4 DAVIDSON PARK UPGRADES****Resolved 237/23**

1. That Council supports:

- a. The removal and replacement of the six palm trees in Davidson Park, with shade trees, and not an avenue of trees. (Cllr Menzies/Cllr Bright)
  - b. The reconstruction of the raised garden beds along the street in Davison Park. (Cllr Boag/Cllr Jackson)
  - c. The relocation of existing plaques, with a further report submitted to council with possible locations. (Cllr Jackson/Cllr Deacon)
  - d. Replanting of garden beds and new areas of turf as required. (Cllr Douglas/Cllr Milligan)
2. That costs incurred as a result of these works be covered as far as possible from existing grant funds and operating budget. If further funding is required, this is to be sought through the budget review process. (Cllr Milligan/Cllr Bright)

**11 PEOPLE AND COMMUNITY SERVICES REPORTS**

**11.1 NYNGAN SHOW DAY**

Resolved 238/23

Moved: Cr Milligan

Seconded: Cr Boag

That Council make application to the Department of Premier and Cabinet for a declared full day public holiday on Monday 6 May 2024, for the 2024 Nyngan Show Day.

**11.2 BOGAN BUSH MOBILE TERM 3 REPORT**

Resolved 239/23

Moved: Cr Deacon

Seconded: Cr Menzies

That the Bogan Bush Mobile report be received and noted.

### 11.3 PURCHASE OF ULTRASOUND MACHINE

The report was presented, and then the Council moved into closed Council for discussion.

*This matter is considered to be confidential under Section 10A(2) of the Local Government Act, as discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with:*

- *Information that would, if disclosed, confer a commercial advantage on a competitor of Council.*
- *Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

#### Resolved 240/23

Moved: Cr Jackson

Seconded: Cr Bright

**EXCLUSION OF PRESS AND PUBLIC:** Council move into a closed session of Council with the public excluded, in accordance with the *Local Government Act 1993* section 10A(2).

Discussion took place in a closed session of Council on the potential increased revenue and cost of purchasing a new Ultrasound machine.

#### Resolved 241/23

Moved: Cr Milligan

Seconded: Cr Bright

**INCLUSION OF PRESS AND PUBLIC:** That the meeting move into open Council.

#### Resolved 242/23

Moved: Cr Boag

Seconded: Cr Deacon

That:

1. Council increases the Capital Budget by \$153,500 to allow for the purchase of a new ultrasound machine to be funded through Council's Plant Fund.
2. The General Manager purchases a new ultrasound machine in the best interests of Council to a maximum of \$153,500.
3. The General Manager disposes of the current ultrasound machine in the best interests of Council.

**12 FINANCE AND CORPORATE SERVICES REPORTS****12.1 INVESTMENTS SEPTEMBER 2023****Resolved 243/23**

Moved: Cr Douglas

Seconded: Cr Menzies

That Council receive and note the Investments Report for September 2023.

**12.2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION****Resolved 244/23**

Moved: Cr Jackson

Seconded: Cr Menzies

That Council receive and note the Rate and Annual Charges collection report for September 2023.

**12.3 FIRST QUARTER 2023/2024 BUDGET REVIEW****Resolved 245/23**

Moved: Cr Douglas

Seconded: Cr Jackson

That Council:

1. Note the report on Actual compared to Budget for the quarter ended 30 September 2023.
2. Adopt the adjustments to the 2023/2024 budget as shown in the Budget Review Statement at Appendix A to this report, including \$23,000 for the fit out of the new room at the Early Learning Centre.

**12.4 DELIVERY PROGRAM****Resolved 246/23**

Moved: Cr Milligan

Seconded: Cr Jackson

That Council receive and note the Delivery Program report.

**Resolved 247/23**

Moved: Cr Menzies

Seconded: Cr Boag

That the Before and After School Care matter be further pursued with the Department of Education, and if necessary the Minister.

**12.5 ANNUAL FINANCIAL REPORTS****Resolved 248/23**

Moved: Cr Deacon

Seconded: Cr Menzies

That Council receive and note that the Financial Reports and Auditor's Report for the period 1 July 2022 to 30 June 2023 be presented to the public.

**12.6 WRITE OFF OUTSTANDING DEBTS - BOGAN SHIRE MEDICAL CENTRE****Resolved 249/23**

Moved: Cr Jackson

Seconded: Cr Boag

That Council write-off the debts of \$303.05 and the debtors be marked as finalised in Council's Medical Centre financial records.

**12.7 DRAFT FINANCIAL ASSISTANCE POLICY****Resolved 250/23**

Moved: Cr Milligan

Seconded: Cr Menzies

That the Draft Financial Assistance Policy be deferred until the next meeting to allow Councillors to consider matters raised.

**12.8 SECTION 355 COMMITTEE MANUAL****Resolved 251/23**

Moved: Cr Deacon

Seconded: Cr Bright

That Council adopt the Section 355 Committee Manual, including attachments.



**13 ENGINEERING SERVICES REPORTS**

**13.1 DEPARTMENTAL ACTIVITY REPORT**

**Resolved 252/23**

Moved: Cr Jackson

Seconded: Cr Douglas

That the Engineering Departmental Report be received and noted.

**13.2 COBAR WATER BOARD RAW WATER SUPPLY**

**Resolved 253/23**

Moved: Cr Boag

Seconded: Cr Jackson

That the Cobar Water Board Raw Water Support Report be noted.

**14 DEVELOPMENT AND ENVIRONMENTAL SERVICES REPORTS**

**14.1 DEPARTMENTAL ACTIVITY REPORT**

Resolved 254/23

Moved: Cr Jackson

Seconded: Cr Bright

That the Development and Environmental Services Departmental Activity Report be received and noted.

The Mayor thanked Chris Foley and James Boyce for their time with Council, as Acting Director of Development and Environmental Services, during the time the Director has been on extended leave.

**15    PRECIS OF CORRESPONDENCE**

**15.1    ST JOSEPHS PARISH SCHOOL**

**Resolved 255/23**

Moved:            Cr Jackson

Seconded:       Cr Menzies

That the correspondence From St Josephs Parish School be received and noted.

**15.2    ST JOSEPHS PARISH SCHOOL P & F FETE**

**Resolved 256/23**

Moved:            Cr Boag

Seconded:       Cr Deacon

In regard to the Family Season Pool pass requested for St Joseph's Fete, Council is currently looking at a new donations policy and consideration may be given in the future.

**16 MEETING CLOSURE**

There being no further business, the meeting closed at 8.54pm

These minutes were confirmed by resolution at a meeting on ..... and were signed as a true record.

.....  
**GENERAL MANAGER**

.....  
**MAYOR**

**6 NOTICE OF MOTION**

Nil

**7 MAYORAL MINUTES**

Nil

**8 COMMITTEE MEETING MINUTES**

Nil

**10 GENERAL MANAGER’S REPORTS**

**10.1 GENERAL MANAGERS CHECKLIST**

Item	Date	Minute No	Matter	Action Required	Officer	Status
1	23/09/2021	249/2021	<b>Increase of train speed through Nyngan</b>	Prior to the next state Election, Council raise the issue of the Hoskins Street Level Crossing & Train Speeds with Barwon candidates.	<b>GM</b>	TfNSW has informed Council that it is considering trialing a Rail Active Crossing System at Hoskins Street crossing. This is a solar powered, wireless, flashing lights system.  Discussed with Roy Butler 07/06/2023 – followed up 11/08/2023.  <b>UPDATE:</b> Precis item refers.
2	27/05/2022	122/2022	<b>Nyngan Emergency Bore</b>	Council seeks advice from the Minister for Water, as to a mechanism for periodic extraction of water for maintenance purposes, given that it is understood that Council is unable to extract water from the bore at this stage.	<b>GM</b>	Letter written to new Minister for Water, advising them of resolution 122/2022 and seeking clarification on funding. Minister for Water has advised that: <ul style="list-style-type: none"> <li>• Work has begun on amendments to the Water Sharing Plan.</li> <li>• No further funding is available for the bore project.</li> </ul>

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	27/04/2023	081/2023		<p>Virginia and Richard Woodlock be requested to provide Council with specific concerns of concerned landholders and rate payers in writing, so that responses can be prepared, and arrangements made for appropriate NSW Government staff to be</p>		<p>Letter sent to Richard and Virginia Woodlock advising them of Council's resolution.</p>

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	24/08/2023	184/23		<p>available. That Council prioritises remaining available grant funding of \$7,111,871 across the following projects:</p> <ul style="list-style-type: none"> <li>a. Water purchases</li> <li>b. Belaringar Creek Syphon</li> <li>c. Nyngan Emergency Bore pipeline</li> </ul>		DPE advised accordingly.
3	25/02/2021	012/2021	<b>Nyngan Railway Wool Dump</b>	A colour information sign be erected at the Nyngan Railway Wool Dump on stand adjacent to the dump. A cement path from the existing walkway to the sign be constructed, with available funding.	<b>DES</b>	<b>UPDATE:</b> Research underway for information sign in collaboration with Nyngan Museum.



Item	Date	Minute No	Matter	Action Required	Officer	Status
4	27/05/2021  28/09/2023	126/2021	<b>Addressing Local Job Vacancies</b>	<p>Council delays the launch of the marketing campaign until progress is made with establishing more housing accommodation in Nyngan.</p> <p>Council provides a budget of \$25,000 for production of videos for the relocation campaign.</p>	<b>DPCS</b>	<p>Planning for new residential subdivision has commenced.</p> <p>Scheduled for 2024/25.</p>
5	28/10/2021	162/2021	<b>Section 355 Committee – Nyngan Museum</b>	<p>General Manager to proceed with discussions to formalise a constitution and associated delegations for Nyngan Museum Committee as a Section 355 Management Committee of Council with a further report to Council.</p>	<b>GM</b>	<p>Initial meeting held with Museum Committee.</p> <p>Referred to Audit &amp; Risk Committee.</p>

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	15/12/2022	281/2022		Council progress investigations and discussion to progress to Section 355 or an incorporated body for the functions of managing and operating the Nyngan Museum.		<b>UPDATE:</b> Report to Council expected in December 2023
6	23/06/2022	126/2022	<b>New Water Treatment Plant Site</b>	A further report to Council be considered for location of the New Water Treatment Plant, including the location as presented to Council, as well as other options outside/adjacent to the levy bank.	<b>DES</b>	Public Works to discuss with Crown Lands use of site adjacent to electricity sub-station at the end of Dandaloo Street.
	23/03/2023	011/2023		Council request NSW Public Works to provide a report to Council on the relative cost of the proposed substation and existing pump station sites, including relative pros and cons.		Public Works has been requested to prepare a report on comparing the Dandaloo Street site with the raw water pump station site when the funding deed has been signed.

Item	Date	Minute No	Matter	Action Required	Officer	Status
7	28/07/2022	171/2022	<b>Hoskins Street Subdivision</b>	<p>Council approves the draft subdivision layout, with following amendments Inclusion of a laneway between lots 18-23 and lots 28-33.</p> <p>Accordingly reduce the number of affected blocks to retain an average size of around 1000m<sup>2</sup>.</p> <p>Strong representation is made to the Minister for Western New South Wales in relation to Biodiversity Fund contributions.</p>	<b>DES</b>	<p>Meetings between Alliance of Western Council and NSW Government held on 17/08/2022 and 19/08/2022 to discuss.</p> <p><b>UPDATE:</b> Report to Council refers</p> <p>Alliance of Western Councils working with Urban Taskforce and making representation to Premier and Minister for Environment.</p>

Item	Date	Minute No	Matter	Action Required	Officer	Status
8	27/10/2022	261/2022	<b>Proposed Amendment to Bogan Local Environmental Plan</b>	The General Manager investigates a process to identify suitable land, for large lot residential and undertakes community consultation, with a further report to Council.	<b>DDES</b>	<p>Following discussion with the Department of Planning and Environment (DPE), it has been identified that the additional R5 land creation could not be considered in isolation, and that it would need to be considered as part of a broader Housing Strategy for the Shire.</p> <p>DPE indicated funding may be available after 30 June 2023, but that Council would have to prepare a scope of works for the strategy to be eligible for funding.</p> <p>Grant submitted.</p>
9	23/03/2023	053/2023	<b>Reclassification of Land – 8 Tabratong Street</b>	Council submits a planning proposal under Section 28 of the Local Government Act to reclassify Lot 1 DP102113, Lot 2 DP355559 and Lot 3 DP 945184 from Community Land to Operational Land.	<b>DDES</b>	<p>Council has requested Department of Planning to consider undertaking the reclassification as part of its Minor Amendments Project.</p> <p>Awaiting DoP consideration and advice.</p>

Item	Date	Minute No	Matter	Action Required	Officer	Status
						<b>UPDATE:</b> Grant funding not successful. Awaiting consultant's quote which will be presented for Council's consideration.
10	25/05/2023	107/2023	<b>Temporary Workers Accommodation</b>	Report be prepared for Councils consideration regarding the costs and implications to change the land zoning using contents in RU1 – Primary Production under the Bogan Local Environmental Plan (LEP) 2011 from a 'closed zone' to an 'open zone'.	<b>DDES</b>	Report for future Council Meeting.  <b>UPDATE:</b> Awaiting consultant's quote which will be presented for Council's consideration.
11	22/06/2023	139/2023	<b>Banking Situation in Nyngan</b>	Council write to the National Australia Bank regarding the future of the Nyngan Branch of the National Australia Bank.	<b>GM</b>	Letter written.  <b>UPDATE:</b> Further letter written, November 2023.

Item	Date	Minute No	Matter	Action Required	Officer	Status
12	27/07/2023	160/23	<b>School Exchange Program</b>	The General Manager commence discussions around the future of the Tongling Exchange Program, with a report to Council.	<b>GM</b>	Not yet commenced.
13	28/09/2023	209/23	<b>Relocation Marketing Campaign – Promotional Videos</b>	Council investigates creating an artwork that acknowledges Country that can be used in the videos and other purposes, with a report to a future meeting of Council.	<b>DPCS</b>	Not yet commenced.
14	28/09/2023	219/23	<b>Skate Park Tender</b>	The General Manager enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.	<b>GM</b>	<b>UPDATE:</b> Negotiations under way.
15	26/10/2023	247/23	<b>Before and After School Care, Nyngan</b>	That the Before and After School Care matter be further pursued with the Department of Education, and if necessary the Minister.	<b>GM</b>	<b>UPDATE:</b> Verbal update at Council Meeting.

**1. Attachments - Nil**

**2. Recommendation**

That the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the Checklist.

## 10.2 DAVIDSON PARK PLAQUES

### 1. Introduction

The purpose of this report is to seek Council's direction as to the placement of a number of plaques following the decision to move them from their current location in Davidson Park.

### 2. Background

At its meeting held in October 2023, Council considered a report from the General Manager which recommended changes to Davidson Park.

Amongst these was a suggestion that Council consider relocating plaques from their current position in the garden bed to another location, possibly the Bicentennial Mural wall.

Whilst Council resolved to support the relocation of the plaques, a further report was to be submitted to Council to consider their new location.

### 3. Discussion

The following plaques are currently placed in Davidson Park:

- a) Commemorating Albert Priest's contributions to Nyngan and District
- b) Commemorating Phillip Dutton's Olympic achievements
- c) Commemorating Nyngan's Bicentennial projects
- d) Commemorating Nyngan's Water and Sewerage Supply Augmentation and Stage 1 of the Nyngan Levee
- e) Commemorating Nyngan's Flood Control Levee

Options open to Council include locating all of the plaques in one place, such as the Bicentennial Mural wall or at individual sites that are associated with the person or infrastructure being commemorated. As the wording on the Phillip Dutton plaque refers to the Gazebo in the Park, mounting it on the Gazebo itself could be considered. The wording on the Bicentennial plaque refers to Davidson Park which could suggest that the Bicentennial Mural wall is an appropriate location.

If the decision is taken to relocate plaques to the Bicentennial Mural wall, they can be placed on either the southern or northern end of the wall as shown below.





Southern End



Northern End

**4. Attachments**

Nil

**5. Recommendation**

That Council determines suitable locations for each of the following plaques:

- a) Albert Priest's contributions to Nyngan and District
- b) Phillip Dutton's Olympic achievements
- c) Nyngan's Bicentennial projects
- d) Nyngan's Water and Sewerage Supply Augmentation and Stage 1 of the Nyngan Levee
- e) Nyngan's Flood Control Levee

## **10.3 REGIONAL DROUGHT RESILIENCE PLAN**

### **1. Introduction**

The purpose of this report is to inform Council on progress towards the compilation of a Regional Drought Resilience Plan.

### **2. Background**

At the Council meeting held on 23 February 2023, the General Manager advised Council that notification of the Regional Drought Resilience Program had been received in December 2022 with a closing date for applications of 20 January 2023.

The stated aim of the Program is to:

Build capability and empower regional communities to plan and act early to reduce and respond to drought risks. The program is designed to support the development of drought plans that consider:

- Growing self-reliance and drought resilience of regional communities including the agricultural sector
- Improving natural capital of agricultural landscapes for better environmental outcomes
- Strengthening the wellbeing and social capital of rural, regional and remote communities.

The NSW Government placed Bogan Shire Council in a consortium with Coonamble Shire Council and Warren Shire Council for the purposes of the grant application.

Over the December 2021 holiday break the consortium agreed to work together and develop a common plan led by the Far North West Joint Organisation of Councils (FNWJO) and consortium RDRP 004 (Bourke, Brewarrina, Cobar and Walgett), which could be tailored for individual Council circumstances.

### **3. Discussion**

Since then, on notification of the success of the consortium's grant application, staff of the FNWJO, in consultation with Councils and the NSW government, have progressed the preliminary stages of the planning process to the point where the following decisions / actions are expected to be made by the Consortia Drought Plan Group in December:

- Adopt the detailed Project Plan
- Provide details of the media launch of the Drought Plan Consultation for the area by the Minister of Agriculture
- Confirmation of members of the "Regional Skills Based Reference Group" for community consultation.

The FNWJO has provided the text of a Regional Drought Resilience Plan Report and Project Plan which is included as Attachment 1.

**4. Attachments**

1. FNWJO Report

**5. Recommendation**

That:

1. This report be received and noted.
2. The Mayor, General Manager and any other Councillors who wish to do so participate in the process of developing the Regional Drought Resilience Plan on behalf of Council.
3. The General Manager nominate a Council staff contact as a local information conduit to work with the Far North West Joint Organisation of Councils Drought Project Officer.
4. Local plans relevant to Bogan Shire Council be supplied to the Drought Project Officer for review.
5. Council undertakes local media promotion of the Regional Drought Resilience Plan process to promote the launch of the consultation process in January 2024.
6. That Council call for nominations for the Regional Skills Based Reference Group with names to be forwarded by Council to the Far North West Joint Organisation.
7. Council adopts the Regional Drought Resilience Plan (RDRP 016) Project Plan for implementation by the Far North West Joint Organisation of Councils as attached.

## Attachment 1

**REPORT AND PROJECT PLAN – CONSORTIUM RDRP 016****Background**

At the beginning of 2020, 100 per cent of New South Wales was in drought. Between 2017 and 2020, many regions faced the lowest rainfall and driest conditions in 120 years – 2019 was the driest and warmest year on record for NSW and rainfall was 55 per cent below average. It also followed in quick succession from the Millennium drought and left little time for primary producers to recover and protect themselves against future crises, exacerbating the social and economic impacts.

But drought is unpredictable, recurring and more importantly a hallmark of the Australian climate. It is slow moving and people are not sure if they are in one until it is well and truly happening. The event, its impacts and the recovery are long and cyclical in nature.

Therefore, we need a long-term view of the cycle of drought and non-drought years and with recent events stark in memory, now is the time to take stock and intensify a coordinated approach across three levels of government to ensure regional areas are better prepared for the next drought.

To mitigate the devastating social and economic impacts of drought, the NSW Government has set in motion a planning program to help communities and economies survive. The NSW Government in partnership with the federal Future Drought Fund, regional drought resilience plans (RDR Plans) are being prepared across the State, funded by this partnership, as a first step to understanding drought resilience actions for future funding.

The aim of the project is to direct continuous funding for drought resilience initiatives which reflect local need and context of drought.

The RDRP's objective is to help communities develop a holistic, community-wide view of how they become more resilient to future droughts. This is achieved through improving underlying community strength, economy and environmental aspects of a region.

Communities need long term strategies to improve baseline resilience which transcends the cyclical nature of drought.

Links to other strategies, discovering and enlightening local meanings of resilience and recognising synergies in existing work that can enhance resilience rather than growing the scope of regional projects is a key principle.

**The Narrative**

Change the "Drought" narrative from "Crisis" to "Proactive Management - We can't stop it, but we can manage it".

Drought management is similar to personal health management; we don't wait for a health crisis that will threaten our being; instead, we manage our health with regular health checks, access to improved information and technologies and implement strategies to reduce risk through planning, reviewing and re-evaluating.

*We need to manage drought, like our health and not wait for CRISIS when it's too late.*

*We need to normalise drought by ensuring there are pre-drought, drought and post drought strategies in place – we can't eliminate drought BUT we can eliminate CRISIS.*

**FNWJO Project Delivery – Two Drought Plans**

After consultation with Councils in the region, Far North-West Joint Organisation lodged 2 applications to the Regional Drought Resilience Planning Program, Round 1

- Consortia RDRP 004 (Bourke, Brewarrina, Cobar and Walgett)
- Consortia RDRP 016 (Coonamble, Warren and Bogan)

The applications were successful, with funding secured to create two (2) Regional Drought Plans for RDRP 004 and RDRP 016.

Each drought plan will have regional and local actions specific to each region that promote self-reliance and drought resilience of regional communities, improve the natural capital of agricultural landscapes to optimise environmental outcomes & strengthen the wellbeing and social capital of rural, regional & remote community.

Each Drought Plan will have its own budget allocations however economies of scale will be found in consultant recruitment, consultation processes and engagement by applying similar delivery strategies across the development of both RDRP 004 and RDRP 016 Regional Drought Plans.

**Funding / Timeline Summary**

**Consortia RDRP 016 (Bogan, Coonamble and Warren) \$450,000**

	<b>Activity</b>	<b>Milestone Payment</b>	<b>Due Date</b>
Milestone 1	Executed Funding Deed Copies of certificates of currency for insurance policies	\$100,000	June 2023
Milestone 2	Development – Project Plan Developed and Agreed	\$100,000	6 <sup>th</sup> November 2023
Milestone 3	Draft RDR Plan to the Department for the Department will supply RDR plan to CSIRO for independent review		26 <sup>th</sup> March 2024
Milestone 4	Incorporate CSIRO's feedback and provide the final RDR Plan and final report to the Department		29 <sup>th</sup> May 2024
Milestone 5	Implement Plan approved by the Department, containing agreed activities to be delivered and estimated costs, timings other details of those activities.	\$200,000	30 <sup>th</sup> June 2024
Milestone 6	Final Report and acquittal	\$50,000	30 <sup>th</sup> April 2025

**TOTAL \$450,000**

**RDRP Objectives**

Consistent with the strategic priorities and objectives of the Future Drought Fund Agreement, the objectives of the RDRP process are to:

- grow self-reliance and performance of the agricultural sector
- improve the natural capital of agricultural landscapes for better environmental outcomes
- strengthen the wellbeing and social capital of rural, regional and remote communities.

Strong community and diverse regional economies are core objectives of the NSW Government, providing both short and long term opportunities to strengthen drought resilience.

**FNWJO Drought Plan Contacts**

Ross Earl, Executive Officer  
M) 0409 362 307 - E) [eo@farnothwestjo.nsw.gov.au](mailto:eo@farnothwestjo.nsw.gov.au)

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**PROJECT PLAN Consortium RDRP 016 (Bogan, Coonamble and Warren)**

Establish scope and agreed definitions. (Councils, Rural Resilience Leaders, Reference Group)	Pre-consultation Activity	Community Consultation (Target 8 to 10 groups per LGA)	Draft Plan Development	Draft Plan Critique and Review	Plan Adoption and Circulation
October / November 2023	November / December 2023	January / February 2024	February / March 2024	26 <sup>th</sup> March 2024	Final Report to Dept 29 <sup>th</sup> May 2024 / June 2024
<p><b>Understanding Types of Drought</b></p> <ul style="list-style-type: none"> <li>- Meteorological Drought</li> <li>- Hydrological Drought</li> <li>- Agricultural Drought</li> <li>- Socioeconomic Drought</li> </ul> <p><b>Drought Progression</b></p> <ul style="list-style-type: none"> <li>- What are the "triggers" for each type of drought</li> <li>- Who records and monitors drought progression</li> <li>Who is responsible to act as the conduit between government &amp; community</li> <li>- Key messages communicated in lay terms</li> </ul> <p><b>Desk-top Research</b> – existing documents impacts of drought and implications for LGA's pre, during and post drought events.</p>	<p><b>LGA Awareness Campaign of Plan</b></p> <ul style="list-style-type: none"> <li>- Ag Minister, Mayors and GM's launch community awareness campaign</li> <li>- Local Media, MP's (Wednesday 13<sup>th</sup> December 2023)</li> </ul> <p><b>Resourcing Project</b></p> <ul style="list-style-type: none"> <li>- Recruitment of Consultants / staff / Facilitators to undertake consultation and deliver plan (projence.com.au)</li> <li>- Revision of Scope of works with facilitators</li> </ul> <p><b>Creation of Regional, Skills Based Reference Group</b></p> <p>Interviews including review of existing plans, data, issues and analysis (List in development)</p>	<p><b>Identify issues / impacts of each "type" of drought and progression, identify essential infrastructure and services – pre, during and post activity.</b></p> <p><b>Stakeholder Engagement.</b></p> <p>NSW Farmers, cotton growers, cereal farmers, cattle, sheep and goat producers, agronomists, stock &amp; station agents; Government / Non-Government Agencies – LLS, RMS, NSW Water, NSW Regional Development, NSW Health, Education, Centrelink, Rural Financial Councillors, Employment Agencies; Aboriginal Community; Tourism, Retail, Service Providers; Mining Industry; Community organisations – Show, Rodeo, Race Clubs, sporting organisations, CWA</p>	<p><b>Plan Development</b></p> <p><b>Preparedness Action Plan</b> – What action can be taken to ensure you're prepared for drought</p> <p><b>Drought Action Plan</b> – What action can be taken "during" the drought</p> <p><b>Post Drought Evaluation Plan</b> – What can be done better? Evaluate and update Community Drought Plan</p>	<p><b>Control Group Feedback</b></p> <p>Circulate Draft Plan to Councils, Rural Resilience Leaders,</p> <p><b>Consultation Attendees Feedback</b> Circulate Draft Plan to all consultation attendees</p> <p><b>CSRIO Review</b></p> <p><b>Review Draft Plan</b></p>	<p>Adoption of Plans by Council</p> <p>Circulation of Plans to Stakeholders</p> <p>Acquit Funding</p> <p><b>Commence Stage 2 - Implementation</b></p>



**11 PEOPLE AND COMMUNITY SERVICES REPORTS****11.1 ADOPTION OF THE DISABILITY INCLUSION ACTION PLAN 2023-2025****1. Introduction**

The purpose of this report is to present the draft Disability Inclusion Action Plan 2023 – 2025 (DIAP) for adoption as required by the provisions of the *Disability Inclusion Act 2014*.

**2. Background**

Local government is required by the *Disability Inclusion Act 2014* to undertake disability inclusion action planning (DIAP) by 30 November 2023.

**3. Discussion**

The four key focus areas of the DIAP are:-

1. Attitudes and behaviours
2. Liveable communities
3. Employment
4. Systems and processes

Whilst it is a legislative requirement to have a DIAP it also provides Council with a valuable guide to address certain issues. It does need to be acknowledged however that for practical and financial reasons Council has to address these issues over a period of time and cannot do so immediately.

**4. Attachments**

1. Draft Disability Inclusion Action Plan 2023-2025

**5. Recommendation**

1. That Council adopt the draft Disability Inclusion Action Plan 2023-2025.

2023 -  
2025

# DRAFT Disability Inclusion Action Plan 2023-2025



ADOPTED ...

