

# **Reports of the Corporate Governance Committee Meeting held at 5.30pm on Tuesday, 1 April 2014.**

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## **APOLOGIES**

## **ACKNOWLEDGEMENT OF LAND**

## **DECLARATIONS OF INTEREST**

### **Pecuniary Interests**

### **Non Pecuniary – Significant Interests**

### **Non Pecuniary – Less than Significant Interests**

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**Minutes of the Corporate Governance Committee held on 1 April 2014**

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**Present**

His Worship the Mayor, Councillor C Mead  
Councillor F Borg  
Councillor G Greiss  
Councillor P Hawker  
Councillor R Kolkman  
Director Business Services - Mr M Sewell  
Acting Director City Works - Mr G Mitchell  
Acting Manager Assets and Supply Services - Mr W Miller  
Acting Manager Business Assurance - Mr C Taylor  
Manager Emergency Management and Community Safety - Mr R Blair  
Manager Executive Services - Mr N Smolonogov  
Manager Financial Services - Mrs C Mears  
Acting Manager Human Resources – Ms N Minns  
Manager Information Management and Technology - Mrs S Peroumal  
Internal Auditor - Ms M Brockwell  
Policy and Governance Coordinator - Ms J Warner  
Revenue Accountant - Mr A Butcher  
Executive Assistant - Mrs K Peters

**Apology**

**(Mead/Greiss)**

That the apologies from Councillor Dobson and Councillor Lake be received and accepted.

**CARRIED**

**Note:** Councillor A Chanthivong has been granted a leave of absence from Council, incorporating all formal Council and Committee meetings until Tuesday 12 August 2014.

**Chairperson**

In the absence of the Chairperson, His Worship the Mayor, Chaired the meeting.

**Acknowledgement of Land**

An Acknowledgement of Land was presented by the Chairperson Councillor Mead.

**DECLARATIONS OF INTEREST**

There were no Declarations of Interest at this meeting.

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## **1. GOVERNANCE AND ADMINISTRATION**

### **1.1 2014 National General Assembly of Local Government**

#### **Reporting Officer**

Acting Manager Governance and Administration

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#### **Attachments**

1. Letter form ALGA regarding the 2014 National General Assembly of Local Government (contained within this report)
2. Discussion Paper 2014 Motions (contained within this report)

#### **Purpose**

To advise Council that the 2014 National General Assembly (NGA) of Local Government will be held on 15-18 June 2014.

#### **Report**

The Australian Local Government Association (ALGA) is holding the 2014 National General Assembly at the National Convention Centre in Canberra on 15-18 June 2014.

As the major event on the annual local government events calendar the NGA typically attracts more than 800 mayors, councillors and senior officers from councils across Australia. The NGA is an opportunity to contribute to the development of national local government policy and receive updates on the major policy issues facing local government nationally.

Invitations have been extended to the Prime Minister, the Leader of the Opposition and relevant Ministers to attend the conference to provide key note addresses.

The theme of the conference is 'Getting Down to Business'. This theme reflects the renewed focus across all levels of government on the roles and responsibilities of the public sector and the challenges of meeting our communities' needs.

A discussion paper has been issued by the Australian Local Government Associations calling for motions to be dealt with at the 2014 conference. Motions should be received by ALGA no later than 17 April 2014.

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### **Officer's Recommendation**

That the General Manager and the Director Business Services be authorised to attend the 2014 National General Assembly of Local Government together with any interested Councillors, with expenses to be met in accordance with Council's policy.

### **Committee's Recommendation: (Borg/Kolkman)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 8 April 2014 (Mead/Kolkman)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 47**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1



AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

5 February 2014

Campbelltown City Council  
PO Box 57  
CAMPBELLTOWN NSW 2560

FEB07'14 08:00:37 RCV

To the Mayor, Councillors and CEO

### **2014 National General Assembly of Local Government – Call for Motions**

The 2014 National General Assembly of Local Government (NGA), which will be held at the National Convention Centre in Canberra on 15 - 18 June, is an opportunity for local government to identify and discuss issues which it believes should be addressed by the new Federal Government. Every council has the opportunity to raise relevant issues for debate at the Assembly and I invite your council to participate in the 2014 NGA by submitting a motion for consideration.

As the major event on the annual local government events calendar, the NGA typically attracts more than 800 mayors, councillors and senior officers from councils across Australia. The NGA is your opportunity to contribute to the development of national local government policy and receive updates on the major policy issues facing local government nationally.

The Australian Local Government Association (ALGA) Board is calling for motions for the 2014 NGA under the theme of 'Getting Down to Business'. This theme reflects the renewed focus across all levels of government on the roles and responsibilities of the public sector and the challenged of meeting our communities' needs.

To be eligible for inclusion in the NGA Business Papers motions must follow the principles:

1. Fall under the NGA theme
2. Be relevant to the work of local government nationally; and
3. Complement or build on the policies of state and territory local government associations.

To assist councils in preparing motions, a Discussion Paper has been prepared and is enclosed with this letter. It is also available on the ALGA website at [www.alga.asn.au](http://www.alga.asn.au).

Motions should be submitted electronically via the online form on the website [www.alga.asn.au](http://www.alga.asn.au) and should be received by ALGA no later than 17 April 2014.

Any administrative inquiries can be directed to Josh Thompson, ALGA's Director of National Events on 02 6122 9400 or [josh.thompson@alga.asn.au](mailto:josh.thompson@alga.asn.au).

I would encourage you to make sure the views of your Council and your community are represented at the 2014 NGA.

Yours sincerely

Mayor Felicity-ann Lewis  
President

## **ATTACHMENT 2**

# **National General Assembly of Local Government 15 - 18 June 2014**

## **Call for Motions**

## **'Getting Down to Business' Discussion Paper**

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### ***Purpose***

The National General Assembly of Local Government is an important opportunity for you and your council to influence the national policy agenda.

Your council is invited to submit notices of motion/s that can be debated on the floor of the National General Assembly (NGA) that can assist councils nationally to meet the needs of local communities across the country.

To assist you and your council to identify motions that address the theme of the NGA the ALGA Secretariat has prepared this short discussion paper. You are encouraged to read all of the sections of the Paper, but are not expected to respond to every question contained in them. Your motion/s can address one or all of the issues identified in the discussion paper.

To be eligible for inclusion in the NGA Business Papers, motions must follow the following principles:

1. Be relevant to the work of local government nationally;
2. Complement or build on the policy objectives of your state and territory local government association; and
3. proposes a clear action and outcome.

### ***The Process***

Motions should be lodged electronically using the online form available on the National General Assembly Website at: [www.alga.asn.au](http://www.alga.asn.au). All motions require among other things: a contact officer; a clear national objective; a summary of the key arguments in support of the motion, and endorsement of your council. Motions should be received by ALGA no later than Friday 17 April 2014, electronically in the prescribed format.

All motion submitted will be reviewed by the National General Assembly Committee as well as by State and Territory Local Government Associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Committee considers the importance and relevance of the issue to local government. Please note that motions should not be prescriptive in directing how the matter should be pursued. Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state/territory local government association, and will not be included in the Business Papers.

For more information, please contact the 2014 Director National Events, Josh Thompson, on (02) 6122 9400.

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### ***Preamble***

The 2014 NGA is being held against a backdrop of several key developments. Each of them could profoundly redefine the operation of Australia's system of government. These include

- the establishment, by the Commonwealth Government, of a National Commission of Audit;
- a promise within two years of coming to office to develop a White Paper on the Reform of the Federation;
- a commitment by all jurisdictions including the Australian Local Government Association (ALGA) through the Council of Australian Government's (COAG), to reduce duplication between governments; and
- a promise to develop a White Paper on Taxation within two years of coming to office.

Each of these are significant undertakings in their own right, but taken together, they could substantially help reshape the operation of the Australia federated system of government.

It is imperative that local government is an active participant in these processes and that we take every opportunity to influence the outcomes of these White Paper processes. The 2014 NGA is a great opportunity to commence this discussion.

The theme of the 2014 National General Assembly is 'Getting Down to Business'. It is a theme that invites NGA delegates, councils and interested stakeholders to reflect on the roles and responsibilities of local government, its funding and relative place in the Federation. It's a theme that enables local government to define for itself:

- what business local government is in;
- the resources we need to do it; and
- what we should expect from the Commonwealth and what we should expect from state and territory governments. In short how local government should fit in the Federation.

It's a theme that enable your council to engage with other councils from across the country to inform the national debate, and ALGA, on the issues contained in these important national processes, in particular the Government's White papers.

### **National Fiscal Settings**

On 14 September 2013 the Federal Coalition was elected to Government. In coming to office the Government foreshadowed a deterioration in the federal budget position since the 2013 Pre-Election Economic and Fiscal Outlook (PEFO) and the need for a review of the current split of roles and responsibilities between levels of government. In December 2013 the Government's budget position was confirmed with the release of the 2013 - 14 Mid-Year Economic and Fiscal Outlook (MYEFO) which reported budget deficits totalling \$123 billion across the forward estimates. Further it suggests that '... Without policy change and taking no remedial action, deficits would be projected in each and every year to 2023-24'.

While the Commonwealth expressed concern about the sustainability of its budget position, in particular revenues, state, territories and local government have similar concerns. State and territory governments regularly report financial constraints and the limitation of, and distribution of, the Goods and Services Tax (GST), the inadequate intergovernmental

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financial transfers to meet growing demand for their services and conditions placed upon national reforms, such as school and hospital funding.

Further, local government itself, that has well documented financial sustainability challenges included in a number of independent reports including the PricewaterhouseCoopers, National Financial Sustainability Study of Local Government commissioned by ALGA in 2006. The latter report highlighting the financial challenges councils face in particular in meeting the infrastructure backlog and underspend.

As a consequence, coupled with Australia's highly centralised taxation collection system, all state and territory governments and local government have sought changes to intergovernmental financial transfers from the Commonwealth, as well as options for increasing own source revenues.

#### **QUESTIONS?**

*Are there things that the could be done to assist local government to expand own-source revenues?*

*Are there specific initiatives the Commonwealth can implement that improve the financial sustainability of local government?*

*Are there things that the Commonwealth could do to assist local government nationally to improve its efficiency and effectiveness?*

#### **The Commonwealth National Commission of Audit**

In addressing the Commonwealth's challenges, the Government foreshadowed the establishment of a National Commission of Audit which would in broad terms, examine the details of what the Commonwealth Government does and whether it could be done better and more cost effectively.

The National Commission of Audit was established in October 2013 and required to complete its work in two Phases. The report on the first Phase being due to the Prime Minister, Treasurer and Minister for Finance by the end of January 2014.<sup>11</sup> This Phase was among other matters to "... assess the current split of roles and responsibilities between and within the Commonwealth government and State and Territory governments, including areas of duplication. In relation to activities performed by the Commonwealth, the Commission is asked to identify:

- whether there remains a compelling case for the activity to continue to be undertaken; and if so,
- whether there is a strong case for continued direct involvement of government, or whether the activity could be undertaken more efficiently by the private sector, the not-for-profit sector, the States, or local government.

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<sup>11</sup> This Report is not available publicly.

This second dot point is particular relevant for the NGA with the direct reference to local government but it does not address the resourcing issues involved if the Commonwealth decided to transfer a specific role or a responsibility to the other potential service providers.

A full copy of the National Commission of Audit Terms of Reference is included as Attachment 1.

At the time of writing it is expected that the Commission will have completed or almost completed its Phase 1 Report to the Government. Unfortunately, the Commission's Phase 1 Report will not be a public document and therefore we cannot provide any specific information on the outcomes of the Commissions' deliberations. The Phase 2 Report focuses on the internal managerial matters and Commonwealth controls of its own financial expenditure. Both Phase 1 and 2 will presumably be directly relevant to the Federal Budget which will be brought down in May 2014 prior to the NGA.

The Budget therefore will be the first opportunity for the Government to flag to the Australian people how it proposes to address financial sustainability challenges in the short to medium term. However, more importantly for the longer term, the Government has committed to develop a White Paper on the Reform of the Federation and a separate White Paper on Taxation. The Government has set itself 2 years to complete these tasks and has indicated that it will take the outcome of these important processes to the next election.

#### **The 1996 National Commission of Audit**

As previously mentioned, the current Commission of Audit reports are not public documents and therefore this paper cannot provide insight into the Audit's content. However, for illustrative purposes it may be instructive to highlight the approach taken by the National Commission of Audit conducted for the Government led by the Prime Minister the Hon. John Howard Government in 1996. In particular, to highlight the findings of this Commission in relation to local government and regional development matters. The 1996 commission's report was essentially based on a strict interpretation of constitutional authority of the Commonwealth and its responsibilities. In doing so, it should be noted that the 1996 Audit Commission Report was an independent report and was not Government policy. Indeed several aspects of the 1996 Report were considered by the Government and rejected, including the view that the Commonwealth did not have a role in regional development.

The 1996 National Commission of Audit was asked to examine a wide range of matters which are substantially similar to of the current Audit. That Commission was Chaired by Professor Bob Officer and in relation to regional development, urban management and local government found: '... Current (1996) arrangements for regional development and urban management involve overlap with State and local government responsibilities. **There is no clear rationale or constitutional basis for Commonwealth involvement.** Further, whatever the objectives behind Commonwealth involvement in these areas, they are not being achieved under current arrangements.'

The Commission recommended that these programs (the Regional Development Program, Better Cities Program and Urban Flood Mitigation Program) be abolished, and while there were changes made, the Commonwealth Government continued to be involved in regional development and subsequently introduced a number of initiatives including the Sustainable Regions Program in 2001.

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In relation to local government financial assistance grants, the 1996 Commission recommended that these payments be integrated into revised State payments. This was also rejected, albeit that the FAGs were to be included in the original Good and Services Tax proposal, but were subsequently excluded in the final negotiated agreement between the Howard Government and the Democrats to pass the legislation. The system of FAGs continued and the current Government has given an undertaking to maintain the current system of FAGs and other direct funding to local government such as Roads to Recovery (R2R) and the new Bridge Renewal Program.

The 1996 Commission of Audit highlights a particular view of how the Federation and the Commonwealth should work. It took the view that the Commonwealth should only deal with national matters and the states and local government should deal with everything else. It also took the view that local government is a state responsibility and while accepting the legitimacy of providing FAGs, implied they should be integrated into revised state payments. While the continued recognition of the need for FAGs by the Commonwealth is welcome, it begs the question as to what support, in particular through untied grants, should local governments expect from state and territory governments?

#### **QUESTIONS?**

*In thinking about the 1996 Commission of Audit are there any specific proposals your council has on Commonwealth - local government relations.*

*Should state and territory Governments do more to support councils including through providing direct untied funding to local government? If so what relationship would this have to Commonwealth provided FAGs?*

*Are the specific state and territory services that are Commonwealth or state responsibilities, that councils undertake that should be undertaken by the private sector or other levels of government on equity grounds? e.g. market failure?*

Note: it should be noted that the NGA should deal with national issues and that motions related to specific state matters must be addressed through state and territory local government associations. NGA Motions should focus on funding for the system of local government in Australia, and therefore apply to all states and territories.

