

Policies to be adopted

- Roads Naming Policy
- Parks, Playgrounds and Reserves Risk Management Policy
- Grazing of Stock on Public Road Policy
- Bushfire Risk Management Policy
- Drinking Water Quality Policy
- Signs as Remote Supervision Policy
- Build in the Vicinity of Sewer Mains Policy
- Councillors' Expenses and Facilities Policy
- Code of Conduct Policy
- Accounting for Divisions and Subsidiaries of Council Policy
- Asset Disposals Policy

Policy title	Roads Naming
Responsible manager(s)	Director Infrastructure Services
Contact officer(s)	Engineering Administration Coordinator
Directorate	Infrastructure Services
Approval date	TBA
Focus area	Productive Communities
Delivery Program link	P3.2 Develop, renew and maintain the road network
Operational Plan link	P.3.2.1 Deliver capital and renewal works program

Purpose

As the Roads Authority, Council is empowered to name public roads under Section 162 of the *Roads Act 1993*. Council is also required to maintain a register that identifies roads by a given name and number.

The Roads Naming policy provides guidance for developers, the community and Council when allocating new road names or re-naming existing roads.

The policy ensures that appropriate naming and renaming of roads for which Council is the Roads Authority is undertaken in compliance with the Geographical Names Board of NSW (GNB).

Policy aims

- Promote an integrated framework for dealing with road naming;
- Ensure consistency and fairness in the manner in which the Council deals with the naming and renaming of roads as the Roads Authority;
- Ensure compliance with legislative requirements under the *Roads Act 1993*;
- Promote awareness of the requirements of the *Act* with respect to the naming and renaming of roads as the Roads Authority;
- Make the Council's policies and requirements for the naming and renaming of roads readily accessible and understandable to the public.

Policy details

1	Application This policy applies to developers, the community and Council when allocating new road names or renaming existing roads.
2	Legislation This policy ensures Eurobodalla Shire Council's compliance with the <i>Roads Act 1993 - Section 162 –Naming of Public Roads</i>

Implementation

Requirements		Responsibility
1	Implementation requirement <i>New Roads and Street Naming</i> The Geographical Names Board (GNB) has prepared guidelines for the naming of roads. A copy of the guidelines is available from the GNB	Council officers Developers

	<p>(www.gnb.nsw.gov.au) and is given to developers to assist them when proposing names of roads within their developments.</p> <p>For roads created in new subdivisions the developer will propose a name for the road as well as two alternatives.</p>	
2	<p>Implementation requirement</p> <p><i>Existing Unnamed Roads and Renaming of Existing Roads</i></p> <p>For roads which are not currently named or for roads which are currently named and are proposed to be renamed for any reason, for example to avoid duplication of a road name which is already in use to prevent confusion, the procedure will be in accordance with Council's Roads Naming Policy.</p> <p>Proposed road names are advertised. If no objections are received following the advertising period, the Director Infrastructure Services and/or the Divisional Manager Technical Services can approve the proposed name.</p> <p>Where objections are received, the matter shall be determined by Council.</p>	Council officers
3	<p>Legal</p> <p>In accordance with the <i>Roads Act 1993</i>, Council, as the Roads Authority, may not name a public road or alter a name of a public road unless it has given the Geographical Names Board (GNB) at least one month's notice of the proposed name.</p>	Council officers
4	<p>Staff</p> <p>Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.</p>	Council officers
5	<p>Concerns</p> <p>Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.</p>	Council officers
6	<p>Consultation</p> <p>Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Where the renaming of an existing road is being considered, affected property owners, Chambers of Commerce, Aboriginal Land Councils and Emergency Services shall be contacted inviting suggestions. Public submissions regarding this policy are invited for consideration during the exhibition period.</p>	Stakeholders

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner.

Note: Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This policy may also be reviewed and updated as necessary when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Delivery Program/ Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Customer feedback, survey responses	Surveys
Internal or external review	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Local Government Act 1993	http://www.legislation.nsw.gov.au/#/view/act/1993/30
Roads Act 1993 – Section 162	http://www.legislation.nsw.gov.au/#/view/act/1993/33

Related external references

Name	Link
Office of Local Government NSW	www.olg.nsw.gov.au
Geographical Names Board of NSW	www.gnb.nsw.gov.au

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Sep 2009	Council	09/291	E09.3418	Last reviewed 22/9/09. Report G09/99
2	27 Aug 2013	Council	13/246	E13.7095	Updated Template, review date, references and links. Report O13/131
3	dd mmm 2016	Council	TBA	E16.0297 E06.0375	Reviewed and updated (start of new Council term)

Internal use

Responsible officer		Director Infrastructure Services		Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	E16.0297 E06.0375	Review date	Sep 2020	Pages	3

Policy title	Parks, Playgrounds and Reserves Risk Management
Responsible manager(s)	Director, Infrastructure Services
Contact officer(s)	Divisional Manager, Works
Directorate	Infrastructure Services
Approval date	TBA
Focus area	<i>Liveable Communities</i> Objective 1.3: Provide the right places, spaces and activities Objective 2.2: Shared responsibility for community safety
Delivery Program link	<i>Liveable Communities</i> L5.1 Implement Council's recreation and open space strategy, priority plans of management and master plans L5.2 Manage and maintain a safe, sustainable and accessible range of community spaces <i>Support Services</i> SS3.4 Plan for the sustainable management of Council assets
Operational Plan link	<i>Community Spaces</i> L5.1.1 Deliver capital and renewal works program L5.2.1 Undertake maintenance program <i>Support Services</i> SS3.4.2 Undertake condition assessments

Purpose

This Policy provides for the management of Eurobodalla Shire Council's parks and reserves facilities, including playgrounds. Council has a duty of care to take reasonable measures within budget limitations to manage the risks arising from defects on Council's parks and reserves facilities. Pathways within reserves are covered by the *Pathways Risk Management Policy*. Signs as remote supervision are covered by the *Signs as Remote Supervision Policy*.

Section 42 of the *Civil Liability Act 2002* makes allowance for Council's ability to carry out its duty of care as being limited by the financial and other resources which are reasonably available to exercise its functions. To rely on this defence, Council is required to show evidence of its compliance with the general procedures and applicable standards for the exercise of its functions, such as risk management of its parks and reserves facilities.

Policy aims

- Promote an integrated framework for dealing with the appropriate management of Council's parks and reserves facilities and take reasonable steps to ensure that Council delivers its required duty of care.
- Ensure consistency and fairness in the manner in which the Council manages the risks arising from defects on Council's parks and reserves facilities.
- Ensure compliance with legislative requirements under the *Local Government Act 1993* and the *Civil Liability Act 2002*.
- Promote awareness of the requirements of the *Civil Liability Act 2002*, with respect to acceptance by the community and the Court, of the shared duty of care for parks and

reserves users to take reasonable care for their own safety when using these facilities. Council promotes awareness as set out in the *Signs as Remote Supervision* Policy and Code of Practice.

- Make Council's policies and requirements for Parks and Reserves Facilities Risk Management readily accessible and understandable to the public.

Policy details

1	Application This Policy applies to all parks and reserves facilities, including playgrounds, under the care and control of Eurobodalla Shire Council.
2	Legislation Eurobodalla Shire Council will comply with the <i>Local Government Act 1993</i> and the <i>Civil Liability Act 2002</i> .
3	Duty of Care It is accepted that the removal of all risk is not practically achievable. The systems implemented by Council will be based on prioritising works within the limited budgets available to Council. The implementation of a systematic approach to managing the risk arising from defects on Council controlled parks and reserve facilities provides for better management of reserve assets, reduces the risk to the community, minimises the cost of public liability insurance premiums Council pays to protect the community's interest, and assists in providing a legal defence where claims are made against Council.
4	Financial and Other Resources Council will establish an annual budget for the maintenance and renewal of its parks and reserves facilities, taking account of the changing extent and type of assets provided.

Implementation

Requirements		Responsibility
1	Risk Identification and Management In relation to Council's formed parks and reserves facilities, including playgrounds, Council will develop appropriate systems to: <ul style="list-style-type: none"> a) record all built parks and reserves facilities under Council's control; b) identify hazards through formal inspection of its parks and reserves facilities; c) rate the identified hazard(s); d) prioritise the work based on the hazard rating and the efficiency of undertaking works; e) keep appropriate records of actions taken; 	Council officers

	f) manage customer inquiries relating to parks and reserves facilities; g) undertake condition assessment of assets; h) replace parks and reserves facilities at the end of their useful life in accord with the available budget.	
2	Staff Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received relevant training to do so.	Council officers
3	Concerns Public concerns communicated to Council in relation to this Policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers
4	Consultation Staff and Council's Regional Risk Manager have been consulted in the development of this Policy. Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies, current legislation, and public comment.	As applicable

Review

The Policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW Local Government election, unless Council revokes it sooner.

Note: Automatic revocation of the policy is provided for by Section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This Policy may also be reviewed and updated as necessary if legislation requires it; or when Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages risk management of parks and reserves facilities.

Reviews of the effectiveness of this Policy could include the following:

Performance indicator	Data source(s)
Customer Concerns	Council records
Customer Feedback Survey Responses	Surveys
Internal or external audit	Audit

Governance

This Policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies and guidelines.

Related legislation and policies

Name	Link
Eurobodalla Shire Council's <i>Risk Management Policy</i>	http://www.esc.nsw.gov.au/inside-council/council/council-policies/
Eurobodalla Shire Council's <i>Signs as Remote Supervision Policy</i>	http://www.esc.nsw.gov.au/inside-council/council/council-policies/
Eurobodalla Shire Council's <i>Signs as Remote Supervision Code of Practice</i>	http://www.esc.nsw.gov.au/inside-council/council/council-policies/
<i>Local Government Act 1993</i>	http://www.legislation.nsw.gov.au/#/view/act/1993/30
<i>Civil Liability Act 2002</i>	http://www.legislation.nsw.gov.au/#/view/act/2002/22

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Oct 2011	Council	09/291	E09.3418 E06.0375	Policy reviewed and adopted G09/99.
2	27 Aug 2013	Council	13/246	E13.7095 E06.0375	Updated Template, review date, references and links. Report O13/131.
3	dd mmm 2016	Council	TBA	E16.0297 E06.0375	Reviewed and updated (start of new Council term)

Internal use

Responsible officer		Director, Infrastructure Services		Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	E16.0297 E06.0375	Review date	Sep 2020	Pages	4

POLICY

Policy title	Grazing of Stock on Public Roads
Responsible manager(s)	Director, Infrastructure Services
Contact officer(s)	Divisional Manager, Works
Directorate	Infrastructure Services
Approval date	
Focus area	<i>Liveable Communities</i> Objective 2.2: Shared responsibility for community safety
Delivery Program link	<i>Community Spaces</i> L5.2 Manage and maintain a safe, sustainable and accessible range of community spaces
Operational Plan link	<i>Community Spaces</i> L5.2.1 Undertake maintenance program

Purpose

This Policy establishes the requirements to minimise the risk arising from the grazing of stock on public roads.