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## Public Statement of Commitment

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### Message from the Mayor and General Manager

The introduction of the *NSW Disability Inclusion Act 2014 (DIA)* has seen the NSW Government move from simply providing services, towards actions to include people with disabilities in all aspects of our communities, consistent with contemporary policy and practice.

Bogan Shire Council takes pride in its ability to provide a Comfortable Country lifestyle. To achieve this, we must recognise a socially just community is one where everyone has fair and equal access to services.

It is important to acknowledge some people need more support than others. Council recognises older people and people with a disability as being in need of this additional level of support.

Bogan Shire Council's Disability Inclusion Action Plan will assist Council to make targeted and continual effort to reduce barriers disabled people face when living, working and visiting the Bogan Shire.

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## Vision for Inclusion

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Bogan Shire Council's vision is "Comfortable Country Living". Our mission is to provide a comfortable country lifestyle by progressively improving the level of appropriate facilities and services and encouraging growth and economic development that is responsive to the needs of the community.

Bogan Shire Council has seven corporate values that guide our thinking, actions and decision making:

**1. Having respect for other people**

*We treat everyone equally and work to build and maintain mutual respect amongst ourselves, as Shire staff and councillors, as well as with our customers.*

**2. Providing responsive customer service**

*We recognise that our main function is to serve our local community and we make every effort to deliver quality services in a way that meets, or exceeds, their expectations.*

**3. Taking pride in Nyngan and the greater Bogan Shire**

*We take pride in doing what we do well to make a difference for the benefit of the whole Bogan Shire community to preserve and improve our "comfortable country living".*

**4. Working together as a team to get things done**

*We build teams that work together in a positive and supportive way to get the job done. Teams know that they rely on each individual to do their part and we encourage healthy two-way feedback.*

**5. Being accountable for our decisions and actions**

*We accept responsibility for the decisions and actions that are taken on behalf of our community. Individually, all Council staff have ownership of their tasks and duties to make sure that we get the job done to the best of our ability.*

**6. Acting with integrity and honesty**

*Our dealings are open and transparent. We can be trusted to do the right thing and we strive to provide the best value for money to the community, our customers.*

**7. Demonstrating strong leadership**

*Together with our community we have established a vision for the future of our Shire and we are committed to planning for and leading the achievement of our community's strategic goals.*

## Principles of Inclusion

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Bogan Shire Council has developed a number of goals built around what our community has told us about their aspirations and ideas for Bogan Shire and for a connected and cohesive community with opportunities for all residents and visitors to fully participate in the social, cultural, recreational and educational activities which build a community. These are:

**1. Social**

An inclusive community that works together and is able to access services and opportunities to support our comfortable country living.

**2. Infrastructure**

Construct and manage reliable and efficient community assets that provide access to quality services.

**3. Environmental**

To support, enhance and preserve the environment of our Shire through sound planning and management practices to ensure a sustainable, healthy and safe community.

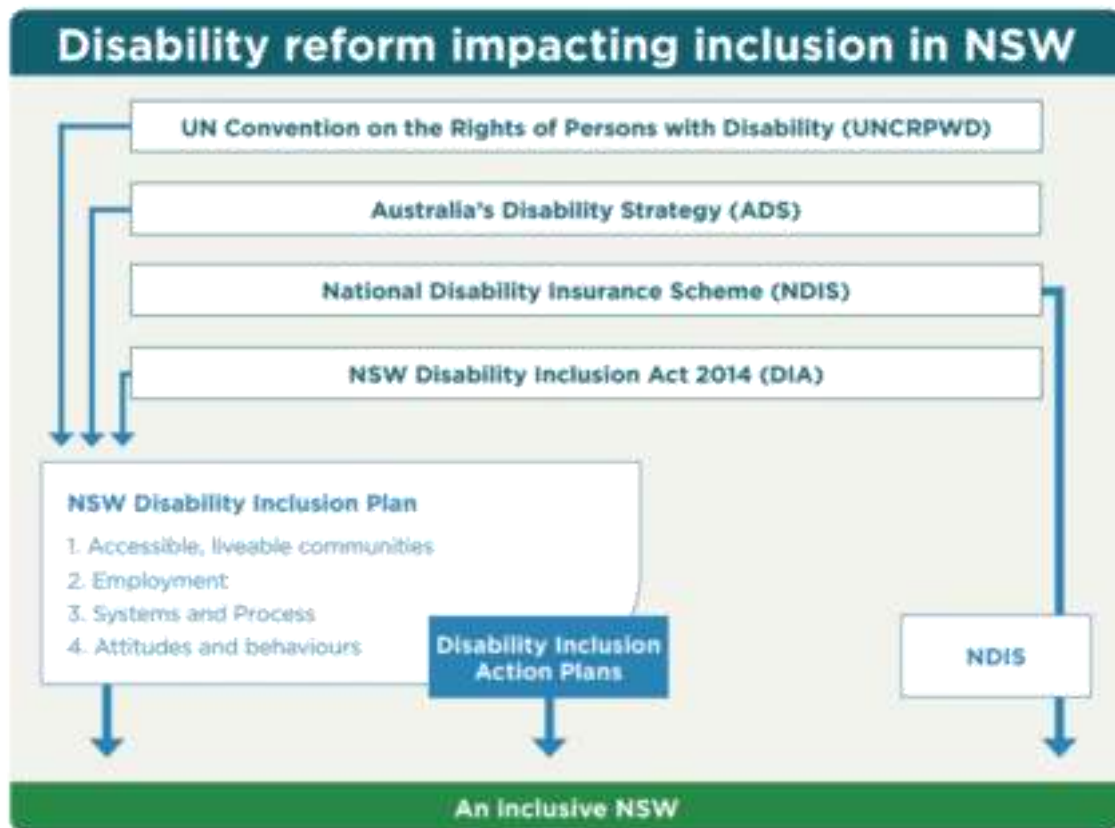
**4. Economic**

A vibrant local economy with a diversity of successful businesses that provide local employment opportunities and contribute to a prosperous community.

**5. Civic Leadership**

Strong, transparent and effective governance with an actively engaged community to ensure we remain Fit for the Future.

Legislation and Policy



Source: NSW Disability Inclusion Action Planning Guidelines 2022

**International**

United Nations Convention on the Rights of Persons with

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), ratified by Australia in 2008, acknowledges that people with disability have the same human rights as those without disability.

This commits participating governments to ensure these rights can be exercised and that barriers are removed. The UNCRPD supports the social model of disability. This recognises that attitudes, practices and structures are disabling and can create barriers to people with disability from enjoying economic participation, social inclusion and equality which are not an inevitable outcome of their disability.

**National**

Australian Disability Strategy 2021-2031

The Australian Disability Strategy 2021-2031 (ADS) replaces and builds on the National Disability Strategy 2010-2020, and is a national framework that all governments in Australia have signed up to. It sets out a national plan for improving life for Australians with disability, their families and carers, to support Australia's commitment under the UNCRPD.

### National Disability Insurance Scheme

The National Disability Insurance Scheme (NDIS) delivers a national system of disability support focused on the individual needs and choices of people with disability. The NDIS gives participants more choice and control over how, when and where supports are provided. Funding is allocated to each eligible individual, rather than block funding being allocated to service providers.

#### **State**

### Disability Inclusion Act 2014

The *Disability Inclusion Act 2014 (DIA)* defines disability as:

“In relation to a person, includes a long-term physical, psychiatric, intellectual or sensory impairment that, in interaction with various barriers, may hinder the person’s full and effective participation in the community on an equal basis with others.”

This definition reinforces the importance of the social model of disability which focuses on the interaction between people living with a range of impairments and their physical and social environment. Disability is not just about the individual or their impairment. The responsibility to break down barriers lies with the whole community.

The DIA’s person-centred approach provides the legal foundation for regulating supports, services, and funding to people with disability until full transition to the National Disability Insurance Scheme (NDIS). The DIA mandates the development of the NSW Disability Inclusion Plan and individual state government agency disability inclusion action plans to support people with disability beyond the NDIS.

#### **Local**

### Disability Inclusion Act 2014

The Disability Inclusion Act 2014 (DIA) also encourages planning and coordination across state and local government to reduce barriers for people with disability. It mandates local government to undertake disability inclusion action planning while recognising that disability action planning is not a new approach for some councils.

The DIA also builds on existing social equity requirements within the Integrated Planning and Reporting framework to strengthen local government commitment to inclusion, consultation, and rights for people with disability.

It is essential to consider the diversity of people with disability in action planning for inclusion. ‘People with disability’ does not refer to a readily identifiable group, but to a wider community who may need support to fully participate in society, whether temporarily or throughout their lives. This might include, for instance, people with changing abilities due to ageing, people with a temporary illness or injury that affects their ability to participate, children with disability, Aboriginal and Torres Strait Islander people with disability, or people with disability from culturally and linguistically diverse backgrounds.

#### **Other legislation and standards informing Council’s work:**

- *Commonwealth Disability Discrimination Act 1992, NSW Anti-Discrimination Act 1977, NSW Government Sector Employment Act 2013, NSW Carers Recognition Act 2010, Local Government Act 1993, and Local Government (General) regulation 2021*



## Community Profile

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In 2018, 405 people (15.2% of the population) living in the Bogan Shire identified as having a disability. Of that, 153 people (5.7% of the population) identified as having a severe or profound disability (Australian Bureau of Statistics, last updated 2018).

In June 2022, 80 people (or 3.25% of the population) aged between 16 and 64 in the Bogan Shire received the disability support pension (DSS Payments by Local Government Area, data.gov.au).

In October 2023, the Roads and Maritime Services had 66 registered holders of Mobility Parking Scheme permits, of which 31 were revocations, 17 were renewals, and 13 were issued (Transport for NSW Mobility Parking Scheme Report).

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## Council Activity

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Council carries out a range of activities to meet our objectives in the Community Strategic Plan, including the following, which have specific relevance to the *Disability Inclusion Act 2014*.

### Bogan Shire CSP Goals

#### 1. SOCIAL

##### GOAL:

*An inclusive community that works together and is able to access services and opportunities to support our comfortable country living.*

##### OUTCOMES:

- Social and Cultural: Our community enjoys and actively participates in our rich culture, social environment and communal vibe.
- Community Centres: Our community uses and values the educational, recreational and social opportunities provided by our community centres.
- Inclusive Communities: Children, older people and people with disabilities are supported, feel secure, valued and are engaged in our community.
- Education: Access to opportunities for education at all levels.
- Public Health: Our community has access to the medical services, facilities and programs it needs to enhance and protect our health.
- Emergency Services: Our fire, police and ambulance services provide effective and efficient services to the community to protect property and the safety of our community.

##### STRATEGIES:

- Continue to support and create opportunities for community festivals, events and cultural activities through planning, marketing, direct involvement and various forms of assistance.
- Provide and maintain Nyngan Pool facilities to cater for a variety of users.
- Maintain and improve our parks, gardens and playgrounds to promote their use and enjoyment by the whole community and our visitors.
- Maintain and improve our sports grounds and active recreational facilities to promote the good health and well-being of the community through the diversity of sport and recreation on offer.
- Provide well maintained community halls and other similar facilities for community use.
- Provide well maintained Shire showground and equestrian facilities for community use.
- Provide well-maintained Youth and Community Centre with opportunities for recreational, educational and cultural activities.
- Identify and support the social services needs of people with disabilities in the community and provide infrastructure to support assisted and independent living and social interaction.
- Provide a range of high quality primary and secondary education and vocational training facilities and opportunities.
- Provide support and encouragement for local people to obtain work in Bogan Shire after completing tertiary education.

- Work with the community and the State Government to ensure medical, dental, specialist, mental health and allied health services and facilities meet the needs of residents and visitors.

## 2. INFRASTRUCTURE

### GOAL:

*Construct and manage reliable and efficient community assets that provide access to quality services.*

### OUTCOMES:

- Transport Networks: Our well-constructed and maintained transport network enables safe and efficient movement of people and freight throughout the Shire.

### STRATEGIES:

- Efficient local and regional transport networks that meet community and business needs.

## 3. ENVIRONMENTAL

### GOAL:

*To support, enhance and preserve the environment of our shire through sound planning and management practices to ensure a sustainable, healthy and safe community.*

### OUTCOMES:

- Built Environment: Our Shire is enhanced through respectful planning processes and facilitation of development in accordance with statutory requirements.
- Natural Environment: Our open space areas are protected and appropriately managed to preserve their valued use and biodiversity whilst minimising the impact of pollution and weeds on the environment.

### STRATEGIES:

- Ensure our community's buildings are safe, healthy and maintained.
- Provide safe, high quality, well serviced and maintained parks.

## 4. ECONOMIC

### GOAL:

*A vibrant local economy with a diversity of successful businesses that provide local employment opportunities and contribute to a prosperous community.*

### OUTCOMES:

- Public Transport and Air Services: We have reliable, cost-effective and regular public transport and air services linking the Shire to Dubbo and beyond.

### STRATEGIES:

- Maintain airport facilities to meet required standards.

**5. CIVIC LEADERSHIP****GOAL:**

*Strong, transparent and effective governance with an actively engaged community to ensure we remain Fit For The Future.*

**OUTCOMES:**

- Managing our Business: Effective and responsive management of Council's resources and activities to deliver on our goals and strategies.

**STRATEGIES:**

- Manage our people effectively to ensure Council meets its goals and can implement its mission and deliver on its vision.

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## Community Consultation

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Council staff advertised and distributed a survey to the community via Facebook, Council's website, the local newspaper, and the local radio station. Surveys were also made available at various Council buildings around town. Surveys were also directly sent to identified stakeholders, including schools, support service providers, and other various organisations. Survey responses were also taken and transcribed over the phone by Council staff.

A different survey was distributed internally to Council staff to gain more insight about how Council can improve the accessibility of the services we provide from the staff's point of view, as a person with a disability or a person who provides services to people with a disability.

### What people told us:

Key community responses highlighted the importance of accessibility in the local community and having access to appropriate services and recreational and social opportunities.

Positive feedback for Council services included the accessibility of the majority of Council services, facilities, and activities, and the repaving of the main street's walkways.

Most challenges identified by participants related to mobility around the built environment.

### What the community said was most important for an accessible environment:

1. *Footpaths*
2. *Physical access to Council buildings (ramps, wide doorways, low service desks)*
3. *Accessible toilets*
4. *Adequate accessible parking with proper signage*
5. *Accessible website and documents*
6. *Activities for people with a disability to participate in*
7. *Warm water in the pool changeroom facilities*

### Challenges around four focus areas:

#### 1. Positive attitudes and behaviour

Stereotypes and negative attitudes about disability cause barriers to full access and inclusion. Many people make assumptions based on what they think people with a disability can and cannot do, should or should not do. Attitudes to people with a disability should not be determined by fear or ignorance and Council can play a role in promoting positive community behaviour.

Common themes and suggestion for change include:

- *Increase visibility of people with a disability in Council and community publications*
- *More education for the community about the broad range of disabilities*
- *More awareness among businesses about the value of employing people with a disability*
- *Invite and including people with a disability to council-run events*

## 2. Liveable communities

It is important that all people can move about easily to access facilities and services and participate in community life.

Pedestrian access was considered the most important need, with calls for the footpath network to be improved and better maintained. The lack of ramp access to multiple Council buildings was also an issue raised.

Common themes and suggestions for change included:

- *Ensure Council facilities are physically accessible (ramps, wide doorways, low service desks)*
- *Footpaths are level and in good order*
- *More accessible public toilets and change facilities*
- *More disabled parking, and better signage to clearly communicate where this parking is*
- *Accessibility for people with mental disabilities and sensory issues*

## 3. Employment

Meaningful employment contributes to independence and feelings of self-worth. Opportunities to work in paid and volunteer roles are important. Local employment, especially for school leavers, is important for the long-term future of the community.

Common themes and suggestion for change included:

- *Provide more opportunities for meaningful employment for people with a disability*
- *Provide accessible workplaces and volunteer opportunities*
- *Ensure accessible recruitment practices – simple forms and language*

## 4. Service systems and processes

Some Council information is difficult to access and is only available in print format. Service information and processes don't allow for people with a range of disabilities.

Common themes and suggestion for change included:

- *Keep information simple*
- *Provide an accessible website with accessible documents*

## Action Plan – Focus Areas

Whilst it is a legislative requirement to have a Disability Inclusion Action Plan, and it does provide Council with a valuable guide to address certain issues, it needs to be acknowledged that for practical and financial reasons, Council has to address these issues over a period of time and cannot do so immediately.

### 1. Positive attitudes and behaviour

Strategic Goal: To promote positive attitudes and behaviour towards people with disabilities.						
Need	Action	Activities	Measurement	Responsibility	Timeframe	Community Strategic Plan link
To Promote Positive Attitudes and Behaviour	Audit website and Council publications to ensure images include people with disabilities and that language is appropriate	Engage social media/IT consultant to review website and recommend suitable updates	An accessible website	General Manager	2024	1.3.4 5.2.4
		Design, adopt and implement Council publications to DIAP requirements	Accessible Council documents	General Manager	2024	
	Liaise with the Interagency Group for ways to provide opportunities for people with disabilities	Attend Interagency Group meetings and ensure disability opportunity remains on agenda	Director People and Community Services	Monthly	1.3.4	

2. Liveable communities

Strategic Goal: To have safe and accessible community facilities.						
Issue	Action	Activities	Measurement	Responsibility	Timeframe	Community Strategic Plan Link
The need to improve the availability of disabled access to public toilets	Review and evaluate need for facility and – if required – consider in Council’s annual budget	Undertake review and evaluation of need and further consultation  Add all new accessible toilets to the National Public Toilet Map	Accessible toilets at all Council buildings	Director Development and Environmental Services	2023-2025	1.1.1 1.2.1 1.2.3 1.2.4 1.2.5 1.3.4 4.3.2
No ramp access to some Council buildings	Review and evaluate need for facility and – if required – consider in Council’s annual budget	Audit Council buildings and facilities to ensure accessibility  Recommend budget allocation to modify	Accessible entry point at all Council buildings	Director Development and Environmental Services	2023-2025	1.3.4 1.2.4
Front counter in the Bogan Shire Council admin building too high for wheelchair users to see over	Review and evaluate need for facility and – if required – consider in Council’s annual budget	Design and modify an accessible front counter	An accessible front counter	Director Engineering Services	2023-2025	1.3.4 1.2.4
Some doorways in Council buildings not wide enough for wheelchair access	Review and evaluate need for facility and – if required – consider in Council’s annual budget	Investigate processes to widen some narrow doorways throughout Council buildings	Wheelchair accessible doorways in Council buildings	Director Development and Environmental Services	2023-2025	1.2.4 1.2.7 1.3.4
Need more paths across grassed area at showground and racecourse for wheelchair access	Review and evaluate need for facility and – if required – consider in Council’s annual budget	Investigate ways to make grassed areas more accessible and build pathways	An accessible showground and racecourse	Director Engineering Services	2023-2025	1.3.4 1.2.5

Disability Inclusion Action Plan 2023-2025



Strategic Goal: To have safe and accessible community facilities.						
Issue	Action	Activities	Measurement	Responsibility	Timeframe	Community Strategic Plan Link
Uneven pathways, littered with grass and stones (wheelchair tipping risk), and dangerous exit/entry points (wheelchair scraping risk)	Review and evaluate need for facility and – if required – consider in Council’s annual budget	Maintain and repair existing pathways	Accessible and safe footpaths	Director Engineering Services	2023-2025	1.3.4 2.1.1
Some areas of town have no footpaths	Review and evaluate need for facility and – if required – consider in Council’s annual budget	Explore funding options to extend footpath network	Accessible and safe footpaths	Director Engineering Services	2023-2025	1.3.4 2.1.1
Lack of access from roadway crossings to footpaths	Review and evaluate need for facility and – if required – consider in Council’s annual budget	Install gutter ramps between roadway crossings and footpaths	Accessible and safe footpaths	Director Engineering Services	2023-2025	1.3.4 2.1.1
Inadequate disabled car parking at Rotary Park/river precinct	Review and evaluate need for parking and report to Council for consideration in annual budget	Investigate the number and placement of disabled car parks and if necessary install new ones	Sufficient disabled car parking at Rotary Park/river precinct	Director Engineering Services	2023-2025	1.3.4 2.1.1
Weather damage prevents continuous installation of the pool lift chair	Store pool lift chair away to preserve it	Install signage at pool entrance to notify users that the chair is available upon request	Increased pool accessibility Preservation of accessibility equipment	Director Development and Environmental Services	2023-2025	1.2.1

Disability Inclusion Action Plan 2023-2025

Strategic Goal: To have safe and accessible community facilities.						
Issue	Action	Activities	Measurement	Responsibility	Timeframe	Community Strategic Plan Link
Inadequate disabled car parking for rear access vehicles to avoid passengers and wheelchairs not being unloaded in traffic lanes	Review and evaluate need for parking and report to Council for consideration in annual budget	Design and install a well located parallel disabled car park, large enough to fit a mini bus, whereby passengers and equipment can be safely unloaded from the rear	A safe disabled car parking option for larger vehicles and vehicles which are accessed from the rear	Director Engineering Services	2023-2025	1.3.4 2.1.1
Disabled car parking needs to be clearly signed	Review and evaluate need for facility and – if required – consider in Council’s annual budget	Install pole signs at the front of all disabled car parks	The location of disabled parking throughout town is clear	Director Engineering Services	2024	1.3.4 2.1.1
Accessibility for people with mental disabilities and sensory issues	Review and evaluate need for facility and – if required – consider in Council’s annual budget	Replace current lights with dimmable bulbs. Implement “quiet hour” at Bogan Shire Library (dimmed lighting)	The library is more accessible	Director People and Community Services	2023-2025	1.2.7 1.3.4

Disability Inclusion Action Plan 2023-2025

3. Employment

Strategic Goal: Enhance employment of people with a disability within Council						
Issue	Action	Activities	Measurement	Responsibility	Timeframe	Community Strategic Plan Link
People with disabilities are encouraged to apply for employment at Council and to feel included.	Actively facilitate and encourage the employment of people with a disability.	Conduct and respond to staff disability inclusion survey	Survey completed by staff and results collated	Director People and Community Services	2023-2025	1.3.4
		Develop Council's Workforce Management Plan to include best practise guidelines for inclusion	Workforce Management Plan includes best practise guidelines for inclusion	Director People and Community Services	2023-2025	1.3.4 5.2.4
		Review recruitment processes, forms and language for accessibility	Recruitment forms and processes are easy to understand by all.	Director People and Community Services	2023-2025	1.3.4 5.2.2

4. Service Systems and Processes

Strategic Goal : Information is provided in a variety of formats						
Issue	Action	Activities	Measurement	Responsibility	Timeframe	Community Strategic Plan Link
Council information needs to be accessible by all users	Carry out activities to make information accessible	Review current communications mechanisms to ensure compliance with accessibility standards	Accessible Council information	General Manager	2023-2025	5.2.4
		Develop plan for website content compliance with disability standards		General Manager		
		Investigate technologies to enhance the access of customer service experience across council (e.g. National Relay Service and Short Message Service (SMS))		Director Finance and Corporate Services		
		Provide key Council information to Interagency Group		Director People and Community		

### Risk Assessment

No.	Description of Risk	Potential Consequences	Initial Risk Rating (High, Medium, Low)	Control Measures	Residual Risk
1.	Council's Disability Inclusion Action Plan	Unattainable objectives Unrealistic timeframes	H	Councils DIAP should be realistic and reflect attainable strategic objectives (SMART) Regular review and reporting on goals and targets by management executive	M
2.	Human Resourcing	Insufficient resourcing to deliver strategy Inexperienced staff Lack of technical expertise on subject matter Staff turnover (loss of strategic, intellectual knowledge) Recruitment	H	Council to allocate sufficient staff so goals are achievable Training options to be considered and provided if necessary Council to engage third-party consultants if required Knowledge of DIAP to be shared across departments Works program to consider need for additional staffing throughout project life	L
3.	Financial	Inaccurate works estimates Limited budget allocation Costs exceeding usage (patronage)	H	Detailed costing estimates to be provided prior to commencement of any works Financial allocations for intended works to be budgeted in advance of financial year. All work costing to be regularly reviewed at budget review meetings Council should provide cost benefit analysis per venue	M
4.	Asset (existing structures)	Current asset conditions may require additional works Insufficient budget allocation	H	Detailed site inspections to be undertaken prior to works. CBA to be undertaken to establish whether refurbishment or replacement of existing structure is required	L
5.	Liability (public)	Unlicensed works	M	Only licenced tradesperson to perform work	L

Disability Inclusion Action Plan 2023-2025

		Defective works Works not constructed to BCA/Australian Standards		Works to be inspected and cleared prior to use by community All works to be done in accordance with Codes and Standards. All designs and certifications to be recorded in TRIM	
6.	Safety (workers)	Unsafe structures  Asbestos  Unqualified Contractors	M	All structures to be assessed prior to commencements of works  Asbestos to be identified and controlled according to Council policy, procedure, Safety Management System and Legislative requirements  All external contractors to be selected in accordance with Council procedure	L
7.	Reputational (community)	Waste of financial resources Increase to rates Plan not delivered in accordance with community expectations	M	Community engagement strategy in place for DIAP Accurate costing and detailed program of works Progress reports delivered regularly to community	L

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## 11.2 BOGAN SHIRE LIBRARY REPORT

### 1. Introduction

The purpose of this report is to advise Council of the activities and statistics of the operation of the Bogan Shire Library.

### 2. Discussion

The following activities were held during the reporting period from July 2023 to September 2023:

- Library staff ran 6 craft activities including clay craft, 2 NAIDOC craft sessions, Mix 'n' Pick craft, shaving cream craft, and string art craft with 106 children in attendance.
- Library staff introduced outdoor holiday activities at the Bogan Shire Youth and Community Centre in collaboration with the Community Hub, Mission Australia, Barnardos, and Catholic Care. There were 2 sessions with a total of 216 parents and children in attendance.
- Spring holiday activities included charcoal drawing, bird feeder painting, and rock painting with 71 children attending.
- 16 Story Time sessions were held during this reporting period, with 133 children and 86 carers in attendance.
- Library staff made 4 visits to the Early Learning Centre and the Nyngan Preschool to provide Story Time to 90 children.
- Library staff held 6 Baby Time sessions with 36 mothers and their babies attending.
- The Library Team Leader and the Library Councillor delegate attended a Central West Zone Library meeting in Molong on the 15 September.
- The Local Priority Grant application was submitted to the NSW State Library for the 2023-2024 funding allocation of \$69,751 for Library expenditure.
- The Dolly Parton Imagination Library program has now been running for 12 months. There are currently 40 children signed up. The Community Health Nurse at the Nyngan Multipurpose Service helps to promote the program to new parents, with the administration of the program and sign up of children being carried out by the Library Team Leader.

Statistics

Statistics for the past quarter dating from 1.07.2023 to 30.06.2023 are as follows with a comparison of the previous year figures for the same period:

<b>July 1<sup>st</sup> – September 30<sup>th</sup>, 2022</b>		<b>July 1<sup>st</sup> – September 30<sup>th</sup>, 2023</b>	
Adult Fiction	284	Adult Fiction	275
Western Fiction	16	Western Fiction	60
Large Print	80	Large Print	122
Magazines	56	Magazines	67
Adult Non Fiction	51	Adult Non Fiction	32
Talking Books	70	Talking Books	60
Stories are magic items	43	Stories are magic items	7
Junior Fiction	45	Junior Fiction	50
Junior Non Fiction	2	Junior Non Fiction	7
Easy & Easy2 & RR	184	Easy & Easy2 & RR	146
Toys	0	Toys	0
Junior Talking Books	0	Junior Talking Books	0
Home Start Resources	2	Home Start Resources	0
Young Adult Fiction	15	Young Adult Fiction	9
Equipment	0	Equipment	0
DVD's	29	DVD's	39
<b>TOTAL ISSUES</b>	<b>876</b>	<b>TOTAL ISSUES</b>	<b>828</b>
<b>TOTAL MEMBERS</b>	<b>1189</b>	<b>TOTAL MEMBERS</b>	<b>1263</b>
<b>New Members</b>	<b>22</b>	<b>New Members</b>	<b>20</b>
<b>Internet Usage ½ hr sessions</b>	<b>774</b>	<b>Internet Usage ½ hr sessions</b>	<b>1704</b>
<b>People Counter</b>	<b>1217</b>	<b>People Counter</b>	<b>1965</b>

There are 7 computers available for public use, the total number of people using computers was 635 over a period of 852 hours. A total 16 people required IT/computer help and 30 people used the Wi-Fi.