#### **Regulation Reform**

Over recent decades governments at all levels have acknowledged the importance microeconomic reform, including regulatory reform. The purpose of regulatory reform is to enhance Australia's productivity and competitiveness, raising potential growth rates, living standards, and better enable Australia to deal with difficult international economic circumstances.

At the December 2013 COAG meeting, first ministers, including the President of ALGA agreed unnecessary regulation is holding back Australia's economic prosperity and development. Cutting excessive red tape and improving the efficiency and effectiveness of regulation are important parts of the productivity story.

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By way of example, the COAG Communiqué highlights the following: In '... running a cafe that serves alcohol and provides outdoor dining illustrates Australia's current problems with regulation. For example, it can require the operator to navigate around 21 local, 29 State and 25 Commonwealth regulations, or sets of regulations — 75 hoops to jump through. All governments acknowledged this is not good enough, and that collective action is needed to remove the excessive burden currently placed on small business'.

In coming to office the Government has set itself a target of reducing the red tape which impacts on business, individuals and the community by at least \$1 billion per year, and that this would complement existing State deregulation activity. COAG agreed to work together on reducing red tape in four areas — manufacturing, higher education, early childhood and 'end-to-end' regulation of small businesses, with each State to target specific small business sectors.

In July 2012 the Productivity Commission Reported on its study 'Performance Benchmarking of Australian Business Regulation, Role of Local Government as Regulator'. The report notes that local laws, quasi-regulatory instruments, rules, as well as delays, information requirements, restrictions on approvals, fees and penalties can be imposed costs on business and/or be anti-competitive. However, it suggests that 'implementing and enforcing state and territory laws, rather than local laws, dominates local governments' regulatory work.

In regard to support from states to local governments it identifies the following gaps:

- insufficient consideration of local governments' capacity to administer and enforce regulation before a new regulatory role is delegated to them ;
- limited guidance and training on how to administer and enforce regulations; and
- no clear indication and ranking of state regulatory priorities.

#### **QUESTIONS?**

*Are there areas of unnecessary areas of unnecessary regulation that impose costs on manufacturing, business and residents that can be reformed?*

*What support do councils need to implement and enforce regulation, often on behalf of states and territory government?*

*Are there areas of regulation which local government are involved that could be streamlined and how?*

#### **What Business is Local Government in?**

Local government is a pragmatic and hands-on level of government. Its focus is the provision of selected services, infrastructure, planning and coordination at the local level. In short local government is the level of government that responds to local needs, challenges and opportunities. The roles and responsibilities of local government are assigned to it through respective state and territory legislation and in all jurisdictions the relevant Local Government Acts are broadly consistent with the power of general competence, in general

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terms the legislation require local government to provide for the good governance of the 'district'. In practise however, local governments roles and responsibilities are broadly confined to property services and specific policy choices to meet local community needs. They are sometime specified by statute, e.g. environmental health, constrained by access to resources, community expectations, the capacity to pay, and roles and function of the private sector and other levels of government. In simple terms councils cannot be held responsible for everything that occurs at the local level.

States and territory governments, for example, are responsible for a range of services and infrastructure at the local, regional and state level, including schools, hospitals and policing. Increasingly, over time, the Commonwealth has assumed policy, planning and funding responsibility for a range of activities including income and welfare support and selected national infrastructure such as the Auslink road network, major projects identified through Infrastructure Australia and the National Broadband Network, which have profound impacts on local communities.

While this complex stratification, and mix of roles, responsibilities and services, including those provided by the private sector contributed significantly to Australia having one of the highest standards of living in the world, it begs the question of whether there should be greater clarity in the roles and responsibilities of governments, and who should do what in the Federation. Indeed, the current system is frequently criticised as perpetuating duplication, inefficiency, cost and blame shifting between levels of government and policy and service delivery gaps. Moreover, all levels of governments face financial sustainability challenges which significantly impact on their capacity to deliver government services and infrastructure.

Examination of ABS General Government Expenses (2011 - 12) shows that local government spends around \$30.5 billion. Almost half of total local government expenditure i.e. 46 per cent is on 'Transport and Communications (primarily local roads) and 22 per cent of on 'Housing and Community Amenity, which includes waste services and in some states water and sewerage. The next highest area of expenditure is on General Public Services (which includes legislative and executive affairs and government superannuation benefits) at 18 per cent. This is followed by Recreation and Culture spending, which includes public halls and civic centres, swimming pools and beaches, national parks and wildlife, cultural institutions, etc, which is at 15 per cent.

While national averages are informative, broadly indicating the areas of local government activity state difference is also interesting. For example while the national average of spending on Transport and Communications is 24 percent, expenditure ranges from 34 per cent of total local government expenditure in Queensland and 28 per cent in Tasmania, down to 9 per cent in the Northern Territory.

Expenditure on Housing and Community Amenity nationally is 22 per cent but in NSW councils spend around 27 per cent of total expenditure in this area while in Western Australia it is 16 per cent.

Expenditure on Recreation and Culture nationally is 15 per cent of total expenditure but in Western Australia's local government expenditure it runs as high as 24 per cent and in South Australia around 22 per cent.

While this variation reflect different responsibilities, policy choices and priorities in respective states and territories, it makes defining the role of local government difficult in the

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context of a review of the roles and responsibilities of each level of government. It is also sometimes criticised as causing duplication and inefficiency.

**QUESTIONS?**

*What should the core business of local government be?*

*How should the Commonwealth support that role?*

*Are the specific services including state and territory or / and Commonwealth responsibilities, that councils undertake that should be undertaken by the private sector or other levels of government on equity grounds? e.g. market failure?*

*Are there services that local government is providing that could be provided by the private sector?*

**Regulation Reduction**

The Coalition will streamline COAG meeting agendas and focus on concrete outcomes that will contribute to a Coalition government meeting the annual \$1 billion red and green tape reduction target.

We intend to make deregulation and red tape reduction a standing agenda item at COAG meetings.

Within two years of a change of government, working with the states, the Coalition will produce a White Paper on Reform of the Federation, and the responsibilities of different governments, to ensure that, as far as possible, the states are sovereign in their own sphere. The objective will be to reduce and end, as far as possible, the waste, duplication and second guessing between different levels of government that has resulted, for instance, in the Commonwealth employing 6,000 health bureaucrats even though it doesn't run a single hospital.

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## **National Commission of Audit Terms of Reference**

### **CONTEXT**

- It is almost 20 years since there has been a thorough review of the scope, efficiency and functions of the Commonwealth government. During this time the size of the Commonwealth government has expanded significantly, as has the remit of some of its activities.
- It is also essential that the Commonwealth government live within its means and begin to pay down debt.
- It is therefore timely that there should be another full-scale review of the activities of the Commonwealth government to:
  - ensure taxpayers are receiving value-for-money from each dollar spent;
  - eliminate wasteful spending;
  - identify areas of unnecessary duplication between the activities of the Commonwealth and other levels of government;
  - identify areas or programs where Commonwealth involvement is inappropriate, no longer needed, or blurs lines of accountability; and
  - improve the overall efficiency and effectiveness with which government services and policy advice are delivered.
- Accordingly, the Commission of Audit ('the Commission') has a broad remit to examine the scope for efficiency and productivity improvements across all areas of Commonwealth expenditure, and to make recommendations to achieve savings sufficient to deliver a surplus of 1 per cent of GDP prior to 2023-24.
- In carrying out its work, the Commission may wish to invite submissions, consult key stakeholders and seek information from persons or bodies, where this will assist its deliberations.
- The Commission should also be guided in its work by the principles that:
  - government should have respect for taxpayers in the care with which it spends every dollar of revenue;
  - government should do for people what they cannot do, or cannot do efficiently, for themselves, but no more; and
  - government should live within its means.

### **SCOPE**

#### **Phase 1**

##### *Scope of government*

- The Commission is asked to assess the current split of roles and responsibilities between and within the Commonwealth government and State and Territory governments, including areas of duplication.
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- In relation to activities performed by the Commonwealth, the Commission is asked to identify:
  - whether there remains a compelling case for the activity to continue to be undertaken; and
  - if so, whether there is a strong case for continued direct involvement of government, or whether the activity could be undertaken more efficiently by the private sector, the not-for-profit sector, the States, or local government.
- The Commission may consider and comment upon the current architecture of Commonwealth-State relations. The Commission's views on this issue will help to inform the Government's forthcoming White Paper on the Reform of the Federation.

*Efficiency and effectiveness of government expenditure*

- The Commission is asked to report on efficiencies and savings to improve the effectiveness of, and value-for-money from, all Commonwealth expenditure across the forward estimates and in the medium term, including:
    - options for greater efficiencies in the Australian Government, such as:
      - : increasing contestability of services;
      - : adoption of new technologies in service delivery and within government;
      - : consolidation of agencies and boards;
      - : rationalising the service delivery footprint to ensure better, more productive and efficient services for stakeholders;
      - : flattening organisational structures and streamlining lines of responsibility and accountability;
      - : consolidating government support functions into a single agency; and
      - : privatisation of Commonwealth assets.
    - potential improvements to productivity, service quality, and value for money across the public sector, including better delivery of services to the regions; and
    - anything that is reasonably necessary or desirable to improve the efficiency and effectiveness of government generally.
  - The Commission is asked to review and report on:
    - options to manage expenditure growth, including through reviewing existing policy settings, programs and discretionary spending (such as grants);
    - savings and appropriate price signals – such as the use of co-payments, user-charging or incentive payments – where such signals will help to ensure optimal targeting of programs and expenditure (including to those most in need), while addressing the rising cost of social and other spending;
    - mechanisms that allow for the periodic evaluation of the effectiveness of all areas of expenditure in meeting their announced objectives; and
-



- other savings or matters that the Commission considers should be brought to the Government's attention.

*State of the Commonwealth's finances and medium-term risks to the integrity of the budget position*

- The Commission is asked to assess the financial position of the Commonwealth, including the state of the balance sheet, including all assets and liabilities, and Commonwealth risk expenditures.
- The Commission is asked to review and report on the long-term sustainability of the budget position, identifying key policy areas where trends in expenses and revenue pose risks to the structural integrity of the budget.
- Where possible, the Commission should identify options to address any such budget risks in the medium to long term, including by introducing appropriate incentives to encourage self-provision of services by individuals over time.

*Adequacy of existing budget controls and disciplines*

- The Commission is asked to assess the adequacy of current budgetary practices and rules (including specified timeframes and targets) in promoting efficient and effective government, disciplined expenditure, long-term fiscal sustainability and budget transparency.

**Phase 2**

*Commonwealth infrastructure*

- The Commission is asked to review and report on the extent, condition and adequacy of Commonwealth sector infrastructure and, if found to be deficient, factors that may have contributed to the current situation and possible remedies.

*Public sector performance and accountability*

- The Commission is asked to:
    - identify options for continuous assessment of programs, agencies and performance;
    - identify options for strengthening Commonwealth budgeting arrangements by:
      - : increasing independent and credible scrutiny;
      - : examining the role of the Parliamentary Budget Office, the Australian National Audit Office and the Intergenerational Report; and
      - : reviewing the way risk expenditures are accounted for.
    - report on a methodology for developing and implementing financial performance targets for Commonwealth departments and agencies (having regard to international experience and Australian best-practice, including by government business enterprises);
    - review and report on the effectiveness of existing performance metrics and options for greater transparency and accountability through improved public reporting;
    - identify options for a clearer delineation of responsibilities for policy and service delivery; and
-

– identify other savings or matters that the Commission considers should be brought to the Government’s attention.

### Reporting

- The Commission will report to the Prime Minister, Treasurer and Minister for Finance with:
  - the first phase due by the end of January 2014; and
  - the second phase due by no later than the end of March 2014.

### GENERAL GOVERNMENT EXPENSES BY PURPOSE, Local

	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Total
	2011–	2011–	2011–	2011–	2011–	2011–	2011–	2011–	2011–
	12	12	12	12	12	12	12	12	12
	\$m	\$m	\$m	\$m	\$m	\$m	\$m	\$m	\$m
General public services	1 680	1 044	1 953	130	400	111	144	–	1044
Public order and safety	311	169	124	33	117	7	19	–	779
Education	72	79	7	–	4	–	5	–	166
Health	81	120	50	50	57	10	5	–	374
Social security and welfare	361	884	69	115	142	30	25	–	1 626
Housing and community amenities	2 590	1 433	1 681	434	498	136	99	–	6 872
Recreation and culture	1 321	1 184	837	392	727	104	57	–	4 622
Fuel and energy	–	–	10	13	–	–	1	–	25
Agriculture, forestry and fishing	–	3	15	12	1	–	–	–	31
Mining, manufacturing and construction	214	–	91	35	32	–	–	–	373
Transport and communications	1 871	1 266	2 740	416	783	182	41	–	7 297
Other economic affairs	313	356	187	58	111	30	38	–	1 093
Public debt transactions	227	52	277	40	32	4	1	–	633
Other	546	209	135	93	188	23	22	–	1 215
<b>Total</b>	<b>9 588</b>	<b>6 796</b>	<b>8 176</b>	<b>1 821</b>	<b>3 092</b>	<b>639</b>	<b>457</b>	<b>–</b>	<b>30 569</b>

– nil or rounded to zero (including null cells)

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## **1.2 Revised Policy - Addressing Council Committee Meetings**

### **Reporting Officer**

Acting Manager Governance and Administration

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### **Attachments**

Revised policy - Addressing Council Committee Meetings (contained within this report)

### **Purpose**

To seek Council's endorsement of the Addressing Council Committee Meetings policy.

### **History**

The abovementioned policy was adopted by Council on 17 June 1986, was last reviewed on 21 September 2010 and is now due for review in accordance with the Records and Document Management Policy.

### **Report**

The abovementioned policy has been reviewed in accordance with Council's Records Management Policy and the adopted procedure for Policy Development and Review.

The Addressing Council Committee Meetings policy has been reviewed and found that only minor changes were required, as highlighted in the attachment. It is recommended that this policy be adopted and a new review date set.

### **Officer's Recommendation**

1. That the revised Addressing Council Committee Meetings policy as attached to this report be adopted.
  2. That the Policy review date be set at 30 March 2017.
-

**Committee's Recommendation: (Hawker/Kolkman)**

1. That the revised Addressing Council Committee Meetings policy as attached to this report be adopted subject to point one of the Policy being amended to read:

That all known interested persons in respect to major issues being considered by Council be formally advised of the time and date that such item will be discussed by the appropriate Committee and those persons wishing to address the Committee should contact Council to register their intention with the relevant Director.

2. That the Policy review date be set at 30 March 2017.

**CARRIED**

**Council Meeting 8 April 2014 (Mead/Kolkman)**

That the Committee's Recommendation be adopted.

**Council Resolution Minute Number 47**

That the Committee's Recommendation be adopted.

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## ATTACHMENT 1

 <b>campbelltown</b> city council		<b>POLICY</b>
Policy Title	Addressing Council Committee Meetings	
Responsible Officer	Manager Governance and Administration	

**Policy details may change prior to review date due to legislative changes, therefore this document is uncontrolled when printed.**

### Objectives

To provide a suitable procedure for community groups and individuals wishing to address Council Committees.

