

Policies to be adopted

- Competitive Provisions of Services Policy
- Interest Free Advances to Sporting and Cultural Organisations Policy
- Rates and Debtors Hardship Policy
- Land Investment Policy
- Fiscal Responsibility Policy
- Records Management Policy

POLICY

Policy name	Competitive Provision Of Services
Responsible manager(s)	General Manager
Contact officer(s)	All Directors
Directorate	Office of the General Manager
Approval date	
Strategic Focus Area	Supportive
Delivery Plan Link	SS1.2 Maintain a sound governance framework within which Council operates
Operational Plan Link	SS1.2.2 Ensure transparency in council dealings

Purpose

This policy outlines Council's position on the competitive provision of services. Council will continually strive to deliver services to our community that provide value for money on a quadruple bottom line basis. This policy seeks to balance the cost of service provision with the social and economic costs of the method of delivery.

Council continues to deliver quality services through a mix of delivery mechanisms including:

- direct employment of Council staff;
- direct employment of Council staff working with sub-contractors and materials provided through competitive procurement; and
- fully contracted services.

This approach provides:

- competitive service delivery;
- community resilience with Council having a highly skilled workforce able to assist the community in times of emergency e.g. floods, storms, bushfire; and
- service delivery which is directly accountable to the community.

Council will continue to strive to improve the level of service delivered to its customers through undertaking service level reviews, benchmarking, continuous improvement and where practicable, Regional/State procurement of services e.g. electricity purchase, borrowing arrangements.

Council is committed to continuing employment of its full-time and part-time staff where the current services are to be delivered on an on-going basis. Casual staff will be used to supplement permanent staff for peak operating periods or specific projects.

Competitive tendering in the market place (open tender with in-house bids) for the current services provided by Council staff will not be pursued unless otherwise determined by Council. Tenders for services currently provided by Council staff can only be accepted by Council in accordance with section 377 (i) of the Local Government ACT 1993. Council reserves the right to put to competitive tender work surplus to the program that would fully occupy permanent full-time and part-time staff, or works requiring specialised skills and knowledge not currently available to Council.

Council will continue to undertake private works (refer separate policy). Private works will however only be pursued where Council's normal activities are not compromised, or the undertaking of such works is in the community interest.

This policy aims to:

- Promote an integrated framework for the competitive delivery of services;
- Ensure consistency and fairness in the manner in which the competitive provision of services;
- Ensure compliance with legislative requirements under the *Local Government Act 1993*;
- Promote awareness of the requirements of the Act with respect to the delivery of community services;
- Take such steps as are appropriate to ensure the services delivered provide our community with value for money; and
- Make the Council's policies and requirements for the competitive delivery of services readily accessible and understandable to the public.

Policy statement

1	Application This policy applies to all services delivered by or on behalf of Council for our ratepayers, residents and customers.
2	<p>Council shall seek to deliver quality services to our community that provide value for money on a quadruple bottom line basis. Council shall continue to support the service delivery arrangements through a mix of:</p> <ul style="list-style-type: none"> • direct employment of Council staff; • direct employment of Council staff working with sub-contractors and materials provided through competitive procurement; and • fully contracted services. <p>Council will continue to undertake service level reviews, benchmarking and continuous improvement to ensure the services delivered provide the community with value for money. Council will also pursue Regional, State and National procurement of services e.g. electricity purchases, borrowing arrangements.</p> <p>Competitive tendering in the market place (open tender with in-house bids) for the current services provided by Council staff will not be pursued. Council reserves the right to put to competitive tender work surplus to the program that would fully occupy permanent full-time and part-time staff, or works requiring specialised skills and knowledge not currently available to Council.</p> <p>Council may review the services delivered to the community in consultation with the community. Where Council determines that a service will no longer be provided, Council will manage its employment responsibilities in a manner consistent with the current Awards relevant to Local Government employment in NSW.</p>
3	Legislation Council will comply with the Local Government Act 1993 including the guiding principles for councils (Section 8) www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/ which in part says: <ol style="list-style-type: none"> 1. <i>Guiding principles for councils</i> <ul style="list-style-type: none"> • <i>Provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively</i> • <i>Have regard to the long term and cumulative effects of its decisions</i>

- *Be a responsible employer*

Implementation

Requirements		Responsibility
1	Service Delivery Council will determine the nature of services to be delivered in consultation with its community and in accord with the Local Government Act, 1993. These services shall be outlined within Council's Delivery Program and Operational Plan. Council aims to deliver quality services taking account of the quadruple bottom line including social, economic and environment factors and the need for good governance.	Council
2	Service Reviews Council will undertake a review of the services to be delivered to the community, at least every four years, as part of establishing the Delivery Program.	Council
3	Benchmarking and Continuous Improvement Council will undertake on-going benchmarking and continuous improvement programs to improve the service delivery to our community. The outcomes of this work will be incorporated into the service review undertaken to establish the Delivery Program.	Council officers
4	Regional, State and National Procurement Council will continue to work regionally and on a state and nation- wide basis to share resources and pursue economies of scale in procurement of services e.g. electricity supply, borrowing arrangements and information technology systems. Council will continue to work collaboratively with other Councils and peak bodies to pursue efficiencies through shared knowledge and systems.	Council Council officers
5	Staff 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.	Council Officers
6	Customer Concerns Customer inquiries received regarding the application of the Competitive Provision of Services policy will be recorded on Council's customer service request (CSR) or records system and handled in accordance with Council's Customer Service Requests Policy. They will be used to analyse the history of concerns and requests and to help determine follow up actions.	Council Officers
7	Complaints Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with council's Complaints Policy.	Public Officer
8	Consultation Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other relevant legislation, industry guidelines, and public comment. Public	As required

	submissions regarding this policy will be considered during the policy exhibition period.	
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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 competitive provision of services.

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
Code of Practice	www.esc.nsw.gov.au
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182

Related external references

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

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Apr 1998	Council		06.0380	Policy commenced
2	10 Sep 2013	Council	13/272	E13.7095	Policy reviewed and updated.
3	dd mmm 2017	Council	TBA	E16.0297 See list	Reviewed and updated (start of new Council term)

Internal use

Responsible officer	General Manager	Approved by	Council
Minute		Report no	
File No		Review date	
		Pages	4

POLICY

Policy name	Interest Free Advances To Sporting And Cultural Organisations
Responsible manager(s)	Director Finance and Business Development
Contact officer(s)	Divisional Manager Finance
Directorate	Finance and Business Development
Approval date	TBA
Focus area	Support Services

Purpose

Eurobodalla Shire Council recognises the important roles of social, cultural and sporting groups within the community to achieve key strategic objectives. Council will make interest free loans available to these groups subject to criteria and conditions at a reasonable cost to ratepayers.