**3. Attachments**

Nil

**4. Recommendation**

That the Bogan Shire Library report be received and noted.



**12 FINANCE AND CORPORATE SERVICES REPORTS**

**12.1 INVESTMENTS OCTOBER 2023**

**1. Introduction**

The purpose of this report is to outline the performance of Council's investment portfolio for the month of October 2023.

**2. Background**

In accordance with Clause 212 of the Local Government (General) Regulation 2005 a report must be presented to the Council setting out details of all the money that the Council has invested under section 625 of the Act.

**3. Discussion**

The Investment Report for October 2023 is shown below. At the 31<sup>st</sup> October 2023 Council had \$25.5 million invested. There has been a decrease of \$1.4 million due to expenditure of current year grants as well as outstanding claims for TfNSW flood grants and ordered works.

Consideration of this report means that Council is complying with the Local Government (General) Regulation 2005.

**Investment Movements for October 2023**

It is hereby certified that these investments have been made in accordance with the Local Government Act 1993 and the Regulations thereto.

REF	Source	Maturity	Days	% rate	Bal Sep 23	Bal Oct 23
37908808	Commonwealth	15/12/2023	360	4.690%	6,000,000.00	6,000,000.00
87-912-8864	NAB	22/02/2024	365	5.050%	2,000,000.00	2,000,000.00
88-392-4994	NAB	29/05/2024	365	4.900%	2,000,000.00	2,000,000.00
43-308-2777	NAB	21/05/2024	365	4.900%	2,800,000.00	2,800,000.00
6894	NAB - Professional Funds	At Call		4.300%	12,764,221.68	11,344,896.27
	<u>Balance securities held</u>				<b>25,564,221.68</b>	<b>24,144,896.27</b>
	Balance Ledger 19010.8200.8200				<b>25,564,221.68</b>	<b>24,144,896.27</b>
	<b>Summary by institution</b>					
	NAB				19,564,221.68	18,144,896.27
	COMMONWEALTH				6,000,000.00	6,000,000.00
					<b>25,564,221.68</b>	<b>24,144,896.27</b>

**4. Attachments**

Nil

**5. Recommendation**

That Council receive and note the Investments Report for October 2023.

## 12.2 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

### 1. Introduction

The purpose of this report is to provide a comparison of rate collections as at 31st October, 2023, with the same period last year.

### 2. Background

This report is provided for the information of Councillors.

Rate Collections	2023-2024	2022-2023
Arrears Prior to 30/06/2023	540,648	636,875
First Instalment arrears as at 31/10/2023	93,587	90,564
Second Instalment outstanding as at 31/10/2023	1,002,245	956,654
Third Instalment outstanding as at 31/10/2023	1,064,746	1,032,913
Fourth Instalment outstanding as at 31/10/2023	1,085,156	1,054,959
<b>Total Arrears</b>	<b>634,235</b>	<b>727,439</b>
<b>Total Outstanding</b>	<b>3,786,382</b>	<b>3,771,965</b>
<b>Monthly Transactions</b>		
Amount Levied & B/Fwd	6,253,215	6,016,029
Add: Adjustments	50,966	14,547
Less: Payments to end of May	-2,446,194	-2,179,984
Less: Rebates	-71,605	-78,627
Add: Postponed	0	0
<b>Gross Total Balance</b>	<b>3,786,382</b>	<b>3,771,965</b>
<b>Arrears of total amount levied %</b>	<b>10%</b>	<b>12%</b>

### 3. Discussion

Total arrears have decreased from \$727,439 at the 31st October 2022 to \$634,235 as at 31st October this year.

Each instalment amounts to approximately \$1,563,000  
(Total Rates, Waste, Water & Sewer Access Charges)

As at the 31st October 2023 Council had collected \$266,210 more than at the same time last year, an additional \$106,750 had been collected at the time of writing this report.

6% of rates remain outstanding on the first instalment.

The General Managers certificates have now been signed for the Sale of Land and advertising of the properties has commenced.

A final list of properties to be advertised for sale is below. Some of these properties are under arrangements since they were notified of the Sale of Land for unpaid rates and if the arrangements are upheld by the ratepayer then the properties could be excluded from the

sale in February 2024 and sold at a later date if ratepayers default on their arrangement with Council.

<b>Assessment Number</b>	<b>Location</b>	<b>Arrears Amount</b>
1002696	Babinda NSW 2825	\$4,413.01
1003333	Girilambone NSW 2831	\$11,134.15
1003537	Girilambone NSW 2831	\$4,398.21
1003579	Girilambone NSW 2831	\$3,143.07
1003668	Girilambone NSW 2831	\$5,891.62
1003707	Girilambone NSW 2831	\$6,938.45
1003715	Girilambone NSW 2831	\$8,654.62
1004842	Hermidale NSW 2831	\$18,341.98
1006195	Nyngan NSW 2825	\$29,130.73
1008896	Nyngan NSW 2825	\$23,601.20
1011352	Nyngan NSW 2825	\$31,704.39
1011360	Nyngan NSW 2825	\$13,133.69
1011378	Nyngan NSW 2825	\$14,996.59
1011386	Nyngan NSW 2825	\$15,912.48
1011409	Nyngan NSW 2825	\$9,451.36

1011417	Nyngan NSW 2825	\$8,219.95
1011425	Nyngan NSW 2825	\$11,135.20
1011433	Nyngan NSW 2825	\$11,754.71
1011441	Nyngan NSW 2825	\$10,968.81
1013493	Nyngan NSW 2825	\$12,776.20
1017560	Coolabah, NSW 2825	\$7,666.20
1017609	Coolabah, NSW, 2831	\$8,222.46
		\$271,589.08

**4. Attachments**

Nil

**5. Recommendation**

That Council receive and note the Rates and Annual Charges collection report.

**12.3 ANNUAL REPORT 2022/2023****1. Introduction**

This report is to present the 2022/2023 Annual Report to Council for adoption.

**2. Background**

In accordance with Section 428 of the Local Government Act 1993 Council must, within 5 months of the year end, prepare an Annual Report. This report must be submitted to the Minister of Local Government.

**3. Discussion**

The Annual Report has been prepared and will be tabled at this meeting. This report showcases Council to the public and is another mechanism by which a Council is made accountable for its actions. It was compiled after all Senior Officers had provided input and updated their respective sections of the report.

The report is available for inspection from the Director Finance & Corporate Services prior to the Council meeting.

Preparation of this report means that Council is complying with the Local Government Act 1993.

**4. Attachments**

Nil

**5. Recommendation**

That Council adopt the 2022/2023 Annual Report.

## **12.4 RISK MANAGEMENT POLICY AP014 & RISK MANAGEMENT PLAN**

### **1. Introduction**

The purpose of this report is to present to Council a draft Enterprise Risk Management Policy AP014 and Risk Management Plan for review and adoption by Council.

### **2. Background**

The Local Government (General) Regulation 2021 prescribes the following requirements in relation to risk management:

Commencing on 1 July 2024, councils must adopt and implement a framework for identifying and managing risk that is consistent with the requirements specified by these Guidelines.

Council's audit, risk and improvement committee must keep the implementation of the council's risk management framework under review and provide advice to the council on its implementation. Council is required to have an enterprise wide Risk Management Policy in place as well as a Risk Management Plan and a Risk Register.

### **3. Discussion**

Staff have prepared the attached enterprise wide draft Risk Management Policy and Risk Management Plan to meet the required guidelines and have also commenced work on Councils risk registers.

### **4. Attachments**

1. Draft Risk Management Policy AP014
2. Draft Risk Management Plan

### **5. Recommendation**

That Council reviews and adopts the Risk Management Policy AP014 and Risk Management Plan.

**COUNCIL POLICY AP014**  
**ENTERPRISE RISK MANAGEMENT**



Bogan Shire Council Policy AP014 (Enterprise Risk Management)

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**Bogan Shire Council Policy AP014 (Enterprise Risk Management)****Policy Outcomes Statement**

This policy is to ensure that sound Risk Management practices and procedures are fully integrated into Council's strategic and operational planning processes.

**Overview**

This policy will be supported by a Risk Management Plan and a Risk Register. Together, these documents will ensure that:

1. All Council activities are clearly linked to and support one or more of the Strategic Objectives outlined in the Bogan Shire Council Community Strategic Plan.
2. The equipment and facilities used for the provision of Council services are fit for their intended purpose.
3. Adequate information, training and supervision is provided to all staff, contractors, committees, and volunteers.
4. The Council's services are provided in compliance with all relevant Acts (particularly the WHS Act 2011), Regulations, Codes and Standards.
5. All incidents and hazards are reported and investigated.
6. Remedial actions identified as a result of incident investigations are adopted and communicated to prevent recurrence.
7. The Risk Management program is effectively supported by consultation and communication at all levels.
8. Council staff members with specific risk management responsibilities are aware of and effectively exercise those responsibilities.
9. All Council staff members, committees, contractors, volunteers and the public co-operate to create a safe environment and preserve Bogan Shire Council's assets for the future.
10. Council's image as a professional, responsible and ethical organisation is protected and enhanced.
11. Provision of resources to maintain and promote Council's Risk Management Plan.

**Applicability**

This Policy applies to all Bogan Shire Council staff, Councillors, Contractors, Volunteers and Committee Members.

Bogan Shire Council Policy AP014 (Enterprise Risk Management)

**Definitions**

<b>GM</b>	General Manager
<b>Council</b>	Bogan Shire Council
<b>Risk Assessment</b>	The overall process of risk identification, risk analysis and risk evaluation.
<b>Risk Management Control</b>	The part of risk management which involves the provision of policies, standards, and procedures to eliminate or minimise adverse risks.
<b>Risk Management Principle</b>	The culture, processes and structures that are directed towards the effective management of potential opportunities and adverse effects.
<b>Risk Management Strategy</b>	<p>The Risk Management strategy seeks to support and enable the continuation and expansion of a program through a range of targeted activities that are linked to both specific and general planning processes.</p> <p>The aim of the strategy is to assist Council to prevent and/or minimise the adverse effects of all types of risks within its operations.</p>
<b>Risk Management Process</b>	The systematic application of management policies, procedures and practices to the tasks of establishing the context, identifying, analysing, evaluating, treating, monitoring and communicating risks.
<b>Risk Reduction</b>	A selective application of appropriate techniques and management principles to reduce either the likelihood of an occurrence or its consequence, or both.
<b>Hazard</b>	A source of potential harm or a situation with a potential to cause loss.
<b>Incident</b>	An event or occurrence. A loss from any insured peril. An insured is obligated to report such losses to the insurer or its representative as soon as possible.

### Bogan Shire Council Policy AP014 (Enterprise Risk Management)

Risk Analysis	A systematic use of available information to determine how often specified events may occur and the magnitude of their consequences.
Risk Attitude	An organisations approach to assess and eventually pursue, retain, take or turn away from risk.
Stakeholders	A person or organisation that can affect, be affected by, or perceive themselves to be affected by a decision or activity.

### Policy

The Councillors, directors, managers, supervisors and all staff are committed to Risk Management in order to benefit the community and manage the cost to Council. To meet this commitment, all employees are required to be competent and accountable for adequately managing risk within their area of responsibility.

Bogan Shire Council recognises that management has a responsibility to identify and address all threats and opportunities associated with:

- The provision of a safe and healthy operating work environment for all employees, the general public and other stakeholders involved with the provision and use of Council services.
- The prudent management of Council property and resources on behalf of ratepayers.

Management undertakes to co-operate and consult with employees and relevant external stakeholders, to ensure that the risks associated with all Council services and facilities are formally identified, assessed and managed in accordance with the principles outlined in Australian Standard **AS/NZS 31000 Risk Management**.

Bogan Shire Council staff members also have a duty of care to each other and the general public. All Council staff are accountable for the care of their own health and safety and that of others affected by their actions whilst they are engaged on Council business. All Council staff are accountable for the proper and prudent management of property and assets in their control, in order to minimise loss, theft and damage. This includes, but is not restricted to observing "best practice" WHS and wider Risk Management procedures put in place by Council. Contractors, committees and volunteers engaged in the provision of Council services, or the management of Council facilities and assets are also required to comply with this policy.

### Bogan Shire Council Policy AP014 (Enterprise Risk Management)

This policy provides the framework and direction for the development of a suite of Risk Management policies, processes and procedures for the following areas of responsibility:

- Infrastructure
- People (Staff & Community Members)
- Emergencies
- Health & Environment
- Governance

#### Roles and Responsibilities

All Councillors and Council staff have an obligation to develop a "Risk Aware" culture within the organisation.

**Council** is accountable for ensuring appropriate resources are allocated to manage Risk.

**The General Manager** has overall responsibility for Risk Management across Council and is therefore responsible for:

1. Demonstrating a commitment to Risk Management.
2. Exercising due diligence.
3. Ensuring the implementation and ongoing evaluation of appropriate Risk Management systems.
4. Ensuring that a safe and healthy working environment is provided and maintained in all situations and at all Council sites. This responsibility is also for employees, independent contractors and their employees who are undertaking work on behalf of the Council, and members of the public.
5. Ensuring appropriate resources are allocated to meet Council's Risk Management obligations.

In fulfilling this obligation, there is a commitment to consult with directors, managers, supervisors, employees and the HR/WHS/Risk Coordinator to ensure that the systems and policies operate effectively.

**Directors, Managers and Supervisors** are required to create an environment where managing risk is accepted as the personal responsibility of each employee. They are accountable for the implementation and maintenance of sound Risk Management within their areas of responsibility, in conforming to this Risk Management Policy.

**Bogan Shire Council Policy AP014 (Enterprise Risk Management)**

**All employees** are to be actively involved in the identification, assessment and management of Risk to the best of their ability. They are required to communicate to their supervisor any identified Risk associated with faults or errors in Council's assets (owned and/or controlled), activities, procedures or policies as well as any non-compliance with Council controls or requirements that are likely to expose Council to Risk.

**The Risk Officer's** role is to:

1. Develop, implement and review the Risk Management program.
2. Develop, monitor and document procedures for communicating and consulting with stakeholders on risk issues.
3. Coordinate and assist in the identification of risks, including risk and hazard assessment.
4. Coordinate and assist in risk analysis.
5. Maintain Council's Risk Register, to ensure risks are properly evaluated, monitored and reviewed.
6. Ensure that each stage of the risk management process is recorded appropriately.
7. Provide quality and timely advice to senior management on risk management, work health and safety and governance systems.

**Risk Management Strategies**

Council will manage risk in accordance with the process set out in AS/NZS 31000 standard. To assist in the management, identification and control of risk, the Best Practice Manuals prepared by Statewide Mutual will be adopted and implemented.

The management of risk will be integrated into Council's existing planning and operational processes and will be recognised in the funding and review/reporting mechanisms, on the basis of the evaluation of the level of risk and Council's exposure.

Policies, processes and procedures will be developed in due course, in accordance with recognised industry Best Practice and will include, but shall not be confined to the following:

1. Footpaths
2. Roads
3. Trees & Tree Roots
4. Signs as Remote Supervision

Bogan Shire Council Policy AP014 (Enterprise Risk Management)

- 5. Community Events
- 6. Volunteers

**Authority**

Council resolution no XXXXX dated XXXXX.

**Policy Owner / Further Assistance**

Director Finance and Corporate Services / Governance & Risk Officer

**Related Documents**

Risk Management Plan

Risk Register

Core Infrastructure Risk Management Plan

Asset Risk Register

**Related Information**

This policy complements other legislation and where it is silent on matters referred to in the following legislation such matters must be followed in accordance with the legislation.

AS/NZS 31000

WHS Act 2011

WHS Regulations 2011

**Review Date**

XXXXXX

**Revision History**

Date	Description of Change	Sections Affected
20/09/2023	New policy drafted	All
XXXXXX	New policy adopted	All



# RISK MANAGEMENT PLAN

This Plan should be read in conjunction with the Bogan Shire Council Risk Management Policy AP014 and the Risk Register contained in RelianSys.

Version 1

Application	Staff, community members, contractors, council stakeholders
Responsible Officer	Director Finance and Corporate Services
File No	XXXXXX
Authorised by	Council
Effective Date	XXXXXX
Distribution	XXXXXX
Document Id	XXXXXXXX

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**1. Amendment List**

Version	Minute /Date	Amendment Summary	Reason or Reference
1			
2			
3			

**2. Source Documents**

- AS/ISO 31000:2018 Risk Management – Guidelines
- ISO/IEC 31010, Risk Management – Risk Assessment Techniques
- ISO Guide 73:2009 – Risk Management Vocabulary

**3. Definitions**

**Risk:** "the effect of uncertainty on objectives."

- Risk is often characterised by reference to potential events and consequences or a combination of these.
- A risk is often expressed in terms of a combination of the consequences of an event (including changes in circumstances) and the associated likelihood of occurrence.
- An effect is a deviation from the expected – positive and/or negative.
- Objectives can have different aspects (such as financial, health and safety, and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product and process).
- Uncertainty is the state, even partial, of deficiency of information related to, understanding or knowledge of, an event, its consequences, or likelihood.

**Risk management:** "coordinated activities to direct and control an organisation with regard to risk."

**Stakeholder:** "person or organisation that can affect, be affected by, or perceive themselves to be affected by a decision or activity."

**Risk source:** "element which alone or in combination has the potential to give rise to risk."

**Event:** "occurrence or change of a particular set of circumstances."

- An event can have one or more occurrences and have several causes and several consequences,
- An event can also be something that is expected which does not happen, or something that is not expected which does happen.
- An event can be a risk source.

**Consequence:** "the outcome of an event affecting objectives."

- There can be more than one consequence from one event.
- Consequences can range from positive to negative.
- Consequences can be expressed qualitatively or quantitatively.
- Initial consequences can escalate through knock-on effects.

**Likelihood:** "Chance of something happening."

- Can be expressed qualitatively or quantitatively.
- Can be defined, measured or determined objectively or subjectively.

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**Control:** "measure that maintains and/or modifies risk."

- Controls include, but are not limited to, any process, policy, device, practice, or other conditions and/or actions which maintain and/or modify risk.
- Controls may not always exert the intended or assumed modifying effect.

#### **4. Introduction**

Risk Management is important to Bogan Shire Council's ability to achieve the Strategic Objectives outlined in the Community Strategic Plan.

By fostering a vibrant Risk Management culture that encourages all staff to systematically apply the principles and procedures outlined in this plan, Council seeks to minimise resource waste and ensure that all Council objectives, activities and projects are undertaken with minimal risk.

#### **5. Statement of Commitment**

The major risk for most organisations is that they fail to achieve their strategic, business or project objectives, or are perceived to have failed by their stakeholders. Bogan Shire Council is committed to establishing an environment that is not unduly risk averse, but one that enables risks to be logically and systematically identified, analysed, evaluated, treated, monitored and managed.

The plan demonstrates Council's commitment, by detailing the Risk Management framework to be employed by all staff members, contractors, committees and volunteers engaged in Council business and defining the responsibilities of individuals and committees involved in the Risk Management process. "

The Council believes that good Risk Management is essential for the successful implementation of Council's strategic plans, as it:

- Directly supports the achievement of the Community Strategic Plan objectives.
- Indirectly supports the achievement of the Council's other strategic objectives, through:
  - Facilitating innovation, co-operation and the sharing of resources.
  - Enhancing the development and delivery of Council programs.
  - Supporting the Council's key values and ethics.
  - Encouraging a closer working partnership between the Council and the community.
  - Ensuring consultation with all Stakeholders on key issues.
  - Encouraging a proactive approach to problem solving.

#### **6. Scope**

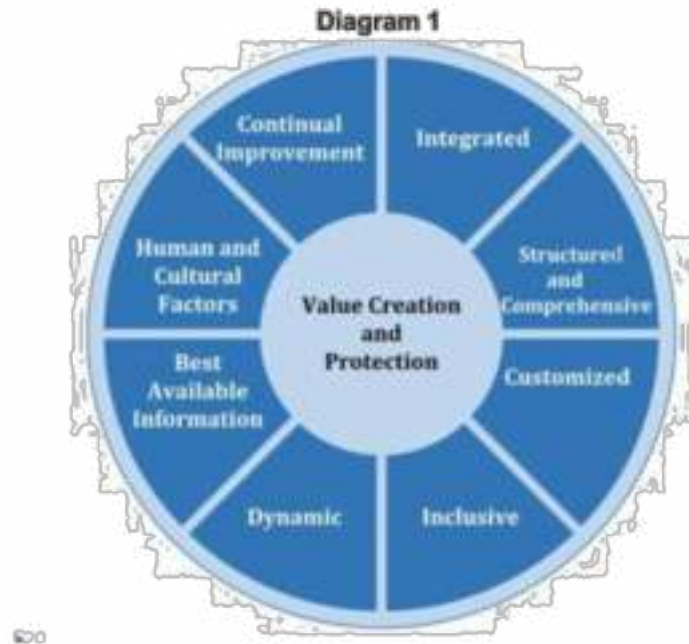
This Risk Management Plan will be implemented by all Council departments and across all Council services, functions and activities whether directly controlled by Council or delivered through third party arrangements. All staff members, contractors and partner organisations engaged in the conduct of Council business are to apply consistent, proactive and systematic Risk Management practices in the employment of Council resources and the delivery of Council services.

Successful Risk Management relies on input from all stakeholders and ownership of identified risks by responsible staff. To manage risks in accordance with best practice, the Council will observe the principles contained in AS/ISO 31000:2018, Risk Management – Guidelines. The Council's established business practices, policies and procedures will be reviewed, to ensure that they are not in conflict with this standard.

## 7. Plan Principles

The purpose of risk management is the creation and protection of value. It improves performance, encourages innovation, and supports the achievement of objectives.

The principles (as outlined below) provide guidance on the characteristics of effective and efficient risk management, communicating its value and explaining its intention and purpose. The principles are the foundation for managing risk and should be considered when establishing the organisations risk management framework and processes. These principles should enable an organisation to manage the effects of uncertainty on its objectives.



The key principles of effective risk management require the elements of diagram 1 above and can be further explained as follows:

1. **Integrated:** risk management is an integral part of all Bogan Shire Council activities.
2. **Structured and Comprehensive:** adopting a structured and comprehensive approach to risk management contributes to consistent and comparable results.
3. **Customised:** Councils risk management framework and process are customised and proportionate to the organisation’s external and internal context related to its objectives.
4. **Inclusive:** Appropriate and timely involvement of Council’s stakeholders enables their knowledge, views and perceptions to be considered. This results in improved awareness and informed risk management.
5. **Dynamic:** Risks can emerge, change or disappear as an organisations external and internal context changes. Risk management anticipates, detects, acknowledges and responds to those changes and events in an appropriate and timely manner.
6. **Best available information:** The inputs to risk management are based on historical and current information, as well as on future expectations. Risk management explicitly considers any limitations and uncertainties associated with such information and expectations. Information should be timely, clear and available.
7. **Human and cultural factors:** Human behaviour and culture significantly influence all aspects of risk management at each level and stage.
8. **Continual improvement:** Risk management is continually improving through learning and experience.

### 8. Risk Management Requirements

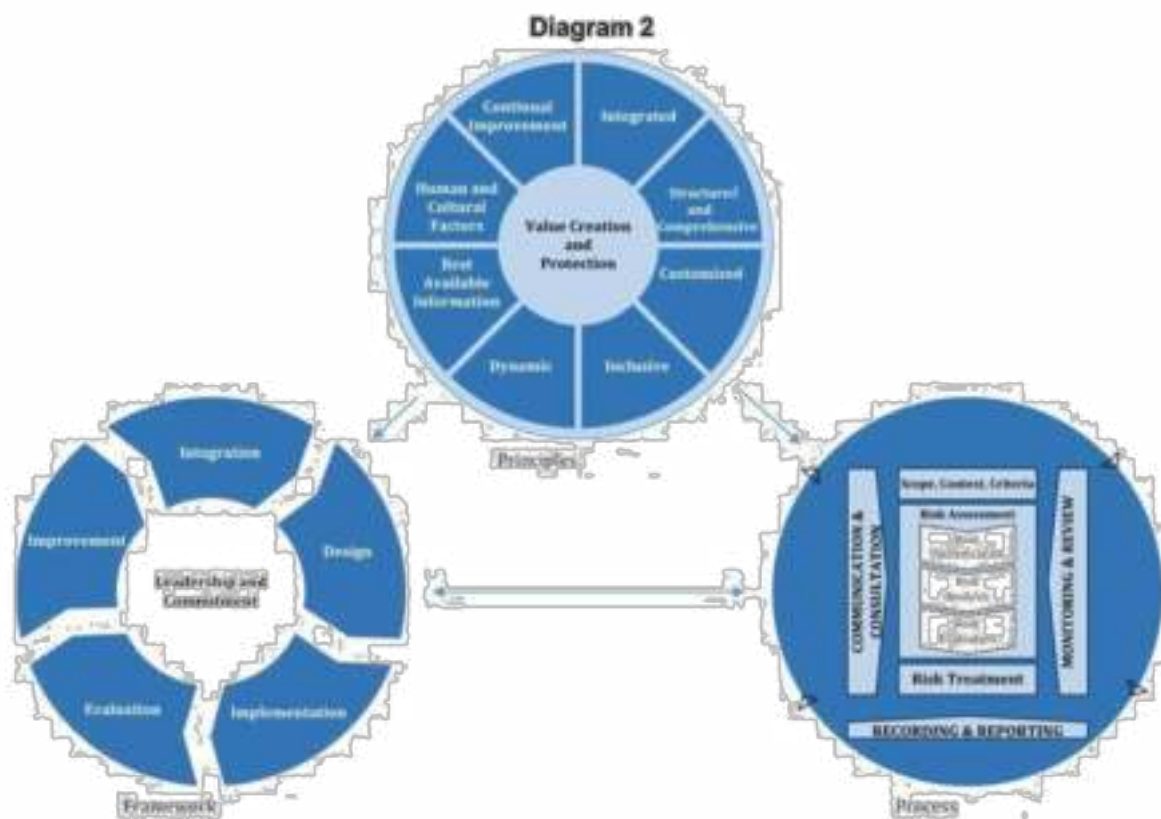
Risk Management principles shall be a consideration in all Council decision making processes. In accordance with its common law 'duty of care', statutory responsibilities and Council Policy, the Council will ensure that resources are allocated to:

- Minimise the Council's exposure to loss and litigation.
- Protect and enhance the Council's reputation.
- Protect the Council's financial and physical assets.
- Maintain employee Health & Safety programs.
- Protect the community's Health and Safety

### 9. Framework

The purpose of the risk management framework is to assist Council in integrating risk management into significant activities and functions. The effectiveness of risk management will depend on its integration into the governance of the organisation, including decision-making. This requires commitment and support from stakeholders, particularly senior management.

Framework development encompasses integrating, designing, implementing, evaluating and improving risk management across the organisation. Diagram 2 illustrates the components of a framework.



Council will evaluate its existing risk management practices and processes, evaluate any gaps and address these gaps within the framework.

The components of the framework and the way in which they work together will be customised to the needs of Bogan Shire Council.