Policy aims

This Policy aims to:

- promote an integrated framework for dealing with grazing stock on public roads;
- ensure consistency and fairness in the manner in which Council deals with farmers and graziers and the travelling public;
- ensure compliance with legislative requirements under the Rural Lands Protection Act 1998;
- promote awareness of the requirements of the Act with respect to stock permits;
- take such steps as are appropriate to ensure Council is indemnified against public liability claims associated with or resulting from the grazing of stock on road reserves; and
- make Council's policies and requirements for grazing of stock on public roads readily accessible and understandable to the public.

Policy details

1	Application This Policy identifies the need and procedure for Council to be indemnified against public liability claims associated with or resulting from the grazing of stock on road reserves under Council's control. This Policy also specifies the conditions to be imposed to reduce the risk to the travelling public.
2	Legislation Eurobodalla Shire Council will comply with the Rural Lands Protection Act 1998

Implementation

Requirements	Responsibility
1 Persons wishing to graze stock on a road reserve under Council's control require approval from the South East Livestock Health and Pest Authority (SELHPA). The <i>Rural Lands Protection Act 1998</i> Section 101 (3) requires that a stock permit cannot be issued authorising a person to graze stock (other than travelling stock) on a public road without the concurrence of the local authority in which the road is vested.	Applicant
2 Council's Public Liability insurance cover does not extend to the liability of farmers and graziers utilising roadside reserves for stock grazing. Council will require the person seeking approval to hold public liability insurance cover for \$20,000,000, including appropriate clauses listing Council as an 'interested party'.	Applicant Council
3 Council will also require appropriate conditions of consent including acceptable traffic management arrangements.	Applicant Council
4 Approvals for grazing stock on road reserves will be limited to low volume local roads (typically less than 200 vehicles per day).	Council
5 Staff Under supervision, and once appropriate training has been received, relevant Council staff will be responsible for ensuring that this Policy is implemented within their work area.	Council officers
6 Concerns Public concerns communicated to Council in relation to this Policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers
7 Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this Policy are invited for consideration during the exhibition period.	As applicable

Review

The Policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW Local Government election, unless Council revokes it sooner.

Note: Automatic revocation of the policy is provided for by Section 165(4) of the *Local Government Act 1993*. The next general local government election is expected to be held in September 2020.

This Policy may also be reviewed and updated as necessary if legislation requires it; or when Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages the grazing of stock on public roads.

Reviews of the effectiveness of this Policy could include the following:

Performance indicator	Data source(s)
Delivery Program/Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Customer feedback, survey responses	Surveys
Internal or external audit	Audit

Governance

This Policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies and guidelines.

Related legislation and policies

Name	Link
Related Eurobodalla Shire Council Policy or Code of Practice	ESC Policies Register
Local Government Act 1993	Local Government Act 1993
Rural Lands Protection Act 1998	Rural Lands Protection Act 1998
Southeast Local Land Services (formerly South East Livestock Health and Pest Authority)	http://southeast.lls.nsw.gov.au/

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au

Change history

Version	Approval date	Approved by	Minute No	File No	Change
1	24 Nov 2009	Council	09/369	E02.6988 E09.3418	Policy reviewed and adopted – report G09/145
2	23 Jul 2013	Council	13/172	E13.7095	Updated Template, review date, references and links – report O13/112
3	dd mmm 2016	Council	TBA	E16.0297 E06.0113	Reviewed and updated (start of new Council term)

Internal use

Responsible officer	Director, Infrastructure Services			Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	E06.0113 E16.0297	Review date	TBA	Pages	3

POLICY

Policy title	Bush Fire Risk Management
Responsible manager(s)	Director, Infrastructure Services
Contact officer(s)	Fire Mitigation Officer
Directorate	Infrastructure Services
Approval date	TBC
Focus area	<i>Liveable Communities</i> Objective 2.2: Shared responsibility for community safety
Delivery Program link	<i>Liveable Communities</i> L4.5 Assist with planning for and coordination of emergency services L4.6 Collaborate with agencies and services to deliver coordinated management and response.
Operational Plan link	<i>Public & Environmental Health & Safety</i> L4.5.2 Assist development and implementation of Bush Fire Risk Management Plan L4.5.3 Local Emergency Management and Bush Fire Management Committees L4.6.2 Undertake fire mitigation on Council land

Purpose

This Policy clarifies the management of bush fire risk to the community within Council controlled lands.

The Eurobodalla Shire covers approximately 342,900 hectares and a significant proportion of this area is identified as bush fire prone land. There are approximately 1,200 parcels of Public Reserve and Crown Land under Council's care and control in both urban and rural environments.

The risk management of bush fire is often a complex and emotive issue and one that requires a balance between managing the risks to people and community assets and acknowledging the value of the natural environment to our social, economic and cultural wellbeing.

Policy aims

- Promote an integrated framework for dealing with bush fires
- Ensure consistency and fairness in the manner in which Council deals with hazard mitigation
- Ensure compliance with legislative requirements under the *Rural Fires Act 1997*
- Promote awareness of the requirements of the *Rural Fires Act 1997* with respect to people, community assets and the natural environment
- Take such steps as are appropriate to ensure the effective management of bush fires
- Make the Council's policies and requirements for Bush Fire Management of Council owned land or land under its control and management readily accessible and understandable to the public.

Policy details

1	<p>Application</p> <p>The NSW Rural Fire Service is the lead agency in coordinating the management of risks from bush fires in NSW. This Policy applies to lands owned and managed by Eurobodalla Shire Council. The managing of the risk from bush fire is a shared responsibility between individual landowners, State agencies, Council and the emergency management groups.</p>
2	<p>Legislation</p> <p>Council has statutory obligations to minimise the risk of bush fires in accordance with the relevant legislation, namely <i>The Rural Fires Act 1997 Act and Regulation, Local Government Act 1993, Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Clean air) Regulations 2010, The Environmental Planning and Assessment Act 1979, Native Vegetation Act 2003, Threatened Species Conservation Act 1995, State Emergency and Rescue Management Act 1989.</i></p> <p>Council's policy also operates in accordance with the <i>Bush Fire Environmental Assessment Code for NSW Rural Fire Service 2006, Planning for Bush Fire Protection (NSW Rural Fire Service 2006) and NSW Rural Fire Service Standard Operational Procedures – Prescribed Burning Activities.</i></p>
3	<p>Bush Fire Hazard Management Regulatory Control</p> <p>It is the duty of a public authority (Council, National Parks, State Forests, Crown Lands), owner or occupier to undertake maintenance and management of land under their care or control in order to mitigate bush fire risk under the Rural Fires Act 1997. Under Section 74C(3) of the <i>Rural Fires Act 1997</i>, a local authority must refer any complaint made to it under this Division to the Commissioner of the NSW Rural Fire Service within 14 days of receipt of the complaint in order to manage bush fire hazard complaints. Authorised officers of the NSW Rural Fire Service, in exercising the above responsibilities, may undertake inspections and issuing of notices for bush fire hazard reduction work requiring property owners or land managers to mitigate the presence of significant bush fire hazard on their land.</p>
4	<p>Bush Fire Hazard Mitigation on Council-controlled Land</p> <p>Council acknowledges the need to manage this issue within its limited financial resources to minimise the risk to the community, to limit Council's (ie, the community's) potential liability and to provide fairness between people seeking action to address their concerns about bush fire hazards where it does not require additional resources/management by Council.</p> <p>The Eurobodalla Bush Fire Management Committee is coordinated by the Rural Fire Service. In accordance with the <i>Rural Fires Act 1997</i>, the EBFMC prepares the Eurobodalla Bush Fire Risk Management Plan. The Plan identifies the levels of risk across the Eurobodalla Local Government area and establishes coordinated hazard reduction zone strategies which responsible land management authorities implement in order to manage bush fire risks.</p> <p>To achieve compliance with the Eurobodalla Bush Fire Risk Management Plan, Council shall develop and implement a Code of Practice to provide guidance for the management of bush fire risk from vegetation on Council controlled land.</p> <p>Council will:</p> <ol style="list-style-type: none"> Undertake fire mitigation works on Council managed lands to the limit of the allocated budget on a priority basis as determined under Council's Code of Practice for <i>Bush Fire Hazard Mitigation – Council Controlled Land</i>. Where Council is unable to undertake works due to limited budget, give private landowners the option of funding fuel reduction works on Council Controlled Land.

	c) As a general principle, give priority to public safety and legislative requirements over other factors such as environmental and heritage issues.
5	<p>Smoke Management</p> <p>Council, its employees and contractors may burn dead and dry vegetation on Council controlled land in accordance with the <i>Protection of the Environment Operations (Clean Air) Regulation 2010</i> and subject to the conditions of Eurobodalla Shire Council's Clean Air Policy.</p> <p>In undertaking Hazard Reduction activities by means of fuel reduction burns, Council will undertake such works in accordance with the <i>NSW Rural Fire Service Bush Fire Environmental Assessment Code 2006</i>, including requirements for smoke management. In accordance with conditions imposed on such works by an approved Hazard Reduction Certificate issued by Council, the <i>NSW Rural Fire Service Standard Operational Procedures – Prescribed Burning Activities</i> also requires burn planning to take into account smoke impact to ensure burns are not conducted during a "No Burn Day" declared by the Environmental Protection Authority (EPA) and to ensure all adjoining property owners that could be affected by the impact of smoke emissions are provided with notifications prior to the commencement of works.</p>

Implementation

Requirements		Responsibility
1	<p>Coordination and Collaboration</p> <p>Strategic planning and operations in the Eurobodalla Rural Fire District are co-ordinated by the NSW Rural Fire Service.</p> <p>The NSW Rural Fire Service coordinates the Eurobodalla Bush Fire Management Committee made up of relevant government agencies and the peak body representatives constituted under the <i>Rural Fire Act 1997</i>. Council will provide representation to this Committee and proactively assist with the development and implementation of the Eurobodalla Bush Fire Risk Management Plan to minimise the risk to the community from bush fire.</p>	<p>NSW Rural Fire Service</p> <p>Council</p>
2	<p>Local Emergency Management</p> <p>The NSW Rural Fire Service is the lead agency in planning and implementing a response to bush fires.</p> <p>Council will act in good faith in endeavouring to fulfil its responsibilities under the <i>State Emergency and Rescue Management Act 1989</i> through the provision of support for the Local Emergency Management Committee and the provision of Executive Support to assist the Local Emergency Operations Controller. This may include assisting with the establishment and operation of the Eurobodalla Emergency Operations Centre if requested by the NSW Rural Fire Service or otherwise required by authorised direction under the <i>State Emergency and Rescue Management Act 1989</i>.</p>	<p>NSW Rural Fire Service</p> <p>Council</p>
3	<p>Code of Practice</p> <p>The development and implementation of a Code of Practice shall include:</p> <ul style="list-style-type: none"> a) the methodology for rating the risk that is used to prioritise works; b) the methodology for implementing actions to mitigate the risk; 	Council

	<ul style="list-style-type: none"> c) the methodology for compromise where environmental constraints and safe works methods are limiting the extent of the works allowable; d) details of customer service; e) a system of recording all actions and reporting to the Eurobodalla Bush Fire Management Committee; and f) Bush Fire Risk Management work on Council Controlled Land by Others. 	
4	Community Education The prime responsibility for community education and provision of information relating to bush fire remains with the NSW Rural Fire Service. Council will incorporate relevant links to this community education within its programs.	NSW Rural Fire Service Council
5	Staff Under supervision, and once appropriate training has been received, relevant Council staff will be responsible for ensuring that this Policy is implemented within their work area.	Council officers Fire Mitigation Officer
6	Concerns Public concerns communicated to Council in relation to this Policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers
7	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. This will include consultation with the NSW Rural Fire Service and the Local Emergency Management Committee. Public submissions regarding this Policy are invited for consideration during the exhibition period. Any other consultation deemed necessary may occur with key stakeholders when and if required.	As applicable

Review

The Policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW Local Government election, unless Council revokes it sooner.