### Policy Statement

1. That all known interested persons in respect of major issues being considered by Council be formally advised of the time and date that such item will be discussed by the appropriate Committee and those persons wishing to address the Committee should register their intention with the relevant Director.
  2. The Committee may adjust the order of items on its business paper to firstly consider matters having direct public involvement with the Committee.
  3. Members of the community who have registered to address the Committee will be invited by the Chairperson at the appropriate time during the meeting to make their presentation.
  4. Persons called forward to address the Committee should firstly introduce themselves before proceeding with their presentation.
  5. The Chairperson, with the consent of the Committee has the ability to allow unregistered speakers the opportunity to also address Council Committees.
  6. Generally a maximum of two persons may speak from any one group, however if additional people attending the meeting indicate that they wish to make a presentation the Chairperson with the consent of the Committee has the ability to invite additional speakers to address the Committee.
  7. Speakers are to be limited to five minutes, although the Chairperson of the Committee may extend this time, dependent on the particular circumstances. The Councillors may then ask questions of the speakers.
  8. That at the completion of questions being asked, those people who had addressed the Committee be required to return to the gallery area and only then should the Chairperson of the Committee accept any motions or allow debate.
-

9. That a copy of the Business Paper for Council and all Committee Meetings, other than a Confidential Business Paper, be placed on display on the Friday evening prior to the relevant meeting, or as soon thereafter as is practicable, in the following locations:
  - The Customer Service counter located in the ground floor foyer area of the Administration Building.
  - The Central Library at Campbelltown.
  - Various Branch Libraries.
  - On Council's Website
10. That a copy of the report on individual items be made available on request to persons having an interest in that particular item unless the item is "confidential".

**END OF POLICY STATEMENT**

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## **1.3 Audit Committee Update**

### **Reporting Officer**

General Manager

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### **Attachments**

Audit Committee Meeting Minutes - 25 February 2014 (contained within this report)

### **Purpose**

To provide an update on the outcomes from the 25 February 2014 Audit Committee meeting.

### **History**

Council approved the establishment of an Audit Committee consisting of two independent members, the Mayor, the Deputy Mayor and the Chairperson or a member of the Corporate Governance Committee in October 2010.

The Audit Committee was formed and meets three times per year in accordance with its Charter.

### **Report**

Detailed below are the recommendations of the Audit Committee. Council officers have reviewed the recommendations which are now presented for the consideration of Council. There are no recommendations that require an individual resolution of Council.

#### **Audit Committee Meeting Minutes – 25 February 2014**

The minutes of the Audit Committee meeting held 25 February 2014 are attached and the following were considered:

#### **4.1 Development Applications – Internal Audit Report**

##### **Sub Committee's Recommendation: (Rofe/Lake)**

That the Audit Committee notes the information contained in the Internal Audit Report on Development Applications.

**CARRIED**

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#### **4.2 Internal Audit Actions Log and Procurement Review status update**

##### **Sub Committee's Recommendation: (Hanrahan/Dobson)**

That the Audit Committee notes the information contained in the Actions Log.

**CARRIED**

#### **4.3 Status of Internal Audit Plan**

##### **Sub Committee's Recommendation: (Lake/Rofe)**

1. That the Audit Committee notes the status of the 2013-2014 Internal Audit Plan.
2. That the Audit Committee approves that the 2013-2014 schedule of audits be amended to postpone the Financial Delegations audit to the 2014-2015 year.

**CARRIED**

#### **4.4 Other requirements of the Audit Committee Charter**

##### **Sub Committee's Recommendation: (Rofe/Hanrahan)**

That the Audit Committee notes the information contained in the other requirements of the Audit Committee Charter report.

**CARRIED**

#### **4.5 Other Internal Audit Activities**

##### **Sub Committee's Recommendation: (Dobson/Lake)**

That the Audit Committee notes the information contained in the Other Internal Audit Activities report.

**CARRIED**

#### **4.6 External Audit Update**

##### **Sub Committee's Recommendation: (Rofe/Hanrahan)**

That the Audit Committee notes the information contained in the External Audit Update report.

**CARRIED**

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#### **4.7 NSW Independent Local Government Review Panel Audit Recommendations**

##### **Sub Committee's Recommendation: (Hanrahan/Dobson)**

That the Audit Committee notes the information contained in the NSW Independent Local Government Review Panel Audit Recommendations report.

**CARRIED**

##### **Officer's Recommendation**

That Council adopt the Audit Committee meeting minutes of 25 February 2014.

##### **Committee's Recommendation: (Mead/Kolkman)**

That the Officer's Recommendation be adopted.

**CARRIED**

##### **Council Meeting 8 April 2014 (Mead/Kolkman)**

That the Officer's Recommendation be adopted.

##### **Council Resolution Minute Number 47**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1

### **Minutes of the Audit Committee Meeting**

**Held Tuesday 25 February 2014 in Committee Room 2**

Meeting Commenced: 4.02pm

**1. Attendance and Apologies:**

Bruce Hanrahan, Chairperson  
Robert Rofe, Independent Member  
Councillor Paul Lake, Deputy Mayor  
Councillor Sue Dobson, Chairperson Corporate Governance Committee

**Also in Attendance:** Michael Sewell, Director Business Services  
Cliff Taylor, Acting Manager Business Assurance  
Michelle Brockwell, Internal Auditor  
Jane Worden, Executive Support

**Apologies:** Councillor Clinton Mead and Paul Tosi

**Sub Committee's Recommendation: (Rofe/Hanrahan)**

That the above apologies be accepted.

**CARRIED**

**2. Declarations of Interest**

There were no Declarations of Interest made at this meeting.

**3. Minutes of the Previous Meeting**

**Reporting Officer**

Internal Auditor

**Purpose**

To confirm the minutes of the 12 November 2013 Audit Committee meeting.

**Report**

The minutes of the previous Audit Committee meeting held on 12 November 2013 were circulated to all members post meeting and are attached for confirmation that they are an accurate record of the meetings proceedings.

**Officer's Recommendation**

That the minutes be approved.

**Sub Committee's Recommendation: (Rofe/Lake)**

That the minutes of the previous Audit Committee meeting held on 12 November 2013 be approved.

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**CARRIED**

**4. Reports**

**4.1 Development Applications – Internal Audit Report**

**Reporting Officer**

Internal Auditor

**Attachments**

Development Applications – Concise Report

**Purpose**

The Internal Audit Report is a concise report of the findings and recommendations from the audit of development applications that was undertaken in accordance with the approved Internal Audit Plan.

**History**

The 2012-2013 Internal Audit Plan was approved at the May 2012 Audit Committee meeting and included the audit of Development applications.

**Report**

Attached is the Concise Report outlining the findings from the internal audit of Development Applications.

The audit was undertaken to assess the key processes and controls around the assessment of development applications. It focused on assessing the processes and controls for:

- providing pre-lodgement advice
- registering lodged development applications
- assessing development applications
- ensuring determinations are made at the appropriate level and have supporting evidence for all steps in the process.

The Development Assessment Internal Audit Tool developed by the Independent Commission Against Corruption was also used as a guide for testing development application assessments to ensure compliance with requirements and best practice.

The overall assessment for the audit concluded that staff interviewed generally had a consistent understanding of the procedures they need to implement to assess development applications. However, a number of deficiencies were identified that increase the risk exposure to Council.

The overall rating given to this audit is that there is significant exposure. Of the 21 recommendations made, eight were considered to place Council in a higher than acceptable area of exposure.

All findings and recommendations in this report have been agreed with Management. Target dates for completion have not yet been finalised as they are subject to the outcomes of an impending structural review. It has been agreed with Management that while recommendations from this review will be actively implemented, a change in structure may result in better alternatives being determined. A restructure may also impact the speed in which actions can be implemented. A

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report on the progress of the implementation of recommendations, including agreed target dates, will be included in a report to the next Audit Committee meeting.

**Officer's Recommendation**

That the Audit Committee notes the Internal Audit Report on Development Applications.

**Sub Committee's Recommendation: (Rofe/Lake)**

That the Audit Committee notes the information contained in the Internal Audit Report on Development Applications.

**CARRIED**

**4.2 Internal Audit Actions Log and Procurement Review status update**

**Reporting Officer**

Internal Auditor

**Purpose**

The Actions Log is a report on the status of Management's progress in implementing the recommendations from previous internal audits.

**History**

Internal audits are conducted in accordance with the approved annual Internal Audit Plan each year. The findings from each internal audit are reported to the Audit Committee in the form of a concise report.

A detailed audit report is also prepared for each audit. The detailed report advises the individual issues identified and their implications; recommendations for improvement; agreed target dates for implementation; and the staff member assigned responsibility for implementation.

**Report**

The attached Action Log is Management's status update on the implementation of recommendations made in internal audits performed to date. It includes a summary table showing the number of recommendations already implemented and a detailed progress update on recommendations that are outstanding.

In addition, a high level procurement review was undertaken in 2013 as a result of identified non-compliance with procurement procedures. A number of recommendations stemmed from this review that resolve the findings from the 2012 internal audit conducted on procurement. These have therefore been removed from the Actions Log.

A presentation is soon to be made to the Executive on the status of recommendations from the procurement review. Key recommendations include:

- Finance One enhancements to enable inclusion of pertinent information on Purchase Orders
- revised procedures that improve transparency and more clearly outline the responsibility and accountability of all staff
- Development of exception reports to be produced monthly and reviewed by Management.

**Officer's Recommendation**

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That the Committee notes the Actions Log.

**Sub Committee's Recommendation: (Hanrahan/Dobson)**

That the Audit Committee notes the information contained in the Actions Log.

**CARRIED**

**4.3 Status of Internal Audit Plan**

**Reporting Officer**

Internal Auditor

**Purpose**

To provide an update to the Audit Committee on the current status of internal audit work undertaken in accordance with the approved 2012-2013 Annual Internal Audit Plan and year one of the 2013-2016 Strategic Audit Plan.

**History**

The Audit Committee approved the 2012-2013 Annual Internal Audit Plan in May 2012 and an amendment to the Plan in May 2013.

The Audit Committee approved the 2013-2016 Strategic Audit Plan in June 2013.

**Report**

The attached report outlines the status of individual audits approved as part of the Internal Audit Plan for 2012-2013 and the first year of the 2013-2016 Strategic Audit Plan.

As indicated to the Committee at previous meetings the Customer Service Cash Handling audit and the Application of Fees and Charges audit are complete.

The Development Applications audit is complete and the internal audit report is provided as part of these agenda papers.

The Asset Management audit is in progress with the audit report to be provided to the next Audit Committee meeting.

Planning for the inventory management audit is in progress with the audit expected to be completed in the coming months.

Revised financial delegations are expected to be approved in the near future. The audit of financial delegations is best conducted once the delegations have been approved and in place for a reasonable period. It is therefore recommended that this audit be moved to the 2014-2015 year.

**Officer's Recommendation**

1. That the Audit Committee notes the status of the 2013-2014 Internal Audit Plan.
  2. That the Audit Committee approves that the 2013-2014 schedule of audits be amended to postpone the Financial Delegations audit to the 2014-2015 year.
-

**Sub Committee's Recommendation: (Lake/Rofe)**

1. That the Audit Committee notes the status of the 2013-2014 Internal Audit Plan.
2. That the Audit Committee approves that the 2013-2014 schedule of audits be amended to postpone the Financial Delegations audit to the 2014-2015 year.

**CARRIED**

**4.4 Other requirements of the Audit Committee Charter**

**Reporting Officer**

Internal Auditor

**Purpose**

This report provides an update on a number of activities required to be noted by the Audit Committee as part of their roles and responsibilities under the Audit Committee Charter.

**History**

In addition to the monitoring of the Internal Audit program, the Audit Committee has a number of other roles and responsibilities outlined in the Audit Committee Charter. As a result, additional items will be reported to the Audit Committee from time to time.

**Report**

The following information provides an update on a number of Council activities required to be monitored by the Audit Committee under its Charter.

**Noting the completion of the annual performance management cycle for the organisation**

The Skills, Performance and Development review is Council's annual process of formally assessing and providing feedback in regards to an employee's performance, skill acquisition and development opportunities. The Skills Performance and Development Review period for Council staff is 1 July to 30 June. The review for the year 1 July 2012 to 30 June 2013 is 97 per cent complete for all staff and will be finalised as soon as possible.

**Noting the contents of the annual report**

The 2012-2013 Annual Report was structured to report against Council's Integrated Planning and Reporting Framework. The report addresses Council's objectives and strategies as outlined in its Delivery Program. The report was submitted to the Division of Local Government by the statutory deadline of 30 November 2013 and is available for review at Campbelltown City Council's website.

**Officer's Recommendation**

That the Committee note the report.

**Sub Committee's Recommendation: (Rofe/Hanrahan)**

That the Audit Committee notes the information contained in the other requirements of the Audit Committee Charter report.

**CARRIED**

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#### **4.5 Other Internal Audit Activities**

##### **Reporting Officer**

Internal Auditor

##### **Purpose**

To provide the Committee with an update on other internal audit activity.

##### **Report**

The following is a summary of other activities undertaken by Internal Audit since the last report to the Committee.

##### **Probity Advisor for plant and equipment hire tender**

Council's Internal Auditor is currently acting as Probity Advisor on the plant and equipment hire tender. To date this has included preparation of a Probity Plan; attendance at a number of Tender Evaluation Panel meetings, the tender briefing and the tender closing; oversight of the preparation and review of the Request for Tender and Addendums issued in response to tender questions; and advice on probity issues as they arise.

##### **Planning Reform Fund monthly review**

The Planning Reform Fund relates to the portion of development application fees required to be passed on to the NSW Department of Planning and Infrastructure (the Department) under the *Environmental Planning and Assessment Act 1979*. Council's internal auditor continues to conduct reviews of the Planning Reform Fund return lodged with the Department monthly. This review is to ensure the returns lodged accurately reflect the development applications lodged with Council.

##### **Training Courses/Seminars attended**

To maintain continuing professional development required as a CPA and keep up to date with the latest internal audit practises, Councils Internal Auditor has attended the following training:

<b>Course/Seminar Name</b>	<b>Duration (Days)</b>	<b>Basic Theme</b>
Australian Public Sector Anti-Corruption Conference	2	Topics discussed include maintaining probity in local government, key accountability challenges in local government, misconduct risks in procurement and a number of case studies outlining how fraud and corruption has occurred and been identified.

##### **Officer's Recommendation**

That the Committee note the report.

##### **Sub Committee's Recommendation: (Dobson/Lake)**

That the Audit Committee notes the information contained in the Other Internal Audit Activities report.

**CARRIED**

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#### **4.6 External Audit Update**

##### **Reporting Officer**

Internal Auditor

##### **Purpose**

To provide the Committee with an update on the final management letter issued by Council's external auditors for the year ended 30 June 2013.

##### **Report**

Council's external auditors, Intentus Chartered Accountants, issued their final management letter on Council's operations for the year ended 30 June 2013 in November. The attached report outlines the scope of their final visit and the findings and recommendations as a result of their review.