**10. Risk Management Process**

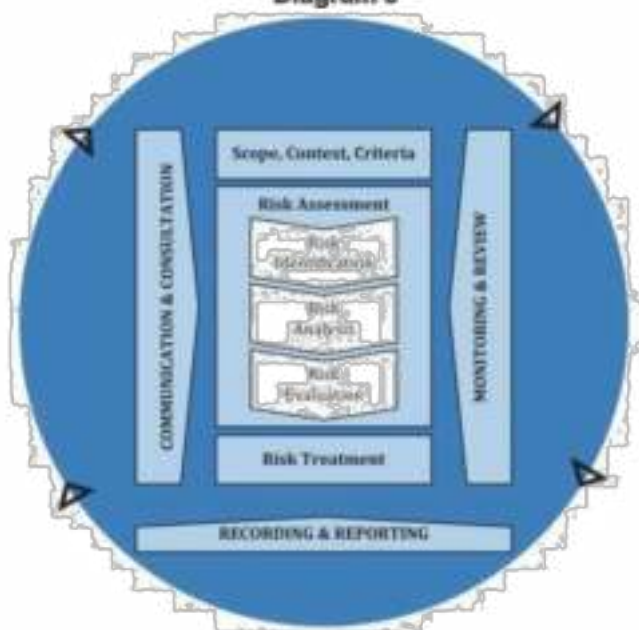
The process adopted by Bogan Shire Council to manage risks is in accordance with *AS/NZS ISO 31000:2018 Risk Management – Principles and Guidelines*. This process is the application of the structured risk management methodology to be used to assess; prioritise; treat and monitor risks identified. The risk management process may capture inherent risk (prior to considering controls in place), residual risk (after considering controls in place), or both.

The main elements of an effective Risk Management approach are as follows:

- > Communicate and Consult
- > Establish the Context
- > Risk Assessment
  - o Identify Risks
  - o Analyse Risks
  - o Evaluate Risks
- > Treat Risks
- > Monitor and Review

The following diagram represents the components of the Risk Management process. Each of these components is explained further below.

**Diagram 3**



## **11. Risk Management Priorities and Resources**

The Council accepts that it does not have the resources to immediately address all the risks it faces. Council will annually review and reprioritise all the risks identified and recorded in the Risk Register and determine those which must be afforded the highest priority and determine the resources required to address those risks. These risks and resources will then be approved by Manex and included in the annual revision.

These risks will represent the Council's risk focus for the following 12 months and be included in the Council's budget. All staff members should note that the absence of a risk from this plan does not preclude its management from within departmental resources. Nor is the annual review process inflexible: extreme and high priority risks identified at any time will be assessed and treated in accordance with the procedure described in this plan.

Council will allocate appropriate resources for risk management with consideration given to the following:

- People, skills, experience and competence;
- Resources needed for each step of the risk management process;
- The organisation's processes, methods and tools to be used for managing risk;
- Documented processes and procedures;
- Information and knowledge management systems; and
- Training programs.

## **12 Risk Management Responsibilities**

### **12.1 The Council**

Council adopts this plan and retains the ultimate responsibility for risk management and for determining the appropriate level of risk that it is willing to accept in the conduct of Council business activities. Council will review the effectiveness of the risk management systems.

### **12.2 General Manager**

General Manager is responsible for identifying, evaluating and managing risk in accordance with this plan and policies through a formal enterprise-wide risk management framework. Formal risk assessments must be performed at least once a year as part of the business planning and budgeting process.

The General Manager will report to Council annually on the progress made in implementing a sound system of risk management and internal compliance and control across Council's operations.

### **12.3 Executive Management Team**

Executive Management Team is responsible for the accuracy and validity of risk information reported to the Council. In addition, it will ensure clear communication throughout the Council of the Council and senior management's position on risk.

### **12.4 Internal Audit**

Internal Audit is important to the management of Council's risks including financial risk. The objective of the Internal Audit function is to provide independent assurance and assistance to Bogan Shire Council on risk management, control, governance and external accountability responsibilities. The Internal Auditor will also:

- review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud; and

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- review whether a sound and effective approach has been followed in establishing business continuity planning arrangements, including whether plans have been tested periodically.

Internal Audit will align the Internal Audit Plan with Council's risk profile in conjunction with Council's management, and subject to endorsement from the Audit/Risk Committee. Internal Audit will ensure that the results of its reviews are provided to Council's management for update of the Council's risk profile as appropriate.

Internal Audit will also conduct periodic reviews of the risk management framework pursuant to the Internal Audit Plan.

### **12.5 Staff members**

Staff members are responsible for management of risks within their areas of responsibility as determined under any risk treatment plans.

Staff members will be responsible for the timely completion of activities contained within these risk treatment plans. Awareness sessions will be conducted routinely to ensure that Staff members are familiar with risk management and how it is applied within Bogan Shire Council.

Risk Monitoring – Council considers several sources of information for risk monitoring, including Internal Audit, to perform independent and objective monitoring across its risk areas, including if necessary, conducting reviews of Council's operations and risk areas by external agencies.

The scope of the work undertaken by all of these functions and the reviews by external agencies, will be considered in conjunction with Council's risk profile at least annually. This will assess the independent monitoring of key risk areas

## **13. Risk Management Procedure**

This procedure is based on the Australian Standard **AS/ISO 31000:2018 Risk Management – Guidelines**. It details the common methodology to be used to assess and address the level of risk inherent in the Bogan Shire Council activities. For guidance in relation to the application of this procedure or assistance in the conduct of risk assessments, contact the WHS/Risk Officer.

A Task Analysis and Risk Assessment Form based on this process has been developed to assist those who undertake Risk Assessments. It can be found on the Council's intranet, under Forms. Several other valuable risk management tools and resources are also available at this location and all Council staff members are encouraged to explore and utilise them.

### **13.1 Communicate and Consult**

*Has everybody who needs to know been contacted, involved, informed and kept up to date?*

Communication and consultation are important considerations at each stage of the Risk Management process. They should involve a dialogue with all stakeholders (both internal and external) with a focus on consultation, rather than a one-way flow of information from the decision maker to the stakeholders.

All stakeholders must be confident that their views have been appropriately considered and that they have been kept informed of the actions being taken and the reasons behind those actions. This may extend to sending a report to all stakeholders, regarding the success or otherwise of risk controls put in place as a result of the Risk Assessment being conducted. Broad "ownership" of the risk and the plans to manage it is essential to a successful Risk Management outcome.

### **13.2 Scope, context and criteria**

The first step in Risk Management is to establish the scope, context and criteria to enable customisation of the risk management process, enabling effective risk assessment and appropriate

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risk treatment. Scope, context and criteria involve defining the scope of the process and understanding the external and internal context.



The context figure above, for managing risks within the Bogan Shire, needs to be undertaken with a complete understanding of the environment in which Council operates.

Decisions about managing risk need to consider Council's internal and external environment.

Establishing the scope, context and criteria can be done by being clear about the scope under consideration as the risk management process can be applied at different levels of the organisation (e.g. strategic, operational, program or project). Considerations should include:

- **What do we want to do or achieve?** Define the desired outcomes of the event, activity or project.
- **How will we know we have been successful?** Identify the success measure or measures for each desired outcome. For established activities, success measures should have been developed and agreed during the development of the Council's hierarchy of plans.
- **Who will be involved in or affected by what we want to do?** Identify the major Stakeholders for this activity, both internal and external to the Council.
- **Do any of the Stakeholders need to be involved in the Risk Assessment?** All Stakeholders who may feel that they have a right to be consulted should be. A formal risk assessment should not proceed until all appropriate Stakeholders can be assembled and/or consulted. All Stakeholders who are actively involved in the achievement of your success measures **must** be involved in the Risk Assessment.
- **What records do we need to keep?** The likely consequences of the decisions to be made and the importance of future stakeholders (including the Courts) being able to understand why these decisions were made, will dictate the level of record keeping required. As a minimum, the Risk Assessment Form mentioned earlier should be used for all risks assessed as moderate or above. Decisions concerning the making and capturing of records should consider:
  - The legal and corporate governance needs for records.
  - The cost of creating and maintaining records.
  - The benefits of re-using information in the future.
- **What criteria will we use to analyse the risk?** The criterion as stated in Tables 1 and 2 below are generic, based on financial and humanitarian considerations. They will not be appropriate for the analysis of every risk faced by the Council and a decision on their applicability to the particular risk under consideration must be made. If they are not considered to be appropriate, alternative criteria must be developed and approved. Other criteria may be based on operational, technical, legal, social or environmental considerations, to name just a few. Criteria may be either qualitative or quantitative in nature.
- **How will the rest of the risk management process be structured?** Determine the elements or steps that the activity/event/project can be subdivided into to create a logical framework that helps ensure significant risks are not overlooked.



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### **13.3 Risk Assessment**

Risk assessment is the overall process of risk identification, risk analysis and risk evaluation.

### **13.4 Identify the Risks**

***What, where, when, how and why can things happen to prevent us from achieving our success measures?***

Risks that have not been identified cannot be assessed. Alternative methods to identify uncertainties that may affect one or more objectives include:

- A brainstorming session with all Stakeholders.
- Checklists developed for this or similar events/activities/projects.
- An examination of previous events/activities/projects of this type.

The following factors, and the relationship between these factors, should be considered:

- Tangible and intangible sources of risks;
- Causes and events;
- Threats and opportunities;
- Vulnerabilities and capabilities;
- Changes in the external and internal context;
- Indicators of emerging risks;
- The nature and value of assets and resources;
- Consequences and their impact on objectives;
- Limitations of knowledge and reliability of information;
- Time-related factors;
- Biases, assumptions and beliefs of those involved.

The following categories will be used during a risk assessment to identify potential organisational and business unit risk and opportunities but are not exhaustive. Risk areas may include, but are not limited to:

Source	Example	Risk Area
People	Retention / loss of key personnel, competence, management activities and controls, succession planning, industrial relations, skills, training, reliability, communication, ethics, safety	HR
Property and other Assets	physical security, property damage or loss / acquisition, environment, resources / assets management	Infrastructure
Natural disaster	Flood, storms, lightening, fire	
Contractual & legal	Contract management, professional liability, public liability, statutory compliance, errors and omissions, commercial & legal relationships	Environment
Leadership and Corporate Governance	Change of key leadership, personnel, Strategic planning, relationships, corporate image, ethical conduct, communication, segregation of responsibilities	Compliance & Legal
Business Activity	Customer service, customer relationships, marketing & promotion	Reputation & Community
Business Continuity	Continuity of supply of essential goods or services, records & information management, machinery maintenance & replacement, industrial action, utilities interruption, computer breakdown, contingency planning, emergency management	Financial
Political	Change of government, legislative changes, community expectations, communications, risk of adverse	
Financial	Planning & management, insurance, initiatives & new services, fraud	WHS
Harmful actions	Sabotage, vandalism, terrorism, arson, theft / misappropriation	



All risks identified should be communicated to your immediate supervisor, if he or she not participated in the risk identification exercise.

Council should identify risks, whether or not their sources are under its control. Consideration should be given that there may be more than one type of outcome, which may result in a variety of tangible or intangible consequences.

**13.5 Analyse the Risks**

**How big are the risks we have identified?** The purpose of risk analysis is to comprehend the nature of risk and its characteristics including where appropriate, the level of risk. Risk analysis involves a detailed consideration of uncertainties, risk sources, consequences, likelihood, events, scenarios, controls and their effectiveness. An event can have multiple causes and consequences and can affect multiple objectives.

The organisation should determine how likely a risk is to occur and how large the impact would be if it did occur. Risk analysis provides an input to risk evaluation, to decisions on whether risk needs to be treated and how, and on the most appropriate risk treatment strategy and methods. These tables are generic in nature and careful consideration should be given to their applicability for the specific risk profile being assessed.

**Table 1 - Likelihood Scale**

<b>Rating</b>	<b>Likelihood</b> <i>The Probability the risk will occur</i>
<b>Almost Certain</b>	Expected to occur in most circumstances (Within 1 year)
<b>Likely</b>	Will probably occur in most circumstances (Within 5 years)
<b>Possible</b>	Might occur at some time (Within 10 years)
<b>Unlikely</b>	Could occur at some time (Within 20 years)
<b>Rare</b>	May occur but only in exceptional circumstances (Within 100 years)

**Table 2 - Consequence Scale**

Rating	Area	Potential Impact
<b>Insignificant</b>	HR	Nil impact to service delivery
	Infrastructure	Nil service disruption
	Environmental	Insignificant environmental damage
	Compliance & Legal	No compliance breach
	Reputation & Community	Insignificant community impact
	Financial	2% variation
	WHS	No injuries
<b>Minor</b>	HR	Inability to deliver seasonal services
	Infrastructure	Minor service interruption
	Environmental	Minor environmental damage
	Compliance & Legal	Inability to meet administrative duties
	Reputation & Community	Isolated community dissatisfaction
	Financial	5% budget variation against budget allocations
	WHS	First aid treatment
<b>Moderate</b>	HR	Unable to deliver departmental services
	Infrastructure	Inability to utilise resource assets
	Environmental	Major environmental damage without contamination
	Compliance & Legal	Inability to meet compliance / legal requirements
	Reputation & Community	Major community dissatisfaction
	Financial	10% budget variation against budget allocations
	WHS	Medical treatment no loss time injury
<b>Major</b>	HR	Unable to deliver expected services of stake holders
	Infrastructure	Inability to utilize significant assets
	Environmental	Major environmental damage and contamination
	Compliance & Legal	Regulator action against council
	Reputation & Community	Non-conformance with council's direction
	Financial	20% budget variation against budget allocations
	WHS	Medical treatment / loss time injury
<b>Catastrophic</b>	HR	Unable to deliver vital services
	Infrastructure	Inability to utilize vital assets
	Environmental	Severe environmental damage
	Compliance & Legal	Legal action against council
	Reputation & Community	Dismissal of governing body
	Financial	Inability to meet councils' financial commitments
	WHS	Death or permanent disability or illness

**Table 3 - Risk Level**

Consequences (How bad?)					
Likelihood (How often?)	Negligible	Minor	Moderate	Major	Catastrophic
Rare	L6	L6	M5	M5	H2
Unlikely	L6	L6	M5	M5	H2
Possible	L6	M5	H3	H2	H2
Likely	M5	M5	H2	H2	VH1
Almost Certain	M5	H3	H2	VH1	VH1

**C = Catastrophic**                      **VH = Very High Risk**  
**Ma = Major**                              **H = High Risk**  
**Mo = Moderate**                        **M = Medium Risk**  
**Mi = Minor**                               **L = Low Risk**  
**I = Insignificant**

RISK SCORE	DESCRIPTION
1-2	Very High/High Risk – Immediate Action Required
3-4	Moderate Risk – Action Required within 1 Month
5-6	Low Risk – If action is required, it must be taken within 6 months. If no action is required, monitor the hazard.

**13.6 Evaluate the Risks**

**Are there any controls already in place?** The purpose of risk evaluation is to support decisions. Risk evaluation involves comparing the results of the risk analysis with the established risk criteria to determine where additional action is required. This can lead to a decision to:

- Do nothing further;
- Consider risk treatment options;
- Undertake further analysis to better understand the risk;
- Maintain existing controls;
- Reconsider objectives.

Determine if there are any existing controls already in place to address the identified risks. Existing controls could include any policies, processes or procedures established to:

- Eliminate or reduce the likelihood of a risk occurring.
- Mitigate the impact if a risk does occur.
- Share or transfer the identified risk (e.g. insurance and /or indemnity clauses).

Once existing controls have been identified, risks need to be re-evaluated and prioritised, to ensure that the greatest risks are addressed first. The process to follow is:

- Note any existing controls identified against the appropriate risks in the Risk Register.
- Re-assess the risk in light of existing controls and adjust its Risk Level accordingly.
- Make a recommendation as to whether the risk is considered to be acceptable or unacceptable, with the reasons why.
- Forward a copy of the completed risk assessment and recommendation to the WHS/Risk Officer, who will then present all information to the General Manager for confirmation or modification of the recommendation and Risk Level. If the risk is deemed unacceptable (a confirmed Risk Level of moderate or above), it will then be:

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- Prioritised in relation to other registered risks (considering the confirmed Risk Level rating, the nature of the people and/or property at risk and the impact on the Council's reputation and credibility, should the risk event occur).
- Presented to the General Manager for approval or modification.
- Entered onto the Council Risk Register by the WHS/Risk Officer.

### 13.7 Selection of risk treatment options

**What are we going to do about the risks we have identified?** Selecting the most appropriate risk treatment option(s) involves balancing the potential benefits derived in relation to the achievement of the objectives against costs, effort or disadvantages of implementation.

Risk treatment options are not necessarily mutually exclusive or appropriate in all circumstances. Options for treating risk may involve one or more of the following:

- Avoiding the risk by deciding not to start or continue with the activity that gives rise to the risk;
- Taking or increasing the risk in order to pursue an opportunity;
- Removing the risk source;
- Changing the likelihood;
- Changing the consequences;
- Sharing the risk (e.g. through contracts, buying insurance);
- Retaining the risk by informed decision.

Justification for risk treatment is broader than solely economic considerations and should consider all of the organisation's obligations, voluntary commitments and stakeholder views. The selection of risk treatment options should be made in accordance with the organisation's objectives, risk criteria and available resources.

Risk treatment can also introduce new risks that need to be managed.

### 13.8 Preparing and implementing risk treatment plans

After a risk has been entered onto the Council Risk Register, a Risk Treatment Plan should be developed which specifies how the chosen treatment options will be implemented to ensure arrangements are understood by those involved, and progress against the plan can be monitored. The treatment plans should include:

- The reasoning for the selection of treatment options, including expected benefits to be gained;
- The manager responsible for ensuring that the actions outlined are carried out (Responsible Manager);
- The actions which will be taken to address the risk;
- The resources required;
- The performance measures;
- The constraints;
- Required reporting and monitoring; and
- When the specified actions are to be completed by.

Unless actions are determined and responsibilities for them are allocated, the Risk Identification and Assessment processes will have been wasted. The outcome of any actions specified should be to (in priority order):

- Eliminate the possibility of a risk occurring.
- Reduce the likelihood of occurrence to an acceptable level.
- Mitigate (reduce) the consequences, should a risk occur.
- Transfer or share the risk, generally through insurance or contracting out.

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**Actions to be taken in relation to specified Risk Levels are:**

- **Very High** – immediate action to be initiated and Risk Treatment Plans to be developed and implemented under the direct control of the WHS/Risk Officer and General Manager. All documentation must be retained for future reference.
- **High** – action timeframe to be determined by General Manager, with Risk Treatment Plans developed by Responsible Manager/s for Approval by the General manager.
- **Medium** – action timeframe determined, and Risk Treatment Plans developed by Responsible Manager/s, with HR/WHS/Risk Officer kept informed of progress.
- **Low** – Responsible Managers develop or modify policy or procedure to address the risk. If necessary, a simple Risk Treatment Plan can also be developed, using the template at Appendix B.
- **Insignificant** – Risk noted and treated appropriately by those affected.

Risks identified as low or insignificant should as a minimum, have this rating recorded as a file note, along with the reasons for that rating and any decisions/actions taken as a result of the Risk Assessment undertaken.

In a climate of constrained resources, careful consideration must be given to how resources are allocated to treatment plans. You may find it more valuable to reduce higher priority risks to an acceptable level, rather than eliminate them altogether and then use any resources saved to address lower priority risks.

Finally, consult your supervisor and any Stakeholders who may not have been available to undertake the Risk Assessment, to ensure that you have left nothing out.

### **13.9 Monitor and Review**

**Have we got it right?** Registered risks will remain open until they have been reduced and accepted or eliminated. The Responsible Manager and the WHS/Risk Officer are to monitor the implementation of Risk Treatment Plans to ensure that agreed actions are being taken and review the risk levels, to reflect changes made.

Whenever an action is taken against a Treatment Plan, the Responsible Officer will:

- Assess the effectiveness of the action taken.
- Reassess the Treatment Plan to:
  - Confirm its continued applicability; or
  - Determine any changes that may now be required.
- Reassess the risk rating and notify the WHS/Risk Officer of the new suggested rating and any recommended changes to the Treatment Plan.

Once all directed actions have been completed, the risk will be re-assessed by the Responsible Manager and the WHS/Risk Officer and a decision made as to its acceptability or otherwise. **If a risk is considered to be unacceptable, further action needs to be taken to address that risk. No activity should proceed with a risk that has been identified as unacceptable.** If in doubt, all Stakeholders involved with the original Risk Assessment are to be consulted, prior to a risk being closed off.

### **13.10 Record the Risk Management Process**

Each stage of the Risk Management process must be documented and reported appropriately, as determined during the "Establish the Context" step. For risks assessed as moderate and above, assumptions, methods, data sources, analyses, results and reasons for all decisions should all be recorded.

During the conduct of an event, activity or project for which a Risk Assessment has been undertaken, make notes on how effective the Treatment Plans have been and what (if any) changes were made

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to the original Plans be sure to communicate all changes across the organisation. This will allow better planning for the same or similar activities in the future.

**All Risk Assessments and Risk Treatment Action Plans must be documented and appropriately filed for future reference: even if a risk is assessed to be insignificant and a decision is taken to do nothing, the reasoning that led to this decision must be recorded.** The Risk Assessment Template is available on the intranet and can be used to document and record your decisions.

#### **14. Reviewing the Risk Management Framework and Guidelines**

In order to ensure that the risk management process is effective and continues to support the organisation's performance, all aspects of the risk management process will be periodically reviewed. The Risk Management Framework and Guidelines, Risk Management Policy and Risk Registers will be reviewed to ensure that they are still appropriate and continue to reflect the organisation's risk activities and tolerances. Records of such reviews are to be maintained on file.

Based on the results of monitoring and reviews, decisions will be made on how the Risk Management Framework can be improved. These improvements should lead to improvements in the management of risk and its risk management culture.



**APPENDIX A  
RISK REGISTER TEMPLATE**

Area	Risk	Cause	Consequence	Likelihood	Consequence Level	Risk Rating	Risk Treatment	Likelihood	Consequence Level	Residual Risk	Effectiveness	Improvement Needed to Achieve Effective Treatment	Responsible Officer	Date Completed

**Risk Types Council Rated:**

- HR
- Infrastructure
- Environmental
- WHS
- Compliance / Legal
- Reputation & Community
- Financial

**APPENDIX B  
BOGAN SHIRE COUNCIL RISK APPETITE**

Council's Risk Appetite is defined as "the amount and type of risk it is willing to pursue or retain" in the achievement of goals and objectives. The Council accepts that there is an element of risk in almost every activity it undertakes.

To assist in the management of risk a criteria table (see Council's Risk Appetite Statement) has been established with the following risk appetite categories:

Assessment	Description
<b>High Risk Appetite</b> 5	The Council accepts opportunities that have an inherent high risk that may result in extensive reputation damage, financial loss or exposure, extensive disruption in service delivery or breakdown in information systems or information integrity, significant incident(s) of regulatory non-compliance, potential litigation and risk of serious trauma injury to members of staff and/or the public.
<b>Moderate Risk Appetite</b> 4	The Council is willing to accept risks that may result in major reputation damage, financial loss or exposure, major disruption in service delivery or breakdown in information or information integrity, significant incident(s) of regulatory non-compliance, potential litigation and risk of serious injury to a staff member and/or the public.
<b>Modest Risk Appetite</b> 3	The Council is not willing to accept risks in most circumstances that may result in significant reputation damage, financial loss or exposure, significant disruption in service delivery or breakdown in information or information integrity, serious incident(s) of regulatory non-compliance, potential litigation and risk of significant injury to a staff member and/or the public.
<b>Low Risk Appetite</b> 2	The Council is willing to accept some risks in certain circumstances that may result in minor reputation damage, financial loss or exposure, minor disruption in service delivery or breakdown in information or information integrity, minor incident(s) of regulatory non-compliance, potential litigation and risk of minor injury to a staff member and/or the public.
<b>Zero Risk Appetite</b> 1	The Council is not willing to accept risks under any circumstances that may result in reputation damage, financial loss or exposure, disruption in service delivery or breakdown in information or information integrity, incident(s) of regulatory non-compliance, and risk of injury to a staff member and/or the public.
<b>Primary Appetite-</b> Indicates a general appetite for taking and retaining for the given risk category.	
<b>Secondary Appetite-</b> Indicates an appetite-by-exception position for taking or retaining risk in specific circumstances only with approval of the <b>General Manger</b>	

Council has determined its willingness to accept risk in relation to its risk types as outlined below:

		Willingness to Accept Risk				
		Zero Averse	Low Minimalist	Modest Cautious	Moderate Open	High Hungry
		Preference for options that avoid risk	Preference for ultra-safe options with low inherent risk	Preference for safe options with low degree of residual risk and limited potential for reward	Willing to consider all options with a preference for prudent options and acceptable level of reward	Enthusiasm for innovation leading to preference for higher rewards despite greater inherent risk
HR				Primary	Secondary	
Infrastructure			Primary	Secondary		
Environmental			Primary	Secondary		
Compliance / Legal			Primary	Secondary		
Reputation / Community			Primary	Secondary		
Financial			Primary	Secondary		
WHS	Primary			Secondary		

## **12.5 PUBLIC INTEREST DISCLOSURES POLICY - AP001**

### **1. Introduction**

The purpose of this report is to present to Council a revised Public Interest Disclosures Policy AP001 for review and adoption by Council.

### **2. Background**

From 1 October 2023 there is new public interest disclosure (PID) legislation in NSW which completely replaces the Public Interest Disclosures Act 1994 (1994 Act), this framework is the PID Act 2022.

Under section 42 of the *PID Act 2022* (PID Act), all agencies (which includes Local Government) must have a public interest disclosure (PID) policy that meets the specifications of the new legislation.

Council has had a PID policy in place for some time which established an internal reporting system for staff and Councillors to report serious wrongdoing without fear of reprisal however, changes to the PID Act from the 1<sup>st</sup> October 2023 have meant Council is required to update their current Policy to be in line with these changes.

### **3. Discussion**

Council recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal serious wrongdoing. The integrity of our agency relies upon our staff, volunteers, contractors and subcontractors speaking up when they become aware of wrongdoing.

This policy defines serious wrongdoing and sets out how Council will support and protect you if you come forward with a report of serious wrongdoing. How Council will deal with the report and our other responsibilities under the PID Act, who to contact if you want to make a report, how to make a report and the protections which are available to you under the PID Act.

This policy also documents our commitment to building a speak up culture. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by protecting those who speak up from detrimental action, imposing duties on officers who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

The General Manager, other nominated disclosure officers and managers within the Bogan Shire Council have specific responsibilities under the PID Act. This policy also provides information on how people in these roles will fulfil their responsibilities. Other public officials who work in and for the public sector, but do not work for Bogan Shire Council may use this policy if they want information on who they can report wrongdoing to within Bogan Shire Council.

This Policy lists the disclosure officers as being the General Manager and all of Manex who will all undergo training so that they are aware of their responsibilities in relation to the PID Act.

**4. Attachments**

1. Public Interest Disclosures Policy AP001

**5. Recommendation**

That Council reviews and adopts the Public Interest Disclosures Policy AP001.

**POLICY AP001**  
**PUBLIC INTEREST DISCLOSURES POLICY**  
**– INTERNAL REPORTING**



Bogan Shire Council Policy AP001 (Public Interest Disclosures – Internal Reporting)

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## Policy Outcomes Statement

All agencies in NSW are required to have a Public Interest Disclosure (PID) Policy under section 42 of the *Public Interest Disclosures Act 2022* (PID Act).

The purpose of this policy is to establish an internal reporting system for staff and Councillors to report wrongdoing without fear of reprisal.

At Bogan Shire Council we take reports of serious wrongdoing seriously. We are committed to building a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing.

The integrity of our agency relies upon our staff, volunteers, contractors and subcontractors speaking up when they become aware of wrongdoing.

## Overview

This policy sets out:

- how Bogan Shire Council will support and protect you if you come forward with a report of serious wrongdoing,
- how we will deal with the report and our other responsibilities under the PID Act,
- who to contact if you want to make a report,
- how to make a report,
- the protections which are available to you under the PID Act.