These loans provide a positive incentive for qualifying organisations to assist their operations and deliver key infrastructure for our community. This policy covers criteria for eligibility, sources and limits on funding, risk, security, default/recovery and links to a Standard Basic Agreement. It replaces the previous policy and any other related amending or clarifying policies or codes of practice.

Policy statement

1	Application This policy applies to all requests for Interest Free Advances to Sporting and Cultural Organisations within the Eurobodalla Local Government Area (LGA).
2	Legislation Eurobodalla Shire Council will comply with the <i>Local Government Act (NSW) 1993</i> .
3	Eligibility An eligibility criteria exists for groups seeking an interest free loan, including: Applicant Group: a) Loans may be made available to either incorporated societies or unincorporated groups. b) Must not be operated for private or pecuniary profit. c) Membership of the group must be reasonably available to the public. d) The group, its project and the associated benefits must be based within the Eurobodalla LGA boundaries. e) Must be able to prove they can repay debt within terms. Project: f) The project that the loan is to fund must provide a tangible public benefit to the Eurobodalla community. g) The group is to provide a minimum of 20% of the capital cost of the project, either in cash or other acceptable assets.

	Eligibility and applications may be scored or weighted to establish priorities and all applications must be approved by the Council.
4	<p>Sources of Funding</p> <p>Funds will be sourced for these loans from either:</p> <ul style="list-style-type: none"> a) A revolving fund named 'Council Funded Loan Pool' totalling \$200,000, limit may be amended by Council from time to time e.g. could be increased by transferring budget from the restriction within the Draft Operational Plan, at a quarterly budget review or as a result of a separate report to a public meeting of Council. b) A revolving fund named 'Crown Reserves Interest Free Loans Fund' totalling \$150,000 (subject to external legal restrictions), available in relation to benefits for Crown Land administered by Council and activities thereon, e.g., suitable for inclusion in Crown Land works plan or meets requirements for utilisation of Crown Lands funds. (The Council needs to be aware of the basis for dealing with revenues gained from Crown Lands activities and this could affect this aspect of the interest free loans policy. Council should be wary of adding to this fund and the way it is utilised until these matters are clarified.)
5	<p>Limits on Interest Free Lending</p> <ul style="list-style-type: none"> a) Each application is limited to a maximum of \$60,000. b) Applications will also be limited to the amount available within the revolving fund. The Council may approve additional funding through a budget variation application if necessary. c) The maximum term will be five years from the date of uplifting funds. d) Funds must be uplifted within 12 months of the Council approval, it will be necessary to reapply if 12 months is exceeded. e) Uplifting of funds may be subject to evidence demonstrating the appropriate amount of progress has been made with the proposal (may require copies of invoices or other equivalent arrangements). f) Noting in appropriate cases Council may be willing to pay tax invoices made out to it.
6	<p>Risk and Security</p> <ul style="list-style-type: none"> a) All applications are to be considered in relation to Council's strategic objectives and relevant strategies for public service delivery. b) Pursuant to the investment policy such lending is considered to be high risk, but justified on the basis of the abovementioned outcomes. c) Where the applicant occupies privately owned or leased land and is affiliated or financially responsible to a parent body loans shall be conditional on the parent body underwriting repayments to Council. d) For lending above \$25,000 the Council will consider the applicability or otherwise of a mortgage over assets or some other form of security. e) Where possible agreements will be with external legal entities rather than other parts of the Council (such as Management Committees) although internal arrangements are permitted.
7	<p>Repayments and Recovery of Default Advances</p> <ul style="list-style-type: none"> a) Repayments are to be made quarterly. Council may vary this based on the applicants' particular cash flow situation. b) Agreements may include penalty interest on late payment or default (3% per annum, intended to cover CPI). c) The General Manager is to be notified as soon as practicable, of an actual default (instalment overdue by 30 days) or the possibility of default.

	<p>d) Council to be briefed by the next quarterly budget review if default occurs.</p> <p>e) Divisional Manager Finance to seek sufficient information to assist Council consideration of default/advice. This includes the preparation of an initial report for Council on any default/advice within three months of the event, covering options such as trading out, deferment and as a last resort legal recovery or write off. The same report will also specifically consider whether any unwarranted precedents might be set.</p> <p>f) The Council will not seek personal recovery from individuals or officials that have acted in good faith but reserve the right to take legal action against any persons that may have committed a fraud or some other act of bad faith (which may also require advice to Council's insurers, ICAC and the Police).</p> <p>g) None of the above requirements detract from, or affect any other delegations to the General Manager, nor those from the General Manager to any other staff in respect of debt recovery, financial arrangements and writing off of debts etc, and these may be exercised in addition to the above.</p>
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Implementation

Requirements		Responsibility
1 Applications	<p>a) Applications must be in writing addressed to the General Manager.</p> <p>b) Applications should be in the groups 'own words' and include sufficient information to enable the Council to assess the merits and risks. Such information should include; legal nature of the applicant (e.g. whether an incorporated society or an unincorporated group etc); full details of project/s proposed; audited financial accounts for the preceding financial year (as a minimum and if available, otherwise unaudited accounts); an assurance from the Committee or appropriate officials that the entity is currently a 'going concern' and a forward budget for at least one typical year demonstrating capability to repay.</p> <p>c) No Pro-Forma is required to be completed with written applications.</p>	General Manager
2 Agreement – Pro Forma	<p>See Appendix 1 for the Standard Basic Agreement for successful applications.</p> <p>This Standard Basic Agreement may be varied from time to time in accordance with legal advice or to include special clauses to suit each particular application in accordance with a Council resolution.</p>	Council Officers
3 Staff	<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
4 Concerns	<p>Concerns received regarding Interest Free Advances will be recorded on council's Customer Service Request (CSR) or records system and handled in accordance with council's Customer Service Requests Policy. They will be used to analyse the history of concerns and to help determine follow up actions.</p>	Council Officers

5	Consultation Consultation regarding this policy will occur as relevant and may include legislative bodies, other relevant legislation, industry guidelines, and public comment. Changes to this policy will be placed on public exhibition for the required period with public submissions encouraged.	As applicable
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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 Interest Free Advances.