The auditors identified one high risk finding in relation to the revaluation of buildings and operational land. The specific issues identified included:

- no full reconciliation was retained between the asset balances pre and post valuation
- no backup was taken of the asset system (Conquest) prior to completing a "bulk change" to process the valuations
- no detailed records were retained of which assets were altered as part of the valuation process.

Council intends to implement a plan to ensure the issues identified in this revaluation are rectified and the recommendations implemented for future valuations.

##### **Officer's Recommendation**

That the Committee note the report.

##### **Sub Committee's Recommendation: (Rofe/Hanrahan)**

That the Audit Committee notes the information contained in the other External Audit Update report.

**CARRIED**

#### **4.7 NSW Independent Local Government Review Panel Audit Recommendations**

##### **Reporting Officer**

Internal Auditor

##### **Purpose**

To provide the Committee with a summary of audit related recommendations made in the final report issued by the NSW Independent Local Government Review Panel.

##### **History**

The Independent Local Government Review Panel was appointed by the NSW Government to undertake a review aimed at formulating options for governance models, structures and boundary

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changes that would improve the strength of local government and help drive key strategic directions.

The review was conducted in four stages commencing in 2012 as follows:

- Stage 1: Setting the Scene – “Strengthening your Community” paper issued
- Stage 2: Key issues and signposts – “Case for Change” paper issued
- Stage 3: Models and options – “Future Directions” paper issued
- Stage 4: Final Report – “Revitalising Local Government” paper issued.

The review involved extensive consultation with Councils and the public and submissions could be made in relation to the proposed recommendations prior to compilation of the final report.

The Stage 4 final report “Revitalising Local Government” was provided to the Minister for Local Government in October 2013 and released to Councils and the public on 8 January 2014. The Division of Local Government is now undertaking a community consultation process prior to finalising their response to the recommendations from the Panel’s report. Submissions are to be provided by 7 March 2014.

### **Report**

The Panel’s final report includes a number of recommendations that relate to audit, so it is considered important to inform the Committee of the most relevant recommendations that may impact on audit activities in Local Government if accepted by the NSW Government.

Recommendations were made that relate to the external audit function, internal auditing, audit committees and performance auditing. The recommendations made are:

- Place local government audits under the aegis of the Auditor General. Most audits would continue to be carried out by private firms, but under the supervision of the Auditor-General. The Auditor-General would also prepare an annual review report to Parliament providing an independent assessment of the financial health of the local government system
- Strengthening requirements for internal and performance auditing: This includes the following recommendations:
  - Revise the current internal audit guidelines under the Act and make them mandatory
  - Extend the concept of internal audit towards adding value and continuous improvement
  - Require all councils with expenditures of more than a set amount (perhaps \$20m per annum) to have an ‘audit, risk and improvement’ committee and associated internal audit function with broad terms of reference covering financial management, good governance, performance in implementing the Community Strategic Plan and Delivery Program, service reviews, collection of required indicator data, continuous improvement and long term sustainability.
  - Enable councils with smaller budgets to have joint arrangements for internal audit and to share audit committees, under the aegis of regional Joint Organisations.
  - Require audit committees to have a majority of independent members and an independent chair, and preclude General Managers from membership of audit committees (but not from attending meetings)
  - Ensure the chair of the audit committee reports at least biannually to a council meeting on the organisation’s performance in financial management, good governance and continuous improvement
  - Empower the Auditor General to conduct issue-based performance audits in key areas of local government activity.

The report suggests a timetable for completion of the various recommendations to come out of the review. This timetable recommends that the new audit arrangements should commence during 2015.

Once the consultation process is completed, it is expected that the NSW Government will formally respond to the Independent Local Government Review Panel's report. An update will be provided to the Committee once this occurs.

**Officer's Recommendation**

That the Committee note the report.

**Sub Committee's Recommendation: (Hanrahan/Dobson)**

That the Audit Committee notes the information contained in the NSW Independent Local Government Review Panel Audit Recommendations report.

**CARRIED**

**5. General Business**

**5.1 Next meeting of the Audit Committee**

Council's Internal Auditor gave an undertaking to advise the Audit Committee members of the proposed date and time for the next Audit Committee meeting.

Bruce Hanrahan  
**Chairperson**

Meeting Concluded: 4.25pm

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## **2. PROPERTY SERVICES**

**No reports this round**

## **3. FINANCIAL SERVICES**

### **3.1 Investment report - February 2014**

#### **Reporting Officer**

Manager Financial Services

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#### **Attachments**

Investment portfolio performance as at 28 February 2014 (contained within this report)

#### **Purpose**

To provide a report outlining Council's investment portfolio performance for the month of February 2014.

#### **Report**

Council invests any surplus funds that become available through the financial instrument designated by the Ministerial Order from the Division of Local Government. The *Local Government Act 1993* and the *Local Government (General) Regulation 2005* require a monthly investment report be presented to Council.

Council's Investment Portfolio as at 28 February 2014 stood at approximately \$91m. Funds are currently being managed both by Council staff and Fund Managers and are in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005* and Council's Investment Policy.

#### **Portfolio Performance**

Directly managed investments show an outperformance of the 90 day bank bill index benchmark by more than 100 basis points for the reporting period.

<b>Monthly annualised return</b>		<b>February</b>
Council Managed Funds		4.01%
Benchmark: 90 Day Bank Bill Index		2.39%

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Investment returns can fluctuate during any one reporting period based on market perceptions, or as in the case of funds under management, changes in asset classes. As such, any measurement of performance is better reflected over a rolling 12 month period to average out any fluctuations in monthly performance. Council's total investment portfolio has outperformed the benchmark on average over the last 12 months.

Rolling year to date return	February
Council Managed Funds	4.29%
Benchmark: 90 Day Bank Bill Index	2.76%

Council's portfolio as at 28 February 2014 is diversified with 71% in term deposits of varying lengths of maturity which are managed in accordance with market expectations and Council's investment strategy, 21% in floating rate notes which gives Council a set margin above either 30 or 90 day bank bills, 7% in fixed rate bonds, 1% in funds in a short term at call account and a National Australia Bank offset facility which expires in June 2014.

Maturity profile	28 February
Short term at call	\$1,187,489
1 – 3 months	\$24,971,280
3 – 6 months	\$32,714,322
6 – 12 months	\$25,837,895
12 months +	\$6,000,000

All investments are placed with approved deposit taking institutions. No funds are placed with any unrated institutions.

Credit exposure	28 February
AAA to AA-	74%
A+ to A-	22%
BBB+ to BBB-	4%
Other approved deposit taking institutions	0%

### Economic outlook

The Board of the Reserve Bank of Australia at its meeting held on 4 March left the cash rate unchanged at the present level of 2.5%, which was in line with market expectations. The accompanying statement to this decision indicated an extended period of stability being the likely course in the immediate future. The Board did highlight however that the investment spending in the resources sector is expected to decline and that public spending is also anticipated to be subdued. Looking ahead, the Board expects unemployment levels to rise further with growth and inflation to remain consistent.

## **Summary**

Council's investment portfolio continues to outperform the benchmark of the 90 day bank bill index. The Local Government Investment Guideline leaves little scope for the enhancement of Council's investment portfolio with the various investment products being offered. However, to enhance the portfolio, advantage is taken on the length of maturity of the investment given the rating of the institution, as well as reviewing any new investment products offered in consultation with Council's financial advisor, Spectra Financial Services.

Regular liaison with Council's external financial advisor assists in monitoring all of the risk factors to maximise Council's return on the investment portfolio, while minimising the risk associated with this strategy.

## **Officer's Recommendation**

That the information be noted.

## **Committee's Recommendation: (Hawker/Kolkman)**

That the Officer's Recommendation be adopted.

## **CARRIED**

## **Council Meeting 8 April 2014 (Mead/Kolkman)**

That the Officer's Recommendation be adopted.

## **Council Resolution Minute Number 47**

That the Officer's Recommendation be adopted.

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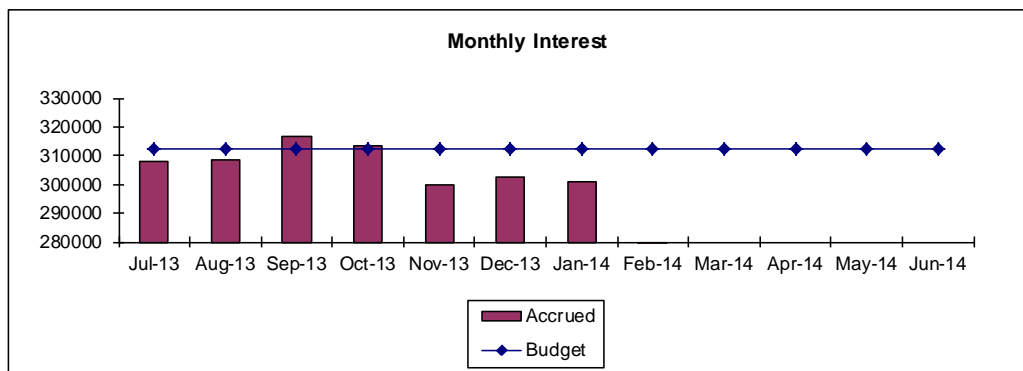
## ATTACHMENT 1

### CAMPBELLTOWN CITY COUNCIL INVESTMENT PORTFOLIO

Summary February 2014

Benchmark UBS Warburg 90 Day Bank Bill Index  
Portfolio Balance \$90,710,986.52

Monthly Performance	Return (mth)	Return (pa)
UBSW 90 Bank Bill Index	0.18%	2.39%
Total Portfolio	0.31%	3.99%
<i>Performance to Benchmark</i>	+ 0.12%	+ 1.60%
Portfolio - Direct Investments	0.31%	4.01%
<i>Performance to Benchmark</i>	+ 0.12%	+ 1.61%
Short Term Call Account	0.22%	2.90%

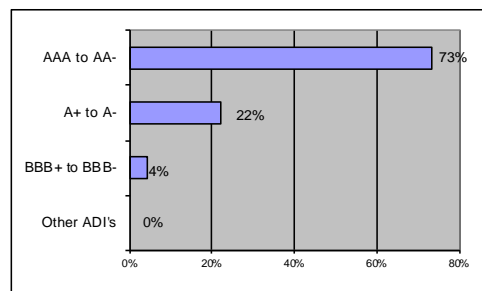


#### Year to Date Performance

#### Credit Exposure

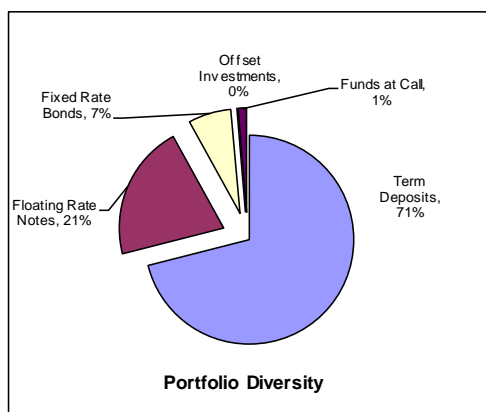
Rolling 12 Month Period  
4.29% Council Managed Funds  
2.76% Benchmark

Interest Budget to Actual  
Budget to Period \$2,500,000  
Accrued to Period \$2,428,958



#### Securities

#### Institutions



	Amount Invested	% Portfolio
Funds at Call	\$ 1,187,489.16	1%
NSW Treasury	\$ 4,140,000.00	5%
National Australia Bank	\$26,728,940.27	29%
ANZ Bank	\$ 3,500,000.00	4%
Westpac Bank	\$10,796,428.67	12%
St George Bank	\$ 3,510,773.30	4%
Commonwealth Bank	\$12,500,000.00	14%
Bank Western Australia	\$ 4,198,710.71	5%
AMP Bank	\$ 5,000,000.00	6%
Suncorp Metway	\$ 7,148,644.41	8%
Bendigo/Adelaide Bank	\$ -	0%
Bank of Queensland	\$ 3,000,000.00	3%
ME Bank	\$ 4,000,000.00	4%
	<b>\$90,710,986.52</b>	<b>100%</b>

## **3.2 Monthly Rates Summary - February 2014**

### **Reporting Officer**

Manager Financial Services

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### **Attachments**

1. Monthly rates summary (contained within this report)
2. Actual to budget result (contained within this report)
3. Rates statistics (contained within this report)

### **Purpose**

To provide details of the 2013-2014 Rates and Charges Levy and cash collections for the period ending 28 February 2014.

### **Report**

Rates and Charges levied for the period ending 28 February 2014 totalled \$83,753,361 representing 99.45% of the estimated annual budget income.

Rates and Charges collected to the end of February totalled \$ \$59,186,938. In percentage terms, this amount represents 68.7% of all rates and charges due to be paid. In comparison, the amount collected in the same period last year was 67.5%.

Following the third instalment of rates and charges a review of the preferred payment channels has revealed that 47% of ratepayers have chosen to pay over the internet or phone via BPay. Secondary to this is payment at Australia Post agencies with 35% along with credit card payments representing 16% of all instalment payments.

Debt recovery action during the month involved the issue of 22 Statements of Claim and six Writs. Council officers continue to provide assistance to ratepayers experiencing difficulty in settling their accounts, including the monitoring of 303 ratepayers with a total arrears balance of \$372,387 who have made suitable payment arrangements.

Ratepayers who purchased property since the November instalment notices were issued a 'Notice to new owner' letter. During the month, 21 of these notices were sent to ratepayers advising them of the amount unpaid on their account and the amount levied in annual rates and charges.

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**Officer's Recommendation**

That the information be noted.