This policy also documents our commitment to building a speak up culture. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- protecting those who speak up from detrimental action,
- imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

In NSW, that framework is the PID Act.

This policy should be read in conjunction with Council's Code of Conduct, and internal policies on grievance handling.

## Accessibility of this policy

This policy is publicly available on the Bogan Shire Council website at [www.bogan.nsw.gov.au](http://www.bogan.nsw.gov.au).

A copy of the policy is also sent to all staff of Bogan Shire Council on their commencement. A hard copy of the policy can be requested from the Director Finance and Corporate Services.

## Applicability?

This policy applies to, and for the benefit of, all public officials in NSW. You are a public official if you are:

- a person employed in or by an agency or otherwise in the service of an agency,

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- a person having public official functions or acting in a public official capacity whose conduct or activities an integrity agency is authorised by another Act or law to investigate,
- an individual in the service of the Crown,
- a statutory officer,
- a person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer,
- an employee, partner or officer of an entity that provides services, under contract, subcontract or other arrangement, on behalf of an agency or exercises functions of an agency, and are involved in providing those services or exercising those functions,
- a judicial officer,
- a Member of Parliament (**MP**), including a Minister,
- a person employed under the *Members of Parliament Staff Act 2013*.

The General Manager, other nominated disclosure officers and managers within the Bogan Shire Council have specific responsibilities under the PID Act. This policy also provides information on how people in these roles will fulfil their responsibilities. Other public officials who work in and for the public sector, but do not work for Bogan Shire Council may use this policy if they want information on who they can report wrongdoing to within Bogan Shire Council.

**Who does this policy not apply to?**

This policy does not apply to:

- people who have received services from an agency and want to make a complaint about those services,
- people, such as contractors, who provide services to an agency. For example, employees of a company that sold computer software to an agency.

This means that if you are not a public official, this policy does not apply to your complaint (there are some circumstances where a complaint can be deemed to be a voluntary PID, see section 1(i) of this policy for more information).

However, you can still make a complaint to Bogan Shire Council. This can be done by:

Email: [admin@bogan.nsw.gov.au](mailto:admin@bogan.nsw.gov.au)

Phone: 02 6835 9000

In person: 81 Cobar Street, Nyngan, 2825

Website: [www.bogan.nsw.gov.au](http://www.bogan.nsw.gov.au) and use Customer Feedback Form

**What is contained in this policy?**

This policy will provide you with information on the following:

- ways you can make a voluntary PID to Bogan Shire Council under the PID Act,
- the names and contact details for the nominated disclosure officers in Bogan Shire Council,
- the roles and responsibilities of people who hold particular roles under the PID Act and who are employees of Bogan Shire Council,
- what information you will receive once you have made a voluntary PID,

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- protections available to people who make a report of serious wrongdoing under the PID Act and what we will do to protect you,
- Bogan Shire Council procedures for dealing with disclosures,
- Bogan Shire Council procedures for managing the risk of detrimental action and reporting detrimental action,
- Bogan Shire Council record-keeping and reporting requirements,
- how Bogan Shire Council will ensure it complies with the PID Act and this policy.

If you require further information about this policy, how public interest disclosures will be handled and the PID Act you can:

- confidentially contact a nominated disclosure officer within Bogan Shire Council
- contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: [pidadvice@ombo.nsw.gov.au](mailto:pidadvice@ombo.nsw.gov.au), or
- access the NSW Ombudsman's PID guidelines which are available on its website.

If you require legal advice with respect to the PID Act or your obligations under the PID Act, you may need to seek independent legal advice.

## **How to make a report of serious wrongdoing**

### **(a) Reports, complaints and grievances**

When a public official reports suspected or possible wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the PID Act.

Some internal complaints or internal grievances may also be PIDs, as long as they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, we will consider whether it is a PID. If it is a PID, we will deal with it as set out in this policy, but we will also make sure we follow our Customer Service Charter.

It is important that we quickly recognise that we have received a PID. This is because once a PID is received, the person who has made the report is entitled to certain protections and we have certain decisions that we have to make on how we will deal with the PID and how we will protect and support the person who has made the report.

### **(b) When will a report be a PID?**

There are three types of PIDs in the PID Act. These are:

1. *Voluntary PID*: This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.
2. *Mandatory PID*: This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
3. *Witness PID*: This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

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This policy mostly relates to making a voluntary PID and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in section 2 of this policy.

You can find more information about mandatory and witness PIDs in the Ombudsman’s guidelines ‘Dealing with mandatory PIDs’ and ‘Dealing with witness PIDs’.

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and ‘whistleblowing’.

They involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has the following five features, which are set out in sections 24 to 27 of the PID Act:



If the report has all five features, it is a voluntary PID.

You will not be expected to prove that what you reported actually happened or is serious wrongdoing. You do have to honestly believe, on reasonable grounds, that the information you are reporting shows or tends to show serious wrongdoing.

Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

If we make an error and do not identify that you have made a voluntary PID, you will still be entitled to the protections under the PID Act.

If you make a report and believe we have made an error by not identifying that you have made a voluntary PID, you should raise this with a nominated disclosure officer or your contact officer for the report. If you are still not satisfied with this outcome, you can seek an internal review or we make seek to conciliate the matter. You may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found in section 7 of this policy.

**(c) Who can make a voluntary PID?**

Any public official can make a voluntary PID — see ‘Who this policy applies to’. You are a public official if:

- you are employed by Bogan Shire Council
  - you are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of Bogan Shire Council, or

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- you work for an entity (such as a non-government organisation) who is contracted by Bogan Shire Council to provide services or exercise functions on behalf of Bogan Shire Council — if you are involved in undertaking that contracted work.
- Consultants engaged to assist Bogan Shire Council are not considered public officials under the PID Act.

A public official can make a PID about serious wrongdoing relating to any agency, not just the agency they are working for. This means that we may receive PIDs from public officials outside our agency. It also means that you can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman. Annexure B of this policy has a list of integrity agencies.

**(d) What is serious wrongdoing?**

Reports must be of one or more of the following categories of *serious wrongdoing* to be a voluntary PID (in addition to having the other features set out here). Serious wrongdoing is defined in the PID Act as:

- *corrupt conduct* — such as a public official accepting a bribe,
- *serious maladministration* — such as an agency systemically failing to comply with proper recruitment processes when hiring staff,
- *a government information contravention* — such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access application,
- *a local government pecuniary interest contravention* — such as a senior council staff member recommending a family member for a council contract and not declaring the relationship,
- *a privacy contravention* — such as unlawfully accessing a person's personal information on an agency's database,
- *a serious and substantial waste of public money* — such as an agency not following a competitive tendering process when contracting with entities to undertake government work.

When you make your report, you do not need to state to Bogan Shire Council what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

If you're making a complaint about the way someone's behaviour is affecting you – for example, harassment or bullying – this will generally not be a public interest disclosure. You can talk to your manager or human resources staff about these types of complaints.

**(e) Who can I make a voluntary PID to?**

For a report to be a voluntary PID, it must be made to certain public officials.

***Making a report to a public official who works for Bogan Shire Council***

You can make a report inside Bogan Shire Council to:

- the General Manager,
- a disclosure officer for Bogan Shire Council — a list of disclosure officers for Bogan Shire Council and their contact details can be found at Annexure A of this policy,
- your manager — this is the person who directly, or indirectly, supervises you. It can also be the person who you directly, or indirectly, report to. You may have more than one manager. Your manager will make sure that the report is communicated to a

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disclosure officer on your behalf or may accompany you while you make the report to a disclosure officer.

### ***Making a report to a recipient outside of Bogan Shire Council***

You can also make your report to a public official in another agency (meaning an agency you do not work for) or an integrity agency. These include:

- the *head of another agency* — this means the head of any public service agency,
- an *integrity agency* — a list of integrity agencies is located at Annexure B of this policy,
- a *disclosure officer for another agency* — ways to contact disclosure officers for other agencies is located in an agency's PID policy which can be found on their public website,
- a *Minister or a member of a Minister's staff* but the report *must be made in writing*.

If you choose to make a disclosure outside of Bogan Shire Council, it is possible that your disclosure will be referred back to Bogan Shire Council so that appropriate action can be taken.

### ***Making a report to a Member of Parliament or journalist***

Disclosures to MPs or journalists are different to other reports. You can only disclose a report of wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:

- You must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures.
- The previous disclosure must be substantially true.
- You did not make the previous disclosure anonymously.
- You did not give a written waiver of your right to receive information relating to your previous disclosure.
- You did not receive the following from Bogan Shire Council:
  - notification that Bogan Shire Council will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or
  - the following information at the end of the investigation period:
    - notice of Bogan Shire Council decision to investigate the serious wrongdoing,
    - a description of the results of an investigation into the serious wrongdoing,
    - details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

Investigation period means:

- after six months from the previous disclosure being made, or
- after 12 months if you applied for an internal review of the agency's decision within six months of making the disclosure.

If all the above requirements are met, your disclosure to an MP or journalist may be a voluntary PID.

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#### **(f) What form should a voluntary PID take?**

You can make a voluntary PID:

- *in writing* — this could be an email or letter to a person who can receive voluntary PIDs.
- *orally* — have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually.
- *anonymously* — write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the PID Act. It may be difficult, however, for [us/agency name] to investigate the matter(s) you have disclosed if we cannot contact you for further information.

#### **(g) What should I include in my report?**

You should provide as much information as possible so we can deal with the report effectively. The type of information you should include is:

- date, time and location of key events,
- names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved,
- your relationship with the person(s) involved, such as whether you work closely with them,
- your explanation of the matter you are reporting,
- how you became aware of the matter you are reporting,
- possible witnesses,
- other information you have that supports your report.

#### **(h) What if I am not sure if my report is a PID?**

You should report all wrongdoing you become aware of regardless of whether you think it is serious wrongdoing. It is important for Bogan Shire Council to understand what is or may be occurring.

We are then responsible for making sure your report is handled appropriately under the PID Act, or if it is not a PID, in line with our other procedures. Even if your report is not a PID, it may fall within another one of the agency's policies for dealing with reports, allegations or complaints.

#### **(i) Deeming that a report is a voluntary PID**

The General Manager can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the 'deeming power'.

By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.

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If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to the General Manager to request that they consider deeming your report to be a voluntary PID.

A decision to deem a report to be a voluntary PID is at the discretion of the General Manager. For more information about the deeming power, see the Ombudsman's guideline 'Deeming that a disclosure is a voluntary PID'.

#### **(j) Who can I talk to if I have questions or concerns?**

If you have questions or concerns you can contact the Director of Finance and Corporate Services by phoning them directly or emailing their direct email to ensure the matter stays confidential or you can contact any of the Disclosure Officers listed in this policy that you feel comfortable discussing the matter with.

If none of these options are suitable you can contact the Ombudsmans office directly.

## **2. Protections**

#### **(a) How is the maker of a voluntary PID protected?**

When you make a voluntary PID you receive special protections under the PID Act.

We are committed to taking all reasonable steps to protect you from detriment as a result of having made a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.

We will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report or are believed to have made a report.

The maker of a voluntary PID is protected in the following ways:

- *Protection from detrimental action*
  - A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation or dismissal.
  - Once we become aware that a voluntary PID by a person employed or otherwise associated with Bogan Shire Council that concerns serious wrongdoing relating to Bogan Shire Council has been made, we will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.
  - It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both.
  - A person may seek compensation where unlawful detrimental action has been taken against them.
  - A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).



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Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.

- *Immunity from civil and criminal liability*

Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, in order to make a PID, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued or criminally charged for breaching confidentiality.

- *Confidentiality*

Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.

- *Protection from liability for own past conduct*

The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

## **(b) Protections for people who make mandatory and witness PIDs**

Apart from PIDs that are made voluntarily by public officials, there are other types of reports that are recognised as PIDs under the PID Act:

*A mandatory PID:* This is a PID where the public official has made the report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.

*A witness PID:* This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

Bogan Shire Council Policy AP001 (Public Interest Disclosures – Internal Reporting)

Protections for makers of mandatory and witness PIDs are detailed in the table below.

Protection	Mandatory PID	Witness PID
Detrimental action – It is an offence to take detrimental action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a PID.	✓	✓
Right to compensation – A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.	✓	✓
Ability to seek injunction – An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.	✓	✓
Immunity from civil and criminal liability – a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for: <ul style="list-style-type: none"> <li>• breaching a duty of secrecy or confidentiality, or</li> <li>• breaching another restriction on disclosure.</li> </ul>	✓	✓

### 3. Reporting detrimental action

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately. You can report any experience of adverse treatment or detrimental action directly to Bogan Shire Council, or to an integrity agency. A list of integrity agencies is located at Annexure B of this policy.

Bogan Shire Council can be advised by contacting your disclosure officer or any disclosure officer on the list contained within this policy, your manager, the Director Finance & Corporate Services or the General Manager.

### 4. General support

#### (a) Support available to people who have made a PID report

The Director Finance and Corporate Services will be the key contact and support person to those making a Public Interest Disclosure.

Reporters can also contact Councils Employee Assistance Program

Bogan Shire Council Policy AP001 (Public Interest Disclosures – Internal Reporting)

## 5. Roles and responsibilities of Bogan Shire Council employees

Certain people within Bogan Shire Council have responsibilities under the PID Act.

### General Manager

#### (b) The General Manager is responsible for:

- fostering a workplace culture where reporting is encouraged,
- receiving disclosures from public officials,
- ensuring there is a system in place for assessing disclosures,
- ensuring the Bogan Shire Council complies with this policy and the PID Act,
- ensuring that the Bogan Shire Council has appropriate systems for:
  - overseeing internal compliance with the PID Act,
  - supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action,
  - implementing corrective action if serious wrongdoing is found to have occurred,
  - complying with reporting obligations regarding allegations or findings of detrimental action,
  - complying with yearly reporting obligations to the NSW Ombudsman.

#### (c) Disclosure officers

Disclosure officers are responsible for:

- receiving reports from public officials,
- receiving reports when they are passed on to them by managers,
- ensuring reports are dealt with appropriately, including by referring the matter to the appropriate complaint unit (if relevant),
- ensuring that any oral reports that have been received are recorded in writing.

#### (d) Directors/Managers

The responsibilities of Directors and Managers include:

- receiving reports from persons that report to them or that they supervise,
- passing on reports they receive to a disclosure officer.

#### (e) All employees

All employees must:

- report suspected serious wrongdoing or other misconduct,
- use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of Bogan Shire Council,
- treat any person dealing with or investigating reports of serious wrongdoing with respect.

Bogan Shire Council Policy AP001 (Public Interest Disclosures – Internal Reporting)

All employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

## 6. How we will deal with voluntary PIDs

### (a) How Bogan Shire Council will acknowledge that we have received a report and keep the person who made it informed

When a disclosure officer in Bogan Shire Council receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information:

- You will receive an acknowledgment that the report has been received. This acknowledgement will:
  - state that the report will be assessed to identify whether it is a PID,
  - state that the PID Act applies to how Bogan Shire Council deals with the report,
  - provide clear information on how you can access this PID policy,
  - provide you with details of a contact person and available supports.
- If the report is a voluntary PID, we will inform you as soon as possible how we intend to deal with the report. This may include:
  - that we are investigating the serious wrongdoing,
  - that we will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If we do this, we will provide you with details of this referral,
  - If we decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell you the reasons for this decision. We will also notify the NSW Ombudsman of this decision.
- If we decide to investigate the serious wrongdoing, we will provide you with updates on the investigation at least every three months. During this time, if you would like more frequent updates, you should contact the contact person who was nominated when you made the report.
  - If we investigate the serious wrongdoing, we will provide you with the following information once the investigation is complete:
    - a description of the results of the investigation — that is, we will tell you whether we found that serious wrongdoing took place.
    - information about any corrective action as a result of the investigation/s — this means we will tell you what action we took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by our agency, what we have put in place to address that serious wrongdoing.
  - Corrective action could include taking disciplinary action against someone or changing the practices, policies and procedures that we have in place which led to the serious wrongdoing.
- There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed to you. We will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations we have.
- If you have made an anonymous report, in many cases we may not be able to provide this information to you.

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### **(b) How Bogan Shire Council will deal with voluntary PIDs**

Once a report that may be a voluntary PID is received Bogan Shire Council will look at the information contained in the report to see if it has the features of a voluntary PID. This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure that the right steps are followed. If it is a voluntary PID, we will ensure that we comply with the requirements in the PID Act.

**Guidance:** Under section 43(1)(a) of the PID Act, agencies must outline its procedures for dealing with reports that are or may be voluntary PIDs. Agencies should outline what the process will be in the agency once a disclosure officer receives a PID.

Will it continue to be dealt with by that person, or will it be referred to a particular unit within the agency to assess the report and to allocate it to a suitable person?

Will the assessment undertaken be quality checked by someone else, such as by someone who works in the legal section?

Outlining this process here will help set the expectations of people who make a report as to what they can expect.

Your agency may have a slightly different process if a report is received by the head of the agency. If this is the case, then this should also be outlined here.

#### ***Report not a voluntary PID***

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with our [name of relevant internal complaints or grievance handling process] or through an alternate process.

If the report is not a voluntary PID, we will let you know that the PID Act does not apply to the report and how we will deal with the concerns raised in the report.

If you are not happy with this assessment or otherwise disagree with it, you can raise it with the person who has communicated the outcome with you or a disclosure officer, request an internal review or request that the matter be conciliated. Council can, but do not have to, request the NSW Ombudsman to conciliate the matter.

**Guidance:** Agencies should explain where the report will be referred and what supports will be offered. Agencies should also outline any specific processes/documents they have in relation to internal reviews and raising concerns about the assessment of a report.

#### ***Cease dealing with report as voluntary PID***

Council may stop dealing with a voluntary PID because it is not actually a voluntary PID (meaning it does not have all the features of a PID).

Bogan Shire Council Policy AP001 (Public Interest Disclosures – Internal Reporting)

**Guidance:** Agencies should include the procedure they will follow when advising the maker of a report that they have ceased dealing with the report as a voluntary PID.

The PID Act states that agencies must provide reasons to the maker of a purported PID if the agency has ceased dealing with the report as a voluntary PID. A purported PID is one that is made to one of the recipients of voluntary PIDs set out in the PID Act, and it is not a witness or mandatory PID and the maker has stated it is a voluntary PID.

It is best practice to always notify makers of reports that an agency has ceased to deal with their matter as a voluntary PID.

### **Where the report is a voluntary PID**

If the report is a voluntary PID:

- In most cases we will conduct an investigation to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or the agency engaged, in serious wrongdoing. There may be circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been investigated.
- There may also be circumstances where we decide that the report should be referred to another agency, such as an integrity agency. For example, reports concerning possible corrupt conduct may be required to be reported to the ICAC in accordance with section 11 of the *Independent Commission Against Corruption Act 1988*.
- Before referring a matter, we will discuss the referral with the other agency, and we will provide you with details of the referral and a contact person within the other agency.
- If we decide not to investigate a report and to not refer the matter to another agency, we must let you know the reasons for this and notify the NSW Ombudsman.

**Guidance:** If an agency typically appoints an external investigator, the process for this should be outlined here. This should include who will continue to maintain contact with the maker of the report.

If an agency has a particular process for determining which matters will go down an investigation pathway, this should be mentioned here so that the expectations of the makers of reports are set from the beginning.

### **(c) How Bogan Shire Council will protect the confidentiality of the maker of a voluntary PID**

We understand that people who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential.

Under the PID Act, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or an agency.

**Bogan Shire Council Policy AP001 (Public Interest Disclosures – Internal Reporting)**

There are certain circumstances under the PID Act that allow for the disclosure of identifying information. These include:

- where the person consents in writing to the disclosure,
- where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker,
- when the public official or Council reasonably considers it necessary to disclose the information to protect a person from detriment,
- where it is necessary the information be disclosed to a person whose interests are affected by the disclosure,
- where the information has previously been lawfully published,
- when the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information,
- when the information is disclosed for the purposes of proceedings before a court or tribunal,
- when the disclosure of the information is necessary to deal with the disclosure effectively,
- if it is otherwise in the public interest to disclose the identifying information.

We will not disclose identifying information unless it is necessary and authorised under the PID Act.

We will put in place steps to keep the identifying information of the maker and the fact that a report has been made confidential. It may not be possible for us to maintain complete confidentiality while we progress the investigation, but we will do all that we practically can to not unnecessarily disclose information from which the maker of the report can be identified.

We will do this by:

- We will limit the number of people who are aware of the maker's identity or information that could identify them.
- If we must disclose information that may identify the maker of the PID, we will still not disclose the actual identity of the maker of the PID, unless we have their consent to do so.
- We will ensure that any person who does know the identity of the maker of a PID is reminded that they have a legal obligation to keep their identity confidential.
- We will ensure that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker.
- We will undertake an assessment to determine if anyone is aware of the maker's identity and if those persons have a motive to cause detrimental action to be taken against the maker or impede the progress of the investigation.
- We will provide information to the maker of the PID about the importance of maintaining confidentiality and advising them how best to protect their identity, for example, by telling them not to discuss their report with other staff.

If confidentiality cannot be maintained or is unlikely to be maintained, Council will:

- advising the person whose identity may become known,
- updating the agency's risk assessment and risk management plan,
- implementing strategies to minimise the risk of detrimental action,
- providing additional supports to the person who has made the PID,

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- reminding persons who become aware of the identifying information of the consequences for failing to maintain confidentiality and that engaging in detrimental action is a criminal offence and may also be a disciplinary matter.

#### **(d) How Council will assess and minimise the risk of detrimental action**

Council will not tolerate any detrimental action being taken by any person against a person who has made a PID, investigators, witnesses or the person the report is about.

Council will assess and take steps to mitigate detrimental action from being taken against the maker of a voluntary PID, the person whose conduct is the subject of a PID, investigators and witnesses.

Council will take steps to assess and minimise the risk of detrimental action by:

- explaining that a risk assessment will be undertaken, and a risk management plan will be created (including reassessing the risk throughout the entirety of the matter)
- providing details of the unit/role that will be responsible for undertaking a risk assessment
- explaining the approvals for risk assessment and the risk management plan, that is, rank or role of the person who has final approval
- explaining how the agency will communicate with the maker to identify risks
- listing the protections that will be offered, that is, the agency will discuss protection options with the maker which may include remote working or approved leave for the duration of the investigation
- outlining what supports will be provided.

Detrimental action against a person is an act or omission that causes, comprises, involves or encourages detriment to a person or a threat of detriment to a person (whether express or implied). Detriment to a person includes:

- injury, damage or loss,
- property damage,
- reputational damage,
- intimidation, bullying or harassment,
- unfavourable treatment in relation to another person's job,
- discrimination, prejudice or adverse treatment,
- disciplinary proceedings or disciplinary action, or
- any other type of disadvantage.

Detrimental action does not include:

- lawful action taken by a person or body to investigate serious wrongdoing or other misconduct,
- the lawful reporting or publication of a finding of serious wrongdoing or other misconduct,
- the lawful making of adverse comment, resulting from investigative action,
- the prosecution of a person for a criminal offence,
- reasonable management action taken by someone in relation to a person who made or may make a PID. For example, a reasonable appraisal of a PID maker's work performance.



Bogan Shire Council Policy AP001 (Public Interest Disclosures – Internal Reporting)

### (e) How Council will deal with allegations of a detrimental action offence

If Council become(s) aware of an allegation that a detrimental action offence has occurred or may occur, Council will:

- take all steps possible to stop the action and protect the person(s)
- take appropriate disciplinary action against anyone that has taken detrimental action
- refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (whichever is applicable)
- notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

**Guidance:** Agencies should set out:

who is responsible for making referrals about alleged detrimental action offences to whom the victim of detrimental action should speak to within the agency  
how the person who the alleged detrimental action has been taken against will be updated and what supports will be offered.

### (f) What Council will do if an investigation finds that serious wrongdoing has occurred

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, Council will take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.

Corrective action can include:

- a formal apology,
- improving internal policies to adequately prevent and respond to similar instances of wrongdoing,
- providing additional education and training to staff where required,
- taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution or reprimand),
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

**Guidance:** Under section 43(1)(f) of the PID Act, agencies must include information about the procedure for taking corrective such as:

who receives the findings of an investigation (this may change depending on the complexity of the investigation, and will be set out in the Terms of Reference or Investigation Plan)  
what steps will be taken to address any recommendations in the findings  
which person/business unit will be responsible for ensuring corrective action takes place  
how the maker will be notified of the proposed or recommended corrective action.

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## 7. Review and dispute resolution

### (a) Internal review

People who make voluntary PIDs can seek internal review of the following decisions made by Bogan Shire Council:

- that Bogan Shire Council is not required to deal with the report as a voluntary PID,
- to stop dealing with the report because Council decided it was not a voluntary PID,
- to not investigate the serious wrongdoing and not refer the report to another agency,
- to cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

Bogan Shire Council will ensure internal reviews are conducted in compliance with the PID Act.

If you would like to make an application for an internal review, you must apply in writing within 28 days of being informed of Council's decision. The application should state the reasons why you consider Council's decision should not have been made. You may also submit any other relevant material with your application.

**Guidance:** Agencies should include information about where internal review applications should be sent to, which person or unit within the agency will conduct the review and what timeframes the agency will set for completion of the review.

### (b) Voluntary dispute resolution

If a dispute arises between Bogan Shire Council and a person who has made a report which is, or may be, a voluntary PID, we may request the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where Council and the maker of the report are willing to resolve the dispute.

## 8. Other agency obligations

### (a) Record-keeping requirements

Council must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that Bogan Shire Council complies with its obligations under the *State Records Act 1998*.

Council will store all documents in our Records Management System – Content Manager 9 (CM9) with security levels applicable to the PID. ie, depending who is involved in the PID will determine the access to the file for example if it is a Manager who would usually have access to all documents Council would ensure that they did not have access.

Bogan Shire Council Policy AP001 (Public Interest Disclosures – Internal Reporting)

**(b) Reporting of voluntary PIDs and Bogan Shire Council annual return to the Ombudsman**

Each year Council provide an annual return to the NSW Ombudsman which includes:

- information about voluntary PIDs received by Bogan Shire Council during each return period (yearly with the start date being 1 July)
- action taken by Bogan Shire Council to deal with voluntary PIDs during the return period
- how Bogan Shire Council promoted a culture in the workplace where PIDs are encouraged.

This information is gathered and reported in the Annual Return by Council's Risk and Governance Officer or in their absence the Director of Finance and Corporate Services. The information should be stored in Councils CM9 with security added and not on the S:Drive of Councils network.

**(c) How [we/agency name] will ensure compliance with the PID Act and this policy**

**Guidance:** It is important for an agency to have mechanisms in place for monitoring the effectiveness of its PID policy and for ensuring compliance with the PID Act. An agency should list:

what oversight arrangements will be in place at the agency and who will be responsible for this oversight

the agency's compliance measures – will this be through regular audits and reporting (including review timeframes)?

what measures the agency will take to address non-compliance

whether reports about compliance will be provided to audit and risk committees.