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

Performance indicator	Data source(s)
Public concerns	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
Community Strategic Plan	www.esc.nsw.gov.au/services/planning-and-development/ipr/
Investment Policy	www.esc.nsw.gov.au/inside-council/council/council-policies
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/

Related external references

Name	Link
Division of Local Government	www.olg.nsw.gov.au/

Supporting documents

Name	Link
Standard Basic Agreement	Appendix 1

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Sep 2009	Council	09/291	E09.3418	Policy commenced G09/99

2	27 Aug 2013	Council	13/246	E13.7095	Updated template, review date, references and links. O13/131.
3	TBA	Council	TBA	E16.0297	Minor reference updates. Reformat of Appendix 1

Internal use

Responsible officer		General Manager		Approved by		Council	
Min No:	13/246	Report No		O13/131		Effective date:	27 Aug 2013
File no	E13.7095	Review date		Sep 2016		Pages:	7

Appendix 1

STANDARD BASIC AGREEMENT – INTEREST FREE ADVANCES TO SPORTING AND CULTURAL ORGANISATIONS

THIS AGREEMENT made the DAY of MONTH Two thousand YEAR **BETWEEN** [ORGANISATION_NAME] in the State of New South Wales (hereinafter called ‘the Organisation’) of the one part and **THE EUROBODALLA SHIRE COUNCIL** of Council Chambers Campbell Street, Moruya (hereinafter called ‘the Council’) of the other part **WHEREAS** the Council is the body having the care control and management of a certain [FACILITY] known as [FACILITY_NAME] **AND** *(delete if not a S355 committee)* [WHEREAS if the Council has appointed the Committee to be a Management Committee under the provisions of Section 355 of the *Local Government Act (1993)* to manage the FACILITY on the said SITE] **AND WHEREAS** the Council has [PROJECT_APPROVAL] **AND WHEREAS** the Organisation has applied to Council for a loan of [PRINCIPAL] to assist in the payment for [PROJECT] **AND WHEREAS** the Council has agreed to the construction of [PROJECT] and has agreed to advance the said sum of [PRINCIPAL] to the Organisation for such purposes **AND WHEREAS** the Organisation has agreed to repay the said sum to the Council.

NOW THIS AGREEMENT WITNESSETH as follows:

1. The Council agrees with the Organisation for the [PROJECT_APPROVAL] on [SITE] under the control and management of the Organisation.
2. In consideration of the Organisation agreeing with the Council to repay the sum of [PRINCIPAL] within a term of [TERM] years from the date of the advance of such money the Council agrees to advance to the Organisation the said sum for the [PROJECT_APPROVAL].
3. The Organisation undertakes and agrees to repay to the Council the said sum of [PRINCIPAL] by way of [INSTALMENT_NO] equal and consecutive instalments of [INSTALMENT] each.
4. The Organisation undertakes that the said sum of [PRINCIPAL] shall be used for [PROJECT_APPROVAL].

IN WITNESS WHEREOF the parties hereto have set their hands and affixed their seals on the day and year first abovementioned.

THE SEAL OF THE COUNCIL

OF EUROBODALLA WAS HERETO

AFFIXED ON SEAL_DATE

PURSUANT TO RESOLUTION OF

COUNCIL DATED MINUTE_DATE

SIGNED for and on behalf of

[Name of Organisation]

.....

Mayor

.....

General Manager

.....

President/(Equivalent)

.....

Secretary/(Equivalent)

Policy name	Rates and Debtors Hardship
Responsible manager(s)	General Manager
Contact officer(s)	Director, Finance and Business Development
Directorate	Finance and Business Development
Approval date	TBA
Strategic Objective	Support Services
Delivery Program link	SS1.1 Manage Council's financial assets and obligations
Operational Plan link	SS1.1.3 Levying and collection of rates and charges

Purpose

This policy applies to Eurobodalla Shire Council and its ratepayers and debtors and provides a framework for responding to applications from owners/ratepayers experiencing genuine hardship with the payment of the rates and charges in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

The policy aims:

- To promote a clear guideline for administering rate and debtor hardship provisions.
- To ensure consistency and fairness in the way Council deals with hardship provisions.
- To ensure compliance with legislative requirements and financial industry guidelines.
- To take such steps as are appropriate to minimise the impact of outstanding debts on Council's financial position.
- To make Council's policy and requirements regarding hardship readily accessible and understandable to the public.

Policy statement

1	<p>Application</p> <p>A ratepayer may be eligible for consideration for hardship assistance in the payment of overdue rates, annual charges, debtors and interest , where:</p> <ul style="list-style-type: none"> • The person is unable to pay rates or accrued interest when due and payable for reasons beyond the persons control (Section 567) • Payment of the accrued interest would cause the person hardship (Section 567) • Periodical payment arrangements for overdue rates and charges. (Section 564) • Writing off or reducing interest accrued on rates or charges (Section 564 & 567) • Waiving, reducing or deferring the payment of the increase in the amount of rate payable because of hardship resulting from the general revaluation of land in the Local Government Area (Section 601) • Waiving, or reducing rates, charges and interest for eligible pensioners (Section 575 & 582). <p>Council will consider applications for assistance in accordance with the following principles:</p> <ul style="list-style-type: none"> • Council will individually assess cases of financial hardship • Council will not reduce rates or annual charges, but will consider alternative available approaches to dealing with cases of financial hardship • Council will consider a scheme of periodical payment outside the due dates in cases of hardship or extenuating circumstance.
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2	<p>Legislation</p> <p>Eurobodalla Shire Council will comply with the <i>Local Government Act 1993</i> as follows;</p> <p>Section 564(2): Arrangements</p> <p>This enables Council to write off or reduce interest accrued on rates or charges if the person complies with an agreement made with Council as to periodical payment of those rates and charges.</p> <p><i>The policy is not to write off interest on rates or charges as a result of a person complying with an arrangement or agreement unless a hardship application is approved pursuant to section 567 of the LGA. For the avoidance of any doubt this policy also applies to debtors for fees other than rates and charges.</i></p> <p>Section 567: Interest Charges</p> <p>This enables Council to write off accrued interest on rates or charges payable by a person if, in Council's opinion, the person is unable to pay "for reasons beyond the person's control" or payment of the accrued interest would cause the person "hardship".</p> <p>Section 582: Eligible Pensioners</p> <p>Enables Council to waive or reduce rates, charges and accrued interest due by any person prescribed by the regulations who is in receipt of a pension, benefit or allowance under the Social Security Act 1991. Thus, Council may, in its absolute discretion, further reduce on a voluntary basis (with no subsidy from the state government) rates and charges otherwise payable by an eligible pensioner.</p> <p>The council will waive all interest charges for eligible pensioners that pay their rates by the 30 June each year.</p> <p>Section 601: Valuations</p> <p>Any ratepayer who incurs a rate increase in the first year following a revaluation of land values can apply to council for rate relief if the increase in the amount of rates payable would cause them substantial hardship.</p> <p>Council has discretion to waive, reduce or defer payment of the whole or any part of the increase in the amount of rate payable.</p> <p>Council can set the period of time for when applications can be made under this section. Applications must be made in the first year following the use of the new valuations used for rating.</p> <p>Local Government (General Regulation) 2005: Write offs requiring Council Resolution</p> <p>This requires the Council to resolve the amount of an individual rate or charge above which a resolution is required to write off an individual amount. This amount then applies to all policies and codes of practice enabling write offs, not only this hardship policy.</p> <p><i>Rate, charges and fees can only be written off in accordance with legal and policy requirements. Individual fees, rates or charges above \$10,000 can only be written off by resolution of Council. Amounts of \$10,000 or less can be written off by order in writing of the Council's General Manager (or nominee/s).</i></p>
3	<p>Provisions</p> <p>All applications for hardship must be submitted on councils prescribed application form available at www.esc.nsw.gov.au/inside-council/council/forms</p> <p>For applications to be given full consideration, evidence of hardship must be supplied by the applicant. This evidence may take the form of social security information, tax returns or workers compensation details.</p>