Note: Automatic revocation of the policy is provided for by Section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This Policy may also be reviewed and updated as necessary if legislation requires it; or when Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages bush fire risks to the community.

Reviews of the effectiveness of this Policy could include the following:

Performance indicator	Data source(s)
Customer Concerns or Complaints	Council records
Customer Feedback Survey Responses	Surveys
Internal or external audit	Audit
Community Strategic Plan 2.2	esc.nsw.gov.au

Governance

This Policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies and guidelines.

Related legislation and policies

Name	Link
<i>Local Government Act 1993</i>	Local Government Act 1993
<i>NSW Rural Fires Act 1997</i>	NSW Rural Fires Act 1997
<i>NSW Rural Fire Service Bush Fire Environmental Assessment Code 2006</i>	NSW RFS Bush Fire Environmental Assessment Code 2006
<i>Planning for Bush Fire Protection NSW Rural Fire Service 2006</i>	NSW RFS Planning for Bush Fire Protection 2006
<i>State Emergency and Rescue Management Act 1989</i>	State Emergency and Rescue Management Act 1989
<i>Protection of the Environment Operations Act 1997</i>	Protection of the Environment Operations Act 1997
<i>Protection of the Environment Operations (Clean Air) Regulations 2010</i>	Protection of the Environment Operations (Clean Air) Regulations 2010
<i>Environmental Planning and Assessment Act 1979</i>	Environmental Planning and Assessment Act 1979
<i>Native Vegetation Act 2003</i>	Native Vegetation Act 2003
<i>Threatened Species Conservation Act 1995</i>	Threatened Species Conservation Act 1995
<i>NSW Department of Planning Standards for Bush Fire Hazard Reduction Works in SEPP 14 Coastal Wetlands</i>	NSW Department of Planning Standards for Bush Fire Hazard Reduction Works in SEPP 14 Coastal Wetlands
<i>State Environmental Planning Policy 14 – Coastal Wetlands</i>	State Environmental Planning Policy 14 - Coastal Wetlands
<i>State Environmental Planning Policy 26 – Littoral Rainforests</i>	State Environmental Planning Policy 26 - Littoral Rainforests

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au
NSW Rural Fire Service	www.rfs.nsw.gov.au
Department of Environment & Heritage	www.environment.nsw.gov.au

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Oct 2011	Council	09/369	E09.3418	Policy reviewed and adopted G09-99
2	10 Sep 2013	Council	13/272	E13.7095	Updated template, review date, references and links
3	dd mmm 2016	Council	TBA	E06.0375 E16.0297	Reviewed and updated (start of new Council term)

Internal use

Responsible officer	Director, Infrastructure Services			Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	E06.0375 E16.0297	Review date	Sep 2020	Pages	6

Policy title	Drinking Water Quality Policy
Responsible manager(s)	Director Infrastructure Services
Contact officer(s)	Division Manager Water and Sewer
Directorate	Infrastructure Services
Approval date	
Focus area	Provide a safe, reliable and secure water supply that meets future needs
Delivery Program link	S2.2 Operate and maintain Council's water supply systems
Operational Plan link	S2.2.2 Operate water system

Purpose

Eurobodalla Shire Council's policy was developed to support the provision of a water supply service which delivers potable quality water to its customers. Given the risk to public health of unsatisfactory water quality, it is of paramount importance that preventative risk management systems are developed, implemented and managed to ensure the protection of human health.

Policy details

1	Application This policy details the requirements for managing Council's water supply systems.
2	Legislation This policy ensures Eurobodalla Shire Council's compliance with the <i>Public Health Act 2010</i> .

Implementation

Requirements		Responsibility
1	Commitment Council is committed to managing its water supply effectively to provide a safe, high-quality drinking water that consistently meets the Australian Drinking Water Guidelines.	Council
2	Measures: To achieve this Council will: a) manage water quality at all points along the delivery chain from source water to the consumer; b) use a risk-based approach in which potential threats to water quality are identified and balanced; c) integrate the needs and expectations of our consumers, stakeholders, regulators and employees into our planning; d) establish regular monitoring of the quality of drinking water and effective reporting mechanisms to provide relevant and	Division Manager Water and Sewer

	timely information, and promote confidence in the water supply and its management; e) develop appropriate contingency planning and incident response capability; f) participate in appropriate research and development activities to ensure continued understanding of drinking water quality issues and performance; g) continually improve our practices by assessing performance against corporate commitments and stakeholder expectations.	
3	Implementation Eurobodalla Shire Council will implement and maintain a drinking water quality management system consistent with the <i>Australian Drinking Water Guidelines</i> to manage effectively the risks to drinking water quality. All staff involved in the supply of drinking water are responsible for understanding, implementing, maintaining and continuously improving the drinking water quality management system.	Council officers
4	Concerns Concerns received regarding drinking water quality will be recorded on Council's customer service request (CSR) or records system and handled in accordance with Council's Customer Service Policy. They will be used to analyse the history of concerns and requests and to help determine follow up actions.	Council officers
5	Complaints Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with council's Complaints Policy.	Public Officer
6	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	As applicable

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner.

Note: Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This policy may also be reviewed and updated as necessary when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages drinking water quality

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Customer concerns	Council records
Delivery Program/ Operational Plan outcomes achieved	Council reporting

Customer feedback, survey responses	Surveys
Internal or external review	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Related Council Policy or Code of Practice	esc.nsw.gov.au/inside-council/council/council-policies
Local Government Act 1993	legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N
Public Health Act 2010	Public Health Act link

Related external references

Name	Link
Office of Local Government	olg.nsw.gov.au
Australian Drinking Water Guidelines 2011	Drinking Water Guidelines (2011)
NSW Health	NSW Guidelines Drinking Water Management Systems

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	10 Sept 2013	Council	13/27 2	E06.0113	Policy commenced 10 September 2013
3	dd mmm 2016	Council	TBA	E16.0297 E13.7095	Reviewed and updated (start of new Council term)

Internal use

Responsible officer	Director Infrastructure Services			Approved by	Council
Minute #		Report #		Effective date	TBA
File	E06.0113 E16.0297	Review date	Sep 2020	Pages	3

POLICY

Policy title	Signs as Remote Supervision
Responsible manager(s)	Director, Infrastructure Services
Contact officer(s)	Divisional Manager, Works
Directorate	Infrastructure Services
Approval date	TBC 2016
Focus area	<i>Liveable Communities</i> Objective 2.2: A shared responsibility for community safety
Delivery Program link	<i>Community Spaces</i> L5.2 Manage and maintain a safe, sustainable and accessible range of community spaces
Operational Plan link	<i>Community Spaces</i> L5.2.1 Undertake maintenance program

Purpose

This Policy recognises the importance of using signs as remote supervision (SARS) to warn users of Council owned, operated or controlled land within the Eurobodalla Shire Council Local Government Area (LGA) of the risk and nature of any hazards in the area.

Eurobodalla's LGA encompasses an area of 342,900 hectares along a 110 kilometre coastal strip between South Durras and Wallaga Lake, including 47 pristine beaches.

Users of Council owned, operated or controlled land are exposed to varying degrees of risk associated with the hazards which exist on the land - both natural hazards and hazards related to developed facilities. As it is not always possible to eliminate the risk from these hazards, it is desirable to provide a warning to land users about the risk and nature of any hazards. Signs can be an effective way to provide this risk warning.

Using signs as remote supervision also helps Council achieve the community objective in meeting the needs of the Eurobodalla community and its visitors.

Policy aims

This Policy aims to:

- promote an integrated risk management framework including use of signs as remote supervision;
- ensure consistency and fairness in the manner in which Council deals with signage;
- promote awareness and ensure compliance with legislative requirements under the *Local Government Act 1993* and the *Civil Liability Act 2002*;
- take such steps as are appropriate to ensure that signs are effective and meet current risk management best practice and Australian Standards; and
- make Council's policy and requirements for signs as remote supervision readily accessible and understandable to the public.

Policy details

1	Application This Policy applies to signs used for remote supervision on Council owned or controlled land and facilities in the Eurobodalla Local Government Area (LGA).
2	Legislation Eurobodalla Shire Council complies with the <i>Local Government Act 1993</i> , the <i>Civil Liability Act 2002 (CLA)</i> and relevant Australian Standards. Section 5M of the CLA states that a risk warning for a recreational activity can be given in writing, including by means of a sign. Council's duty of care is outlined in Part 5 Section 42 of the <i>Civil Liability Act 2002</i> - principles concerning resources and responsibilities of public or other authorities.
3	Use of Signs for Remote Supervision (SARS) Areas of recreational risk exposure at Council owned or controlled facilities such as beaches, swimming pools, reserves, parks and public walkways, will be assessed with a view to mitigating the risk by using signs as remote supervision. Remote supervision signage will be used to advise or warn people of inherent dangers in the environment in which they are operating. Council's <i>Signs as Remote Supervision Code of Practice</i> includes procedures in relation to its signs used as remote supervision, based on current best practice.
4	Risk Management Council will conduct a regular site risk audit for all Council owned or controlled beaches, pools, parks and reserves, skate parks and BMX facilities. The site risk audits will include inspection and assessment of defects and appropriateness of existing remote supervision signage, and make recommendations regarding any maintenance, installation or changes to signs.
5	Installation and Replacement Signs as Remote Supervision (SARS) shall be provided as resources permit, based on a priority rating as per Council's Code of Practice. SARS signs in existence currently not meeting the current best practice and/or Australian Standards shall be replaced as resources permit, in priority order, as per Council's Code of Practice.