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**Annexure A — Names and contact details of disclosure officers for Bogan Shire Council**

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## Annexure B – List of integrity agencies

Integrity agency	What they investigate	Contact information
<b>The NSW Ombudsman</b>	Most kinds of <b>serious maladministration</b> by most agencies and public officials (but not NSW Police, judicial officers or MPs)	<b>Telephone:</b> 1800 451 524 between 9am to 3pm Monday to Friday <b>Writing:</b> Level 24, 580 George Street, Sydney NSW 2000 <b>Email:</b> <a href="mailto:info@ombo.nsw.gov.au">info@ombo.nsw.gov.au</a>
<b>The Auditor-General</b>	<b>Serious and substantial waste of public money</b> by auditable agencies	<b>Telephone:</b> 02 9275 7100 <b>Writing:</b> GPO Box 12, Sydney NSW 2001 <b>Email:</b> <a href="mailto:governance@audit.nsw.gov.au">governance@audit.nsw.gov.au</a>
<b>Independent Commission Against Corruption</b>	<b>Corrupt conduct</b>	<b>Telephone:</b> 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday <b>Writing:</b> GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 <b>Email:</b> <a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a>
<b>The Inspector of the Independent Commission Against Corruption</b>	<b>Serious maladministration</b> by the ICAC or the ICAC officers	<b>Telephone:</b> 02 9228 3023 <b>Writing:</b> PO Box 5341, Sydney NSW 2001 <b>Email:</b> <a href="mailto:oiicac_executive@oiicac.nsw.gov.au">oiicac_executive@oiicac.nsw.gov.au</a>
<b>The Law Enforcement Conduct Commission</b>	<b>Serious maladministration</b> by the NSW Police Force or the NSW Crime Commission	<b>Telephone:</b> 02 9321 6700 or 1800 657 079 <b>Writing:</b> GPO Box 3880, Sydney NSW 2001 <b>Email:</b> <a href="mailto:contactus@lecc.nsw.gov.au">contactus@lecc.nsw.gov.au</a>
<b>The Inspector of the Law Enforcement Conduct Commission</b>	<b>Serious maladministration</b> by the LECC and LECC officers	<b>Telephone:</b> 02 9228 3023 <b>Writing:</b> GPO Box 5341, Sydney NSW 2001 <b>Email:</b> <a href="mailto:oiilecc_executive@oiilecc.nsw.gov.au">oiilecc_executive@oiilecc.nsw.gov.au</a>
<b>Office of the Local Government</b>	<b>Local government pecuniary interest contraventions</b>	<b>Email:</b> <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>The Privacy Commissioner</b>	<b>Privacy contraventions</b>	<b>Telephone:</b> 1800 472 679 <b>Writing:</b> GPO Box 7011, Sydney NSW 2001 <b>Email:</b> <a href="mailto:jpcinfo@ipc.nsw.gov.au">jpcinfo@ipc.nsw.gov.au</a>

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<b>The Information Commissioner</b>	<b>Government information contraventions</b>	<b>Telephone:</b> 1800 472 679 <b>Writing:</b> GPO Box 7011, Sydney NSW 2001 <b>Email:</b> <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>
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Attachments

Appendix A – Internal Report Form

**Policy Owner / Further Assistance**

Director Finance and Corporate Services

**Related Information**

- Public Interest Disclosures Act 2022
- Bogan Shire Council Code of conduct
- Guidelines and other information from the NSW Ombudsman ([www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au))

**Review Date**

October 2024

**Revision History**

<b>Date</b>	<b>Description of Change</b>	<b>Sections Affected</b>
27/10/2011	New policy drafted and adopted	All
11/10/2012	Reviewed	All
27/2/2014	Reviewed	All
28/10/2021	Reviewed and amended	All
01/10/2023	Reviewed and amended	All

**Authority**

Council Resolution No                      dated

Bogan Shire Council Policy AP001 (Public Interest Disclosures – Internal Reporting)

**Appendix A**

**Internal Report Form**

To be completed by an internal reporter and submitted to a nominated disclosures officer

**Details of reporter** (You can make an anonymous report by leaving this section blank)

Name:		
Position:		
Division/Unit:		Preferred method of contact
Telephone:		<input type="checkbox"/> Telephone
Email:		<input type="checkbox"/> Email
Postal address:		<input type="checkbox"/> Post

**Details of the wrongdoing being reported**

Description: <ul style="list-style-type: none"> <li>• What happened?</li> <li>• Where did this happen?</li> <li>• When did this happen?</li> <li>• Is it still happening?</li> </ul> (Attach an additional page if required)	
How did you become aware of this?	

Name and position of people involved in the wrongdoing:	<b>Name</b>	<b>Position</b>

Attach any additional relevant information or indicate where supporting evidence may be found:	<b>Supporting evidence</b>	<b>Attached</b>
		<input type="checkbox"/>

Name and position of other people who may have additional information:	<b>Name</b>	<b>Position</b>

**Statement**

I honestly believe that the above information shows or tends to show wrongdoing.

\_\_\_\_\_  
 Signature of reporter  
 (Do not sign if you want to make an anonymous report)

\_\_\_\_\_  
 Date report submitted  
 (Essential information)

## **12.6 FRAUD & CORRUPTION POLICY - AP016**

### **1. Introduction**

The purpose of this report is to present to Council a draft Fraud and Corruption Policy AP016 for review and adoption by Council.

### **2. Background**

Councils' fraud control practice should reflect their compliance with the requirements of the Model Code.

The Audit of NSW and Office of Local Government (OLG) have made recommendation that Councils should have a fraud and corruption control framework which identifies and manages the risk of incidence of fraud or corruption and includes prevention and monitoring strategies.

### **3. Discussion**

This Policy is to state Bogan Shire Council's commitment to the prevention of fraud and corruption and to outline the methodology to deter and detect fraudulent behaviour and corrupt conduct.

This policy will be supported by a Risk Management Plan and a Risk Register.

### **4. Attachments**

1. Fraud and Corruption Policy AP016

### **5. Recommendation**

That Council reviews and adopts the draft Fraud and Corruption Policy AP016.



**COUNCIL POLICY AP016  
FRAUD AND CORRUPTION  
POLICY AND FRAMEWORK**



Bogan Shire Council Policy AP016 (Fraud and Corruption Policy)

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**Bogan Shire Council Policy AP016 (Fraud and Corruption Policy)****Policy Outcomes Statement**

This Policy is to state Bogan Shire Council's commitment to minimising fraud and corruption in the workplace and to outline the procedures to deter and detect fraudulent behaviour and corrupt conduct at Council.

**Overview**

This policy is to ensure that the public and staff understand the following;

- that fraudulent and corrupt acts against Council are not tolerated.
- Where appropriate or required by law, Council will refer matters to NSW Police, or the Independent Commission Against Corruption.
- The standard of ethical behaviour valued and expected by Council from its councillors, Council staff, delegates, volunteers, contractors, consultants, committee members and customers. –
- The roles and responsibilities of councillors, employees and contracted providers for addressing fraud and corruption.

**Applicability**

This policy applies to all councillors, Council staff and volunteers. It also applies to any third party that Council is undertaking business with such as consultants, contractors, and outsourced service providers of Council (collectively referred to as third-party service providers).

This policy forms part of Council's system for fraud and corruption control and should be read in conjunction with other Council policies including Councils Code of Conduct.

**Principles**

Bogan Shire Council has zero tolerance to fraud and corruption, arising either internally or externally, which is relevant to its operation and has an impact on the organisation.

Although Council has a zero tolerance to fraud and corruption, it acknowledges that it is not always possible to eliminate the exposure to fraud and corruption risks, particularly where the implementation of controls is cost prohibitive. Consequently, Council focuses its resources on a risk-based methodology to address areas of greater fraud and corruption risk and emphasise the use of preventative and detective.

Council will not tolerate any form of fraudulent or corrupt conduct by Councillors, staff, contractors, consultants, or volunteers.

**Bogan Shire Council Policy AP016 (Fraud and Corruption Policy)**

Bogan Shire Council is committed to the:

- Development and maintenance of a sound ethical culture supported by appropriate policies, procedures and strategies that prevent fraudulent and corrupt behaviour.
- Review of fraud and corruption risk assessments to identify circumstances in which fraud and corruption could occur.
- Implementation of fraud and corruption prevention and mitigation procedures in day to day operations.
- Use of formal procedures for the investigation of allegations of corrupt and fraudulent behaviour.
- Maintenance of processes and procedures that encourage all business dealings with tenderers, suppliers, consultants, and contractors are conducted in an ethical manner.
- Education and training of all Council officers and elected members in relation to their obligations in combating dishonest and fraudulent behaviour.

**Definitions****Corruption**

Corruption is defined in accordance with section 8 of the Independent Commission Against Corruption Act 1988 as:

- a) any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or
- b) any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or
- c) any conduct of a public official or former public official that constitutes or involves a breach of public trust, or
- d) any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.

**Bogan Shire Council Policy AP016 (Fraud and Corruption Policy)****Fraud**

Fraud is a crime involving the dishonest obtaining of a financial or other benefit by deception. The benefit might be of direct value (e.g. money or easy access to money or other assets). The benefit might be indirect (e.g. obtaining information by deception and trading that information to obtain more tangible benefits).

**Council official**

Council official includes Councillors, members of staff, volunteers and delegates of council.

**Policy and Framework**

The administration of this policy is based around a holistic approach to fraud, and involves actions on the following fronts: -

- Prevention – to establish and maintain a good governance framework through well established procedures that reduce the chances of fraud;
- Detection – sound auditing and checking procedures to deal with any transactions or activities that do not align with the expected procedures;
- Response – detailed reporting and investigation procedures to deal with any potential fraud. A sound response system includes appropriate action to deal with any fraudulent activity.

The Audit Office has established a ten-attribute framework to deal with fraud and Council's framework is built around these. The ten attributes are as follows;

**Leadership**

A successful fraud control framework is led by a visibly committed and accountable General Manager and executive team. The General Manager and Directors will lead the organisation in the development of the Fraud framework.

**Ethical Framework**

The Council has adopted and established the following documents to guide the ethical behavior for Council Officials: -

- The Code of Conduct as developed by the Office of Local Government;
- The Council has established a set of Values and Behaviours.
- Staff understand that fraud is not tolerated and there are significant consequences to those committing fraud.

**Responsibility Structure**

The General Manager and Directors are authorised to receive reports of fraud. If the suspected fraud relates to the General Manager, then the matter can be reported to the Mayor, as per the reporting regime for Code of Conduct complaints or Public Interest Disclosures.

### Bogan Shire Council Policy AP016 (Fraud and Corruption Policy)

Reports regarding suspicious and / or illegal activities can also be reported to external agencies including: -

- NSW Police Force
- Office of Local Government
- The NSW Independent Commission Against Corruption (ICAC)
- The NSW Ombudsman.

All staff are expected to report known or suspected fraud to the General Manager or Directors as soon as possible. Staff are made aware of the responsibility structure in the organisation.

Council's ARIC is responsible for providing independent advice to Council and the General Manager in relation to fraud and corruption control.

#### Fraud Control Policy

This policy sets out the Council's system of fraud control and covers the responsibilities for managing fraud within Bogan Shire Council. The policy is linked to other policies including Code of Conduct and Public Interest Disclosures.

#### Prevention Systems

The Council's prevention system consists of the following features: -

- Risk Assessments – as detailed in the Risk Framework
- Fraud and Corruption risk register
- Fraud Database – to be established to record all incidents
- Ethical workforce – pre-employment screening to ensure staff employed are of the highest ethical behaviour
- Separation of duties – wherever possible to ensure no one staff member controls a process entirely
- Information Security strategy
- Delegations of authority – to ensure measures are in place to control activities.

#### Fraud Awareness

Council management (Manex) are to be trained in fraud awareness, prevention responsibility and management, the message is continually repeated and reinforced using a variety of communication methods. Customers and the community are encouraged to report suspicions of fraud and can do this by a range of channels.

#### Third Party Management Systems

The Council establishes appropriate controls, segregation of duties and delegations of authority to deal with third parties. Council will carry out due diligence before engaging contractors or third parties. Records of conflict of interest and secondary employment are reviewed and kept up to date.

## Bogan Shire Council Policy AP016 (Fraud and Corruption Policy)

### Notification Systems

All staff are required to report suspected fraudulent activity and will be provided with the appropriate support and protection. Members of the public are encouraged to report suspected fraudulent activity.

Staff and members of the public can report fraud in a number of ways including making a Public Interest Disclosure (see Council's PID Policy), reporting directly to Council or to external bodies. Serious Breaches are to be reported to the elected body as soon as possible.

### Detection Systems

Various internal control measures have been established to help detect fraud and these include: -

- segregation of duties
- approvals and authorisation
- verification
- reconciliations
- risk assessments
- data checks
- internal and external audits.

### Investigation Systems

When an allegation of fraud is made against an employee, the General Manager and / or Director(s), will discuss the matter with the person making the allegation. This person may be asked to make a written statement regarding the allegations.

The staff member alleged to have committed the fraud may be interviewed during this preliminary stage. Staff members can be accompanied during the interview by their manager or other nominated member of staff.

The applicable Director will organise a preliminary assessment of the allegation and provide details to the General Manager on the findings. If the matter concerns the General Manager than it shall be reported to be public officer who will deal with the matter in accordance with the code of conduct complaints handling procedures.

If the allegation is serious enough and / or the evidence is compelling, then the matter may warrant a full investigation.

If a full investigation is to be followed, the General Manager/independent investigator will need to determine whether the matter is referred to an external agency such as the Police, ICAC or the Ombudsman.

The General Manager/independent investigator may wish to refer it to the Code of Conduct Complaints Coordinator and have the matter referred to using the Code of Conduct Investigation procedures.

Council is committed to taking appropriate action against the perpetrators of fraud.



## Bogan Shire Council Policy AP016 (Fraud and Corruption Policy)

### Disciplinary Procedures

The determination of an investigation whether it be a preliminary or full investigation, will be referred to the General Manager if it is a staffing matter.

For Councillors the matter will follow the Code of Conduct procedures.

Any matter may still be referred to or dealt with by an outside agency, in addition to a matter considered by the above two matters. For instance, a staff matter, dealt with by the General Manager may still be referred to the Police for further action.

### Privacy and access to information

Information provided through any allegation and subsequent investigation will be handled confidentially. This is designed to help prevent any action being taken against staff for reporting suspected fraud. However, there may be situations where confidentiality may not be possible or appropriate. This will be discussed with the staff member making the report.

While anonymous reports are not encouraged, there may be situations where someone may not want to identify themselves.

The Council will accept anonymous reports; however, anonymity may limit the Council's ability to seek further information to assess the report adequately. When the identity of the person making the allegation is known, Council can obtain further information if required, provide the person with protection (via the PID process) and provide feedback about the outcome of any investigation into the allegations.

### Breach of this policy

A breach of this policy may lead to disciplinary action being undertaken. This will depend on the severity of the incident in question. A breach of this policy could also lead to criminal action.

Any report or allegation that is found to be vexatious, frivolous, or misleading may result in disciplinary action being taken against the staff member making the allegation.

### Authority

Council resolution no XXXXX dated XXXXXX.

### Policy Owner / Further Assistance

Director Finance and Corporate Services / Governance & Risk Officer

### Related Documents

- Council Code of Conduct -
- Public Interest Disclosure Policy – Internal Reporting
- Risk Management Policy

Bogan Shire Council Policy AP016 (Fraud and Corruption Policy)

**Related Information and Legislation**

This policy complements other legislation and where it is silent on matters referred to in the following legislation such matters must be followed in accordance with the legislation.

- Local Government Act 1993 (NSW)
- Independent Commission Against Corruption Act 1988 (NSW)
- Crimes Act 1900 (NSW)
- AS 8001:2021 Fraud and corruption control
- AS ISO 31000:2018 Risk Management - guidelines
- Public Interest Disclosures Act 2022

**Review Date**

November 2026

**Revision History**

Date	Description of Change	Sections Affected
14/11/2023	New policy drafted	All
XXXXXX	New policy adopted	All

## 12.7 RETURNS OF INTEREST

### 1. Introduction

The purpose of this report is to advise Council of the requirement to publish Returns of Interest of Councils designated persons on Councils website and to seek direction as to whether these returns should be published in a redacted format.

### 2. Background

Under the *Government Information (Public Access) Act 2009* (GIPA Act) and the *Government Information (Public Access) Regulation 2018* (GIPA Regulation), all NSW agencies are required to make a range of open access information publicly available, unless there is an overriding public interest against disclosure of the information.

A report was presented to Council at its Ordinary Meeting in April 2021 to ask Council to identify positions at Council of a designated person under the GIPA Act. The report also advised the need to publish, on Council's website, the Returns of Interest of the designated persons.

The requirement to publish returns of interests is designed to operate as a transparency mechanism to ensure that key decision makers in councils appropriately disclose and manage pecuniary interests, they may have in matters they are dealing with.

### 3. Discussion

At its Ordinary Meeting 22 April 2021, Council resolved that the designated persons for Returns of Interest were all Councillors, the General Manager and the Directors of Council and asked to be advised of the information that would be published.

Guideline 1 from the Information and Privacy Commission recognizes that decision makers may redact personal information such as principal place of residence and signature before publishing. If personal information is redacted then Council need to document their reasons for each case.

To that end, this report advises that the whole return of interest will be published on Councils website with the principal place of residence and signatures redacted before publishing for privacy reasons unless Councillors advise they are happy to have the whole on the document published in tact.

### 4. Attachments

1. Information Access Guideline 1

### 5. Recommendation

That Council either:

- (a) Publishes the annual Returns of Interest from designated persons on its website intact.

OR

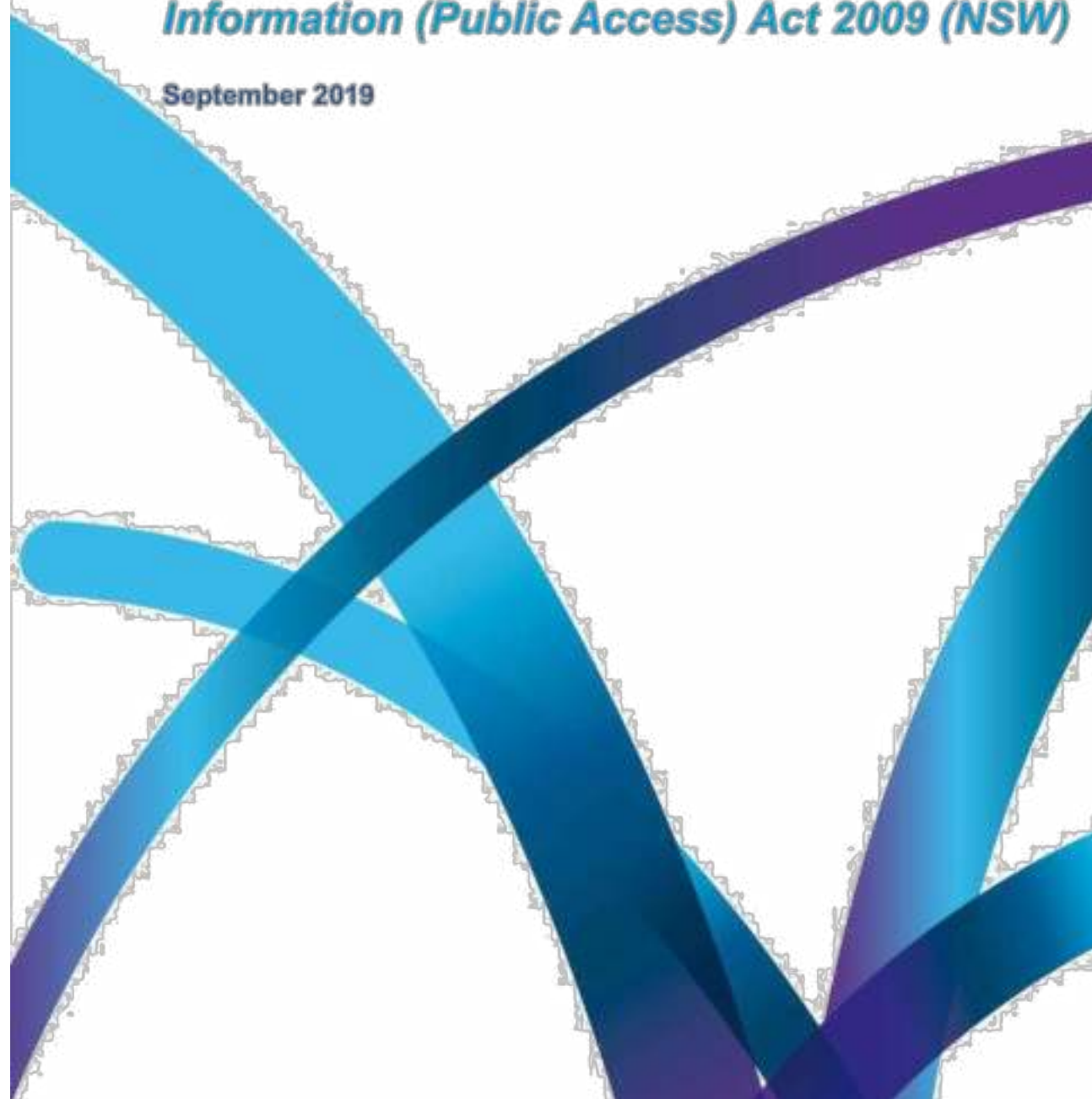
- (b) Publishes the annual Returns of Interest from designated persons on its website in a redacted form to eliminate principal place of residence information and signatures.



information  
and privacy  
commission  
new south wales

**Guideline 1: For local councils on the disclosure of information contained in the returns disclosing the interests of councillors and designated persons developed under the *Government Information (Public Access) Act 2009 (NSW)***

**September 2019**



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## Guideline 1: For local councils on the disclosure of information contained in the returns disclosing the interests of councillors and designated persons developed under the *Government Information (Public Access) Act 2009 (NSW)*

The Information Commissioner is empowered under sections 12(3) and 14(3) of the *Government Information (Public Access) Act 2009 (NSW)* ("GIPA Act") to issue guidelines to assist agencies regarding the public interest considerations in favour of, or against, disclosure.

These Guidelines, made pursuant to those sections of the GIPA Act, are made to assist local councils to determine the public interest considerations for and against disclosure of information contained in the returns disclosing the interests of councillors and designated persons as required by clause 1(2)(a) of Schedule 1 of the *Government Information (Public Access) Regulation 2018 (NSW)* ('the GIPA Regulation').

These Guidelines supplement the provisions of the GIPA Act. Agencies must have regard to them in accordance with section 15(b) of the GIPA Act.

The Guidelines have been developed in consultation with the Office of Local Government, and the Privacy Commissioner.

The operation and effectiveness of the Guidelines will be reviewed after two years or as required by any intervening developments relevant to the Guideline.

Elizabeth Tydd

**IPC CEO, Information Commissioner  
NSW Open Data Advocate**

September 2019

## Overview

Part 4 of the *Model Code of conduct for Local Councils in NSW (2018)* (Model Code) requires a councillor or a designated person to complete and lodge with the general manager a return disclosing his or her pecuniary interests. That return may contain personal information about each councillor and designated person, including his or her name, address and signature, as well as information about property and share holdings, gifts received, debts owed, other sources of income, and positions held in a trade union or business or professional organisation. The form of the return is set out in Schedule 2 of the Model Code.

Mandatory proactive release, also known as open access information, is one of the four information access pathways under the GIPA Act. Proactive release advances the object of the GIPA Act to "maintain and advance a system of responsible and representative democratic Government that is open, accountable, fair and effective ..." The GIPA Act contributes to the building of an integrity culture through the establishment of a framework based around the principles of pro-active disclosure and a presumption in favour of public interest disclosure.

The mandatory proactive release provisions of the GIPA Act and the GIPA Regulation apply to the disclosure of information contained in returns disclosing the interests of councillors and designated persons. The combined effect of the GIPA Act and the 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 the council determined there was an overriding public interest against disclosing the information.

In order to decide whether there is an overriding public interest against disclosure, councils need to apply the public interest test, and weigh the public interest considerations in favour of and public interest considerations against disclosure.

This Guideline recognises that disclosing the information in the returns furthers openness, transparency and accountability in local government. It also facilitates the identification and management of potential conflicts of interest that might arise where councillors and other staff participate in decisions from which they may derive, or be perceived to derive, personal or financial benefit.

However, the returns may contain personal information about the person concerned, and, potentially, about third parties such as family members. This is information which individuals may have concerns about disclosing publicly on a website and may object to publication following consultation under the GIPA Act.

[Section 6\(4\)](#) of the GIPA Act requires agencies to "facilitate public access to open access information contained in a record by deleting matter from a copy of the record to be made publicly available, if inclusion of the matter would otherwise result in there being an overriding public interest against disclosure of the record, and it is practicable to delete the matter".

## Guideline 1: For local councils on the disclosure of information

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The fact that information is open access information is an important factor in favour of disclosure which must be balanced against any applicable considerations against disclosure, as was noted by the NSW Civil and Administrative Tribunal Appeal Panel in two recent cases<sup>1</sup>. In *Webb v Port Stephens Council (No. 3)* [2018] NSWCATAP 286, the Appeal Panel stated at paragraph 77:

*Where the information in issue is in fact open access information, as noted by the Appeal Panel in McEwan, this is an "important factor in favour of disclosure" (in addition to other relevant factors in favour of disclosure, including the general public interest in favour of disclosure provided for in s12(1) of the GIPA Act) when it comes to determining whether the balance lies between a public interest consideration against disclosure and the public interest in favour of disclosure.*

Open access information should be available free of charge on a website maintained by the relevant agency. Open access information can also be made publicly available in other ways, however at least one of the ways in which the information is accessible must be free of charge.<sup>2</sup>

Consequently, this Guideline provides that the requirement in Clause 1(2)(a) of [Schedule 1](#) of the GIPA Regulation, that returns of councillors and designated persons be released as part of local councils' open access information, should be interpreted as follows:

- The returns should be made publicly available on the council's website free of charge unless there is an overriding public interest against disclosure or to do so would impose unreasonable additional costs on the council
- The fact that a return of interests is open access information is a factor in favour of disclosure in balancing the public interest
- In the circumstances where council decides that there is an overriding public interest against disclosure of the return, consideration should then be given to whether it is practicable to release an edited copy of the return (for example redacting the individual's signature or residential address) in accordance with [section 6\(4\)](#) of the GIPA Act
- If it is practicable to do so, then the information should be deleted from a copy of the return and the remainder of the return made available on the council's website
- Where information is deleted from a return, council should keep a record indicating, in general terms, the nature of the information redacted in accordance with section 6(5) of the GIPA Act
- Copies of publicly available information about returns may be made in accordance with [clause 5\(1\)\(b\)](#) of the GIPA Regulation.

Releasing the information contained in the returns of councillors and designated persons in this manner facilitates the legitimate public interest in having access to the information, while protecting the individual's right to privacy and safety.

<sup>1</sup> *McEwan v Port Stephens Council* [2018] NSWCATAP 211, *Webb v Port Stephens Council (No. 3)* [2018] NSWCATAP 286

<sup>2</sup> GIPA Act sections 6(2);6(3)



## Part 1: Returns disclosing the interests of councillors and designated persons

### What is a return?

- 1.1 Part 4 of the [Model Code](#) establishes the requirements for the disclosure of pecuniary interests by councillors and designated persons. This includes disclosures of interests in written returns (returns of interests) and disclosures of pecuniary interests at meetings. This Guideline deals only with requirements in relation to written returns of interests and does not affect the obligations of councillors or committee members to disclose pecuniary interests at meetings.
- 1.2 The Model Code is made under section 440 of the *Local Government Act 1993* (NSW) (LGA) and Part 8 the *Local Government Regulation 2005*. Part 4 of the Model Code replicates and replaces the requirements previously set out in sections 441- 449 of the LGA.
- 1.3 Clause 4.21 of the Model Code requires that councillors and designated persons prepare and submit written returns of interest within three months after:
  - becoming a councillor or designated person, and
  - 30 June of each year, and
  - becoming aware of an interest they are required to disclose.
- 1.4 A 'designated person' is defined in clause 4.8 of the Model Code as:
  - *the general manager*
  - *other senior staff of the council*
  - *a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions under the LGA or any other Act (such as regulatory functions or 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 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 (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.*
- 1.5 Clause 4.1 of the Model Code defines a 'pecuniary interest' as one involving a "reasonable likelihood or expectation of appreciable financial gain or loss to the person". Clause 4.2 provides that a person "will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6" (which are interests that do not have to be disclosed).