	<p>Hardship will only apply to the ratepayer's primary place of residence.</p> <p>If it is found that incorrect disclosures were deliberately made, Council reserves the right to cancel the agreement and collect any amount previously waved in accordance with this policy.</p>
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Implementation

Implementation steps		Responsibility
1	Coordination and Enforcement The Revenue Accountant (under Director, Finance and Business Development) is responsible for coordinating/enforcing the policy.	Revenue Accountant
2	Staff 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.	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 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.	As required

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 changes; or when council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages Hardship.

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

Performance indicator	Data source(s)
Public Concerns, Customer Feedback Survey Responses	Council Records, Surveys
Audit (Internal or External)	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	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/

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 Sep 2009	Council	09/291	E09.3418	Policy commenced
2	10 Sep 2013	Council	13/272	E13.7095	Reviewed and updated.
3	28 Apr 2015	Council	15/82	E05.9513	Policy reviewed and updated re: SRV
4	TBA	Council	TBA	E16.0297	Policy reviewed and formatting updated.

Internal use

Responsible officer		Director Finance and Business Development		Approved by	Council
Min No	TBA	Report no	TBA	Effective date	
File no	E16.0297	Review date	Sep 2020	Pages	4

Policy name	Land Acquisition and Disposal
Responsible manager(s)	Divisional Manager Property and Commercial Services
Contact officer(s)	Property Officer
Directorate	Corporate and Commercial Services
Approval date	TBA
Community Strategic Plan Objective	Support Services
Delivery Program/Operational Plan	SS3.3.4 Manage Council Property to achieve best value to the community

Purpose

Eurobodalla Shire Council will from time to time acquire or dispose of land or its interest in land, including road reserves

The policy aims to:

1. Ensure Eurobodalla Shire Council has open and accountable processes to consider the acquisition and disposal of land or its interest in land.
2. Ensure best value is achieved in Council land dealings.
3. Establish the criteria under which Council will consider acquisition and disposal of land or its interest in land.

Policy criteria

1	Application This policy applies to all acquisition and disposal of Council lands or its interests in land including easements over private property. Council (as custodian of public assets) acquires and disposes of all property interests in open market format to ensure due probity of process and optimal financial return (and minimal risk). All dealings in Council land can only be achieved through a resolution of Council.
2	Legislation This policy ensures Eurobodalla Shire Council's compliance with the <i>Local Government Act 1993</i> ; the <i>Real Property Act 1900</i> ; the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> ; and the <i>Roads Act 1993</i> .
3	Land Acquisition Section 186 of the <i>Local Government Act 1993</i> prescribes what purposes Council can acquire land for: <ol style="list-style-type: none"> a) A council may acquire land (including an interest in land) for the purpose of exercising any of its functions. b) Without limiting subsection (a), a council may acquire: <ol style="list-style-type: none"> i. land that is to be made available for any public purpose for which it is reserved or zoned under an environmental planning instrument, or

	<p>ii. <i>land which forms part of, or adjoins or lies in the vicinity of, other land proposed to be acquired under this Part.</i></p> <p>Acquisition Requirements</p> <ol style="list-style-type: none"> 1. Properties are to be identified taking into consideration the purpose for which they need to be acquired, the strategic nature of such properties and the value that such properties have to the community. 2. Where properties are listed for sale on the open market, Council officers shall negotiate the terms of purchase with either the vendor or the vendor's agent. 3. Where properties are not listed on the open market, council officers shall arrange a valuation report as a basis for negotiation and the valuation report shall be attached to the report submitted to Council, as required. 4. For all land and easement acquisitions for properties not listed on the open market, the acquisition must be undertaken in strict accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>. 5. Authority to compulsorily acquire land is granted under the Roads Act 1993 or the Local Government Act 1993. 6. Any negotiations are to be conducted on the basis that a formal offer cannot be made until Council has considered a report authorising purchase of the property. 7. In the event of a formal valuation being obtained, this shall be used as a guide in any negotiations and subsequent report to Council. 8. At the time of acquisition, Council must resolve the classification of the land to be either Operational or Community land.
4	<p>Land Disposals</p> <p>Land and buildings are to be tested against a number of criteria to determine whether the property is retained and developed for community use or developed or sold to realise its commercial potential.</p> <p>The seven (7) criteria contained in the assessment are:</p> <ol style="list-style-type: none"> 1. Statutory influences (restrictions or limitations) – are there statutory reasons for the Council ownership of the property? This will extend to actual or implied trusts that have been established as a result of Council's acquisition of the land. 2. Existing usage – Is the land used or likely to be used to meet operational, community or recreational needs? 3. Potential future use – is the land or road likely to be required for Council's operational needs. 4. Spatial distribution – are there adequate-like facilities and opportunity to meet future needs in the area and serving the local community? 5. Conservation value – does the land or road have cultural, natural or heritage value that should be maintained? 6. Site constraints and opportunities – in addition to conservation value are there other site constraints which may extend to [but not restricted to] flood liability, land slip, mine subsidence or other physical impairment? 7. Maintenance issues – what maintenance requirement does Council have for the land? <p>Should the proposed sale be impacted by any of these matters, it should not proceed unless it can be demonstrated that there is a public and/or economic benefit to the</p>