Implementation

Requirements	Responsibility
<p>1 Code of Practice</p> <p>This Policy will be implemented by following Council's <i>Signs as Remote Supervision Code of Practice</i>, which specifies in detail the procedures and rating formula for facilities.</p> <p>A rating formula will be used to assess all Council's facilities and allocate a Facility Visitation Rating (FVR) based on public usage.</p> <p>Facility Visitation Rate = (Development x Population) + Frequency.</p> <p>The value of the FVR is an indication of the risk that Council is exposed to related to the activities that occur in each facility. This value will allow Council to decide on the most appropriate sign which in turn will act as the most suitable form of remote supervision.</p> <p>Once the FVR has been determined and the hazards for each facility identified, appropriate SARS signs will be installed as warranted.</p>	Council officers
<p>2 Staff</p> <p>Under supervision, and once appropriate training has been received, relevant Council staff will be responsible for ensuring that this Policy is implemented within their work area.</p>	Council officers
<p>3 Concerns</p> <p>Public concerns communicated to Council in relation to this Policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.</p>	Council officers
<p>4 Consultation</p> <p>Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies.</p> <p>Staff, other Councils, regional risk groups, and Council's regional risk manager have been consulted in the development of this Policy, along with current Best Practice documentation and Australian Standards.</p> <p>Public submissions regarding this Policy are invited for consideration during the exhibition period.</p>	As applicable

Review

The Policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW Local Government election, unless Council revokes it sooner.

Note: Automatic revocation of the policy is provided for by Section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This Policy may also be reviewed and updated as necessary if legislation requires it; or when Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages signs as remote supervision.

Reviews of the effectiveness of this Policy could include the following:

Performance indicator	Data source(s)
Complaints	Council records
Customer Feedback Survey Responses	Surveys
Risk Audit Site Inspections	Inspections
Internal or external audit	Audit
Number of incidents at facilities	Council records
Number of liability claims	Council records

Governance

This Policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Eurobodalla Shire Council's <i>Signs As Remote Supervision Code of Practice</i>	ESC Signs as Remote Supervision Code of Practice
Eurobodalla Shire Council's <i>Risk Management Policy</i>	ESC Risk Management Policy
Eurobodalla Shire Council's <i>Parks, Playgrounds & Reserves Risk Management Policy</i>	ESC Parks, Playgrounds & Reserves Risk Management Policy
<i>Local Government Act 1993</i>	Local Government Act 1993
<i>Civil Liability Act 2002</i>	Civil Liability Act 2002

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au
Australian Standard AS/NZS ISO 31000:2009	www.standards.org.au
<i>Signs As Remote Supervision Best Practice Manual</i> (Statewide Mutual)	www.statewide.nsw.gov.au

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Sep 09	Council	09/291	E09.3418	Policy adopted. G09/99.
2	27 Aug 2013	Council	13/246	E13.7095	Updated Template, review date, added references and links. Report o13/131.

3	dd mmm 2016	Council	TBA	E16.0297 E06.0375	Reviewed and updated (start of new Council term)
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Internal use

Responsible officer		Director, Infrastructure Services		Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	E06.0375	Review date	Sep 2020	Pages	5

Policy title	Build in the Vicinity of Sewer Mains
Responsible manager(s)	Director Infrastructure Services
Contact officer(s)	Division Manager Water & Sewer
Directorate	Infrastructure Services
Approval date	
Focus area	Sustainable Communities
Delivery Program link	S1 Provide a safe, reliable and sustainable sewer service that meets future needs
Operational Plan link	S1.2 Operate and maintain Council's sewerage systems

Purpose

Under Section 59A of the *Local Government Act 1993* (the *Act*), Council is the owner of all works of water supply, sewerage and stormwater drainage installed in or on land by council (whether or not the land is owned by council). The *Act* provides council access to any land required to operate, repair, replace, maintain, remove, extend, disconnect, improve or do any other things that are necessary or appropriate to any of its works to ensure that, in the opinion of council, the works are used in an efficient manner for the purposes for which the works were installed.

Where water supply pipelines and sewer rising mains are located on private land, council generally requires that an easement be placed over the pipeline which places restrictions on the use of that part of the land covered by the easement, and which protects the pipelines from damage and provides access for plant and equipment to enable council to carry out the functions outlined above. However, council does not normally require easements over sewer gravity pipes and so a policy which clearly defines the requirements for development in the vicinity of sewer mains is required.

Policy aims

The policy aims to:

- Protect existing and future assets, both privately and publicly owned, from potential damage.
- Minimise the liability for future costly repairs and costly asset renewals by limiting the amount of development over sewers.
- Promote an integrated framework for dealing with applications to build in the vicinity of sewer mains.
- Ensure consistency and fairness in the manner in which the council deals with developers and the community.
- Ensure compliance with legislative requirements under the *Local Government Act 1993*.
- Make the council's policies and requirements for build in the vicinity of sewer mains readily accessible and understandable to the public.

Policy details

1	Application This policy applies to development in the vicinity of council owned sewerage infrastructure.
2	Legislation This policy ensures Eurobodalla Shire Council's compliance with the <i>Local Government Act 1993</i> .

Implementation

Requirements		Responsibility
1	Code of Practice This policy will be implemented by following Council's <i>Build in the Vicinity of Sewer Mains Code of Practice</i> which specifies in detail the procedures and matters to be considered.	Development Assessment officers
2	Clearance from Structures Sewer access structures, including manholes, maintenance shafts and sewer dead ends, shall be accessible at all times in case of urgent maintenance.	Developer, Development Assessment officers
3	Construction not permitted Heavy or permanent structures will not be permitted within council's easements or over the following: <ul style="list-style-type: none"> Sewer rising mains, surcharge mains or critical gravity mains (generally all sewer mains of 300mm diameter or greater and/or deemed to be excessively deep). Sewer manholes, maintenance points and junctions.	Developer, Development Assessment officers
4	Considerations Any application to build over a sewer or within 2 metres of a sewer main alignment will only be considered if alternative options are found to be not viable. Council's approach to 'build in the vicinity of sewer' requests in order of priority of solutions is as follows: <ol style="list-style-type: none"> Relocate the proposed structure. Relocate council's affected assets. Provide protection measures and build over or close to council's asset. Option 3 will only be considered in exceptional circumstances if options 1 or 2 are neither practical nor reasonable to achieve. Where a developer proposes constructing 'heavy or permanent structures' within 2 metres of a sewer main alignment the Director of Infrastructure Services or Division Manager Water and Sewer must be consulted to determine the appropriateness of the proposal prior to issuing development consent.	Developer, Development Assessment officers

5	Asset Protection Measures Where construction of structures will impose a load within an existing sewer assets zone of influence, asset protection measures will be required.	Developer, Development Assessment officers
6	Staff Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.	Development Assessment officers
7	Costs The developer/applicant is responsible for all costs associated with: <ul style="list-style-type: none"> Investigation, design and any costs associated with seeking approval. If approval is granted then all construction costs. Repairing any damage to sewer infrastructure caused by construction over or near an existing sewer. The Director Infrastructure Services or Division Manager Water and Sewer may approve a contribution from Council's sewer fund towards the cost of asset relocation works where there is a demonstrated tangible benefit to council.	Developer Director Infrastructure Services/ Division Manager Water and Sewer
8	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers
9	Complaints Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with Council's Complaints Policy.	Public Officer
10	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	As applicable

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner.

Note: Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This policy may also be reviewed and updated as necessary when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages operations, maintenance and construction of sewer mains.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Delivery Program/ Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Customer feedback, survey responses	Surveys
Internal or external review	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Related Council Policy or Code of Practice	www.esc.nsw.gov.au/inside-council/council/council-policies
Local Government Act 1993	www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N

Related external references

Name	Link
Office of Local Government	https://www.olg.nsw.gov.au/

Supporting documents

Name	Link
Build in the Vicinity of Sewer Mains Code of Practice	www.esc.nsw.gov.au

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	28 Oct 2008	Council	08/386	06.0381	Policy commenced
2	10 Sep 2013	Council	13/272	E13.7095	Reviewed and updated (start of new Council term)
3	dd mmm 2016	Council	TBA	E16.0297 06.0381	Reviewed and updated (start of new Council term)

Internal use

Responsible officer	Director Infrastructure Services			Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	06.0381 E16.0297	Review date	Sep 2020	Pages	4

Policy title	Councillors' Expenses and Facilities
Responsible manager(s)	General Manager
Contact officer(s)	Divisional Manager Governance & Information
Directorate	Finance and Business Development
Approval date	TBA
Focus Area	Collaborative
Delivery program link	C1.1.1 Support the councillors in meeting their statutory obligations and roles as community representatives
Operational program Link	C1.1 Conduct the business of Council in an inclusive, responsive and transparent manner

Purpose

The purpose of this policy is for Eurobodalla Shire Council to comply with the provisions of Section 252 of the *Local Government Act 1993*, and adopt policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor and councillors in relation to discharging the functions of civic office.

Policy aims

The policy is designed to ensure:

- Accountability and transparency in the reimbursement of expenses incurred or to be incurred by councillors.
- That the facilities provided to assist councillors to carry out their civic duties are reasonable.
- Compliance with and awareness of legislative requirements under the *Local Government Act 1993* respect to councillor's expenses and facilities.
- Consistency and fairness in the manner in which the council deals with councillor's expenses and facilities.
- That Council's policies and requirements are readily accessible and understandable to the public.