**Guideline 1: For local councils on the disclosure of information****September 2019**

1.6 For the purposes of the Model Code, a pecuniary interest is one held by the councillor and designated person, or his or her spouse, de facto partner, relative, partner or employer, or a company or other body of which the person, or a nominee, partner or employer of the person, is a shareholder or member.<sup>3</sup> However, a person is not taken to have a pecuniary interest in a matter:

- a) *if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body; or*
- b) *just because the person is a member of, or is employed by, a council or a statutory body or is employed by the Crown; or*
- c) *just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.<sup>4</sup>*

1.7 The returns are designed to promote openness and transparency in local government, and to avoid a conflict of interest on the part of councillors and senior council staff who exercise decision-making functions.

**What information do the returns contain?**

1.8 Part 2 of Schedule 1 of the Model Code sets out the matters that must be disclosed in the returns of interests in the following categories:

- interests in real property: clauses 5 - 8
- gifts: clauses 9-11
- contributions to travel: clauses 12-14
- interests and positions in corporations: clauses 15-18
- interests as a property developer or a close associate of a property developer: clauses 19-20
- positions in trade union and professional or business associations: clauses 21-22
- dispositions of real property: clauses 23-25
- sources of income: clauses 26-30
- debts: clauses 31 - 33
- discretionary disclosures: clause 34 (A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of the Schedule).

1.9 The form of the return is provided in Schedule 2 of the [Model Code](#).

<sup>3</sup> Clause 4.4 of the Model Code

<sup>4</sup> Clause 4.5 of the Model Code

### Disclosure under the LGA now replaced with the GIPA Act and Regulations

- 1.10 The LGA previously required that the current version of the return of interests of councillors and designated persons was to be made available for public inspection free of charge.
- 1.11 In 2009, the GIPA Act replaced section 12 of the LGA with the mandatory proactive release provisions in [sections 6](#) and [18](#) of the GIPA Act, and the GIPA Regulation (see [Part 2](#)).

## Part 2: Disclosure requirements under the GIPA Act and the public interest test

### Mandatory disclosure requirements

- 2.1 [Section 6](#) of the GIPA Act requires agencies to make certain information publicly available. This information is known as open access information. [Section 18](#) contains a list of the open access information that all agencies must make publicly available. Schedule 1 to the GIPA Regulation lists additional open access information relevant only to local councils. This includes the returns of the interests of councillors and designated persons (see [clause 1\(2\)\(a\)](#) of Schedule 1).
- 2.2 The GIPA Act requires under section 6 that open access material must be made publicly available unless there is an overriding public interest against disclosure. Section 6(2) provides that the information is to be made publicly available free of charge on a website maintained by the agency (unless to do so would impose unreasonable additional costs on the agency) and can be made publicly available in any other way that the agency considers appropriate.
- 2.3 Section 6(4) requires agencies to facilitate public access to open access information by deleting matter (content) if it is practicable to do so. This facilitates the release of open access information by enabling any matter subject to an overriding public interest against disclosure to be deleted so that the remainder of the information can be released. In circumstances where council determines that there is an overriding public interest against disclosure of open access information, section 6(4) may operate to require public release of the remaining open access information which is not subject to the overriding public interest against disclosure. Where information is deleted in accordance with section 6(4), the agency is required to keep a record indicating, in general terms, the nature of the information that has been redacted (see section 6(5)).
- 2.4 [Part 2](#) of the GIPA Regulation also provides that local councils must provide a copy of a record containing the information (or providing the facilities for making a copy of a record containing the information) to any person either free of charge or for a charge not exceeding the reasonable cost of photocopying.
- 2.5 The combined effect of these provisions is that information in the returns of the interests of councillors and designated persons needs to be made available on a council's website, unless there is an overriding public interest against such disclosure, or if placing it on the web would impose unreasonable costs on a council.

### The public interest test

- 2.6 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 (section 5). In order to determine if there is an overriding public interest against disclosing information in the returns of the interests of councillors and designated persons, councils need to apply the public interest test under [Part 2](#) of the GIPA Act.
- 2.7 The fact that a return of interests is open access information is an important factor in favour of disclosure which must be balanced against any applicable considerations against disclosure. In balancing the public interest decision makers should have regard to the intent of the legislature and apply the Act consistent with the objects of section 3(2) of the GIPA Act.
- 2.8 The public interest test is described in [section 13](#) of the GIPA Act as “[t]here is an overriding public interest against disclosure of government information for the purposes of this Act if (and only if) there are public interest considerations against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure”.
- 2.9 In applying the public interest test factors such as privacy may be considered. While the note to [section 12](#) provides a non-exhaustive list of examples of factors that may be considered in favour of disclosing information, only those considerations listed in the Table in [section 14](#) may be taken into account in deciding that information should not be disclosed. The considerations against disclosure must be such that they outweigh those in favour, overturning the general presumption in the GIPA Act in favour of disclosure (see [section 5](#)).
- 2.10 The Information Commissioner has published the following resources to assist agencies to apply the public interest test:
- [Guideline 4: Personal information as a public interest consideration under the GIPA Act](#)
  - [What is the public interest test?](#)

## Part 3: How the information on returns should be disclosed

### Public interest considerations in favour of disclosure

- 3.1 The note in [section 12](#) of the GIPA Act contains a number of factors that favour disclosure of information, including the following:
- Disclosure of the information could reasonably be expected to promote open discussion of public affairs, enhance Government accountability or contribute to positive and informed debate on issues of public importance.*
  - Disclosure of the information could reasonably be expected to inform the public about the operations of agencies and, in particular, their policies and practices for dealing with members of the public.*
  - Disclosure of the information could reasonably be expected to ensure effective oversight of the expenditure of public funds.*
  - The information is personal information of the person to whom it is to be disclosed.*
  - Disclosure of the information could reasonably be expected to reveal or substantiate that an agency (or a member of an agency) has engaged in misconduct or negligent, improper or unlawful conduct.*

**Guideline 1: For local councils on the disclosure of information****September 2019**

- 3.2 Disclosure of the returns of the interests of councillors and designated persons promotes some of these public interest considerations in favour of disclosure (see (a), (b), (c) and (e)). It furthers openness, transparency and accountability in local government. Disclosing the returns also protects the integrity of councils' decision-making processes by allowing scrutiny of potential conflicts of interests that would arise where councillors or staff participate in decision making from which they or their close associates may derive, or be perceived to derive, personal or financial benefit.
- 3.3 To assist members of the public to have confidence that potential conflicts of interest are avoided, they should have sufficient information about the areas of conflict. In this respect, disclosure of the information contained in the returns is an important element in promoting public accountability.

**Public interest considerations against disclosure**

- 3.4 Councillors and designated persons may be required to disclose personal information in the returns. In addition to their names and addresses, the returns include details about each of their property and share holdings, debts and family business interests, as well as their signatures.
- 3.5 Clause 3 in the Table in [section 14](#) of the GIPA Act lists as a consideration against disclosure the fact that information may reveal someone's personal information, or would contravene an information privacy principle under the *Privacy and Personal Information Protection Act 1998* (NSW) (PPIP Act). An individual has a right to protect the privacy of their personal information. Given the amount of personal information that may be contained in the returns, special care should be taken to protect this right.
- 3.6 The balancing of public interest considerations may necessitate consideration of privacy protection principles and the interaction between the GIPA Act and the PPIP Act is well established within both statutes. While a return may reveal personal information, which is a public interest consideration against disclosure, this is not a conclusive presumption against disclosure. It is just one of the relevant factors that need to be weighed against other factors for and against disclosure. In this regard the considerations must be weighed in conducting the public interest test and this balancing should be informed by section 5 and section 20(5) of the PPIP Act which provide that the GIPA Act is not limited by the PPIP Act.
- 3.7 A further consideration against disclosure listed in clause 3 of the Table in [section 14](#) is where release of the information may expose a person to a risk of harm or of serious harassment or serious intimidation. It is foreseeable that disclosing the type and combination of information contained in the returns on a council's website could expose a person to harassment and intimidation, and potentially serious harm or identity theft.
- 3.8 In *Pallier v NSW State Emergency Service* [2016] NSWCATAD 293, the NSW Civil and Administrative Tribunal indicated that the intimidation or harassment needs to be heavy, weighty or grave and not trifling or transient.<sup>5</sup> The risk needs to be considered objectively. Any evidence of the risk should be as it currently stands, rather than evidence of past actions.<sup>6</sup>

<sup>5</sup> *Pallier v NSW State Emergency Service* [2016] NSWCATAD 293, paragraph 81

<sup>6</sup> *Ibid*, paragraph 85.

### Application of section 6(4) of the GIPA Act

- 3.9 In circumstances where council determines that there is an overriding public interest against disclosure of a return of interest, council may still be required to release an edited copy of the return.
- 3.10 [Section 6\(4\)](#) of the GIPA Act requires agencies 'must facilitate public access to open access information contained in a record by deleting matter from a copy of the record if disclosure of the matter would otherwise be prevented due to an overriding public interest against disclosure, and it is practicable to delete the matter'.
- 3.11 The type of matter which might be deleted from a return in these circumstances will vary depending on the public interest considerations applied. However, examples might include the signatures or residential address of the individual making the return.
- 3.12 Where information is deleted from a return, council should keep a record indicating, in general terms, the nature of the information redacted in accordance with section 6(5) of the GIPA Act

### Conclusion

- 3.13 Disclosure of information contained in the returns of the interests of councillors and designated persons is an important public accountability measure. Open access information should be treated as a special class of information when determining information access. Accordingly, the threshold to displace Parliament's intent that it is open access is set at a high level.
- 3.14 The requirement in clause 1(2)(a) of [Schedule 1](#) of the GIPA Regulation that returns of councillors and designated persons be released as part of local councils' open access information should be interpreted as follows:
- The returns should be made publicly available on the council's website unless there is an overriding public interest against release or to do so would impose unreasonable additional costs on council.
  - The fact that a return of interests is open access information is a factor in favour of disclosure in balancing the public interest.
  - In the circumstances where council decides that there is an overriding public interest against disclosure, consideration should then be given to whether it is practicable to release an edited copy of the record (for example redacting the individual's signature or residential address) in accordance with [section 6\(4\)](#) of the GIPA Act.
  - If it is practicable to do so, then the information should be deleted from a copy of the record and the remainder of the return made available on the council's website.
  - Where information is deleted from a return, council should keep a record indicating, in general terms, the nature of the information redacted.
  - Copies of publicly available information about returns may be made in accordance with [clause 5\(1\)\(b\)](#) of the GIPA Regulation.
- 3.15 Releasing the information contained in the returns of councillors and designated persons in this manner facilitates the legitimate public interest in having access to the information, while respecting other considerations against disclosure including privacy.

**Guideline 1: For local councils on the disclosure of information**

**September 2019**

**Document information**

<b>Title:</b>	Guidelines for local councils on the disclosure of information contained in the returns disclosing the interests of councillors and designated persons developed under the Government Information (Public Access) Act 2009 (NSW)
<b>Business centre:</b>	IPC
<b>Author:</b>	Legal Counsel and Regulatory Advice
<b>Approver:</b>	Information Commissioner
<b>Date of effect:</b>	26 September 2019
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<b>File reference:</b>	18/6401/DJ
<b>Keywords:</b>	Guidelines, local government, GIPA Act, disclosures, elected officials, councillors, pecuniary interests,

**1. Document history**

<b>Version</b>	<b>Date</b>	<b>Reason for amendment</b>
1.1	July 2014	Accessibility update
2	May 2019	Review of content

## 12.8 DRAFT FINANCIAL ASSISTANCE POLICY

### 1. Introduction

The purpose of this report is for Council to approve the draft Financial Assistance Policy AP015.

### 2. Background

Section 356 of the *Local Government Act 1993* prescribes the requirements when councils provide financial assistance to others (including charitable, community and sporting organisations and private individuals).

Financial assistance must be for the purposes of exercising the council's functions. Section 356(2) requires councils to give at least 28 days public notice of a proposal to pass a resolution to grant financial assistance prior to doing so.

Public notice is not required if:

- The assistance is part of a specific program which has been included in the council's management plan
- The program's budget does not exceed 5% of the council's income from ordinary rates for the year and
- The program is uniformly available to all or a significant group of persons within the area.

The Office of Local Government encourages councils to achieve greater transparency and accountability by developing a policy on the granting of financial assistance to others.

The financial assistance or donations policy should cover issues such as:

- Forms of application for financial assistance
- Assessment processes, including, where applicable, obtaining supporting information to establish the bona fides of applications
- Procedures for ensuring public notice is given and for dealing with any public submissions
- Establishing clear and transparent criteria for the assessment of applications for financial assistance
- A procedure for ensuring financial assistance is used by the recipient for the specified purpose.

Policies should be applied with sufficient flexibility to ensure that the council strikes an appropriate balance between prudent financial management and its ability to effectively meet meritorious requests for financial assistance.

This draft Financial Assistance Policy was presented to Council at last month's meeting and Council resolved to defer the policy until this meeting to allow Councillors to consider matters raised.



### **3. Discussion**

Due to the quantity of requests for monetary financial assistance increasing from community organisations and in order to be fair and equitable to the community it was considered that Council needs to have a Policy in place for Council to follow.

Council has had a resolution in place for some years that allows bonafide community organisations in the Bogan Shire area to use Councils facilities free of charge which can add up to a considerable sum with preparation of the facility both before and after use.

As there is a limited Annual Budget for financial assistance/donations, staff have prepared a draft Financial Assistance Policy AP015 for Council to consider to adopt as a basis for selection as to what community organisations may be eligible to receive additional financial assistance by way of a monetary contribution.

#### **Points for discussion**

- What budget will Council consider for Donations for 2024/2025?
- How often should funding be considered? Annually, quarterly, monthly? Can applicants apply ad-hoc?
- What is the maximum amount of financial assistance permitted and does this amount include hire fees for the facility and event set-up and set-down?
- Should applicants be able to apply for funding assistance to pay for rates?

### **4. Attachments**

1. Draft Financial Assistance Policy AP015

### **5. Recommendation**

That Council adopts Financial Assistance Policy AP015 with amendments as discussed.

**FINANCIAL ASSISTANCE POLICY AP015**

**Bogan Shire Council Policy AP015 (Financial Assistance)**

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**Bogan Shire Council Policy AP015 (Financial Assistance)****Policy Outcomes Statement**

Under section 356 of the Local Government Act 1993 (NSW) (LG Act), the Bogan Shire Council is able to, in accordance with a resolution of the Council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

**Overview**

This policy will provide guidelines, conditions, and information on the Council's provision of financial assistance under section 356 of the NSW Local Government Act 1993 (LG Act).

Council has limited funding available in their Annual Budget for the purpose of financial assistance and this Policy seeks to provide guidance to the Non-for-Profit Organisations that wish to apply for Financial Assistance.

Council has a long standing resolution that waives all booking fees for the use of Council facilities and security bonds on such bookings for bonafide community organisations within the Bogan Shire Council. This may already be a donation to the community organisation requesting financial assistance from Council.

**Applicability**

This Policy applies to any organisation (or individual on behalf of such organisation) based within the Bogan Shire who requests from the Council financial assistance in the form of a donation of funds for any purpose.

**Principles**

Bogan Shire Council recognises that community organisations play an important role in our community. As a result, Council supports community organisations through the provision of in-kind services, allocation of equipment and strategic advice and from time-to time, taking the budget into consideration, financial assistance.

**Policy****1. The following conditions shall apply to all applications for Financial Assistance**

- 1.1. Requests for funding under this Policy will only be considered on application, on completion of the Public Donations Application Form (in either hard copy form or electronically).
- 1.2. Funding will only be advanced under this Policy to an organisation on one (1) occasion each financial year.

**Bogan Shire Council Policy AP015 (Financial Assistance)**

- 1.3. The amount available for distribution by the Council each financial year under this Policy will be as set out in the Council's annual budget and once this amount has been utilised in any year, the Council will not entertain any further applications for funding in that year.
- 1.4. The maximum amount of financial assistance permitted to be granted by the Council in relation to any application for financial assistance under this Policy is \$2,000.
- 1.5. An application in relation to any of the following is ineligible for financial assistance under this Policy (and is accordingly, an Ineligible Application) and such applications will not be considered by the Council):
  - 1.5.1 an application where a completed Public Donations Application Form is not submitted;
  - 1.5.2 an application where a completed Public Donations Application Form is not received within the timeframes specified by this Policy;
  - 1.5.3 retrospective funding of any activity;
  - 1.5.4 a request from a political party or other party affiliated or associated (either directly or indirectly) with any political party, whether registered or not;
  - 1.5.5 a project, event, service or activity which should be funded by the State or Federal Government, if so eligible;
  - 1.5.6 a request from a government agency and/or authority;
  - 1.5.7 a request for funding to support an enterprise for private gain;
  - 1.5.9 a request for funding which will be directed to payment of rates;
  - 1.5.10 a request from an individual on their own behalf or on behalf of another individual, whether for private gain or not;
  - 1.5.11 a request for funding for construction of, or upgrading, infrastructure on private land;
  - 1.5.12 a request for funding of construction of, or upgrading, infrastructure on public land which is not accompanied by an asset maintenance plan (including an explanation of how such maintenance is proposed to be funded);

**2. Responsibility**

Council is responsible for determining the successful applicants. All eligible applications for financial assistance will be presented to Council at the September Council meeting each year for Council to consider the applications and make a resolution as to the recipients of the financial assistance.

**Bogan Shire Council Policy AP015 (Financial Assistance)****3. Applicants**

3.1. An application for financial assistance under this Policy will only be considered when the applicant satisfies the following criteria:

3.1.1 the application must not be an Ineligible Application;

3.1.2 the financial assistance must be used for a purpose which benefits the community and is consistent with, and supports, the strategic priorities of the Bogan Shire Council;

3.1.3 the organisation must be based in and/or actively working within the Bogan Shire or, if located outside the Bogan Shire, the organisation must provide a service that primarily impacts upon residents of the Bogan Shire (evidence of this may be required, on request).

3.2. Applications will be favourably considered where:

3.2.1 the applicant demonstrates it has considered inclusion and accessibility having regard to Council's Disability Inclusion Action Plan; and/ or

3.2.2 contributions are being made by the applicant itself (financially or in kind) or a contribution has been secured through another grant or partnership. In respect of a financial contribution by the group itself or other grant or partnership secured, full details of the monetary amount are required to be disclosed. In the case of an in-kind contribution, full details of the contribution should be included including a reasonable estimate of the financial cost that contribution accounts for.

3.3 Applications for financial assistance will be considered by the Council on an annual basis, in accordance with the following procedure:

3.3.1 All applications for financial assistance in relation to events, functions and sponsorship taking place during the financial year must be received by the Council no later than four (4) weeks prior to the September Council meeting and applications received outside this timeframe will not be considered;

3.3.2 within a reasonable time of receipt, the General Manager will review each completed Financial Assistance Application Form and determine whether the application is eligible or not; and

3.3.3. the Executive Assistant to the General Manager will notify all applicants as to whether their application for financial assistance is eligible or not and if so, that the application will be considered by the Council at the September meeting.

3.3.4 Ineligible Applications will not be considered by the Council.

**Bogan Shire Council Policy AP015 (Financial Assistance)****4. Conditions of Funding**

- 4.1. The Council does not guarantee to fund any eligible application and also does not guarantee to fund any application to the full amount requested.
- 4.2. Where an application for funding is approved by the Council, the financial assistance is provided subject to the following conditions:
  - 4.2.1 the recipient will be required to give public recognition to the funding provided by the Council and acknowledge the Council's financial assistance on any promotional documentation, correspondence or other material (an electronic copy of the Council's logo will be provided for this purpose);
  - 4.2.2 the funding must be expended within nine (9) months of approval by the Council and any funds not so expended must be returned to the Council as soon as practicable thereafter;
- 4.3. Where funding is approved by the Council, this is not to be taken as an ongoing commitment of financial assistance for future years.
- 4.4. The General Manager is authorised, pursuant to Section 377 of the LG Act, to allow a matter that does not conform with a Policy to proceed if the General Manager is of the opinion that the variation from the Policy is of a minor nature.

**5. Dispute Procedure**

- 5.1. In relation to any application for financial assistance considered by the Council, the decision of the Council will be final, with no further correspondence to be entered into.
- 5.2. Subject always to paragraph 5.1, should any dispute or difference (dispute) arise between the Council and an applicant in relation to an application for financial assistance (for example, because the application has been determined to be an Ineligible Application), the following procedure shall be followed to resolve the dispute:
  - 5.2.1 at the written request of the aggrieved applicant, the applicant and the General Manager shall meet at the Council office at a mutually convenient time with a view to resolving the dispute through effective and constructive consultation (such meeting to take place within a reasonable time of the Council's receipt of the applicant's written request);
  - 5.2.2 should the applicant and the General Manager not resolve the dispute within ten (10) business days of their meeting, the General Manager will consult with the Mayor in relation to the matter; and
  - 5.2.3 the Mayor may, in his/her discretion, determine that the application for financial assistance be put before the Council for consideration.

Bogan Shire Council Policy AP015 (Financial Assistance)

**Authority**

Council resolution no                      dated                      .

**Policy Owner / Further Assistance**

XXXXXXXXXXXXXXXXXXXXX

**Related Documents**

Application for Financial Assistance

**Related Information**

Council’s legislative requirements include, but are not limited to the following instruments of legislation:

- Local Government Act 1993
- Local Government (General) Regulation 2005

**Review Date**

March 2025

**Revision History**

Date	Description of Change	Sections Affected
30/8/2023	New policy drafted	All



**13 ENGINEERING SERVICES REPORTS**

**13.1 DEPARTMENTAL ACTIVITY REPORT**

**1. Introduction**

The purpose of this report is to provide Council with information that is both statistical and informative in regard to the activities of the Engineering Services Department.

**2. Background**

A regular activity report is provided for the information of Councillors.

**3. Discussion**

**Roads**

Road work undertaken for the reporting period 16 October 2023, to 10 November 2023 consisted of the following:

No.	Name	Comments
	Local Roads	
66	Days Road	Repairs to causeways and drainage completed
81	Benah Road	Re-sheeting continuing
67	Paynes Road	Re-sheeting continuing
65	Wilgaree Road	Maintenance grading commenced
	Hermidale Village	Fire Breaks completed
92	Colane Road	Heavy patching continuing
92	Colane Road	Re-sheeting continuing
25	Merryanbone Road	Improvements to formation & drainage continuing
10	Pangee Road	Heavy patching of the sealed section continuing
61	O'Neill's Road	Re-sheeting completed
18	Elmore Road	Flood damage repairs commenced

	Regional Roads	
7514	Cockies Road	Flood damage repairs continuing
	State Highways	
HW7	Mitchell Highway	Yarran Hut rehabilitation completed

Council has completed pothole repairs on the following roads:

• Nyngan Town Streets	• Hermidale Nymagee Road
• Colane Road	• Canonba Road
• Old Warren Road	• Tottenham Road
• Murrawombie Road	• Barrier Highway

The upcoming works program for Council's Rural Works teams includes, but is not limited to the following works:

- Commencing, or continuing maintenance grading, re-sheeting, or flood damage repairs on the following local roads Merryanbone Road, Pangee Road, Tottenham Road, and Cockies Road.
- Continuing heavy patching to repair the damaged sealed sections of Pangee Road, and Cockies Road.
- Commencing heavy patching on HW7, HW8, and MR70.
- Completing with re-sheeting of Colane, and Benah Roads.

**Works and Services**

The work undertaken during this reporting period consisted of the following:

**Civil Works**

- Carried out upgrades / repairs to wool dump railway heritage.
- Commenced construction of Teamsters Rest parking extension.
- Carried out fabrication of viewing platform for Teamsters Rest parking extension.
- Repaired washouts at upper weir camping area.
- Installed pedestrian warning signage for river nature trail.
- Upgraded security lighting works at depot (Contractors).

- Shade sails installed at Youth & Community centre (Contractors).
- Fence extension carried out ELC (Contractors).
- Pulled up old surface at tennis courts in readiness for installation of new surface.
- Repaired damaged fence at showground arena.

### **Community Facilities**

- Mowing/slashing and maintenance of ovals, reserves and highway approaches to Nyngan (ongoing).
- Cleaning of town facilities.
- Cleaning and sweeping of the Nyngan CBD.
- Cleaning and maintenance of town streets and nature strips.
- Cleaning of town streets gutters and culverts.
- Prepared sites for tree planting day.
- Carried out maintenance of river nature trail
- Painted safety lines on boat ramp Rotary Park.
- Cleaned up around storm water pump stations.
- Ant spraying carried out on levee bank and nature strips (ongoing).

### **Water & Wastewater**

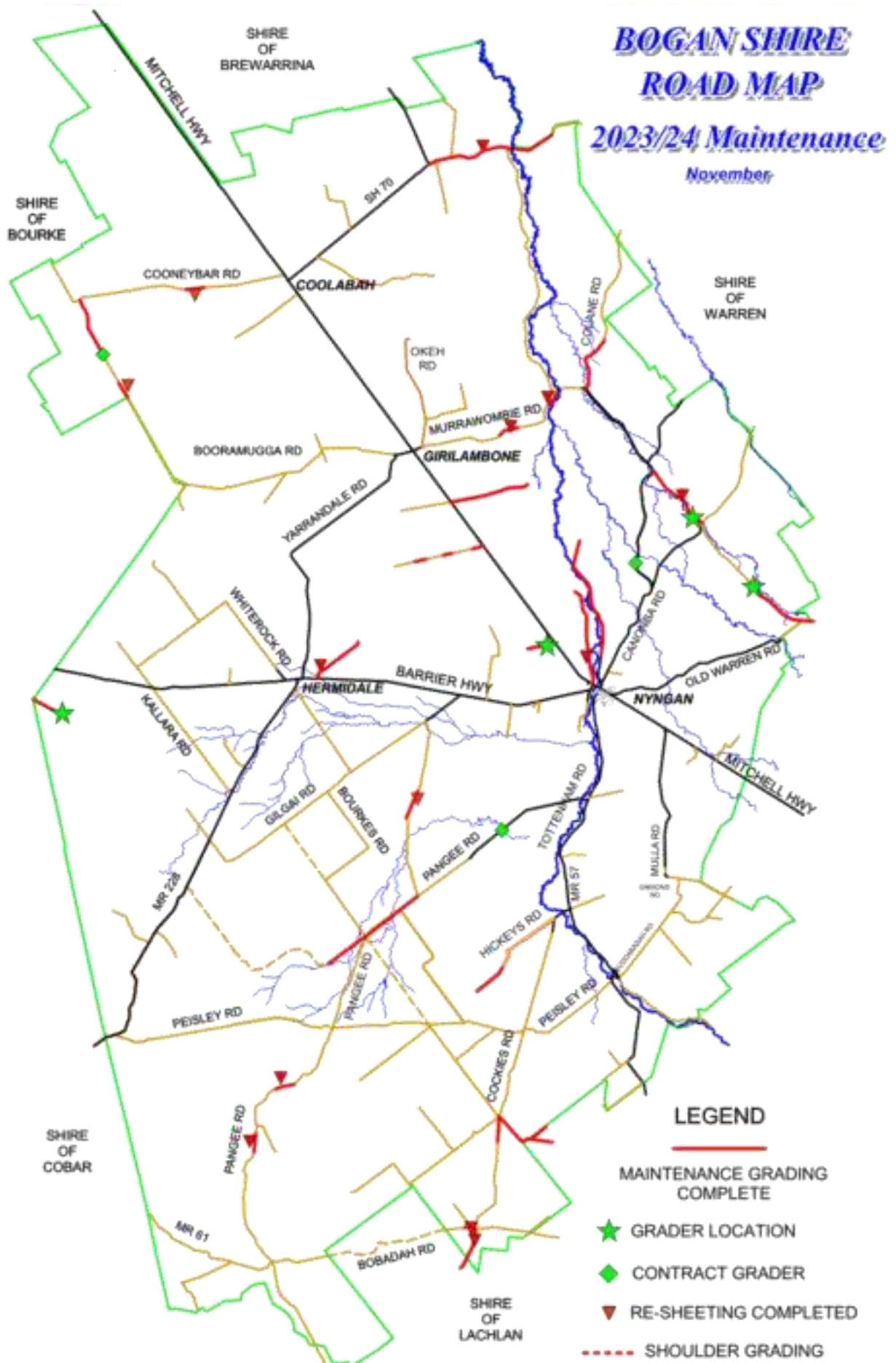
- Replaced section of water main opposite solar farm in Dandaloo Street.
- Carried out repairs to water mains in Hermidale.
- Carried out water mains flushing at various locations.
- Commenced cleaning & painting fire Hydrants in Nyngan town streets.
- Installed additional septic tank at showground to accommodate new toilet block.
- Removed sewer choke Davidson Park toilet block.
- Replaced sludge valve at water filtration plant.