	<p>sale or the contract conditions can be structured to ensure that the issue is addressed.</p> <p>Where land (including surplus areas of public road) is capable of being sold on the open market and able to be developed independently of any other property, the sale shall be by competitive process involving public auction, private treaty, tender or expression of interest unless circumstances warrant sale by Direct Negotiation (as set out below). For public auction, the General Manager will set the reserve price based on a recommendation of an independent valuer.</p>
4.1	<p>Direct Negotiation</p> <p>Council can dispose of land by Direct Negotiation under the following circumstances:</p> <ol style="list-style-type: none"> 1. Where the total cost of the public sale process will exceed the expected community benefit. For example, where the land is worth \$1,000 and the cost to market the land is \$5,000. 2. Where there is only one identifiable purchaser. For example, where a site is not large enough for development in its own right (including a portion of road reserve) and is surrounded by public roads on all sides other than the adjoining owner. Where a site adjoins two owners such as laneways, they will each be offered 50%. 3. Where Council is bound by a contractual obligation. For example, a tenant with a first right of refusal, where that tenancy has been entered into as a result of public competition. 4. Disposal of land to a government or utility authority for the purpose of infrastructure provision. 5. Where a public marketing process which has been undertaken within the last 12 months in accordance with this policy has failed to achieve the desired outcome. 6. In response to a proposal which achieves specific policy goals of Council. 7. This exclusion aims to allow Council to respond to an approach for the development of a unique project. Any such proposal must comprise a concept plan and description of the project and clear demonstration of the achievement of specific policy and strategic goals and objectives of Council, eg a land-swap transaction. <p>The report to Council covering these sales will identify the reasons why this sale process was chosen.</p>
4.2	<p>Council Resolution</p> <p>The sale of Council land cannot be delegated and, as required by the <i>Local Government Act 1993</i>, all sales must be effected by a resolution of Council.</p>
4.3	<p>Classification</p> <p>All Council land is classified under the <i>Local Government Act 1993</i> as either operational or community land.</p> <p>The Act provides that only operational land can be sold, and if an area of community land is identified as being surplus, the land must first be reclassified to operational prior to that sale proceeding.</p> <p>The process of reclassification must be undertaken in accordance with the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/</p>
4.4	<p>Probity Plan</p> <p>Where land is being sold by direct negotiation, a probity plan will be developed to cover the following matters:</p>

	<ul style="list-style-type: none"> a) obtaining best value for money; b) demonstrating accountability and transparency; c) dealing with conflict of interest; d) providing a fair chance for all to participate; and e) where Council sells property subject to a development application, that application will be assessed independently and submitted to either the Independent Hearing and Assessment Panel or the Joint Regional Planning Panel.
4.5	<p>Valuation Requirements</p> <p>Where Council proposes to sell land by direct negotiation and the value of the land is greater than \$1 million, Council will obtain either:</p> <ul style="list-style-type: none"> a) two independent valuations where the site has no special value to an adjoining owner and the market value based on the highest and best use can be established by analysis of direct comparative sales data; or b) one valuation undertaken jointly by two consultant valuers or a consultant valuer and land economist, quantity surveyor or retail specialist where the sale has a special value either to an adjoining owner or where the purchaser is acquiring the land for a specific purpose for which direct comparable sales data is not available. <p>For all other Council land proposed to be sold other than by public auction, Council will obtain a valuation from an independent valuer to establish the market value, taking into account the highest and best use of the site and any conditions Council may place on the sale.</p> <p>For land being sold to an adjoining owner, the valuation shall be carried out on an added-value basis and the sale price shall be consistent with the difference in values on a before-and- after basis.</p> <p>Council recognises that valuation advice is not an exact science and it is not unreasonable that a sale price of up to 10% variation from that valuation may be achieved. However, where the negotiated outcome results in a sale price more than 10% less than the assessed market value, it shall be acknowledged in the report to Council giving reason why that variation shall be adopted.</p>
4.6	<p>Escalation Fee</p> <p>Where the sale is conditional on the determination of a development application, approval of a road closure, or making of a LEP to reclassify the land to operational, the agreed value shall increase at a rate of 5% pa (or such other amount as determined by Council from time to time) If:</p> <ul style="list-style-type: none"> • settlement is not achieved within 12 months from the date of the Council resolution authorising the sale, and • the delay is not as a result of Council or statutory process.
4.7	<p>Form of Contract</p> <p>Where Council resolves to sell community land (subject to reclassification) to a prospective purchaser, a Deed of Agreement shall be entered into between Council and the prospective purchaser committing each party to entering into a contract immediately should the reclassification be finalised. That Deed will be structured so that Council's regulatory responsibilities are not compromised.</p> <p>Where Council resolves to sell a portion of public road that is subject to a road closure under the Roads Act 1993 www.austlii.edu.au/au/legis/nsw/consol_act/ra199373/ and</p>

	<p>the value of that land is less than \$100,000, the sale can be by memorandum of transfer.</p> <p>All other land sales shall be by contract.</p>
4.8	<p>Public Road Closures</p> <p>Areas of surplus Public Road must be closed under the <i>Roads Act 1993</i> to enable a sale to proceed. The closure process is managed by the Department of Primary Industries – Crown Lands Division.</p> <p>For public roads, the proposal shall also be subject to compliance with local service authorities whose utilities are located within the area affected by the proposed sale.</p> <p>For classified roads, the approval of the Roads and Maritime Services must be obtained prior to the matter being referred to Council for consideration.</p> <p>For purchaser-initiated closures and sales, the costs associated with the road closure will be borne by the prospective purchaser.</p>
4.9	<p>Transfer of Crown Roads to Council</p> <p>A Crown road may need to be transferred to Council for a development to proceed where the road provides the only means of legal access to the development. When Council becomes the roads authority, it also assumes the liability for the roads. If the road is not constructed or has only a gravel surface, Council may face future requests from the user(s) of the road to upgrade the road to a higher standard. Eurobodalla Shire Council will comply with <u><i>Roads Act 1993 Section 151</i></u></p> <p>Council will only consent to the transfer of a Crown road to a public road under the care and control of Council if:</p> <ol style="list-style-type: none"> 1. The Crown road reserve cannot be closed to become a private access; or 2. Access cannot be practically provided by an easement over private land; and 3. The road is constructed at the beneficiary's cost at the time of transfer to the minimum standard required by Council.
4.10	<p>Extinguishment of Easement</p> <p>Council supports the extinguishment of easements it has over private properties when the benefits of the easements are no longer required.</p> <p>Where Council no longer requires an existing easement(s), such easement(s) can be extinguished provided the landowner pays Council at least an amount determined by a registered Valuer.</p> <p>If the extinguishment is owner initiated then an application fee together with a deposit to cover the legal, valuation and Council administrative costs as determined annually by Council are to be borne by the owner.</p> <p>If the extinguishment is Council-initiated then legal and valuation costs are to be borne by Council.</p>

Implementation

Requirements		Responsibility
1	Staff 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.	Council Officers
2	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
3	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 the acquisition and disposal of land or interest in land.