Policy details

Applicati on	This policy applies to the Mayor and councillors of Eurobodalla Shire Council, and to council staff involved in the provision of councillor's expenses and facilities.
1	Introduction
1.1	Relevant Legislation Council complies with NSW State legislative provisions as follows: <i>Local Government Act 1993</i> <i>252 Payment of expenses and provision of facilities</i> 1) <i>Within the first 12 months of each term, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.</i>

	<p>2) <i>The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.</i></p> <p>3) <i>A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.</i></p> <p>4) <i>A council may from time to time amend a policy under this section.</i></p> <p>5) <i>A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.</i></p> <p>Local Government (General) Regulation 2005</p> <p>403 Payment of expenses and provision of facilities</p> <p><i>A policy under section 252 of the Act must not include any provision enabling a council:</i></p> <p>a) <i>to pay any councillor an allowance in the nature of a general expense allowance, or</i></p> <p>b) <i>to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.</i></p>
1.2	<p>Other Government Policy Provisions</p> <p>Council complies with Other Government Policy Provisions as follows:</p>
1.2.1	<p>Office of Local Government (OLG) Guidelines for payment of expenses and provision of facilities for Mayors and Councillors for Local Councils in NSW</p> <p>This Guideline can be found on the OLG website at www.olg.gov.au</p> <p>In summary:</p> <ul style="list-style-type: none"> • Councillor expense and facility guidelines are binding and must be considered. • The policy must be acceptable to, and meet expectations of local community. • Consideration should be given to participation, equity and access (special needs). • There may be recognition of local differences compared to other Councils. • All expenses/payments must be either reimbursed after the event or reconciled if an advance payment is made. • Expenses must be reasonable. • The policy must set limits (i.e. should not be open-ended). • May provide to pay a Deputy Mayor part of the Mayor's annual fee (any amount thus paid to be deducted from Mayor's annual fee). • Advance payments may be allowed subject to future reconciliation. • Council should establish suitable rates for private use over and above anything which is minor and incidental. • In certain limited circumstances councils may meet reasonable costs incurred by councillors on behalf of their spouses, partners or accompanying person(s).
1.2.2	<p>Model Code of Conduct for Local Councils in NSW (November 2015, Division of Local Government)</p> <p>The Model Code of Conduct can be found on the OLG website www.olg.gov.au</p> <p>Use of Council Resources</p> <p>7.12 <i>You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes</i></p>

	<p>(except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.</p> <p>7.13 Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:</p> <ul style="list-style-type: none"> a) the representation of members with respect to disciplinary matters b) the representation of employees with respect to grievances and disputes c) functions associated with the role of the local consultative committee. <p>7.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.</p> <p>7.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.</p> <p>7.16 You must not use council resources, property or facilities for the purpose of assisting your election campaign or the campaign of others unless the resources, property or facilities are otherwise available for the use or hire by the public and publicly advertised fee is paid for use of the resources, property or facility.</p> <p>7.17 You must not use council letterhead, council crests and other information that could give the appearance it is official council material for:</p> <ul style="list-style-type: none"> a) the purpose of assisting your election campaign or the election campaign of others, or b) for other non-official purposes. <p>7.18 You must not convert any property of the council to your own use unless properly authorised.</p> <p>7.19 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.</p> <p>Councillor access to Council buildings</p> <p>7.20 Councillors are entitled to have access to the council chamber, committee room, Mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors needing access to these facilities at other times must obtain authority from the general manager.</p> <p>7.21 Councillors must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.</p> <p>10.21 Councillors must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.</p>
1.2.3	Office of Local Government (OLG) Circulars to Councils

	<p>This policy takes into account the OLG Circular 05/80 '<i>Legal Assistance for Councillors and Council Employees</i>', Circular 02/34 '<i>Unauthorised use of Council Resources</i>', and Circular 05/08 '<i>Legal Assistance for Councillors and Council Employees</i>'.</p> <p>These publications are available on the OLG website at www.olg.nsw.gov.au</p>
1.2.4	<p>Independent Commission Against Corruption (ICAC) Publications</p> <p>This policy takes account of the ICAC publication '<i>No Excuse for Misuse, Preventing the Misuse of Council Resources</i>' (Guidelines 2) 19 November 2002.</p> <p>This publication is available on the ICAC website at www.icac.nsw.gov.au</p>
1.3	<p>Approval Arrangements</p> <ul style="list-style-type: none"> • In determining compliance with monthly limits, claims for services (such as landline plus mobile) with the service period ending within a month will be added together. If they cover more than one month the amounts will be calculated pro rata or based on the evidence of timing provided. • Except where specifically permitted by this policy, approvals for travel and functions beyond the Shire and/or costs of spouse/partner attendance are to be by resolution of the Council. In extenuating circumstances the approval may be jointly by the Mayor and General Manager with retrospective advice to Council. • Travel within the Shire may be approved by the General Manager. Travel to and from meetings including workshops and any travel resulting from an appointment as a representative of Council for particular purposes does not require General Manager's approval and can be approved and processed as set out below. • Any concerns are to be referred to the General Manager who may consult with the Mayor before making a decision. • Approved requests will be forwarded to the Accounts Payable for payment by Electronic Funds Transfer (EFT) to the Councillors or as the case may be, the relevant supplier's bank account. • This Policy does not require the payment of requests relating to past financial years that are not received within 30 days of the financial year end, these are deemed to be out of time (appropriate reminder/s and forms are to be provided to Councillors in advance of this deadline). • All requests for reimbursement of expenses must be approved by the General Manager and provided on the prescribed Councillor Expenses Claim Form as attached to this policy. (Appendix 1)
2	<p>Payment of Expenses</p>
2.1	<p>General Provisions</p> <p>The relationship between the annual fees paid to the Mayor and councillors and the level and scope of expenses paid to councillors is a basic issue considered in this policy. The Local Government Remuneration Tribunal has adopted the principle that expenses reasonably incurred by councillors are outside provisions made under the annual fee determinations.</p>

	Fees are not covered within this policy and must be separately adopted by Council subject to the maximum amounts allowed by determination of the remuneration tribunal.
2.2	Payment of Expenses Generally
2.2.1	Allowances and Expenditure Where any costs are already covered from any other source whatsoever they should not be claimed again from the Council.
2.2.2	Reimbursement and Reconciliation of Expenses All reimbursements are to be based on actual and reasonable costs. Therefore requests for reimbursement must provide adequate supporting documentation including suppliers' tax invoices and receipts etc. The Policy does not provide for any non-voucherable subsistence allowance. Councillors must ensure that costs are reasonable.
2.2.3	Payment in Advance Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. However, councillors must fully reconcile all expenses against the cost of the advance when they return within 30 days of the event/ function/ conference and any amounts not properly supported, e.g. by receipts/ tax invoices, may be required to be refunded to Council. All requests for advanced payments must be provided on the <i>Councillors Expense Claim/ Application for Advances Form</i> as attached to this policy. (Appendix 1)
2.2.4	Submitting Claims All requests for reimbursement of travel expenses should be provided to executive Services as soon as possible after the event and expenses reported quarterly. A tax invoice must accompany the expense claim.
2.3	Establishment of Monetary Limits and Standards This policy establishes limits for the specific expenses/facilities within the relevant sections and payments must not exceed these amounts. In the case that Council has paid any amount on behalf of a councillor that exceeds the limits the councillor must accordingly compensate Council for that amount. Except for the Mayor, all councillors will be allocated the sum of \$3,500 annually indexed to the CPI, to specifically provide for their professional development. The registration, travelling and accommodation costs associated with the annual Local Government Association Conference are excluded from this amount. Where a councillor is required to attend conferences (including the annual Local Government Association Conference) and seminars, professional development training programs, elected member courses outside of the Local Government Area (LGA) it will be necessary for the Council to authorise the attendance of councillors at these events to be effected by way of a resolution of an Ordinary Meeting of the Council. Payment for attendance shall be made from the Councillor Professional

	<p>Development Discretionary Vote. The amount of the vote shall be reviewed annually as part of the creation of the budget and Management Plan.</p> <p>Amounts remaining unexpended as at 30 June each year will expire and any unexpended amounts will not be carried over or available for expenditure in successive years.</p>
2.4	<p>Spouse and Partner Payments</p> <p>Meeting the costs of spouses and partners or accompanying person(s) for attendance at officially supported Council functions that are of a formal and ceremonial nature is considered appropriate when accompanying councillors within the Shire.</p> <p>Council may pay limited expenses of spouses, partners or accompanying persons for councillors attending the NSW Local Government Association Conference or any other required out-of-LGA events/functions. These expenses will be limited to the cost of registration and official conference dinner. Any additional travel, accommodation and accompanying person tours are not covered and are a personal responsibility. Any other instances where the Council will pay limited expenses of accompanying persons are subject to resolution of Council.</p>
2.5	Specific Expenses for Mayors and councillors
2.5.1	Attendance at Seminars and Conferences
2.5.1.1	All councillors can attend the NSW Local Government Association and/or Shires Association Conference if they wish. The costs associated with travel, accommodation and registration shall be covered by Council, separate to the Professional Development Vote as outlined in 2.3 above.
2.5.1.2	Attendance at any other conference and seminars is to be determined by resolution of Council.
2.5.1.3	Attendance will normally be limited to two. The principle of having one councillor and an appropriate staff member attend will be considered as “best practice” for attending seminars and conferences. This may be varied from time to time by resolution of Council.
2.5.1.4	Councillors should advise of any inability to attend at the earliest opportunity so as Council can seek a refund of any costs incurred or alternatively seek to transfer the registration.
2.5.1.5	Councillors attending training, seminars and conferences are to provide a detailed report to Council on the outcome and issues. Where there are a number of Councillors attending the same conference a joint report is acceptable. Councillors not meeting these criteria without reasonable explanation may not receive priority or opportunities for future events.
2.5.1.6	Council will reimburse or pay registration fees, accommodation, meals, parking, telephone and travel expenses associated with attendance at training, seminars and conferences, plus any other reasonable and directly related out-of-pocket expenses.

2.5.1.7	Daily costs other than accommodation and travel are not to exceed \$100.00 (i.e. food and out of pocket expenses etc.), unless otherwise approved by the General Manager. This is to be reconciled with appropriate receipts.
2.5.1.8	Councillors are to be provided where possible with a pooled vehicle if this is a cost effective and appropriate means of travel (see 2.5.6).
2.5.1.9	Council will pay or reimburse other forms of transport accepted by the General Manager as a cost effective means of travel and requested by the councillor concerned.
2.5.1.10	Bookings for accommodation and travel are to be arranged via the executive support group.
2.5.2	<p>Training and Educational Expenses</p> <p>Councillors will be encouraged to attend at least one relevant training and development course each year offered by the NSW Local Government Association. Additional courses may be attended subject to approval by the Mayor or General Manager and budgetary constraints.</p>
2.5.3	<p>Local Travel Arrangements and Expenses</p> <p>Travelling and any other actual and reasonable out of pocket costs will be reimbursed in relation to the following:</p> <ul style="list-style-type: none"> • Council meetings • Council committee meetings • Working Group meetings which the Councillor is the nominated delegate; • Section 355 Committee meetings • External Organisations/Committee Meeting, which the Councillor is the nominated Delegate, except where fees are paid to the Councillor by the external organisation • Workshops convened by Council • Meetings convened by Council • Training programs relating to the role of the Council • Inspections within the area of the Council, undertaken according to a resolution of Council, and • To attend a formal function or meeting where a formal invitation to attend arises only as a result of the position as a Councillor.
2.5.4	<p>Travel Outside the Local Government Area ('LGA') including Interstate Travel</p> <p>Travel and expenses beyond the LGA not authorised elsewhere in this policy will not be paid/ reimbursed unless approved in advance by a resolution of the Council or in extenuating circumstances by the Mayor or General Manager.</p>
2.5.5	<p>Travel Overseas</p> <p>Councillors may only undertake overseas travel where the Council has specifically authorised a councillor's itinerary and specifically authorised reimbursement by way of a council resolution made prior to the trip being taken. The resolution must</p>