**Committee's Recommendation: (Kolkman/Borg)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 8 April 2014 (Mead/Kolkman)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 47**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1

### RATES SUMMARY

#### STATEMENT OF ALL OUTSTANDING RATES AND EXTRA CHARGES

RATE - CHARGE	NET ARREARS 1/7/2013	NET LEVY FOR YEAR	PENSION REBATES	EXTRA CHARGES	TOTAL RECEIVABLE	CASH COLLECTED	NET AMOUNT DUE	POSTPONED RATES & INTEREST	GROSS AMOUNT DUE
RESIDENTIAL	2,489,704.10	47,262,780.71	1,346,428.42	525,114.05	48,931,170.44	33,236,658.18	15,694,512.26	351,385.17	16,045,897.43
BUSINESS	468,656.67	15,731,897.43		74,217.02	16,274,771.12	11,256,143.62	5,018,627.50		5,018,627.50
BUSINESS - IND	3,940.83	0.00		98.44	4,039.27	1,492.23	2,547.04		2,547.04
FARMLAND	12,880.47	376,455.98	884.94	208.78	388,660.29	277,859.02	110,801.27	155,551.85	266,353.12
MINING	0.00	13,929.61		0.00	13,929.61	13,929.61	0.00		0.00
LOAN	243,314.66	4,121,365.80		9,212.78	4,373,893.24	2,949,324.54	1,424,568.70	49,056.40	1,473,625.10
F5 ACCESS RAMPS	764.21	0.00		14.79	779.00	106.91	672.09		672.09
MAIN STREET	40.12	0.00		0.00	40.12	0.00	40.12		40.12
TOTAL	\$3,219,301.06	\$67,506,429.53	\$1,347,313.36	\$608,865.86	\$69,987,283.09	\$47,735,514.11	\$22,251,768.98	\$555,993.42	\$22,807,762.40
GARBAGE	735,268.06	15,897,370.45	801,131.14	32,556.83	15,864,064.20	10,807,210.21	5,056,853.99		5,056,853.99
SANITARY	0.00	0.00		0.00	0.00	0.00	0.00		0.00
STORMWATER	51,164.38	900,419.81		1,613.52	953,197.71	644,214.07	308,983.64		308,983.64
GRAND TOTAL	\$4,005,733.50	\$84,304,219.79	\$2,148,444.50	\$643,036.21	\$86,804,545.00	\$59,186,938.39	\$27,617,606.61	\$555,993.42	\$28,173,600.03

Total from Rates Financial Transaction Summary	27,747,529.84
Overpayments	-426,070.19
Difference	0.00

#### ANALYSIS OF RECOVERY ACTION

Rate accounts greater than 6 months less than 12 months in arrears	620,220.85
Rate accounts greater than 12 months less than 18 months in arrears	105,439.35
Rate accounts greater than 18 months in arrears	43,934.85
TOTAL rates and charges under instruction with Council's agents	\$769,595.05

## ATTACHMENT 2

### COMPARISON OF BUDGET TO ACTUAL

DESCRIPTION	ORIGINAL BUDGET	REVISED BUDGET	ACTUAL	BALANCE STILL REQD.	% RAISED
RESIDENTIAL	46,699,900	46,699,900	47,262,781	(562,881)	101.21%
BUSINESS	15,792,500	15,792,500	15,731,897	60,603	99.62%
FARMLAND	415,500	415,500	376,456	39,044	90.60%
MINING	15,000	15,000	13,930	1,070	92.86%
LOAN	4,176,500	4,176,500	4,121,366	55,134	98.68%
TOTALS	67,099,400	67,099,400	67,506,430	(407,030)	100.61%
INTEREST CHARGES	368,900	368,900	140,307	228,594	38.03%
LEGAL COSTS RECOVERED	710,000	710,000	474,907	235,093	66.89%
PENSIONERS - Sec 575	(1,735,300)	(1,735,300)	(1,786,132)	50,832	102.93%
PENSIONERS - Sec 582	0	0	(362,313)	362,313	0.00%
PENSIONERS SUBSIDY	953,500	953,500	982,373	(28,873)	103.03%
SUB TOTAL	67,396,500	67,396,500	66,955,571	440,929	99.35%
DOMESTIC WASTE CHARGES	15,566,800	15,566,800	15,491,116	75,684	99.51%
COMMERCIAL WASTE CHARGES	358,800	358,800	406,255	(47,455)	113.23%
STORMWATER MNGMNT	894,000	894,000	900,420	(6,420)	100.72%
GRAND TOTALS	84,216,100	84,216,100	83,753,361	462,739	99.45%

### COLLECTIONS AS A % OF:

	TOTAL RECEIVABLE	TOTAL LEVIED	TOTAL RECEIVABLE	TOTAL LEVIED
RESIDENTIAL	67.93%	70.32%		
BUSINESS	69.16%	71.55%	RATES	70.71%
FARMLAND	71.49%	73.81%	WASTE	67.98%
LOAN	67.43%	71.56%	STORMWATER	71.55%
ALL RATES	68.21%	70.71%	TOTAL RATES & CHARGES	70.71%

## ATTACHMENT 3

### RATES STATISTICS

No. of documents Issued	July	August	September	October	November	December	January	February	March	April	May	June	Feb-13
Rate Notices	48,779	121		238			165						
Electronic - DoH	5,655												
Instalment Notices				42,363			42,019						
Electronic - DoH				5,703			6,317						
Missed Instalment Notices			7,916			6,949							
- Pensioners > \$15.00			489			436							
Notice to new owner	169	91	41	71	41	39	48	21					32
7-day Letters - Council issued			1,755			1,901							
- Pensioners > \$500.00			124			99							
7-day Letters - Agent Issued			698				522						
Statement of Claim	235	31	19	248	20	15	236	22					11
Judgments	20	81	21	19	65	9	21	38					69
Writs	23	44	53	9	15	37	16	6					20
eRates	1,163	1,309	1,327	1,331	1,335	1,337	1,341	1,342					1,238
Arrangements	382	297	385	334	277	389	373	303					321

### 3.3 Sundry Debtors Report - February 2014

#### Reporting Officer

Manager Financial Services

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#### Attachments

1. Debtors summary to 28 February 2014 (contained within this report)
2. Ageing of sundry debts to 28 February 2014 (contained within this report)

#### Purpose

To provide a report detailing the amount outstanding by type and age for sundry and miscellaneous debts for the period ending 28 February 2014.

#### Report

Debts outstanding to Council as at 28 February 2014 are \$1,465,786, reflecting a decrease of \$123,574 since January 2014. The ratio of outstanding debts to current invoices has decreased from 64% in February to the current level of 39%. This debtor management ratio is a measure of the effectiveness of recovery efforts, however is impacted by Council policies as well as economic and social conditions.

#### Invoices raised – February 2014

During the month, 1477 invoices were raised totalling \$676,875. The majority of these are paid within a 30 day period, however those that remain unpaid from previous periods for longer than 90 days are detailed at the end of this report. The most significant invoices raised during the month have been in the following areas:

Land and building rentals – \$221,103 – the main invoices relate to:

McDonalds Australia Limited - monthly rental plus CPI increase	\$98,602
Nuvezo Pty Ltd – monthly rental Dumaresq Street cinema	\$26,445
Glenquarie Hotel Pty Ltd – monthly rental Glenquarie Shopping Centre, Macquarie Fields	\$24,018
Aldi Stores (A Limited Partnership) – monthly rental Macquarie Fields	\$23,760
Caltex Oil Australia Pty Ltd – monthly rental Macquarie Fields	\$15,062
Mycorp Group Pty Ltd – monthly rental Macquarie Fields	\$13,344
Optus Mobile Pty Limited - annual lease Blain Reserve Raby	\$8,959
Macarthur Community Options - monthly rental Campbelltown	\$5,958

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Government and other Grants – \$127,550 – the main invoices relate to:

Hawkesbury River County Council - Sydney Weeds Action Program Project Funding for 2013-2014	\$64,350
Department of Family and Community Services - Aboriginal Arts Project, Airds Bradbury renewal team	\$50,000
AFL NSW/ACT - contribution to Thomas Acre Reserve Spectator Fencing	\$7,700
Music NSW - Indent Partnership Grants Program 2014	\$5,500

Shop Licence Fees – \$64,200 – the invoices relate to:

Various Debtors - Regulated Premises Fee and Annual Administration Fee	\$64,200
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Waste collection services – \$48,532 – three main invoices relate to:

G & G Waste Services – effluent for January 2014	\$25,692
Remondis Australia Pty Ltd – effluent for January 2014	\$18,336
Veolia Water Network Services – effluent for January 2014	\$4,504

Corporate administration – \$46,749 – the main invoices relate to:

Fairfax Community Newspapers - contra agreement for sponsorship of the 2014 Campbelltown City Challenge Walk	\$21,414
Midnight Basketball Australia Ltd - basketball tournament 11 contribution	\$11,000
YMCA Minto - recovery of outgoings	\$5,434

Receipts to the value of \$800,449 have been received during the period, the most notable in the following areas:

Government and other Grants	\$423,423
Land and building rentals	\$98,835
Waste collection services	\$83,938
Corporate Administration	\$62,625

### **Sundry debts outstanding – 28 February 2014**

Debts exceeding 90 days of age totalled \$482,802 as at 28 February 2014. The major invoices relating to this balance include:

Description	Date Invoiced	Balance
Department of Premier & Cabinet - Road Infrastructure Backlog Renewal Program- Project. Payment is expected in March 2014	01/11/13	\$109,601
Grace Records Management Australia Pty Ltd - Offset Exit Fees from Iron Mountain. Did not receive original invoice. Copy resent in February 2014. Payment is expected in March 2014	01/11/13	\$29,460

State Emergency Service - Operation Expenses for Campbelltown State Emergency Services - June 2013 to September 2013. State Emergency Service requested further documentation relating to the invoice. This was provided in March 2014. Payment is expected in April 2014	02/10/13	\$22,720
Coal & Allied – 2013 Parliament of NSW Aboriginal Art Prize Partnership Contribution, payment received 3 March 2014	20/09/13	\$63,250 (paid 03/03/14)
Remondis Pty Ltd – effluent for August 2013, payment received 10 March 2014	12/09/13	\$33,983 (paid 10/03/14)
Rightline Plumbing – footpath restoration Park Central Campbelltown, payment received 3 March 2014	25/07/13	\$29,372 (paid 03/03/14)
G & G Waste Services - effluent removal for September 2013, payment received 4 March 2014	09/10/13	\$27,560 (paid 04/03/14)
Debtor 68316.9 - retaining wall between Lot 1451 DP 703487, 2 and 4 Brownlow Place, Ambarvale. Debtor is maintaining arrangement to pay \$450 per month as approved by Council	09/06/10	\$15,107

Debt recovery action is undertaken in accordance with Council's Sundry Debtor Recovery Procedures Policy and commences with the issue of a tax invoice. A person or entity may be issued any number of invoices during the calendar month for any business, services or activities provided by Council. At the conclusion of each calendar month, a statement of transactions is provided with details of all invoices due and how payments or credit notes have been apportioned. Once an invoice is paid, it no longer appears on any subsequent statement.

All debts that age by 60 days or more are charged a statement administration fee of \$5.50 per statement. Debtors are contacted by telephone, email or in writing to make suitable arrangements for payment of the overdue debt. Where a suitable arrangement is not achieved or not maintained as agreed, a seven day letter is issued referencing referral to Council's debt recovery agents.

Matters referred to Council's recovery agent are conducted in accordance with relevant legislation and the *Civil Procedures Act 2001*. Formal legal recovery commences with a letter of demand (or letter of intent) providing debtors with at least 10 days to respond. In the event that no response is received, instructions are given to proceed to Statement of Claim allowing a further 28 days to pay or defend the action. Failing this, the matter will automatically proceed to judgment and continue through the *Civil Procedures Act 2001* process.

All costs associated with formal legal recovery are payable by the debtor and staff continue to make every effort to assist debtors to resolve their outstanding debt before escalating it through the local court.

During the month, five accounts progressed to recovery action. The defaulting debtors were issued a letter of demand on Council's letterhead, advising that if the account was not settled or an appropriate arrangement was not made, the account will escalate to formal legal action through Council's agents.

One account progressed to the first stage of formal legal recovery action. The defaulting debtor was issued a letter of demand by Council's agents Executive Collections, advising that if the account was not settled or an appropriate arrangement was not made the account may be escalated to a Statement of Liquidated Claim.

Council's agents were instructed to proceed with one Judgment and one Writ of Execution for unpaid license fees.

Council officers continue to provide assistance to debtors experiencing difficulties in paying their accounts. Debtors are encouraged to clear their outstanding debts through regular payments where possible, to avoid any further recovery action.

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Kolkman/Greiss)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 8 April 2014 (Mead/Kolkman)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 47**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1

### *DEBTORS SUMMARY 1 February 2014 to 28 February 2014*

DEBTOR TYPE/DESCRIPTION	ARREARS AT 31/01/2014	RAISED THIS PERIOD	RECEIVED THIS PERIOD	BALANCE AT 28/02/2014	% DEBT RATIO
Corporate Administration	354,236	46,749	62,625	338,360	23.08%
Abandoned Items	8,944	0	0	8,944	0.61%
Child Care Debts	18,710	0	0	18,710	1.28%
Community Bus	143	54	107	89	0.01%
Tennis Court Hire	0	0	0	0	0.00%
Sportsground and Field Hire	47,207	20,565	16,549	51,223	3.49%
Government and other Grants	462,913	127,550	423,423	167,040	11.40%
Public Hall Hire	18,238	32,641	18,106	32,773	2.24%
Health Services	350	0	0	350	0.02%
Land and Building Rentals	65,895	221,103	98,835	188,163	12.84%
Healthy Lifestyles	2,577	29,108	28,920	2,765	0.19%
Library Fines and Costs	174,497	0	0	174,497	11.90%
Shop Licence Fees	33,297	64,200	13,405	84,092	5.74%
Pool Hire	11,112	11,351	9,383	13,080	0.89%
Private Works	29,884	23,875	2,514	51,244	3.50%
Road and Footpath Restoration	55,681	0	4,261	51,421	3.51%
Shop and Office Rentals	18,133	25,667	23,800	20,000	1.36%
Various Sundry Items	123,062	25,481	14,583	133,960	9.14%
Waste Collection Services	203,915	48,532	83,938	168,510	11.50%
	<b>1,589,360</b>	<b>676,875</b>	<b>800,449</b>	<b>1,465,786</b>	<b>100%</b>



## ATTACHMENT 2

### AGEING OF SUNDRY DEBTOR ACCOUNTS - 28 February 2014

Description	Current Charges	Total 30 Days	Total 60 Days	Total 90+ Days	Balance Due	Previous Month 90+ days
Corporate Administration	43,384	51,460	2,601	240,915	338,360	123,635
Abandoned Items	0	0	0	8,944	8,944	8,944
Child Care Debts	18,710	0	0	0	18,710	0
Community Bus	89	0	0	0	89	0
Sportsground and Field Hire	20,014	528	5,644	25,037	51,223	26,453
Government and other Grants	127,550	0	39,490	0	167,040	380,000
Public Hall Hire	22,082	1,482	3,470	5,739	32,773	5,059
Health Services	0	0	0	350	350	350
Land and Building Rentals	167,323	1,250	1,199	18,391	188,163	18,032
Healthy Lifestyles	792	1,350	143	481	2,765	576
Library Fines and Costs	174,497	0	0	0	174,497	0
Shop Licence Fees	52,447	60	2,494	29,091	84,092	27,306
Pool Hire	10,906	0	90	2,083	13,080	1,905
Private Works	25,064	0	0	26,180	51,244	28,695
Road and Footpath Restoration	0	4,173	0	47,248	51,421	42,019
Shop and Office Rentals	12,497	6,353	1,151	0	20,000	1,151
Various Sundry Items	17,438	70,660	4,627	41,234	133,960	11,345
Waste Collection Services	48,202	52,781	30,416	37,110	168,510	64,670
	<b>701,562</b>	<b>190,098</b>	<b>91,324</b>	<b>482,802</b>	<b>1,465,786</b>	<b>740,139</b>

## **4. HUMAN RESOURCES**

### **4.1 Revised Child Protection Policy**

#### **Reporting Officer**

Manager Human Resources

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#### **Attachments**

Child Protection Policy (contained within this report)

#### **Purpose**

To seek Council's endorsement of the revised Policy.