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

Performance indicator	Data source(s)
Concerns or Complaints registered	Council records
Customer Feedback Survey Responses	Surveys
Internal or external review	Audit
Delivery Program/ Operational Plan 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 and policies

Name	Link
Code of Practice – Acquiring Land for Public Purposes	www.esc.nsw.gov.au/inside-council/council/council-policies/
Related Council Policies –	www.esc.nsw.gov.au/inside-council/council/council-policies/

<ul style="list-style-type: none"> • Land Investment • Asset Management • Property – Use by • Community Organisations 	
<i>Local Government Act 1993</i>	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
<i>Real Property Act 1900</i>	www.austlii.edu.au/au/legis/nsw/consol_act/rpa1900178/
<i>Land Acquisition (Just Terms Compensation) Act 1991</i>	www.austlii.edu.au/au/legis/nsw/consol_act/latca1991442/
<i>Roads Act 1993</i>	www.austlii.edu.au/au/legis/nsw/consol_act/ra199373/

Supporting documents

Name	Link
Property Strategy	www.esc.nsw.gov.au when available

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	14 Oct 2014	Council	14/284	E01.5073	Policy commenced
2	TBA	Council	TBA	E16.0297	Policy review and update

Internal use

Responsible officer	General Manager	Approved by	Council		
Min no	14/284	Report no	FBD14/066	Effective date	14 Oct 2014
File No	E13.7095	Review date	Sep 2016	Pages	7

POLICY

Policy name	Fiscal Responsibility
Responsible manager(s)	Director Corporate and Commercial Services
Contact officer(s)	Director Corporate and Commercial Services
Directorate	Corporate and Commercial Services
Approval date	

Purpose

To provide guidance and targets for budgeting and financial results.

Eurobodalla Shire Council's policy is designed to ensure that reasonable financial health and sustainability is maintained.

The policy aims to Guide Financial Responsibility and the policy covers the following areas:

1. Statement of Financial Performance
2. Asset Management Planning
3. Integrated Planning and Reporting
4. Liquidity/Cash
5. Fees and Charges
6. Rates and Charges
7. Reserves
8. Borrowing and Debt Services
9. Annual Financial Statements
10. Revotes
11. Budgetary Control
12. Risk Management

Policy statement

1	Statement of Financial Performance a) Council will aim for surpluses in the budgeted and actual overall Statement of Financial Performance. Ideally it will achieve surpluses before revenue for capital purposes. b) Budgeted deficits may occur however will be acceptable if it is compensated by previous actual and future budgeted surpluses as part of a long term strategic financial strategy. c) Council will aim for a surplus for the Consolidated entity and in each major fund including; General (which includes the Environment and Waste funds), Water, and Sewer.
2	Asset Management Planning Long term financial strategies are to be informed and align with robust Asset Management Plans and Strategic Business Plans. These are to be maintained in accordance with best practice requirements and other applicable legislative requirements.
3	Integrated Planning and Reporting Annually, an Operational Plan including detailed budgets for the following year and a delivery program budget for a four year period will be developed/and or reviewed.

	These documents will inform the Long Term Financial Plan which covers a minimum 10 year time frame per the Integrated Planning and Reporting framework. This will test long term community aspirations against Financial parameters.
4	Liquidity/ Cash Council aims to achieve an unrestricted current ratio of 1:5:1 (the Office of Local Government (OLG) benchmark) for the Consolidated entity and in each major fund including; General (which includes the Environment and Waste funds), Water, and Sewer. All other liquidity ratios will aim to be positive including unrestricted cash.
5	Fees and Charges All non-statutory fees and charges be generally increased by the greater of the IPART Local Government Cost Index (rate peg) percentage or the relevant CPI. These are comprehensively reviewed annually. Regular review of pricing is to be used to ensure that appropriate cost recoveries are achieved taking into account Community obligations and market factors.
6	Rates and Charges a) The mix of the rating categories share of the General Rate levy will be reviewed at least in conjunction with each revaluation ie: every three years. b) The General Rate and associated charges will be increased by the maximum rate pegged percentage fixed annually by IPART, as a minimum. c) The maximum amount of interest per annum on overdue rates and associated charges nominated by the State Government will be adopted. d) Rates outstanding, compared to collectible, will be less than 3% and other debtors outstanding levels meet LGMA health check benchmarks.
7	Reserves Council will restrict funds for external purposes based on OLG, legislative, policy or other prescribed requirements (externally restricted). Council may also resolve to restrict funds for other specific purposes (internally restricted). Reserves will be monitored to ensure that they are utilised for their intended purpose and reserve balances monitored.
8	Borrowing and Debt Servicing Refer to separate Borrowing Policy (borrowing and debt servicing ratios to be prudent, legal and in accordance with the borrowing policy).
9	Annual Financial Statements a) Council will prepare Financial Statements annually in accordance with legislative requirements and the Code of Accounting Practice and Financial Reporting (issued by the OLG) and generally accepted Accounting Standards. b) The auditor will be invited to make a public presentation to the Council annually in conjunction with Council's consideration of its annual audited Financial Statements. c) The Council will aim to, at least, meet statutory deadlines for financial reporting.
10	Revotes Revotes be minimised by undertaking achievable programs and furthermore identifying likely non achievement at the December Quarterly budget review to enable reconsideration in conjunction with the following Delivery Program (4 years) and Long Term Financial Plan (10 years) and borrowing program.
11	Budgetary Control Net operating and capital expenditure will remain within overall approved budget.

12	Risk Management The Council will aim to budget for the mean expected outcome ensuring there are appropriate reserves and contingency to reasonably cover likely risks from the strategy adopted.
	Legislation Eurobodalla Shire Council will comply with <u>NSW Local Government Act 1993</u>

Implementation

Requirements		Responsibility
1	Code of Practice This policy will be implemented by following Council's Fiscal Responsibility Code of Practice, which specifies in detail the plan, procedures and matters to be considered.	Director Corporate and Commercial Services
2	Coordination Director Corporate and Commercial Services will coordinate. General Manager, Divisional Manager Finance, Managers and key staff will guide the Council to achieve its targets.	Director Corporate and Commercial Services
3	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handles in accordance with Council's Customer Service or Complaints policy. These records will be used to determine and follow-up actions and analyse the history of reported public concerns.	Council Officers
5	Consultation Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy will be considered during the exhibition period.	As required

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 its Fiscal Responsibility.

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

Performance indicator	Data source(s)
Measurement	Measurements are included in the Annual Financial Statement Ratios and benchmarks, Auditors reports and presentation. For the

	General Fund the Fit for the Future Framework will be applied.
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
Code of Practice	www.esc.nsw.gov.au
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/

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 Sep 2009	Council	09/291	E09.3418	Policy adopted (G09/99 Council Policy Review)
2	10 Sep 2013	Council	13/272	E13.7095	Updated Template, review date, references and links
3	TBA 2017	Council			

Internal use

Responsible officer	CFO & Business Development	Approved by	Council
Min No		Report no	
File No		Review date	
		Effective date	
		Pages	

Policy title	Records Management
Responsible manager(s)	Divisional Manager Governance and Administrative Services
Contact officer(s)	Coordinator Customer Service and Information
Directorate	Corporate and Commercial Services
Approval date	
Focus area	Support Services
Delivery Program link	SS1.2 Maintain a sound governance framework within which Council operates
Operational Plan link	SS1.2.2 Ensure transparency in council dealings

Purpose

Eurobodalla Shire Council's Records Management Policy provides records and information management guidance to deliver effective records and information management which in turn supports and facilitates good business across all operating environments.