	specifically name any councillor/s authorised to undertake overseas travel, indicate the reason the travel has been deemed to be necessary and include a determination of any reimbursement of expenses.
2.5.6	<p>Travel – Pool Cars</p> <p>Councillors must take reasonable steps to use the most cost effective means of travel. Councillors should use the Council’s pool car fleet when travelling out of the shire if it is cost effective. Councillors are encouraged to share a vehicle when travelling on behalf of Council.</p> <p>Where councillors choose to take their own vehicles, the reimbursement will be at the lower of:</p> <ul style="list-style-type: none"> • Council’s plant operations account internal hire rates, or • local rental car equivalent, or • return air fares, or • current Australian Taxation Office approved rates.
2.5.7	<p>Telephone & Internet Expenses</p> <p>Council will supply each councillor with an iPhone, iPad (3G & Wi Fi capability) or any comparable technology Council believes suitable at the time. Both the iPhone & iPad have a data allowance of 3GB each and will be connected to Council’s Telecommunication Account. There will be a maximum data usage of 3GB per month per device.</p> <p>Data usage exceeding 3GB per months will be charged back to councillors.</p> <p>Councillors must declare any private benefits that are more substantial than merely ‘incidental’ and these will be charged back to the councillor.</p> <p>Additional costs may be permitted in extenuating circumstances, subject to Mayoral or General Manager’s approval.</p>
2.5.8	<p>Sustenance</p> <p>Meals and refreshments will be provided for councillors’ attendance at Council and Committee meetings where deemed appropriate.</p>
2.5.9	Care and Other Related Expenses
2.5.9.1	In accordance with the principles of participation, access and equity the guidelines strongly encourage Councils to make provision for the reasonable cost of carer arrangements to allow Councillors to undertake their Council business obligations.
2.5.9.2	Council will meet the cost of childcare expenses whilst councillors attend council or committee meetings to a maximum of \$500 per annum.
2.5.9.3	Consideration will be given to any other extenuating carer circumstances that might warrant reimbursement subject to the resolution of Council.
2.5.9.4	Consideration will be given to any special requirements of councillors such as disability and access needs based on particular merits subject to resolution of Council.
2.5.10	Insurance Expenses and Obligations

	<p>Council will provide, at its cost, insurance to protect the interest and welfare of all councillors in carrying out the duties of civic office (and acting in good faith). Council currently provides the following (protection is limited to the terms and exclusions of the relevant policies):</p> <ul style="list-style-type: none"> • <i>Councillors and Officer Liability.</i> Provides indemnity to any person who was, is presently, or in the future becomes an elected Member of Council, or a Committee Member of a legally constituted committee under the <i>Local Government Act 1993</i>, in the event of personal litigation being instigated against them for any action arising whilst that person was exercising their duty. • <i>Public Liability Insurance.</i> Provides cover for a councillor's legal liability to pay compensation for personal injury to another person, damage to property owned or controlled by someone else which is caused by an occurrence in connection with their civic duties as a councillor. • <i>Professional Indemnity.</i> Provides indemnity to an individual against litigation resulting from the exercise of their official professional duties. • <i>Statutory Liability.</i> Provides indemnity for fines and penalties arising out of the conduct of the business of Council. • <i>Personal Accident.</i> Provides for the payment of non-medical expenses and compensation towards the loss of wages resulting from an accident whilst on official business for Council and a capital payment if the accident resulted in death. This cover extends to councillors and their partners whilst on official business of Council.
<p>2.5.11</p>	<p>Legal Expenses and Obligations</p> <p>This section of the policy is in accordance with the Office of Local Government Circular 05/08 '<i>Legal Assistance for Councillors and Council Employees</i>'.</p> <p>Where Council's insurance policies do not cover a Councillor's legal expenses in relation to a matter arising directly as a result of the Councillor's actions in the civic office, Council will determine by resolution if the councillor is to be reimbursed for reasonable solicitor/ client costs, as long as:</p> <ul style="list-style-type: none"> • They relate to conduct arising from the execution of a councillor's civic duties, • The matter is finalised, • Council authorises by specific resolution naming the councillor and determining the amount to be reimbursed in accord with these provisions: <ol style="list-style-type: none"> I. Council will not meet the costs of an action in defamation taken by a councillor or council employee as plaintiff, nor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation. II. The General Manager will report to Council for ratification, any legal advice sought in relation to this policy. III. Councillors can ask the General Manager to obtain legal opinion on any matter that is relevant to business before Council. <p>If the General Manager declines then they must provide reasons to the councillor concerned who may then, through a Notice of Motion, request the support of Council for the obtaining of the legal opinion.</p>

3	Provision of Facilities
3.1	General Provisions
3.1.1	<p>Provision of Facilities Generally</p> <p>Facilities, equipment and services appropriate to support the Mayor and Councillors in undertaking their role as elected members of Council will be provided. Incidental private usage of facilities and equipment is not subject to a compensatory payment by the Councillor. Where more substantial private use has occurred, compensation is required, unless otherwise stated this is to be based on the assessed degree of private usage applied to the actual cost.</p> <p>Councillors are required to declare any private benefits that are more substantial than minor and/or incidental.</p>
3.1.2	<p>Private Use of Equipment and Facilities</p> <p>Councillors must use Council resources ethically, effectively, efficiently and carefully in the course of their official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.</p> <p>Council facilities, equipment and services are not to be used to produce election material or for any other political purpose.</p>
3.2	Provision of Equipment and Facilities for Councillors
3.2.1	<p>Councillors' Room</p> <p>A furnished room will be made available for Councillors to conduct Council related business. The room will be equipped with a printer, desk, library and access to the Internet. Access to the Councillors' Room will be available twenty four hours seven days a week.</p> <p>Whilst hard copies of current consultancy reports, studies, industry management journals, publications and selected readings will be provided, Councillors will be encouraged to use the internet resource for individual research projects for access to such things as the:</p> <ul style="list-style-type: none"> • <i>Local Government Act 1993</i> and related legislation • <i>Environmental Planning and Assessment Act 1979</i> • Council's adopted <i>Code of Conduct</i> • ICAC and Ombudsman Reports • Local Environmental Plans ('LEP') • Council's adopted <i>Code of Meeting Practice</i> and various Policies
3.2.2	<p>Equipment and Other Resources</p> <p>Councillors will be provided with the following equipment and services:</p> <ul style="list-style-type: none"> • Security name tag for access to the council building • Magnetic name tag

	<p>At the beginning of each Council term, upon request, each councillor will be issued with appropriate stationery as follows (such stationery not to be used for election purposes):</p> <ul style="list-style-type: none"> • Business cards (500) • Councillor uniform – Councillors can choose two shirts from the Corporate Uniform collection • Protective clothing e.g. vests or headwear for on-site inspections and the like.
3.3	Provision of Additional Equipment and Facilities for Mayor
3.3.1	<p>Mayoral Car</p> <p>The Mayor will be provided with a motor vehicle (under luxury car tax threshold) to discharge the function of civic office and the performance of council business.</p> <p>In accordance with the Division of Local Government Guidelines, incidental private usage is permitted. The vehicle will be made available to the Mayor for private usage, if required, subject to the payment of \$4,000.00 annually.</p>
3.3.2	<p>Mobile Phone</p> <p>Council will supply and pay for an iPhone for mayoral purposes with an appropriate costs effective usage plan/package (see 2.5.7). Incidental private benefit is permitted. Additional charges resulting from private usage that do not fall within minor incidental must be repaid to Council.</p>
3.3.3	<p>Mayoral Office</p> <p>The Mayor is to be provided with appropriate separate office facilities and administrative support.</p>
3.3.4	<p>Credit Card</p> <p>Council will supply the Mayor with a credit card to be used in accordance with the provisions of this policy. The provision of a card is also subject to the Mayor agreeing to, signing and adhering to the current code of conduct for use of credit cards.</p>
4	Other Matters
4.1	Acquisition and Returning of Facilities and Equipment by Councillors
4.1.1	<p>Purchase of Equipment/Cessation of Duties</p> <p>Councillors will be provided with an opportunity to purchase any equipment or other facilities provided to them personally for use in relation to their councillor duties after the completion of their term of office, or at cessation of their duties. The General Manager may sell such items to councillors at written down/book value or fair/market value. Any items not purchased must be returned as soon as possible.</p>
4.2	Status of the Policy
4.2.1	<p>Public Reporting of Expenditure</p> <p>Expenditure by Mayor and councillors for seminars, conferences, telephone and other facilities will be publicly reported in conjunction with the quarterly financial reviews and annual report.</p>
4.2.2	Taxation Arrangements

	<p>It is each councillor's responsibility to meet any taxation obligations. If necessary councillors should seek their own taxation advice.</p> <p>Under current arrangements councillors are not defined as employees for taxation purposes, they are not subject to Fringe Benefits Taxation and the ability to enter into effective sacrifice arrangements may be limited. The Australian Taxation Office has issued rulings allowing councillors to enter into effective sacrifice arrangements for at least superannuation. Accordingly council will administer complying arrangements if requested by individual councillors.</p> <p>Councillors may also require funds payable to them to be transferred by EFT to any nominated valid bank account(s) via the Divisional Manager, Finance & Governance.</p>
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Implementation

Implementation steps		Responsibility
1	<p>Public notice re: adoption of the policy</p> <p>In accordance with section 253 of the Local Government Act 1993, Council will give public notice of its intention to adopt or amend this policy and allow at least 28 days for public submissions, even if any proposed amendments are not substantial. Council will consider submissions received and decide on making any appropriate changes to the policy.</p> <p>Council need not give public notice of a proposed amendment to this policy at other times, if Council is of the opinion that the proposed amendments are not substantial (see Definitions). Substantial amendments to this policy that could include large changes to monetary limits and/or major changes to the standard of provision of equipment and facilities, will require public notice of the amendment. Any new category of expenses, facilities and equipment included in the policy will also require public notice.</p> <p>Public notice regarding Council's intention to adopt or amend this policy will be placed in the local press.</p>	General Manager Councillors
2	<p>Notification to Office of Local Government</p> <p>Within 28 days of adopting this policy, the policy and details of submissions will be forwarded to the office of Local Government.</p> <p>Council must submit its current, adopted policy to the OLG by 30 November of the first year of the new Council term, even if the policy remains unchanged.</p>	General Manager
3	<p>Staff</p> <p>Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.</p>	Council officers

4	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers Public Officer
5	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the Mayor, councillors, General Manager, the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	General Manager

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner.