#### **History**

In response to the recommendations of the 1997 Wood Royal Commission into the New South Wales Police Service, a range of legislation was introduced to protect children from abuse. In accordance with this legislation Council was required to develop and implement a Child Protection Policy, which was adopted by Council on 25 July 2000.

#### **Report**

The Child Protection policy has been revised in accordance with Council's Record Management Policy and the adopted procedure for Policy Development and Review.

The impetus for this policy review was recent changes to Applicable Child Protection Legislation. These changes include:

- the introduction of new legislation the *Child Protection (Working with Children) Act 2012* and the *Child Protection (Working with Children) Regulation 2013*). This legislation provided for significant change to the Working with Children Check (WWCC) screening process for new and existing child-related workers
- new definitions and changes to existing definitions under the applicable legislation.

In reviewing the policy to include these legislative changes all amendments were made in consultation with Sparke Helmore Lawyers. Their advice has been incorporated as follows:

- reference to the "Employment Screening" Policy was changed to "Working With Children – Worker Screening" Authorised Statement in the 'Related Documentation' section
  - links to the Office of Communities Commission for Children and Young People website and the Office of the Children's Guardian website have been included under "Related Documentation"
-

- any reference to 'Occupational Health and Safety' has been changed to Work Health and Safety to reflect the new *Work Health and Safety Act 2011*
- any reference to 'employees' has been changed to 'workers' to reflect the new *Work Health and Safety Act 2011*
- the "Objectives" have been further clarified to better meet the intent of the Applicable Legislation
- changes to definitions have been made as follows:
  - new definitions include:
    - applicable child protection legislation
    - commission
    - disciplinary action
    - finding of misconduct involving children
    - ombudsman
    - serious physical assault
    - sexual misconduct
    - worker
    - WWCC status
    - WWCC verification system
    - young person
  - amended definitions include:
    - child (the definition of child varies under applicable legislation)
    - child or young person at risk of significant harm (previously "Child at Risk of Harm")
    - child-related work (previously child-related employment)
    - mandatory reporter
    - reportable allegation
    - reportable conduct
    - working with children check
- numerous other changes to the Applicable Legislation have been reflected in the "Principles".
- the policy has been amended so as not to use language and terminology that is absolute (for example, rather than committing Council to 'ensure' that something occurs, rephrasing the statement to say 'take all reasonable steps to allow....'). The purpose of this is to avoid creating additional and unreasonable obligations for Council under the policy.

The above changes have been highlighted in the attached policy.

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### **Officer's Recommendation**

1. That the revised Child Protection Policy as attached to this report be adopted.
2. That the Policy review date be set at 30 June 2016.

### **Committee's Recommendation: (Greiss/Hawker)**

That a decision in this matter be deferred pending further investigation and presentation at a future briefing evening.

### **CARRIED**

### **Council Meeting 8 April 2014 (Mead/Kolkman)**

That the Committee's Recommendation be adopted.

### **Council Resolution Minute Number 47**

That the Committee's Recommendation be adopted.

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## ATTACHMENT 1

		<b>POLICY</b>
Policy Title	Child Protection	
Related Documentation	<p>Working with Children – Worker Screening Policy Office of Communities Commission for Children &amp; Young People website (<a href="http://www.kids.nsw.gov.au">www.kids.nsw.gov.au</a>) Office of the Children's Guardian website (<a href="http://www.kidsguardian.nsw.gov.au">www.kidsguardian.nsw.gov.au</a>) Commission for Children and Young People publication – Information for Reporting Bodies: Reporting Certain Misconduct Involving Children, September 2013 <a href="http://www.kids.nsw.gov.au/Working-with-children/New-Working-With-Children-Check/Resources">www.kids.nsw.gov.au/Working-with-children/New-Working-With-Children-Check/Resources</a></p>	
Relevant Legislation/ Corporate Plan	<p>Ombudsman Act 1974 (NSW) Commission for Children &amp; Young People Act 1998 (NSW) Children &amp; Young Persons (Care &amp; Protection) Act 1998 (NSW) Child Protection (Offender's Registration) Act 2000 (NSW) Child Protection (Working with Children) Act 2012 (NSW) Child Protection (Working With Children) Regulation 2013 (NSW) Work Health and Safety Act 2011 (NSW) Code of Conduct</p>	
Responsible Officer	Manager Human Resources	

Policy details may change prior to review date due to legislative changes, therefore this document is uncontrolled when printed.

### Objectives

1. To build a workforce committed to child protection through a range of policies and work practices designed to ensure that services are provided to children in a safe and caring environment.
2. To support Council's commitment to protecting children and young persons from child abuse & risks to their health, safety and welfare in accordance with Applicable Child-Protection Legislation.
3. To facilitate Council's obligation to report to the Ombudsman or the Commission when children and young persons may be at risk of significant harm.
4. To encourage the fair investigation of allegations of inappropriate conduct by workers.
5. To assist in selecting and maintaining a workforce comprising of persons suitable for engagement in child-related work.

DATA AND DOCUMENT CONTROL		
<b>Division:</b> Business Services <b>Section:</b> Human Resources <b>DW:</b> 1747595	<b>Adopted Date:</b> 25/7/00 <b>Revised Date:</b> 2/9/08 <b>Minute Number:</b> 438 <b>Review Date:</b> 30/7/11	<b>Page:</b> 1 of 7 <b>Print Date:</b> 18/03/14

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Campbelltown City Council

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### Policy Statement

Council is committed to being a child-safe organisation and to managing the risks associated with caring for children by implementing child-safe and child-friendly policies.

#### Scope

This policy applies to all workers performing work for Council.

#### Definitions

**Allegation** means a claim of reportable conduct or of potential misconduct that may involve reportable conduct. Allegations may be written or verbal and may be made anonymously. An allegation may relate to:

- A current worker or a person that was a worker at the time of the conduct forming the basis of the allegation.
- A child or young person at the time of the alleged behaviour. The alleged victim may be an adult now and the alleged behaviour may have occurred years before.

**Applicable Child-Protection Legislation** includes the following (as may be amended from time to time):

- a) *Commission for Children & Young People Act 1998* (NSW)
- b) *Children & Young Persons (Care & Protection) Act 1998* (NSW)
- c) *Ombudsman Act 1974* (NSW)
- d) *Child Protection (Offenders Registration) Act 2000* (NSW)
- e) *Child Protection (Working With Children) Act 2012* (NSW)
- f) *Child Protection (Working With Children) Regulation 2013* (NSW)

**Child:** under the *Ombudsman Act 1974* means a person who is under 18 years of age.

**Child:** under the *Children and Young Person (Care and Protection) Act 1998* mean a person under the age of 16 years.

Note: This act refers to 'Children and Young People' – see definition of Young Person below

**Child or young person at risk of significant harm** is defined in accordance with the Applicable Child-Protection Legislation (see the *Children and Young Persons (Care and Protection) Act 1998* (NSW)). Generally, it means a child or young person in relation to whom there are current concerns for their safety, welfare or well-being because of the presence, to a significant extent, of any one or more of the following circumstances:

- The child's or young person's basic physical or psychological needs are not being met or are at risk of not being met;
- The parents or other caregivers have not arranged or are unable or unwilling to arrange for the child or young person to receive necessary medical care;
- In the case of a child or young person who is required to attend school by law, the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education.
- The child or young person has been, or is at risk of being, physically or sexually abused or ill-treated;
- The child or young person is living in a household where there has been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm;
- A parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm.

DATA AND DOCUMENT CONTROL		
DW:1747595	Page: 2 of 7	Print Date: 18/03/14



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**Campbelltown City Council**

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**Child-Related Work** means work (paid or unpaid) involving direct contact by a worker with children as defined in the Applicable Child-Protection Legislation (including but not limited to mentoring and counselling services; child protection services; health care, education and child care services; sporting, cultural or entertainment venues; transport services). See section 5 of the *Child Protection (Working With Children) Act 2012 (NSW)*.

**Commission** means the *Commission for Children and Young People*.

**Conviction** means a charge proven in court and recorded as such, including a finding that the charge for an offence is proven, or that the person is guilty of an offence, even though the court does not proceed to a conviction.

**Disciplinary action** means steps taken against a worker for improper or unauthorised conduct by Council, the Commission or by a professional body that supervises the professional conduct of the worker. In the event that a worker is found to have engaged in misconduct, they may be subjected to punishment in the form of a caution, a written warning, suspension or termination of their engagement by Council.

**Finding Of Misconduct Involving Children** is defined in accordance with the Applicable Child-Protection Legislation and includes a finding of misconduct (by Council or other authoritative body) following an investigation, regarding:

- sexual misconduct committed against, with or in the presence of a child, including grooming a child
- any serious physical assault of a child

(See *Child Protection (Working with Children) Act 2012 (NSW)*)

**Investigation** means any preliminary or full inquiry into, or examination of an alleged matter such as a Reportable Allegation, Reportable Conduct or Reportable Conviction.

**Mandatory Reporter** is defined in accordance with the Applicable Child-Protection Legislation and includes a worker engaged in paid child care work and a worker who holds a management position in an organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children.

(See section 27 of the *Children and Young Persons (Care and Protection) Act 1998 (NSW)*)

**Neglect** means the harm inflicted on a child or young person due to the failure to provide them with basic physical and emotional necessities of life. For example, failure to provide or arrange for adequate and proper food, supervision, nursing, clothing, medical attention or lodging for a child or young person.

**Notification** means the requirement to notify or inform a third party such as the Ombudsman or Commission under the Applicable Child-Protection Legislation.

**Ombudsman** means the NSW Ombudsman.

**Reportable Allegation** is defined in accordance with the *Ombudsman Act 1974 (NSW)* and means an allegation of Reportable Conduct against a person or an allegation of misconduct that may involve Reportable Conduct

**Reportable Conduct** is defined in accordance with the *Ombudsman Act 1974 (NSW)* and includes:

- any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material)
- any assault, ill-treatment or neglect of a child, or

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- any behaviour that caused psychological harm to a child, whether or not, in any case, with the consent of the child.

**Reportable Conviction** is defined in accordance with the *Ombudsman Act 1974* (NSW) and includes a conviction (including a finding of guilt without the court proceeding to a conviction), in this State or elsewhere, of an offence involving reportable conduct.

**Serious physical assault** means touching or physical acts which:

- results in a child being injured, beyond a type of injury like a minor scratch, bruise or graze; or
- had the potential to result in a serious injury; or
- the injury suffered may be minor, but the assault is associated with aggravating circumstances (such as inhumane or demeaning behaviour).

(See resource of the Commission entitled "Information for Reporting Bodies: Reporting Certain Misconduct Involving Children" September 2013)

**Sexual misconduct** means conduct that is sexual in nature and involving, or in connection with, a child. This may include:

- indecent assault
- sexual assault
- aggravated sexual assault
- sexual intercourse and attempted sexual intercourse
- possession/dissemination/production of child pornography or child abuse material
- using children to produce pornography
- grooming or procuring children for unlawful sexual activity
- deemed non-consensual sexual activity on the basis of special care relationships
- crossing professional boundaries
- sexually explicit comments and other overtly sexual behaviour.

(See resource of the Commission entitled "Information for Reporting Bodies: Reporting Certain Misconduct Involving Children" September 2013)

**Worker** means any person who is engaged in work in any of the following capacities:

- a) as an employee (paid or unpaid)
- b) as a contractor or sub-contractor
- c) as a volunteer, or
- d) as a person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience).

**WWCC** means a Working With Children Check conducted in accordance with applicable child protection legislation.

**WWCC status** means the classification of an individual and/or WWCC application which are detailed in the WWCC Verification System. The status may be classified as one of the following:

- a) **Application in progress** which means the individual has completed the application process but that a determination has not yet been made declaring them as cleared.
- b) **Cleared** means the individual has been given a clearance and is cleared to work with children until their WWCC expires.
- c) **Barred** means the individual has been barred and cannot work with children. It is an offence to engage a barred person in child-related work.
- d) **Interim Bar** means the individual has been barred and cannot work with children pending the outcome of a risk assessment conducted by the Commission. It is an offence to engage a barred individual in child-related work.

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- e) **Not found** means the individual has not been located in the WWCC Verification System (for example, due to incorrect information, an application being withdrawn or terminated without outcome or the application process not being completed).

**WWCC Verification System** means the system operated and administered by the Commission to verify an individual's WWCC status.

**Young Person** is defined in accordance with the *Children and Young Persons (Care and Protection) Act 1998* (NSW); and means a person who is aged 16 years or above but who is under the age of 18 years.

**Legislative Context**

*Commission for Children & Young People Act 1998* (NSW)  
*Children & Young Persons (Care & Protection) Act 1998* (NSW)  
*Ombudsman Act 1974* (NSW)  
*Child Protection (Offenders Registration) Act 2000* (NSW)  
*Child Protection (Working With Children) Act 2012* (NSW)  
*Child Protection (Working With Children) Regulation 2013* (NSW)

**Principles**

**Roles and Responsibilities**

1. The General Manager (or their authorised delegate) shall notify the Ombudsman of the following:
  - any Reportable Allegation, or Reportable Conviction, against a **worker** of which the General Manager becomes aware
  - whether or not Council proposes to take any disciplinary action or other action in relation to the **worker** and the reasons for this decision
  - any written submissions made concerning any such an allegation or conviction that the **worker** concerned wished to have considered in determining what (if any) disciplinary or other action should be taken.
2. In accordance with the *Ombudsman Act 1974* (NSW), the notification shall be made as soon as practicable after the General Manager becomes aware of the allegation or conviction (ideally within 30 days or within such other period as may be agreed to by the Ombudsman).
3. The General Manager (or their authorised delegate) shall notify the Commission of any worker against whom an investigation has been completed and a Finding Of Misconduct Involving Children has been made.
4. Any notifications to be made by the General Manager (or their authorised delegate) to the Commission and Ombudsman shall be in the form and method approved by these bodies (for example, online via the respective websites or by telephone).
5. It is the responsibility of Directors, Managers and Supervisors to report any allegations of Reportable Conduct to the General Manager (or their authorised delegate) and to assist in carrying out any subsequent investigation.
6. It is the responsibility of all **workers** to notify their supervisor immediately if they witness, or have a reasonable basis to suspect or become aware of, a Reportable Allegation, Reportable Conduct or a Reportable Conviction by another worker
7. All workers shall notify their supervisor if they witness, or have a reasonable basis to suspect that, a child is at a significant risk of harm (either at the child's home or at the workplace).

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8. In the event that a worker, who is a Mandatory Reporter, becomes aware or has a reasonable basis to suspect a child is at a significant risk of harm (either at the child's home or at the workplace), they should discuss this matter as soon as possible with their Director, Manager and/or Supervisor to determine whether the matter needs to be reported to the Police, the Commission, the Ombudsman and/or another entity.
9. It is the responsibility of Human Resources to provide advice and support to all workers in relation to their obligations under this policy. They shall also assist in implementing and educating workers on this policy.
10. Other parties may be involved during these processes including the Union, the Employee Assistance Program Counsellors and Contact Officers, and their role is to advise and support workers.