The policy also ensures that Eurobodalla Shire Council records management meets legislative requirements in relation to capture, control, use, maintenance, disposal, sentencing and archiving.

Policy aims

Eurobodalla Shire Council Records Management Policy aims to:

- Capture and create full and accurate records
- Protect, maintain and control Council records
- Appropriately use and provide access to its records
- Maintain a records management system and securely store records
- Ensure records are appraised and disposed of appropriately
- Follow and utilise the regulations and services of State Archives and Records for training, state archiving and compliance.

Policy details

1	Application This policy applies to all external and internal records, which are handled, received or generated by Eurobodalla Shire Council, regardless of their physical format or media type. All records made or received by Eurobodalla Shire Council or an individual staff member during the course of Eurobodalla Shire Council's business, are corporately owned by Eurobodalla Shire Council and are therefore subject to the record-keeping policy and procedures of Eurobodalla Shire Council. Any information or data which is not required to be compiled, recorded or stored by Council is not a record for the purposes of this policy.
2	Legislation This policy ensures Eurobodalla Shire Council's compliance with:

	<ul style="list-style-type: none"> • <i>Local Government Act 1993</i> • <i>Government Information (Public Access) Act 2009</i> • <i>Privacy and Personal Information Protection Act, 1998</i> • <i>State Records Act 1998</i> • <i>General retention and disposal authority: local government records GA39</i> • <i>Health Records and Information Privacy Act 2002</i> • <i>Model Code of Conduct for Local Councils in NSW, November 2015</i> • <i>Evidence Act 1995</i> <ul style="list-style-type: none"> - Electronic copies can be introduced to court as evidence – original document rule is removed and copies, including digital, are acceptable. • <i>Electronic Transactions Act 2000</i> <ul style="list-style-type: none"> - Digital communication is deemed to have equivalence to paper versions in most situations.
3	<p>Creation and capture</p> <p>Records are to be created in the normal course of conducting business to provide evidence and facilitate business. They are to be created automatically as part of a business transaction or consciously created to document business or activity that has been done.</p> <p>It is the responsibility of the sender to capture correspondence they send externally and internally. Incoming correspondence from an external source is to be captured by the initial recipient of the correspondence.</p>
3.1	<p>Records management system</p> <p>All Eurobodalla Shire Council records are required to be captured within Council's record-keeping system. Electronic records and paperless systems of storage and retrieval are used in preference to hardcopy.</p> <p>Council's electronic and hardcopy incoming mail are to be captured in the Council Records Management System in a timely manner upon arrival and distributed through registration to enable efficient and effective response from staff and Councillors.</p> <p>Outgoing correspondence and business records are to be stored electronically in the Records Management System by the respondent or Council representative dealing with the item of business.</p>
3.2	<p>Record identification</p> <p>Records are to be registered into the corporate Records Management System as soon as they are received or created to enable immediate identification and location. All electronic documents are to be allocated a document number when stored in the electronic storage system.</p>
3.3	<p>Record location</p> <p>The location of physical records are to be maintained in a recording system that ensures that physical items can be located as required. All staff are responsible for keeping this system up to date and accurate.</p> <p>Electronic records are to be located in Eurobodalla Shire Council's Record Management System.</p>

4	<p>Registration, control and protect</p> <p>All incoming correspondence is to be assessed and categorised according to its content, intent and actions required. Records are then to be registered into the Eurobodalla Shire Council Record Management System and assigned for information or action to an appropriate person or persons within the Council and stored according to its category and level of sensitivity. The Eurobodalla Shire Council's Record Management System is to be adequately secured and protected from violation, and unauthorised access or destruction.</p> <p>Records will be kept in accordance with the necessary retrieval, preservation and storage requirements as determined by the <i>State Records Act 1998</i>.</p>
4.1	<p>Registration and control</p> <p>Registration and keying of an electronic record involves creating the meta data and identifiers of the record:</p> <ul style="list-style-type: none"> • Reading and assessing the record • Application of a unique identifying number • Application of a title and date • Linking to related records • Application of a descriptor of the record • Classifying the record • Applying security or access levels • Assignment to a person or persons for information or action.
4.1	<p>Record Classification</p> <p>Eurobodalla Shire Council will classify its records using a thesaurus classification scheme of State Records Authority of NSW - 'Key words for Councils'.</p> <p>This classification system provides a consistent method across local government and covers terminology common to business functions and activities undertaken by councils and records created or received by councils in the course of its business.</p>
4.2	<p>Record Security</p> <p>Registration of records in to the Records Management System at Eurobodalla Shire Council will apply access and security settings to all electronic records in line with organisational functions, activities, transactions to provide security and confidentiality.</p> <p>Hard copy records are to be recorded, controlled and tracked through the Records Management System and stored in locked storage systems that are accessed only by authorised personal.</p>
5	<p>Use and access to records</p>
5.1	<p>Public access to records</p> <p>Public access to Eurobodalla Shire Council's records will be dealt with in accordance with the <i>Government Information (Public Access) Act 2009</i>, <i>Privacy and Personal Information Protection Act 1998</i>, <i>Copyright Act 1968</i> and Council policy.</p>
5.2	<p>Access by elected members</p> <p>Access to Eurobodalla Shire Council's records by elected members will be via the General Manager and Public Officer in accordance with the <i>Local Government Act 1993</i> and the</p>