Note: Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This policy may also be reviewed and updated as necessary when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages councilor's expenses and facilities.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Complaints	Council records
Budget is not exceeded	Financial data
Internal Audit/ legal requirements are met	Audit
No Unwarranted Adverse Media Publicity	Local Media

Definitions

Word/Term	Definition
ICAC	Independent Commission Against Corruption
LGA	Local Government Area represented by the council – in this case, the Eurobodalla Shire
OLG	Office of Local Government
Substantial amendment	Substantial amendments could include large changes to monetary limits and/or major changes to the standard of provision of equipment and facilities, any new category of expenses, facilities and equipment to be included in the policy.

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Related Policies or Code of Conduct	www.esc.nsw.gov.au/inside-council/council/council-policies
Local Government Act 1993	www.legislation.nsw.gov.au/#/view/act/1993/30
Local Government Regulation (General) 2005	www.legislation.nsw.gov.au/#/view/regulation/2005/487

Related external references

Name	Link
Office of Local Government (DLG)	www.olg.nsw.gov.au
Independent Commission Against Corruption (ICAC)	www.icac.nsw.gov.au

Supporting documents

Name	Link
Councillor's Expense Claim Form	Appendix 1: Councillor's expense claim / application for advances

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	7 Jan 2011	Council	11/172	E08.2108	Policy commenced
2	27 Sep 2012	Council	12/219	E08.2108 E13.7095	Updated to new template, updated review date
3	dd mmm 2016	Council	TBA	E08.2108 E16.0297	Reviewed (start of new Council term), minor updates made for currency.

Internal Use Only

Responsible officer		General Manager		Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	E08.2108 E16.0297	Review date	Sep 2020	Pages	15

Appendix 1: Councillor's expense claim / application for advances

Reason/ Conference/
Seminar/ Event:

Council endorsement: _____ Minute
_____ Date

Estimated reasonable minor requirements (not able to be covered by councillor's credit card, fee for conference/ seminar, purchase order, etc.):

	No.	Each	Total Est. incl GST
Taxi/ Travel			
Breakfast(s)			
Lunch(es)			
Dinner(s)			
Other refreshments			
Other (specify)			
TOTAL including GST (10100 ZOCTBS)			

Date/ time required by:

Councillor's certification:

1. That I have requested the amount above to be paid to my bank account by EFT.
2. That any monies not supported by actual receipts for reasonable expenditure in accordance with the Councillor's Expenses and Facilities Policy, can be deducted from my future entitlements if not accounted for and repaid by me to Council within 30 days of my return.
3. That I will ensure that any costs are reasonable and that Council gets value for money in accordance with its policies and codes of practice.

Councillor's signature _____

Councillor's name (please print) _____

Authorised by:

Signature _____

Name _____

Date _____

Attach to "Payment Request" and forward to Finance - Creditors.

Policy title	Code of Conduct
Responsible manager(s)	General Manager
Contact officer(s)	Complaints Coordinator
Directorate	Finance and Business Development
Approval date	TBA
Strategic Focus Area	Collaborative
Delivery Plan Link	C1.1 Conduct the business of Council in an inclusive, responsive and transparent manner C1.2 Manage the organisation to effectively and efficiently meet our statutory obligations
Operational Plan Link	C1.1.1 Support the councillors in meeting their statutory obligations and roles as community representatives C1.2.1 Respond to legislative and policy requirements set by the Department of Local Government

Purpose

Section 440 of the *Local Government Act 1993* (the LG Act) requires every NSW council to adopt a code of conduct that incorporates the provisions of *The Model Code of Conduct for Local Councils in NSW* as published by the Office of Local Government (OLG).

The *Model Code of Conduct* is designed to help councils conduct with the core business of serving their communities. It does this by providing:

- flexibility to resolve less serious matters informally;
- fair complaints management;
- strong sanctions to help deter ongoing disruptive behaviour and serious misconduct.

All councillors, members of staff and delegates of Eurobodalla Shire Council must comply with the applicable requirements of the adopted Code of Conduct. Council reserve trusts, committees, contractors, and volunteers are also obliged to observe the applicable requirements of the Code.

It is the personal responsibility of all of these Council officials to comply with the standards in the Code, and regularly review their personal circumstances with this in mind.

Policy aims:

- To promote a clear guideline for the conduct of councillors, staff, delegates, reserve trusts, committees, contractors, volunteers and relevant parties when acting as public officials of Council;
- To ensure consistency and fairness in the manner in which the Council deals with matters and complaints relating to the Code of Conduct;
- To ensure compliance with legislative and statutory requirements;
- To promote awareness of the requirements of the Code of Conduct;
- To take such steps as are appropriate to ensure that the Code of Conduct is followed;
- To make Council's requirements and procedures regarding its Code of Conduct readily accessible and understandable to the public.

Policy details

1	<p>Application</p> <p>This policy applies to all councillors, members of staff, delegates, community representatives on committees, contractors and volunteers of Eurobodalla Shire Council, and to the following reserve Trusts: Eurobodalla (North), Eurobodalla (Central) and Eurobodalla (South).</p>
2	<p>Legislation</p> <p>Eurobodalla Shire Council complies with section 440 and 440AA of the <i>Local Government Act 1993</i> by adopting as its Code of Conduct the most current version of the <i>Model Code of Conduct for Local Councils in NSW</i> as published by the Office of Local Government (OLG), and by adopting as its procedure for administration of the Code of Conduct the most current version of the <i>OLG Procedures for Administration of the Code of Conduct</i>.</p>
3	<p>Breaches</p> <p>Failure by a councillor to comply with an applicable requirement of Council's Code of Conduct constitutes misconduct under the provisions of the LG Act.</p> <p>Failure by a member of staff to comply with Council's Code of Conduct may give rise to disciplinary action.</p> <p>Failure by a committee member or committee to comply with Council's Code of Conduct will be addressed in the terms of reference for that committee.</p> <p>Failure by a contractor or volunteer to comply with Council's Code of Conduct will be addressed in the contract or terms of engagement.</p>
4	<p>Code of Conduct complaints</p> <p>A Code of Conduct complaint is defined as:</p> <p><i>"A complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct"</i></p> <p>Allegations of suspected breaches of the Code of Conduct by councillors, members of staff of Council (excluding the General Manager), delegates or reserve trusts should be reported to the General Manager in writing.</p> <p>Allegations that the General Manager has breached the Code of Conduct should be reported to the Mayor in writing.</p> <p>Council's Code of Conduct Complaint form should be used for these reports (see Appendix 1. Also available on Council's website at: www.esc.nsw.gov.au).</p> <p>The current OLG <i>Procedures for Administration of the Code of Conduct</i> will be followed for the investigation of any alleged breaches of the Code (see Implementation below).</p>

5	<p>Complaints not related to Code of Conduct</p> <p>The following matters are <i>not</i> considered to be Code of Conduct complaints, and will be referred as below in accordance with Council's statutory obligations and Complaints policy:</p> <table border="1"> <thead> <tr> <th>Complaint is about...</th><th>Refer to...</th></tr> </thead> <tbody> <tr> <td>pecuniary interest, failure to disclose political donations, serious breakdown in Council operations, Council operating unsatisfactorily</td><td>Office of Local Government</td></tr> <tr> <td>maladministration, serious or substantial waste of public resources</td><td>NSW Ombudsman</td></tr> <tr> <td>corrupt conduct</td><td>ICAC</td></tr> <tr> <td>criminal activity</td><td>Police</td></tr> <tr> <td>public interest disclosure</td><td>PID Coordinator</td></tr> <tr> <td>information (access to, copyright, or privacy)</td><td>Public Officer</td></tr> <tr> <td>competitive neutrality</td><td>Public Officer</td></tr> <tr> <td>customer dissatisfaction with Council service, activity, or action</td><td>Relevant officer or their supervisor</td></tr> <tr> <td>policy, procedure, or decision of Council</td><td>Relevant Director or Public Officer</td></tr> <tr> <td>other complaint about Council (not Code of Conduct related)</td><td>Public Officer</td></tr> </tbody> </table>	Complaint is about...	Refer to...	pecuniary interest, failure to disclose political donations, serious breakdown in Council operations, Council operating unsatisfactorily	Office of Local Government	maladministration, serious or substantial waste of public resources	NSW Ombudsman	corrupt conduct	ICAC	criminal activity	Police	public interest disclosure	PID Coordinator	information (access to, copyright, or privacy)	Public Officer	competitive neutrality	Public Officer	customer dissatisfaction with Council service, activity, or action	Relevant officer or their supervisor	policy, procedure, or decision of Council	Relevant Director or Public Officer	other complaint about Council (not Code of Conduct related)	Public Officer
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criminal activity	Police																						
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customer dissatisfaction with Council service, activity, or action	Relevant officer or their supervisor																						
policy, procedure, or decision of Council	Relevant Director or Public Officer																						
other complaint about Council (not Code of Conduct related)	Public Officer																						
6	<p>Gifts and Benefits</p> <p>Guidance for councillors and staff regarding the standards of behaviour and procedures to be followed, in relation to the acceptance of gifts or benefits which may be offered to them in the course of their duties.</p>																						
6.1	<p>Token Gifts and Benefits</p> <p>In general, gifts and benefits of a token value that cannot reasonably be returned may include:</p> <ul style="list-style-type: none"> (a) Gifts of single bottles of reasonably priced alcohol. This could be at end of year functions, public occasions, or in recognition of work done such as providing a lecture or training session address. (b) Free or subsidised meals, of a modest nature, and/ or beverages provided infrequently (and/ or reciprocally) that have been arranged primarily for, or in connection with, the discussion of official business. (c) Free meals, of a modest nature, and/ or beverages provided to Council officials who formally represent Council at work related events such as training, education sessions, or workshops. (d) Refreshments, of a modest nature, provided at conferences where representing Council officially as a speaker. (e) Ties, scarves, coasters, tie pins, diaries, chocolates, flowers, and small amounts of fresh produce or beverages of a modest value. (f) Infrequent invitations to appropriate out-of-hours "cocktail parties" or social functions organised by groups, such as, council committees and community organisations. 																						