**Rights of all Parties**

1. Any child that is the subject of alleged Reportable Conduct has the right to be in a secure and safe environment. Any worker under investigation may be removed from that environment or placed on alternate duties until the investigation is complete.
2. Council shall endeavour to afford procedural fairness in any investigation conducted into any Reportable Allegation, Reportable Conduct or Reportable Conviction.
3. Council shall also endeavour to maintain confidentiality over information obtained in the course of any investigation under this policy.
4. Council may deny a person access to, or limit their access to, records kept if they consider it would jeopardise an investigation or place a child at risk.

**Confidentiality**

1. All workers involved in the reporting or investigating of allegations of Reportable Conduct shall be mindful of the sensitive nature of the issue and take all reasonable steps to maintain confidentiality and respect the privacy of those involved. Nothing in this statement is to be taken as mitigating against the obligation of workers to report incidents or allegations of Reportable Conduct.
2. All information relating to investigations will be secured in Human Resources separately from personnel files, unless the investigation results in disciplinary action. If this is the case, the following details will be kept on the worker's personnel file under a confidential code in ECM:
  - That an allegation was made;
  - That an investigation was conducted;
  - What the finding was;
  - What action was taken
3. Any person who makes an allegation of reportable conduct may be protected under Council's Public Interest Disclosures Policy.

**Unsubstantiated Allegations**

1. Where an allegation is clearly wrong or unsubstantiated, the person who is the subject of the allegation shall be supported by Council. The nature of the support shall be reasonable and appropriate to the circumstances of the case. It may include access to specialist counselling services, legal services or special leave.
2. Any worker who is found to have made a malicious, vexatious or baseless allegation may be subject to disciplinary action.

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**Prevention and Education**

1. All current and prospective workers in child-related work shall be screened in accordance with Council's Working with Children – Worker Screening Policy to ensure their suitability to work with children.
2. All workers shall be educated on the applicable child-protection legislation and how it impacts on them in terms of the position they hold and their responsibilities.
3. Workers shall be educated to a level appropriate to the position they hold. Specifically, the level of education relates to the following categories of workers:
  - Child care staff, who have a 24 hour/day responsibility;
  - Other identified positions, which have a workplace only responsibility;
  - Contractors, volunteers and work experience participants;
  - "Investigators" – Directors, Managers and Supervisors;
  - Mandatory Reporters.
4. Council's induction program shall include information on the Applicable Child - Protection Legislation.

**END OF POLICY STATEMENT**

**DOCUMENT HISTORY AND VERSION CONTROL RECORD**

**Contact for inquiries and proposed changes**

<b>Name</b>	Barry Clarence
<b>Position/Section</b>	Manager Human Resources
<b>Contact Number</b>	46454228

<b>Version Number</b>	<b>Revised Date</b>	<b>Authorised Officer</b>	<b>Amendment Details</b>

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## **4.2 Rescinded Employment Screening Policy**

### **Reporting Officer**

Manager Human Resources

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### **Attachments**

Employment Screening Policy (contained within this report)

### **Purpose**

To obtain Council approval to rescind the out dated Employment Screening Policy that has been made redundant, following the transfer of its provisions to an Authorised Statement.

### **History**

The abovementioned Policy was adopted by Council on 25 July 2000 and is due for review in accordance with Council's Records and Document Management Policy

### **Report**

The abovementioned policy has been reviewed in accordance with Council's Record Management Policy and the adopted procedure for Policy Development and Review.

The abovementioned Policy refers to an internal administrative process for commencement requirements for employees in identified child-related positions and therefore is no longer required as a Policy. An Authorised Statement has been created to replace the Policy.

### **Officer's Recommendation**

That Council rescind the Employment Screening Policy that has been made redundant, following the transfer of its provisions to an Authorised Statement.

### **Committee's Recommendation: (Borg/Kolkman)**

That the Officer's Recommendation be adopted.

**CARRIED**

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## ATTACHMENT 1

 <b>campbelltown</b> city council		<b>POLICY</b>
Policy Title	Employment Screening	
Related Documentation	Child Protection Policy NSW Commission for Children & Young People website (www.kids.nsw.gov.au)	
Relevant Legislation/ Corporate Plan	Commission for Children & Young People Act 1998 Children & Young Persons (Care & Protection) Act 1998 Child Protection (Prohibited Employment) Act 1998 Ombudsman Act 1974	
Responsible Officer	Manager Human Resources	

Policy details may change prior to review date due to legislative changes etc, therefore this document is uncontrolled when printed.

### Objectives

1. To prevent a prohibited person from gaining or remaining in child-related employment.
2. To assist Council to determine the suitability of applicants for child-related employment.
3. To provide clear guidelines to all employees in and applicants for child-related employment as to their obligations and rights under the Child Protection (Prohibited Employment) Act 1998 and the Commission for Children and Young People Act 1998.

### Policy Statement

Council is committed to being a child-safe and child-friendly employer and to managing the risks associated with caring for children. To this extent, Council:

- Will not employ Prohibited Persons in child-related employment
- Will do Working With Children background checks for preferred applicants for child-related employment
- Report relevant employment proceedings
- Will keep records and protect confidentiality

### Scope

This policy applies to all applicants for and employees in identified child-related positions

### Definitions

**Approved Screening Agency:** An employer or employer-related body approved by the Minister to carry out all or any of the relevant Working With Children background checking procedures

**Child:** A person who is under 18 years of age

**Child-related employment:** Employment:

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- That primarily involves contact with children; and
- That involves direct contact with children; and
- Where that contact is not directly supervised by a person having the capacity to direct the employee in the course of the employment; and
- In specific work settings as outlined by the Commission for Children and Young People

**Direct supervision:** A person present at all times during, and is observing and capable of directing, if required, the contact by the person under supervision with any child, where such contact is part of the duties to be performed by the person under supervision or can reasonably be expected to occur during the performance of those duties.

**Disciplinary proceedings, relevant:** Disciplinary proceedings against an employee by an employer or by a professional or other body that supervises the professional conduct of the employee. These proceedings include completed proceedings involving child abuse, sexual misconduct or acts of violence committed by the employee in the course of employment.

**Employment:**

- Performance of work under a contract of employment; or
- Performance of work as a self-employed person; or
- Performance of work as a subcontractor; or
- Performance of work as a volunteer for an organisation; or
- Performance of work as a Minister, Priest, Rabbi, Mufti or other like religious leader or spiritual officer of a religion or other member of a religious organisation; or
- Undertaking practical training as part of an educational or vocational course; or
- Performance of the duties of an authorised carer within the meaning of the Children and Young Persons (Care and Protection Act) 1998

**Employment Screening:** The process of gathering relevant information about an applicant for employment by an organisation in order to enable an informed decision to be made on whether to employ the applicant or not. This may involve interviews, reference checks, the Working With Children background check and other criminal record checks where available

**Estimate of Risk:** The process of analysing information gathered through the Working With Children background check to estimate the level of risk a person in child-related employment may pose to children in the workplace

**Prohibited person:** A prohibited person is a person who is convicted of the following (whether in NSW or elsewhere):

- Serious sex offence;
- Child-related personal violence offence;
- Murder of a child;
- Indecency offences punishable by imprisonment of 12 months or more;
- Kidnapping (unless the offender is or has been the child's parent or carer);
- Offences connected with child prostitution;
- Possession, distribution or publication of child pornography; or
- Attempt, conspiracy or incitement to commit the above offences

A prohibited person includes a registrable person

**Registrable person:** A person who has been found guilty of a registrable offence against children under the Child Protection (Offenders Registration) Act 2000

**Relevant Record:** Relevant records include relevant criminal records, relevant apprehended violence orders and relevant employment proceedings

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Spent conviction: Those offences included on a person's criminal record check which, because of the passage of time and legislative preconditions having been met, are no longer to be considered in any administrative decision making.

Working With Children background check: The process of gathering and assessing relevant information about a preferred applicant for child-related employment to assist employers to make an informed decision on whether or not to employ an applicant for a position. It involves the following:

- a) A national criminal record check
- b) A check on relevant Apprehended Violence Orders
- c) A check of previous relevant disciplinary proceedings with other employers
- d) Structured referee checks

**Legislative Context**

Commission for Children & Young People Act 1998  
Children & Young Persons (Care & Protection) Act 1998  
Child Protection (Prohibited Employment) Act 1998  
Ombudsman Act 1974

**Principles**

1. Council has identified the positions that come under the definition of child-related employment, and will review the establishment annually to ensure relevancy. Identification is contained in the job description.
2. All advertisements for child-related employment and any related information regarding these positions will include advice regarding prohibited person restrictions and the Working With Children background check.
3. All **preferred** applicants for child-related employment must declare whether they are a prohibited person or not. This requirement exists for all paid and unpaid workers, including volunteers and students on placement. Council will not commence employing a person in child-related employment without first obtaining this declaration.
4. All **preferred** applicants for paid child-related employment must agree to submit to the Working With Children background check prior to an offer of employment being made. If an applicant is not willing to consent to the check Council will not consider that person for the position, as it is seen as an essential requirement to the position.
5. Preferred applicants are to provide original documentation, specified by Council, which supports their own identity.
6. Where Council requires a person to commence employment prior to the Working With Children background check being finalised, that person will be advised that their ongoing employment is conditional upon the satisfactory outcome of the Working With Children background check and placed in a temporary role away from children.
7. If Council decides not to offer a person child-related employment as a consequence of information obtained in the Working With Children background check (that is, based on criminal record, apprehended violence order or relevant disciplinary proceedings), Council must notify the Commission for Children and Young People, and the applicant, accordingly.
8. The Working With Children background check is current while a person remains in the same child-related employment with Council. Employees returning from leave into the same child-related employment do not need to be rechecked. Existing employees are only checked if they are recruited to a different child-related employment position within Council.

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9. All people involved in the Working With Children Check must ensure that they treat any information obtained throughout the process with the utmost confidentiality. Information obtained is not to be provided to any person not authorised to access such information. Employees who breach confidentiality will be subject to disciplinary action.
10. Prohibited Declaration forms and all information relating to the Working With Children background check will be kept on the individual's personnel file.
11. To ensure confidentiality, Council will maintain the following records in Human Resources, separately from personnel files and under strict security:
  - The basis for any decision not to employ, at the time the decision was made, if that decision primarily was based on an assessment that the applicant poses an unacceptable risk in child-related employment, and
  - The basis for any decision to employ, despite some adverse information gained through the Working With Children Check.
12. It is the responsibility of all employees currently engaged in child-related positions to notify Council if they become a prohibited person while they are employed in child-related employment. In such a case Council will remove the employee out of their child-related employment immediately and notify their Approved Screening Agency.
13. Council cannot request a Working With Children check for applicants for whom it is not mandatory.
14. Council is required to provide appropriate information to approved screening agencies and other employers upon request, relating to employees who have been subject to completed relevant disciplinary proceedings.

**Responsibility**

- It is the responsibility of Directors, Managers, Coordinators and Supervisors who are responsible for child-related employment positions to ensure this policy is applied.
- It is the responsibility of Human Resources to ensure compliance with this policy.
- It is the responsibility of all employees in child-related employment to notify Council if they become a Prohibited Person.

**END OF POLICY STATEMENT**

**DOCUMENT HISTORY AND VERSION CONTROL RECORD**

**Contact for inquiries and proposed changes**

<b>Name</b>	
<b>Position/Section</b>	
<b>Contact Number</b>	

<b>Version Number</b>	<b>Revised Date</b>	<b>Authorised Officer</b>	<b>Amendment Details</b>

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## **5. INFORMATION MANAGEMENT AND TECHNOLOGY**

### **5.1 Revised Policy - Records Management**

#### **Reporting Officer**

Manager Information Management and Technology

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#### **Attachments**

Revised policy – Records Management (contained within this report)

#### **Purpose**

To seek Council's endorsement of the revised Records Management Policy.

#### **History**

Under the *State Records Act 1998* and other legislative requirements it is necessary for all Councils in New South Wales to create and capture records that facilitate and provide evidence of their business activities.

The Records Management Policy has been reviewed in accordance with Councils adopted procedures for Policy Development and Review.

#### **Report**

The abovementioned policy has been reviewed in accordance with Council's Record Management Policy and the adopted procedure for Policy Development and Review.

Records are a vital corporate asset that capture business transactions and document corporate memory. They provide evidence of actions and decisions and are an important element in accountability. They support Policy formation and decision making and help Council to conduct its business and deliver services in a consistent and efficient manner.

Council has received advice of changes in Relevant Legislation, and therefore has amended all references to the following:

- the *Occupational Health and Safety Act 2000* being superseded by the *Work Health & Safety Act 2011*,
- the term staff has been replaced by workers as per the *Work Health & Safety Act 2011*, and the *Work Health & Safety Regulations 2011*

In addition, the related documentation has been revised to include changes to the reference of DataWorks User Procedure to ECM User Procedure, and the addition of the Code of Conduct documentation as required by the *State Records Act 1998*.

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The removal of "storage of records in approved network drives or devices" has been removed as recommended by Council's Records Review Consultants (Siller Systems Administration) as highlighted in the attachment. It is recommended that this revised policy be adopted and a new review date set.

### **Officer's Recommendation**

1. That the revised Records Management policy as attached to this report be adopted.
2. That the Policy review date be set at 30 March 2017.

### **Committee's Recommendation: (Hawker/Kolkman)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 8 April 2014 (Mead/Kolkman)**


That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 47**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1

		<b>POLICY</b>
Policy Title	Records Management Policy	
Related Documentation	Register of Delegations and Accountabilities Authorised Statement - Document Control Authorised Statement - Archival Plan Records Procedure Manual Policy Development and Review Procedure ECM User Procedure Code of Conduct	
Relevant Legislation/ Corporate Plan	<i>State Records Act 1998</i> <i>Local Government Act 1993</i> <i>Work Health &amp; Safety Act 2011</i> <i>Government Information (Public Access) Act 2009</i> <i>Privacy and Personal Information Protection Act 1998</i> <i>Electronic Transactions Act 2000</i> <i>Community Services (Complaints, Review and Monitoring) Act 1993</i> <i>Workers Compensation Act 1987</i> <i>Public Finance and Audit Act 1983</i> <i>Evidence Act 1995</i> ISO:15489 Records Management Part 1 and 2 - 2003 ISO: 3100 2009 Risk Management Principles and Guidelines AS/NZS 17799 Information Security Management - 2005 AS8015 – Compliance and Corporate Governance – 2005 NSW Standard - Full and Accurate Records NSW Standard – Recordkeeping in Electronic Environment NSW Standard – Recordkeeping Metadata NSW Policy - Electronic Recordkeeping NSW Policy - Electronic Messages as Records	
Responsible Officer	Manager Information Management and Technology	

**Policy details may change prior to review date due to legislative changes, therefore this document is uncontrolled when printed.**

### Objectives

To establish a framework of accountabilities and responsibilities for the creation, capture, protection, control and management of Campbelltown City Council's information assets including data, documents and electronic communication as a full and accurate record of Campbelltown City Council's activities.