	current version of the Office of Local Government NSW <i>Model Code of Conduct for Local Councils in NSW</i> .
5.3	<p>Access to records by employees and contractors</p> <p>Access to and use of Eurobodalla Shire Council's records by employees and contractors will be in accordance with the designated access and security classifications.</p> <p>When records are removed from storage, the staff member using the file will be responsible for its security. The Records Management System is to record file movement out of storage and between officers.</p> <p>Records will not leave Eurobodalla Shire Council premises unless it is for the purposes of property inspections or movement between offices. If possible, a copy of relevant documents should be taken to meetings etc. outside Council premises.</p> <p>Staff will not take record files home. If it is necessary to work on a file at home, a copy of relevant documents should only be used.</p>
6	<p>Store and maintain records</p> <p>Eurobodalla Shire Council will ensure the safe custody and proper preservation for the records it has control of.</p> <p>When hard copy records are identified as State Archives and are no longer required for use by an organisation, custody will be transferred to the State Records Authority.</p>
6.1	<p>Paper based records</p> <p>Eurobodalla Shire Council will store its archive, paper based records in a clean, secure environment, within an accessible distance from the Council Administration Centre. Records are labelled and packaged and a system is to be used to track and locate records.</p>
6.2	<p>Digital records</p> <p>Eurobodalla Shire Council stores its digital records in a corporate system. Meta data is to be applied to all digital records. The system must capture, maintain and provide access to the electronic records and have security access levels for authorised users.</p>
6.3	<p>Transfer of State Records</p> <p>The Government Records Repository (GRR) manages records storage services for semi-active records created by NSW public sector bodies, including Government agencies, local councils, public hospitals and universities. Eurobodalla Shire Council will transfer appraised hard-copy state archives to the GRR.</p>
7	<p>Disposal of records</p> <p>All records kept by Eurobodalla Shire Council will undergo appraisal before being disposed of in accordance with the <i>General retention and disposal authority: local government records</i>, produced by the State Records Authority of New South Wales and approved under section 21(2)(c) of the <i>State Records Act 1998</i>.</p>
8	<p>Disaster recovery/business continuity</p> <p>All reasonable steps are to be taken to ensure that Council's records are at minimal risk of damage or loss due to accident or disaster.</p>

	<p>Council will develop and maintain a disaster recovery plan or business continuity plan which details all procedures to be followed in the event of a disaster. The plan will include all information necessary to implement the procedures.</p> <p>In the event of an accident or disaster Council will take all reasonable steps to ensure records are conserved according to current best practice.</p>
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Implementation

Requirements		Responsibility
1	<p>Councillors</p> <p>All elected Councillors are to create and maintain records relating to their role in line with legislation and state policies and procedures for the management of records. Political and personal records of Councillors are exempt.</p> <p>Access to Eurobodalla Shire Council's records by elected councillors will be via the General Manager and Public Officer in accordance with the <i>Local Government Act 1993</i>.</p>	Councillors
2	<p>General Manager</p> <p>In accordance with section 5.41 of the <i>Local Government Act 1993</i>, the General Manager is to "Ensure that records and documents of the local government are properly kept for the purpose of this act and any other written law".</p>	General Manager
3	<p>Divisional Managers</p> <p>All managers are to ensure that there are records management processes established to manage the records under their control. They are also to ensure that all new staff are inducted as to their record keeping responsibilities.</p>	Divisional Managers
4	<p>Staff</p> <p>All 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>Divisional Manager Governance and Information</p> <p>The Divisional Manager Governance and Information is responsible for providing a records management service which complies with Eurobodalla Shire Council Records Management Policy and procedures, and NSW State Records Office requirements.</p>	Divisional Manager Governance and Information
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. 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 its Records.

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

Term/ Phrase	Definition
Archives	<p>Archives are records that are appraised as having continuing value (i.e. They need to be kept permanently). They may have continuing value because they meet an ongoing legal or evidential requirements, or because they meet a research need for an organisation or community. Archives can be in any format, including digital. Archives provide:</p> <ul style="list-style-type: none"> • 'Long term memory' enabling better planning, decision making, access to past experience, expertise, knowledge and historical perspective. • Evidence of continuing rights, entitlements and obligations • Instruments of power, legitimacy and accountability. • A source of understanding and identification • A vehicle for communicating political, social and cultural values.
Appraisal	<p>Appraisal is the process of evaluating business activities to determine which records need to be captured and how long the records need to be kept, to meet business needs, the requirements of organisational accountability and community expectations.</p>
General Disposal Authority (GA39)	<p>The General Disposal Authority for Local Government records (the schedule) is designed to provide consistency throughout Local Government in disposal activities and decisions. It is a continuing authority for the disposal and archival of records which document a Local Government's operations.</p>

Government Record	A record created or received by a government organisation or a government organisation employee in the course of their work for the organisation.
Record	Any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means (<i>State Records Act 1998</i> Section 3).
Records Disposal	Disposal is by way of depositing records in the State Archives, managing the records as designated by State Archives, or by destruction in accordance with policy.
Significant Records	Significant records contain information, which is of administrative, legal, fiscal, evidential or historical value, and are not recorded elsewhere on the public record. They describe an issue, record who was involved, why a decision was made, and may include actual guidelines.
State Archive	Records that are appraised as having continuing value and have been selected for permanent preservation.
Digital record	Records that have been manipulated, transmitted or processed by a computer. It is digital information, captured at a specific point in time that is kept as evidence of business activity. Digital records include: <ol style="list-style-type: none"> 1. Records that are 'born digital' such as email, web pages, digital photographs, and GIS files or data base records. Mobile Phone recording does not constitute a digital record. 2. Scanned versions of paper records that have been digitised in business processes.

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
<i>Local Government Act 1993</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N
<i>Government Information (Public Access) Act 2009</i>	Government Information (Public Access) Act 2009
<i>Privacy and Personal Information protection Act, 1998</i>	www.legislation.nsw.gov.au/#/view/act/1998/133
<i>State Records Act 1998</i>	www.legislation.nsw.gov.au/inforce/0af9a3e2-72ac-ef57-83b5-9bd797f62f37/1998-17.pdf

<i>General retention and disposal authority: local government records GA39</i>	State Archives and Records NSW The State Archives and Records Management Authority of New South Wales
<i>Health Records and Information Privacy Act 2002</i>	www.legislation.nsw.gov.au/#/view/act/2002/71
<i>Evidence Act 1995</i>	www.legislation.nsw.gov.au/inforce/b92c458e-5431-61a4-f9e6-873447438d99/1995-25.pdf
<i>Electronic Transactions Act 2000</i>	www.legislation.nsw.gov.au/inforce/235adf26-6085-6179-8cbd-d0ddf6bbdab4/2000-8.pdf

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au
State Archives and Records	Archives State Archives and Records NSW

Supporting documents

Name	Link
Public Access to Information at Eurobodalla Shire Council	Public access to information - Eurobodalla Shire Council

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Sep 2009	Council	09/291	06.0378 E09.3418	Policy reviewed and adopted.
2	10 Sep 2013	Council	13/272	E13.7095	Updated to new Policy Template, updated review date, updated references and links, extensively revised and expanded
3	dd mmm 2017	Council	TBA	E16.0297 See list	Reviewed and updated (start of new Council term)

Internal use

Responsible officer	Director Finance & Business Development			Approved by	Council
Minute	TBA	Report	TBA	Effective date	TBA
File	See list E16.0297	Review date	Sep 2020	Pages	8