## **4. Attachments**

1. Roads Maintenance Map

## **5. Recommendation**

That the Departmental Report be received and noted.



## 13.2 NYNGAN YEAR ROUND FISHERY

### 1. Introduction

The purpose of this report is for Council to consider in principle agreement for the establishment of a managed recreational sports fishery as part of Council's new off-river storages.

### 2. Background

Council has been approached by the NSW Department of Primary Industries – Fisheries (DPI) with a proposal to stock the off-river storages with native fish which could be managed as a year-round recreational sports fishery.

The DPI reports that they have worked in partnership with Councils and land managers across NSW to develop and enhance waterways such as Council's to create community fisheries. These fisheries have provided regional communities with fishing amenity while also providing social and economic outcomes for the local and broader community.

The DPI are suggesting a partnership with Council and the Bogan Shire Community to develop these managed recreational fisheries for a trial period under set conditions of access.

To progress the development of the concept and to start the necessary assessments, DPI Fisheries needs in principle support from Council.

### 3. Discussion

The proposal from the DPI suggests the development of a Memorandum of Understanding between them and Council for site management and public access for recreational fishers.

DPI envisages that, to ensure access is managed in a sustainable manner into the future, a trial of the site could be considered over a five-year period with annual review of use.

The following has been provided by DPI as an overview of the concept:

*The Nyngan water supply dams comprises of two off river storages of approximately 650ml each that have the potential to be developed into year-round Murray Cod and Golden Perch recreational fisheries. The dams are supplied with water which is pumped from the nearby Bogan River and stored for Town Water Supply (TWS) requirements. Screens have been installed on pump systems to limit the unwanted translocation of carp and other pest species into the dams. The two dams are terminating water supply dams where there is little opportunity for fish to escape.*

*The dams have a less than natural feel with limited riparian habitat. As semi remote structures, the two dams have little or no existing facilities. There is opportunity to trial use of the dams for recreational fishing in a managed manner. The dams could offer anglers a year-round location where anglers could fish for key native sportfish such as the prized Murray Cod.*

*The aim of this proposal is to provide managed quality recreational fishing opportunities to people of all abilities. The proposal would link into existing council programmes*

*including improving accessibility of its services, facilities, and activities for the disabled. Additionally, the proposal could assist council in meeting the goals of the Bogan Shire 2032 Community Strategic Plan and delivery program 2022/25.*

It is envisaged that the Memorandum of Understanding would outline DPI's obligations on the stocking of fish, communication, and compliance management of fishing regulations. A fisher code of conduct and associated fishing access regulations could also be developed as part of the MOU to assist with management of fishing access, which may include conditions of access to comply with Council's risk management requirements.

The DPI is willing to work with Council to explore funding opportunities for the establishment and management of the fishery which could include:

- Fish stocking
- Parking
- Pedestrian gates
- Paths
- Trees and shelters
- Signage
- Fishing platforms

DPI believes that the site lends itself to fishing education programs managed through NSW Fisheries existing education courses and provides an area where Fishing and conservation education can be conducted in a semi natural environment. The DPI recognises that it will be necessary to develop structures and processes with input from the community, Council and government to ensure that the site is managed in an appropriate manner that does not compromise the sustainability of fish stocks or management of the Nyngan water supply infrastructure.

#### **4. Attachments**

Nil

#### **5. Recommendation**

That Council provide in principle support for the development of a Memorandum of Understanding with DPI Fisheries for a managed fishery in the Nyngan off-river storages, with a further report to Council to consider a draft Memorandum of Understanding.

### **13.3 HOSKINS STREET SUBDIVISION**

#### **1. Introduction**

The purpose of this report is to provide Council with an update on the progress of the Hoskins Street subdivision.

#### **2. Background**

As previously reported to Council, a grant of \$1,676,584 was received for the development of residential lots on Council-owned land in Dandaloo Street and a site bounded by Hoskins, Oxley, Oatley Streets, and an unformed road on the western boundary. After design and planning costs to date, approximately \$1.59 million remains available for construction and development costs. This report addresses only the potential costs related to the Hoskins Street project.

#### **3. Discussion**

Council has previously received reports regarding the potential cost of biodiversity offsets (estimated to be in the vicinity of \$330,000) and options to have these waived or met through “land swap” arrangements. However even without those costs it has become apparent that there is little likelihood of realising the currently endorsed subdivision plan within the available funds. Primarily this arises from challenges associated with stormwater drainage.

Council was presented with a concept plan for the site in July 2022 and endorsed it in principle with a request for the inclusion of rear lane access to blocks where practicable. Council’s consultants have developed the proposed design response attached, featuring site earthworks to raise the land by up to 1.6 metres in order to allow minimal falls in the north-south streets which would be fully kerbed. A “ballpark” estimate of cost for this concept is in excess of \$3 million which is clearly unaffordable. In addition, the proposed elevation of the land across a crest towards the southern end of the site means that the presently unformed road would need retaining walls on the adjoining property boundary, at considerable expense as well as inconvenience to the adjoining owner.

Council staff have reviewed the design and concluded that the only way to bring the project back to an affordable level - perhaps with modest borrowings or additional grant money, is to revert to the use of table drains with culvert driveway crossings, keeping the street levels largely unchanged from the existing natural surface.

In principle this would involve table drains on minimal grades approximately 5 metres in width and 600mm deep, discharging to a collection basin at the northwest corner. From there, a small pump station would discharge excess volumes into a drain along the unformed western extension of Oxley Street. Site earthworks would be limited to giving residential lots a minimal cross fall to the street. Staff are of the opinion that with this change the cost of development could be reduced to the vicinity of \$2 million. However, a more refined cost estimate cannot be developed without further engineering design.

One unavoidable consequence of this scope change is that the proposed new north-south street as well as the future construction of the unformed western boundary road will have to be widened to accommodate the table drains at acceptable side slopes. This in turn would necessitate the deletion of the rear access lane, although it is noted that this only affect roughly a quarter of the proposed lots. Construction of the western boundary road would also be deferred, as this was never part of the funding agreement and is best left until there is demonstrated demand for the final few lots or the adjoining landowner decides to develop its land to the west.

Subject to Council acceptance in principle of the above scope change, work will proceed on the completion of engineering drawings for Development Approval including an updated detailed cost estimate.

#### **4. Attachments**

Nil

#### **5. Recommendation**

That Council notes the proposed changes to the design and layout of the Hoskins Street subdivision and that Council staff progress detailed design and development of tender specifications accordingly.



## **13.4 ROAD WORKS BUDGET 2023-2024**

### **1. Introduction**

The purpose of this report is to provide Council with an updated summary of road works projects included in the 2023-2024 budget.

### **2. Background**

A report on the 2023-2024 road works budget was presented to Council at the June 2023 meeting.

As previously reported, Council's roads budget normally consists of funding from the Regional Roads Block Grant for maintenance on regional roads along with the Financial Assistant Grant funding for maintenance on the local road network. Transport for NSW (TfNSW) fund work on the state highways and the Roads to Recovery grant has been utilised for gravel re-sheeting and bitumen re-sealing.

### **3. Discussion**

Additional road funding has been made available over the past couple of years through Fixing Local Roads, Local Roads and Community Infrastructure, Resources for Regions, and flood restoration grants.

Funding has also been provided to specifically repair local roads potholes and a separate amount for further local and regional road repairs including potholes, heavy patching, scour and causeway repairs.

This Regional and Local Roads Repair funding of \$2,942,419 previously provided has been rolled over into the Regional Emergency Road Repair Fund as stage 1 funding. An additional \$4,125,233 has now been provided as stage 2 funding, providing a total amount of \$7,067,652. Works under this program are to be completed by October 2027.

Council has recently received Infrastructure Betterment Funding for the improvement of a cluster of roads in proximity to the Barrier Highway, west of Nyngan. This allows for the widening of the pavement, improvements to drainage, raising the pavement height, gravel re-sheeting, and trimming tree branches.

The approved works are for 1km on Budgery Road, 4kms on Currans Road, 5kms on Gilgai Road, and 5kms on Coffill's Lane at a total value of \$1,179,792, allowing over \$70,000 per km for on-site works. These works are to be completed by May 2026.

Council has been advised that the Regional Roads Repair Grant has been discontinued and the \$450,000 of funding for Cockies Road Construction and Tottenham Road Rehabilitation will not be available. This amount was 50% of the cost, with Council's contribution being funded from the regional roads block grant.

The attached table provides an updated summary of the funds included in the current budget, including carry over amounts. Not all funding is required to be fully expended this financial year, however work is required to have commenced.

Council has submitted flood damage claims with estimated values of \$10M to TfNSW for repairs to specific roads and this is not included in the table. Emergency work has continued

to be carried out and \$4,699,164 has just been approved while other claims are still being assessed.

**4. Attachments**

1. Roads Budget 2023-24

**5. Recommendation**

For Council's information.

**ROAD WORKS BUDGET 2023-2024**

<b>Funding Source</b>	<b>Budget</b>
<b>Roads To Recovery</b>	
Gravel Resheeting 40km	\$ 1,014,340
Bitumen Resealing 16km	\$ 577,184
	\$ 1,591,524
<b>Fixing Local Roads</b>	
Merryanbone Rd - Rehab Rnd 3	\$ 128,652
Paynes Rd - Rehab Rnd 3	\$ 189,109
Murrawombie Rd - Rehab Rnd 3	\$ 63,341
Warrah Rd - Rehab Rnd 3	\$ 168,161
Benah Rd - Rehab & Maint Rnd 4	\$ 647,156
Colane Rd - Rehab & Maintenance Rnd 4	\$ 449,718
	\$ 1,646,137
<b>Local Roads &amp; Community Infrastructure</b>	
Bucklinguy Reseal Roads - LRCI Rnd 3	\$ 91,000
<b>Resources for Regions - Round 9</b>	
Pangee Rd Construction 6km - R4R9	\$ 989,526
Coffills Lane Upgrading - R4R9	\$ 1,450,050
Okeh Rd Causeways - R4R9	\$ 296,047
Town Streets Rehabilitation - R4R9	\$ 300,472
	\$ 3,036,095
<b>Flood Repair</b>	
Fixing Local Roads Potholes	\$ 389,777
Regional & Local Roads Repair Stage 1	\$ 2,942,419
Regional & Local Roads Repair Stage 2	\$ 4,125,233
	\$ 7,457,429
<b>Infrastructure Betterment Fund</b>	
Cluster of roads west of Nyngan	\$ 1,179,792
<b>Total</b>	<b>\$ 15,001,977</b>

Nov-23

## **13.5 REQUEST FROM THE KENNEDY FAMILY FOR A MEMORIAL PLACE AT THE UPPER WEIR**

### **1. Introduction**

The purpose of this report is to present a request from Robert and Marina Kennedy, for Council to create a small place at the upper weir in memory of their son Joe.

### **2. Background**

Joe tragically passed away in March this year in an accident at the upper weir on 14 March 2023.

The family have expressed to Council Joes love of the area at the river and are asking consideration for Council to create a small memorial place, in memory of Joe, at the upper weir.

### **3. Discussion**

The family have suggested some sandstone blocks, similar to those used in other locations around Nyngan, be placed at the end of the roadway on the western side of the weir, and that a small plaque be placed on one of the blocks, in memory of Joe. These blocks may also provide an additional safety barrier in the area, adjacent to the river.

Council already has gravel in place as well sandstone blocks in stock, and the cost to complete this project for plant and labour would be approximately \$2,000.

If approved by Council, this project could be completed before the first anniversary of the accident, on 14 March 2024.

Mr & Mrs Kennedy have indicated they would be happy to contribute financially towards the project.

### **4. Attachments**

Nil

### **5. Recommendation**

For Councils Consideration.

**14 DEVELOPMENT AND ENVIRONMENTAL SERVICES REPORTS**

**14.1 DEPARTMENTAL ACTIVITY REPORT**

**1. Introduction**

The purpose of this report is to provide Council with information that is both statistical and informative regarding the activities of the Development and Environmental Services Department.

**2. Background**

A regular activity report is provided for the information of Councillors.

**3. Discussion**

Development Application Statistics

One application requires additional information, two applications are under assessment, and two applications were approved since Council's meeting of 26 October 2023, as indicated in the table below:

DA NUMBER	APPLICANT	ADDRESS	DESCRIPTION	VALUE (\$)	PROGRESS
2022/040	A.T & B.M Burton	24 Pangee Street, Nyngan	New Serviced Apartments	\$700,000	Approved
2023/013	Nyngan Local Aboriginal Land Council	100-102 Pangee Street Nyngan	Carport	\$24,398	Additional Information Required
2023/016	Deanna Stephens	Unit B, 60 Cobar Street Nyngan	New Patio & Private shed	\$40,000	Approved
2023/002	Taylor Made Buildings	Murrawombie Road Girilambone	New Transportable Dwelling	\$404,595	Under Assessment
2023/018	Darren Mathews	932 Old Warren Road Nyngan	New Single Dwelling	\$282,000	Under Assessment

Included as Attachment 1 is statistical/historical information in relation to applications received including Development Applications, for information.

Council has received a number of pre-Development Application enquiries since Council's meeting of 26 October 2023. Assistance continues to be provided to the community regarding the complexity in lodgment of applications on the NSW Planning Portal.

### Waste Management

Kerbside recycling has been transported to the Gilgandra Materials Recycling Facility for processing as normal in October and the Nyngan waste facility has also had an uninterrupted month of operations. The green waste separate from landfill was processed (shredded) resulting in 2,350m<sup>3</sup> of mulched material that will be spread across previously landfilled and capped areas of the facility to manage dust and for weed control.

The remaining tree planting on the western side of the facility, and some infilling/replacement for losses on both the eastern and western sides, to create vegetation screening, was also carried out during the reporting period and is now complete.

Statistics relating to Council waste management functions are contained in Attachment 2.

### Compliance

Rehoming of animals continues to be challenging as the agencies Council deals with are experiencing increased number across the region due to Post Covid surrendering. Extra Patrols were undertaken during the reporting period.

Notices of Intent were issued for cleaning up of overgrown properties during the reporting month.

Compliance duties continued and are reflected in the statistics relating to these functions in Attachment 3.

### Biosecurity

Biosecurity and Weed duties are reflected in the statistics outlined in Attachment 3.

### Town Gardens

Regular works and maintenance were carried out during the reporting period across all routine areas of responsibility with particular attention to high priority areas.

### Bush Care

Routine work continues at the Bush Care nursery to establish a plant base which includes propagation of native cuttings and seedlings and some purchases of tube stock. Community and High School student volunteers have visited the Nursery and participated in re-potting and propagation of stock plants.

## **4. Attachments**

1. Development Applications Statistics
2. Waste Management Statistics
3. Compliance and Biosecurity

## **5. Recommendation**

That the Development and Environmental Services Departmental Activity Report be received and noted.

**Table 1: Building and Development**

	Application Type							Application Value
	Totals		Breakup					
	DA	CDC	Dwellings	Shed/Garage/ Patio/Awning	Pool	Sub- division	Other	
July 2023	5	-	2	3	-	-	-	\$1,993,252.00
August 2023	1	-	-	1	-	-	-	\$40,000.00
September 2023	0	0	0	0	0	0	0	\$0.00
October 2023	3	0	2	0	0	0	1*	\$799,442.00
November 2023								
December 2023								
January 2024								
February 2024								
March 2024								
April 2024								
May 2024								
June 2024								
<b>Total 2023/24</b>	<b>9</b>	<b>0</b>	<b>4</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$2,832,694.00</b>
<b>Total 2022/23</b>	<b>33</b>	<b>1</b>	<b>7</b>	<b>12</b>	<b>5</b>	<b>2</b>	<b>8</b>	<b>\$ 7,443,708.00</b>
<b>Total 2021/22</b>	<b>26</b>	<b>0</b>	<b>13</b>	<b>8</b>	<b>2</b>	<b>1</b>	<b>5</b>	<b>\$ 6,354,396.00</b>
<b>Total 2020/21</b>	<b>34</b>	<b>3</b>	<b>5</b>	<b>14</b>	<b>3</b>	<b>5</b>	<b>9</b>	<b>\$ 4,107,610.00</b>
<b>Total 2019/20</b>	<b>24</b>	<b>0</b>	<b>0</b>	<b>10</b>	<b>1</b>	<b>3</b>	<b>10</b>	<b>\$ 11,294,300.00</b>

\* Secondary dwelling

**Table 2: Kerbside Waste Collection**

	No of Premises with	Services Provided (Bins	Tonnes Collected
July 2023	1,035	5,551	91.00
August 2023	1,039	5,531	95.70
September 2023	1,039	5,265	87.00
October 2023	1,039	6,077	100.60
November 2023			
December 2023			
January 2024			
February 2024			
March 2024			
April 2024			
May 2024			
June 2024			
<b>Total 2023/24</b>	<b>1,035</b>	<b>22,424</b>	<b>374.30</b>
<b>Total 2022/23</b>	<b>1,035</b>	<b>46,420</b>	<b>1,042.10</b>
<b>Total 2021/22</b>	<b>1,036</b>	<b>65,737</b>	<b>1085.64</b>
<b>Total 2020/21</b>	<b>1,029</b>	<b>N/A</b>	<b>302.10</b>



**Table 3: Kerbside Recycling Collection**

	No of Premises with Service	Services Provided (Bins Emptied)	Tonnes Collected	Tonnes Recycled	% Contamination
July 2023	891	1,076	11.10	8.55	22.97
August 2023	894	1,422	13.50	10.42	22.80
September 2023	894	1,182	11.50	9.00	21.75
October 2023	894	1,357	13.70	8.49	21.38
November 2023					
December 2023					
January 2024					
February 2024					
March 2024					
April 2024					
May 2024					
June 2024					
<b>Total 2023/24</b>	<b>891</b>	<b>5,037</b>	<b>49.80</b>	<b>36.46</b>	<b>22.23</b>
<b>Total 2022/23</b>	<b>891</b>	<b>5,812</b>	<b>92.50</b>	<b>71.84</b>	<b>21.99</b>
<b>Total 2021/22</b>	<b>898</b>	<b>7,635</b>	<b>110.10</b>	<b>78.62</b>	<b>21.72</b>
<b>Total 2020/21</b>	<b>896</b>	<b>N/A</b>	<b>117.50</b>	<b>90.92</b>	<b>22.53</b>

Table 4: Nyngan Landfill - Disposal, Recycling and Resource Recovery

	Mixed Waste (Tonnes)	Recoverable Materials (Tonnes)			Recyclable Materials (Tonnes)		
		Organic	Masonry	Soil	Paper / Cardboard	Metal / eWaste	Other
July 2023	79.98	22.38	6.60	-	5.70	12.30	0.41
August 2023	112.42	30.30	55.54	-	4.92	8.57	1.76
September 2023	106.70	24.92	4.22	-	5.58	13.08	0.22
October 2023	138.51	65.91	108.82	-	5.58	7.92	0.21
November 2023							
December 2023							
January 2024							
February 2024							
March 2024							
April 2023							
May 2024							
June 2024							
Total 2023/24	437.61	143.51	175.18	-	21.78	41.87	2.60
Total 2022/23	1,325.62	617.09	440.40	-	45.46	100.27	13.28
Total 2021/22	2,025.65	601.71	192.74	-	55.02	73.18	14.84
Total 2020/21	1,921.52	680.78	452.54	-	56.28	78.96	34.84

Note 1 - Other materials recycled include: used engine oil, batteries, gas bottles, fire extinguishers, mattresses, tyres mixed recyclables and cleaned chemical drums.

Table 5: Vouchers and Actual Resource Recovery

	Vouchers			Out for Recycling / Recovery				
	No Issued	No Redeemed	Value Redeemed	Cardboard*	Metal / eWaste	Mattresses	Tyres	Other
July 2023		240	\$ 10,456	44.85	-	-	-	-
August 2023		277	\$ 13,222	58.65	2.92#	-	-	1.35**
September 2023		293	\$ 14,710	48.30	-	-	-	-
October 2023		668	\$ 15,314	63.83	-	-	-	2,350 ***
November 2023								
December 2023								
January 2024								
February 2024								
March 2024								
1/04/2024								
May 2024								
June 2024								
<b>Total 2023/24</b>		<b>1,478</b>	<b>\$ 53,702</b>	<b>215.63</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total 2022/23</b>	<b>14,604</b>	<b>2,851</b>	<b>\$ 141,845</b>	<b>369.15</b>	<b>94.76</b>	<b>13.64</b>	<b>9.42</b>	<b>3,300.64</b>
<b>Total 2021/22</b>	<b>14,604</b>	<b>12,710.00</b>	<b>140,590.00</b>	<b>203.55</b>	<b>153.78</b>	<b>17.18</b>	<b>6.16</b>	<b>0.12</b>
<b>Total 2020/21</b>	<b>N/A</b>	<b>4,015</b>	<b>N/A</b>	<b>639.98</b>	<b>185.54</b>	<b>16.68</b>	<b>7.52</b>	<b>-</b>

\* Includes from Works Depot

# Metal from Village landfill

\*\*drumMUSTER

\*\*\*Greenwaste cubic metres

**Table 6: Compliance**

	Animals Impounded	Animals Released		Complaints /Enquires
		To Owner	Rehomed	
July 2023	11	3	7	13
August 2023	4	0	4	11
September 2023	4	1	6	7
October 2023	4	0	0	13
November 2023				
December 2023				
January 2024				
February 2024				
March 2024				
April 2024				
May 2024				
June 2024				
<b>Total 2023/24</b>	<b>23</b>	<b>4</b>	<b>17</b>	<b>44</b>
<b>Total 2023/24</b>	<b>73</b>	<b>36</b>	<b>26</b>	<b>228</b>
<b>Total 2021/22</b>	<b>62</b>	<b>28</b>	<b>35</b>	<b>185</b>

Note - Includes dog, cat, straying stock, dead animals, and general matters

**Table 7: Biosecurity**

	Inspections (Weeds Action Program)					Weed Control Spraying
	Private Land	Council Land	Roads (Km)	Waterways	Rail (Km)	
July 2023	3	4	170	0	0	25
August 2023	8	3	607	0	64	30
September 2023	6	8	442	0	27	16
October 2023	9	5	440	12	0	17
November 2023						
December 2023						
January 2024						
February 2024						
March 2024						
April 2024						
May 2024						
June 2024						
<b>Total 2023/24</b>	<b>26</b>	<b>20</b>	<b>1659</b>	<b>12</b>	<b>91</b>	<b>88</b>
<b>Total 2022/23</b>	<b>82</b>	<b>21</b>	<b>4515</b>	<b>168</b>	<b>118</b>	<b>222</b>
<b>Total 2021/22</b>	<b>95</b>	<b>16</b>	<b>4247</b>	<b>9</b>	<b>200</b>	<b>228</b>

**Table 8: Nyngan War Memorial Pool**

	Number of Visitor
October 2023	2,685
November 2023	
December 2023	
January 2024	
February 2024	
March 2024	
April 2024	
<b>Total 2023/24</b>	<b>2,685</b>
<b>Total 2022/23</b>	<b>18,064</b>
<b>Total 2021/22</b>	<b>18,202</b>

**15      PRECIS OF CORRESPONDENCE****15.1    THE HON JENNY AITCHISON MP, MINISTER FOR REGIONAL TRANSPORT AND ROADS**

Attached is a copy correspondence forwarded to Council by Roy Butlers Office, from The Hon Jenny Aitchison MP, Minister for Regional Transport and Roads.

**Attachments**

1. Correspondence from The Hon Jenny Aitchison MP, Minister for Regional Transport and Roads

**Recommendation**

That the correspondence from The Hon Jenny Aitchison MP, be received and noted.

**The Hon Jenny Aitchison MP**  
Minister for Regional Transport and Roads



Ref: 01816960  
Your Ref: RB4755

**Mr Roy Butler MP**  
**Member for Barwon**  
**Suite 1, Ground Floor**  
**60 Maitland Street**  
**Narrabri NSW 2390**

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Dear Roy,

Thank you for your correspondence on behalf of Councillor Glenn Neil, Mayor, and Mr Derek Francis, General Manager of Bogan Shire Council, about the Hoskins Street level crossing in Nyngan and the RAXS Rail Crossing Trial. I apologise for the delay in replying.

I acknowledge the safety concerns raised by Bogan Shire Council. I am always grateful to hear about ways we can improve our rail network, particularly at level crossings, and appreciate Cr Neil and Mr Francis taking the time to share their views. I asked Transport for NSW to advise me on these matters.

I am advised that funding for level crossing safety is the responsibility of the relevant road and rail authorities and that Bogan Shire Council manages the level crossing on Hoskins Street, which is a local road, while UGL Regional Linx manages the rail line.

Transport for NSW works with councils, including Bogan Shire Council, to ensure level crossings under their responsibility are safely managed. Transport for NSW's Level Crossing Improvement Program (LCIP) provides annual supplementary funding for level crossing upgrades across NSW. Sites are identified and funded by the LCIP based on their risk ranking, as calculated through the Australian Level Crossing Assessment Model. Under LCIP guidelines, local government road managers are asked to contribute one third of the cost for level crossing upgrades on local roads.

Level crossing upgrades must use equipment types approved for use on the NSW rail network. At this stage, the 'RAXS' is not approved for use on the NSW rail network.

Earlier this year the Australian Government announced the first phase of its \$180 million program to improve safety at regional level crossings. The first phase of funding focused on level crossing safety research and innovation and closed on 6 April 2023. However, Bogan Shire Council may wish to consider a submission future phases of this funding. Further information on this program is available at [www.grants.gov.au](http://www.grants.gov.au) (code GO6009).

52 Martin Place Sydney NSW 2000  
GPO Box 5341 Sydney NSW 2001

02 7225 6060  
[nsw.gov.au/ministers](http://nsw.gov.au/ministers)

- 2 -

01816960

Further information on strategies to improve safety at level crossings in NSW is also available at <https://www.transport.nsw.gov.au/projects/programs/level-crossing-safety>.

Thank you for taking the time to write. I genuinely appreciate both your efforts and those of Council to raise this matter with the NSW Government.

Sincerely,

A handwritten signature in blue ink that reads "Jenny Aitchison". The signature is written over a light blue outline map of New South Wales.

09/09/2023

**The Hon Jenny Aitchison MP**  
**Minister for Regional Transport and Roads**

52 Martin Place Sydney NSW 2000  
GPO Box 5341 Sydney NSW 2001

02 7225 6060  
[nsw.gov.au/ministers](https://www.nsw.gov.au/ministers)



**15.2 CORRESPONDENCE FROM THE LONG TABLE COMMITTEE**

Attached is a copy of correspondence received from The Long Table Lunch Committee.

**Attachments**

1. Letter of Appreciation from The Long Table Lunch Committee

**Recommendation**

That the correspondence from the Long Table Committee be received and noted.



29<sup>th</sup> September 2023

Dear Bogan Shire,

On behalf of "The Long Table" committee I would like to sincerely thank The Bogan Shire for the assistance provided to enable us to hold the recent event in aid of Can Assist.

Our event was a great success and all profits from the day will be donated to Nyngan Can Assist. Events like this would not be possible without the generosity of sponsors and volunteers and your contribution was greatly appreciated.

Thanks again with kind regards,

On behalf of

*The Long Table*

BOGAN SHIRE COUNCIL		
FILE	20 OCT 2023	R/N
ASSIGNEE		

**16 MEETING CLOSURE**