6.2	<p>Non-Token Gifts and Benefits of value</p> <p>In general, all non-token gifts that are accepted are to be recorded in the Council's publicly available Gifts & Benefits Register. Gifts and benefits of non-token value and benefit may include:</p> <ul style="list-style-type: none"> (a) Quantities of alcohol. (b) Corporate hospitality at a theatre and/ or sporting event. (c) Discounted products for personal use. (d) Frequent use of facilities such as gyms. (e) Use of holiday homes, free or discounted travel.
6.3	<p>Disclosure</p> <p>Where a gift or benefit is received of more than token value, in circumstances where it cannot reasonably be refused or returned, once accepted the gift or benefit should be disclosed promptly to the following people:</p> <ul style="list-style-type: none"> • Staff to advise their Director. • Directors to advise the General Manager. • The General Manager to advise the Mayor. • Councillors to advise the Mayor. • The Mayor to advise the General Manager. <p>Once disclosure is made to the relevant person the gift or benefit will be recorded on Council's Gifts & Benefits Register. After the gift or benefit is registered the recipient will be advised if they can keep the gift or benefit or if it has to be provided to Council.</p>

Implementation

Implementation steps		Responsibility
1	<p>Model Code of Conduct and Procedures</p> <p>This policy will be implemented by adopting and complying with the current version of the <i>Model Code of Conduct for Local Councils in NSW</i> and <i>Procedures for Administration of the Code of Conduct</i> as published by the OLG, and as described below.</p>	General Manager Councillors Complaints Coordinator
2	<p>Reporting a Code of Conduct complaint</p> <p>The Code of Conduct Complaint form should be used to report an alleged breach of the Code of Conduct to the General Manager, or (if the complaint is about the General Manager) to the Mayor.</p>	General Manager Mayor
3	<p>Code of Conduct complaints</p> <p>Code of Conduct complaint or breach are referred to the Complaints Coordinator to engage a Conduct Reviewer for determination and recommendation (as per the OLG Procedures).</p>	General Manager Mayor Complaints Coordinator Conduct Reviewer

	<p>Council will select a Conduct Reviewer from a panel that have been determined by the Canberra Region Joint Organisation of which Council is a member.</p> <p>If the complaint is NOT a Code of Conduct Complaint, it will be dealt with according to the complaint type (see 'Complaints not related to Code of Conduct' above).</p>	Other (referral as clause 5 above)
4	<p>Enforcement and Coordination</p> <p>The General Manager and Executive Leadership Team are responsible for enforcing the policy and Code of Conduct.</p> <p>The Complaints Coordinator supports the General Manager in coordinating the policy and dealing with any complaints which must be referred to a Conduct Reviewer.</p>	<p>General Manager</p> <p>Executive Leadership Team</p> <p>Complaints Coordinator</p>
5	<p>Staff</p> <p>All staff are responsible for their own compliance with the standards of the Code of Conduct.</p> <p>Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.</p>	Council Officers
6	<p>Policy concerns or complaints</p> <p>Concerns or complaints about the content or implementation of this policy will be recorded in Council's records system, lodged with the Public Officer and handled in accordance with council's Complaints Policy.</p>	Public Officer
7	<p>Consultation</p> <p>Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other agencies, relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy are invited for consideration during the policy exhibition period.</p>	Key Stakeholders

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner.

Note: Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This policy may also be reviewed and updated as necessary when the *Model Code of Conduct for Local Councils in NSW* is reviewed, updated and/ or republished by the OLG; or when Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages its Code of Conduct.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Complaints received	Council Records
Number of breaches	Council Records
Audit (Internal or External)	Audit
DP/ OP objectives achieved	Council reporting

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation, policies, codes, guidelines

Name	Link
Model Code of Conduct (current version)	www.olg.nsw.gov.au/strengthening-local-government/conduct-and-governance/model-code-of-conduct
Procedures for Administration of Model Code of Conduct (current version)	www.olg.nsw.gov.au/sites/default/files/Procedures-for-Administration-of-Model-Code-of-Conduct.pdf
Local Government Act 1993	www.legislation.nsw.gov.au/#/view/act/1993/30
Complaints Policy Code of Meeting Practice	www.esc.nsw.gov.au/inside-council/council/council-policies

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au
Independent Commission Against Corruption (ICAC)	www.icac.nsw.gov.au
NSW Ombudsman	www.ombo.nsw.gov.au

Supporting documents

Name	Link
Code of Conduct Complaint form	www.esc.nsw.gov.au/inside-council/council/council-policies/code-of-conduct

Change history

Version	Approval date	Approved by	Minute No	File No	Change
1	14 June 2016	Council	16/169	E06.0380	New Policy commenced, and current Model Code of Conduct (Nov 2015) adopted.
2	TBA 2016	Council	TBA	E06.0380 E16.0297	Reviewed (start of new Council term), referencing updates and addition of 'Gifts and Benefits' section.

Internal use

Responsible officer		General Manager		Approved by	Council
Min no	TBA	Report no	TBA	Effective date	TBA
File no	E06.0380 E16.0297	Review date	Sep 2020	Pages	7

Policy title	Accounting for Divisions and Subsidiaries of Council
Responsible manager(s)	Divisional Manager Finance
Contact officer(s)	Divisional Manager Finance
Directorate	Finance and Business Development
Approval date	TBA
Focus area	Support Services
Delivery Program link	SS1.1 Manage Council's financial assets and obligations
Operational Plan link	SS1.1.1 Provide integrated corporate accounting and financial management systems and procedures

Purpose

Eurobodalla Shire Council's policy was developed to ensure that entire Council entity accounting is up to date within the main Council financial systems and no undisclosed bank accounts, accounting systems or reserves are discovered in relation to management committees, subsidiaries, divisions or the like.

This policy provides for Council Management Committees, other divisions and subsidiaries of Council to fully incorporate accounting into Council's main systems (rather than just being an annual consolidation, or not at all).

Policy aims

- To ensure all accounting functions meet minimum corporate requirements, comply with tax legislation, are integrated, have appropriate internal controls and are transparent.
- To ensure compliance with legislative requirements under Part 3: Financial Management of the *Local Government Act 1993* (the Act).
- To promote awareness of the requirements of the Act with respect to accounting for subdivisions and subsidiaries of council.
- To make the Council's policies and requirements for accounting for subdivisions and subsidiaries of council readily accessible and understandable to the public.

Policy details

1	Application This policy applies to all accounting for divisions and subsidiaries of council, unless otherwise exempted within the policy.
2	Legislation This policy ensures Eurobodalla Shire Council will comply with Part 3: Financial Management of the <i>Local Government Act 1993</i> .

Requirements		Responsibility
1	Code of Practice This policy will be implemented by following council's related Code of Practice, which specifies in detail the plan, procedures and matters to be considered.	Council officers
2	Staff Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.	Council officers
3	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers
4	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	As applicable

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner.

Note: Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This policy may also be reviewed and updated as necessary when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages Accounting for Divisions and Subsidiaries of Council.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Delivery Program/ Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Customer feedback, survey responses	Surveys
Internal or external review	Audit

Definitions

Word/ Acronym/ Phrase	Definition

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Related Council Policy or Code of Practice	Assets Disposals Policy
Local Government Act 1993	http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993_182/

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au

Supporting documents

Name	Link
[Name supporting documents]	Link here e.g. letter templates or forms, fact sheets etc.

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	24/11/2009	Council	09/369	E09.3418	Commenced
2	23/04/2013	Council	13/107	E13.7095	Reviewed and updated (start of new Council term)
3	dd mmm 2016	Council	TBA	E16.0297 See list	Reviewed and updated (start of new Council term)

Internal use

Responsible officer	Relevant director or GM			Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	See list E16.0297	Review date	Sep 2020	Pages	3

Policy title	Asset Disposals
Responsible manager(s)	Divisional Manager Finance
Contact officer(s)	Assets Accountant
Directorate	Finance and Business Development
Approval date	TBA
Focus area	Support Services
Delivery Program link	SS1.1 Manage Council's financial assets and obligations
Operational Plan link	SS1.1.1 Provide integrated corporate accounting and financial management systems and procedures

Purpose

Eurobodalla Shire Council's policy was developed to protect Council's financial interests by ensuring that asset disposals achieve the best possible result for Council.

Council from time to time is required to dispose of assets. These assets may have reached or exceeded their economic life for Council purposes. Alternatively there may be other justifiable economic reasons for disposal.

Policy aims

- To ensure asset disposals comply with legislative requirements.
- To promote awareness of the requirements of the *Local Government Act 1993* with respect to asset disposals.
- To make Council's policies and requirements for asset disposals readily accessible and understandable to the public.
- To make sure disposals are competitive and in accordance with the adopted management plan or approved budget variations.
- To comply with any funding agreements or legal and contractual requirements in relation to asset disposal.

Policy details

1	Application This policy applies to all asset disposals unless otherwise exempted.
2	Legislation Eurobodalla Shire Council will comply with section 55 of the <i>Local Government Act 1993</i> , Australian Accounting Standard <i>AASB 116 Property Plant and Equipment 2009</i> , and the Division of Local Government <i>Code of Accounting Practice and Financial Reporting as updated</i> . All disposals must comply with section 55 of the <i>Local Government Act 1993</i> . For example the Council must invite tenders for a contract to dispose of Council property where the estimated receipt is of an amount of \$150,000 or more (or such other amount as may be prescribed by the regulation). Exceptions to this requirement are a contract for the sale by a council of land and a sale by a council at a public auction. Where tendering procedure is required or chosen to be followed this is to be in accordance with the statutory and legal requirements and in accordance with the

	tendering practices prescribed within the Council's Procurement Policy and related Code of Practice.
3	<p>Requirements</p> <p>This Policy should be read in conjunction with all applicable Asset Management Plans to ensure whole of life is considered. Assets will be disposed to the best advantage of Council, considering the whole of life costs and the replacement needs.</p> <p>All disposals must be on a competitive basis and Council will comply with any funding agreements or other legal and contractual requirements in relation to assets and will ensure best value result for any other parties that might have an interest in assets disposals.</p>

Implementation

Requirements		Responsibility
1	This policy will be implemented by following the Legislative Requirements, the Procurement Policy and Asset Management Plans which specify in detail the plan, procedures and matters to be considered.	Asset Accountant
2	<p>Staff</p> <p>Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.</p>	Council officers
3	<p>Concerns</p> <p>Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.</p>	Council officers
4	<p>Consultation</p> <p>Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.</p>	As applicable

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner.

Note: Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This policy may also be reviewed and updated as necessary when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages Asset Disposals.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Delivery Program/ Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Customer feedback, survey responses	Surveys
Internal or external review	Audit

Definitions

Word/ Acronym/ Phrase	Definition
	Please use plain English (refer to Writing Guide)

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Related Council Policy or Code of Practice	www.esc.nsw.gov.au/inside-council/council/council-policies
Local Government Act 1993	www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N
Australian Accounting Standard AASB 116 Property Plant and Equipment 2009.	www.aasb.gov.au/admin/file/content105/c9/AASB116_07-04_COMPjun09_07-09.pdf

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au

Supporting documents

Name	Link
[Name supporting documents]	Link here e.g. letter templates or forms, fact sheets etc.

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	27/07/2006	Council	06/139	E05.9513	Policy commenced
2	23/04/2013	Council	13/109	E13.7095	Reviewed and updated (start of new Council term)
3	dd mmm 2016	Council	TBA	E16.0297 See list	Reviewed and updated (start of new Council term)

Internal use

Responsible officer	Relevant director or GM	Approved by	Council
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Minute #	TBA	Report #	TBA	Effective date	TBA
File	See list E16.0297	Review date	Sep 2020	Pages	4