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**Policy Statement**

Campbelltown City Council is committed to meeting its responsibilities under the NSW *State Records Act 1998* to ensure the creation and management of authentic, reliable and useable records to support business functions and activities for as long as those records are required.

This will be achieved through the use of best practice standards, AS ISO 15489 Records Management and with compliance of the Act. This policy applies to all forms of recordkeeping, regardless of format or the system in which they are maintained.

Campbelltown City Council is committed to implementing best practice in its activities, systems and procedures regarding records management through:

- Establishing a recordkeeping framework that includes policy, procedures and work practices;
- Managing programs that comply with legislation and Government directives;
- Creating supportive documents and resources to provide proactive **workers** guidance and assistance; and
- Educating all **workers** of their responsibilities under legislation and Government directives.

Campbelltown City Council's records exist across a number of business and recordkeeping systems. Records provide evidence of actions and decisions and represent a vital asset, which supports Campbelltown City Council's daily functions and operations.

Records support policy formulation and managerial decision-making, protect the interests of Campbelltown City Council and the rights of employees, customers and citizens and help Campbelltown City Council to deliver services in a consistent and equitable way.

As a significant part of Campbelltown City Council's corporate memory, records enable informed decisions based on precedents and organisational experience.

They support consistency, efficiency and productivity in program delivery, management and administration. Those records kept as archives form part of the State's cultural heritage.

**Scope**

This policy applies to all Council business, including electronic business. It applies to all employees including casuals, volunteers, contract **workers** and Councilors across the whole of the Campbelltown City Council. This Policy applies to all business sections of Council.

The policy concerns records, which are created, collected, processed, used, sentenced, stored and disposed of in the conduct of official business.

Electronic messages (E-mail) which are relevant to the information gathering, policy formulation or decision making processes of Council are part of the scope of this policy.

**Definitions**

**Accountability**

Is the principle that individuals, organisations, and the community are responsible for their actions and may be required to explain them to others

**Appraisal**

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.

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**Archive**

Records identified as having continuing value to an organisation or required as State Archives.

**Archives**

Refers to a group (or series) of records determined as having continuing (permanent) value for legal, fiscal and intrinsic reasons. Archives can include physical (paper) based records as well as digital (electronic) records. The term 'records of continuing value' is the preferred term to use when describing archives and means the same as 'archival records'.

**Archiving**

Is a computing term that usually refers to the transfer of non-current electronic data from a live database to another database or backup device such as tape, disk, CD etc. The term Archiving is frequently misused as referring to the process of transferring records off site for later destruction, however, records that are eventually destroyed are not archives.

**Capture**

Is the process of determining that a record should be made and kept. This includes both records created and received by Campbelltown City Council. It involves deciding which documents are captured, which in turn implies decisions about who may have access to those documents and generally how long they are to be retained.

**Digital Record Keeping**

The designated digital record keeping system used by Campbelltown City Council is Technology One ECM previously known as DataWorks.

**Disposal**

A range of processes associated with implementing appraisal decisions. These include the retention, deletion or destruction of records in or from recordkeeping systems. They may also include the migration or transmission of records between recordkeeping systems, and the transfer of custody or ownership of records.

**Disposal Authority**

This is an approved list of record series or classes, a schedule provides instruction on how long to retain records and what disposal actions to take. (GA 39 Local Government).

**Electronic Messages**

Communications sent or received via an electronic messaging system. These may be in the form of electronic mail, voice mail or electronic data interchange (EDI) messaging and includes attachments. Messages may be received or sent internally and/or externally.

**Electronic Records**

Records communicated and maintained by means of electronic equipment.

**Ephemeral Records**

Are documents that have only short-term value to Campbelltown City Council with little or no ongoing administrative, fiscal, legal, evidential, or historical value.

**Evidence**

The information that tends to prove a fact and supports the business activity.

**Indexing**

The process of establishing access points to facilitate retrieval of records and/or information.

**Keywords**

The terms used to title files or documents, referring to specific functions, activities or topics which describe the contents of a file or documents and are used for control and retrieval.

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**Preservation**

The processes and operations involved in ensuring the technical and intellectual survival of authentic records through time.

**Record(s)**

Recorded information in any format, including data in computer systems, created, captured, received and maintained by Campbelltown City Council or by an employee in the transaction of business or in conducting the affairs of Campbelltown City Council and kept as evidence of such activity.

**Recordkeeping**

The process of making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information.

**Recordkeeping System**

Information systems, which capture, maintain and provide access to records over time.

**Records Management**

The discipline and organisational function of managing records to meet operational business needs, accountability requirements and community expectations.

**Records Management Program**

Part 2, Section 12 of the *State Records Act 1998* identifies the need for the introduction of a Records Management Program in order to implement, manage and continuously improve recordkeeping and records management.

**Registration**

The act of giving a record a unique identity in a recordkeeping system.

**Retention Period**

In relation to a record, means the period for which the record must be kept before it may be destroyed.

**Standards**

Standards play an increasingly important, and widely recognised part in recordkeeping theory and practice. State Records issue a number of best practice standards regarding building a recordkeeping framework.

**State Archive**

Records identified as having continuing value to an organisation that are kept as a State Record that the State Records Authority of NSW has control of under the *State Records Act, 1998*.

**Thesaurus**

An index to information stored in a computer, consisting of a comprehensive list of subjects concerning which information may be retrieved by using the proper key term. Can be used enterprised wide for searching and retrieving information assets.

**Transaction**

The smallest unit of business activity. Use of records are themselves transactions.

**Vital Record(s)**

Records that are essential for the ongoing business of Campbelltown City Council without which Campbelltown City Council could not continue to function effectively. The identification and protection of such records is a primary objective of records management and business continuity planning.

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**Corporate Definitions**

**Authorised Statement**

Statement approved by Council's General Manager that defines Council's attitude and preference for direction on operational issues.

**Corporate Document**

A corporate document is a document that is controlled in accordance with the Authorised Statement – Corporate Documents and includes policies, authorised statements, guidelines, forms, procedures and templates.

**Guideline**

Advice or instructions given in order to guide or direct an action.

**Information Asset**

Campbelltown City Council's information assets includes information both structured and unstructured as well as explicit and tacit knowledge and extends the boundaries of one technology solution and recordkeeping system including:

- Structured data – information stored within databases e.g. financial, payroll, rates etc.
- Unstructured information - can include email, word processing documents, spreadsheets, instant messaging, presentations, radio segments, video clips, photos, maps and even telephone conversations.
- Explicit knowledge - is 'specific' information such as policies, procedures, reports, work instructions.
- Tacit knowledge - is that which people harness such as ideas, expertise but which can be transferred via conversation, communities of practice and presentations.

**Policy**

Defines Council's attitude and preference for direction on a specific matter or issue

**Procedure**

A detailed process whereby the Policies and Authorised Statements of Council are implemented into the operations of the organisation.

**Programs**

A number of programs planned to support the Records Management Program as required by the State Records.

**Template**

Determines the basic structure for a document and contains settings such as fonts, macros, layouts and styles.

**Principles**

**Records Management**

Records management proceeds from the assumption that information is a resource which must be managed if it is to be used effectively; good records management is of key importance to good governance.

Campbelltown City Council operates in an accountable and community orientated environment, Council is committed to maintaining a records management program that meets its business needs and accountability requirements.

Records are a vital ingredient in the support of Council's ongoing business activities. The effective management and preservation of Council's corporate memory is intrinsic to both the decision making process and productivity within Council.

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They exist for a variety of administrative, functional, historical and legal reasons. Their existence protects Council's interests, and the interests of the community Council serves. Records are the major component of the Council's corporate memory and provide evidence of actions and decisions and document Council's transactions.

As a public agency, Council is bound by the requirements and regulations of the *State Records Act 1998*, these regulations set out specific practices, which Council must comply with, and be audited against.

Council is committed to meeting all statutory and accountability requirements. There are certain community expectations and cultural obligations associated with recordkeeping practices; Council is committed to managing its records of continuing value and their timely transfer to State Archives.

**Electronic Records**

Under the *State Records Act 1998*, electronic records generated or received by Campbelltown City Council are to be treated as official records. As records of Council, electronic records, like records in other formats, are subject to legislation such as the *Government Information (Public Access) Act 2009* and to legal processes such as discovery and subpoenas. The records may also be required by Royal Commissions, the Courts, auditors and other people or bodies to whom or which they may be subject.

Council keep and manage their electronic records in compliance with standards approved under the *State Records Act 1998* and with Australian Standard AS ISO 15489, Records Management issued as a code of best practice under the Act. The Government expects the same standards of recordkeeping to apply in the electronic environment as in the paper environment.

Council makes recordkeeping a routine part of business in the electronic environment and has built it into the business processes and tools; this is in line with the Government's objectives for using information management and technology to deliver government services to the people of NSW.

Electronic records are more accessible and generally have greater value than printed versions of them. Some kinds of electronic records, such as compound documents, cannot be maintained in hard copy form without loss of content or meaning.

Campbelltown City Council has identified and documented all electronic recordkeeping systems, including changes made over time, and assigned responsibilities and delegations regarding their development, modification, operation and use.

Original incoming documents, once scanned, are kept in boxes in date-scanned order for a period of **three** months for quality control purposes only and then destroyed. The scanned document forms part of the complete electronic records.

**Electronic messages**

An electronic message is a form of business communication. The sending of an electronic message is a business transaction and therefore a record. Some electronic messages can be identified as ephemeral and therefore only need to be kept for a short time.

As records of Council, electronic messages, like records in other formats, are subject to legislation such as the *Government Information (Public Access) Act 2009* and to legal processes such as discovery and subpoenas. The records may also be required by Royal Commissions, the Courts, auditors and other people or bodies to whom or which they may be subject.

**Capture and maintenance of electronic messages**

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In order to function as a record, electronic messages require the preservation of their structure, context and content.

In order to maintain their value as evidence, electronic messages must be inviolate, that is, they cannot be altered or manipulated, for as long as they are retained.

Electronic messages required as evidence of substantive business activity should be captured directly into an electronic recordkeeping system.

Back-up stores of electronic messages within messaging systems and ad-hoc saving of messages to directories are not to be considered a form of a recordkeeping system.

Records should be retained for as long as required to meet identified recordkeeping requirements and no longer. Ephemeral messages, therefore, are records which only need to be retained for a short time and may not need to be captured into a recordkeeping system.

As Council is subject to the *State Records Act 1998* it should dispose of electronic messages as records in accordance with the GA 36 and GA 39.

Electronic messages should be managed in accordance with sound data management practices.

**Electronic messages must be appropriately accessible**

Electronic messages must be readily accessible to meet business and accountability requirements.

Electronic messages must be accessible for as long as they are required to be retained.

**Electronic messages must be appropriately protected**

Arrangements for maintaining electronic messages as records should operate in accordance with Government-approved policies, such as those protecting personal or commercially sensitive information from unauthorised disclosure.

**Management of electronic messages as records must be supported by internal policies, procedures and guidelines**

Corporate level policies, procedures and guidelines should cover the following:

- ownership of the messaging system and messages received or sent
- legislation that directly affects the agency's recordkeeping and legal processes
- conditions for use of the corporate messaging facilities, including any private use
- responsibilities for management of the messaging system and of electronic messages as records
- capture, management and disposal of electronic messages as records
- security and access requirements.

**Disaster Recovery**

A counter disaster plan for records and recordkeeping systems is being developed and documented through a 'Disaster Recovery and Business Continuity Plan' as well as Council's 'Vital Records Protection Plan'. Upon completion this Policy will be updated.

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**Document Control**

Council's standards for the creation, management and control of corporate documents are detailed in the Authorised Statement - Corporate Document Control.

A procedure exists for the Authorisation of all Corporate Documents. The procedure identifies how the documents are to be numbered and who must do what, how and when in relation to authorisation.

**Responsibility**

This policy applies to all Campbelltown City Council employees. The *State Records Act 1998* requires Council to make and keep full and accurate records as evidence of business activities. Council is required to implement a records management program based on legislation, standards and codes of best practice.

Council is responsible for the protection, safe custody and return of All State records under its control, ensuring accessibility to all equipment or technology dependant records.

**General Manager**

Under the *State Records Act 1998 (Part 2 -10)*, the General Manager is responsible for ensuring that Campbelltown City Council complies with the regulations and requirements of the Act, specifically:

- Obligation to protect records
- Full and accurate records
- Records management program
- Monitoring and reporting
- Equipment/technology dependent records
- Disposal of records
- Management of State archives
- Public access to State records after 30 years
- Whole of government records management standards.

**Nominated Senior Officer**

The Nominated Senior Officer is the Manager of Information Management and Technology. The Nominated Senior Officer has the responsibility and authority to set and issue corporate standards, and to monitor and audit compliance with these standards throughout Council. The role of the Nominated Senior Officer is to provide a strategic focus for recordkeeping throughout Council and is responsible for:

- Establishing records management policies for the organisation as a whole.
- Establishing corporate standards for recordkeeping and records management.
- Measuring performance of departments and sections against these standards.
- Providing consulting services to Council workers.
- Developing corporate electronic records management strategies.
- Working with other managers of information resources to develop coherent information architecture across the organisation.
- Working with other accountability stakeholders, including the Manager Governance & Administration in regards to Document Control.
- Support organisational and public accountability.

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**Council Workers (Incorporates Contractors / Service Providers)**

As public sector employees, all Council workers should be aware of recordkeeping requirements that affect the performance of their duties. The State Records Act 1998 requires public officials to 'make and keep full and accurate records' of their business activities. Contractors and service providers are also required to comply with the Act.

The NSW Public Sector Code of Conduct requires public officials to 'maintain adequate documentation to support any decision made' in the performance of their duties.

The Ombudsman's Good Conduct and Administrative Practice Guidelines for Public Authorities states that public officials must make and create records to support accountability and corporate memory.

All Campbelltown City Council workers are accountable for recordkeeping and for compliance with this policy and related policies and procedures, and guidelines. Specific responsibilities of all workers include:

1. To create full and accurate records routinely in the course of work.
2. To create records of meetings, important telephone discussion routinely in the course of work.
3. To capture or file official records into the corporate recordkeeping system as soon as possible following their creation or receipt.
4. To ensure records are not maintained in 'private' or 'personal' recordkeeping systems.
5. To attach records to official files as soon as possible after they are created or received.
6. To capture electronic records, e.g. email messages into corporate recordkeeping systems as soon as possible following their creation or receipt.
7. To lodge original legal documents or other records considered vital to Campbelltown City Council's business with the corporate records unit.
8. To handle records with care and ensure they are appropriately stored to ensure they are available for as long as they are needed.
9. To avoid handling or damaging records by not exposing them to food, water, insects and storage are susceptible to extreme heat or mould.
10. To ensure records are appropriately stored for protection using containers, e.g: approved file covers, archive boxes and storage facilities.
11. To ensure electronic records are appropriately stored in corporate databases that are backed up regularly to protect against loss.
12. To protect sensitive information/records from unauthorised access or disclosure.
13. To securely store all personal information to safeguard privacy protection and confidentiality.
14. To not destroy official records without appropriate disposal authority.
15. To be familiar with Campbelltown City Council's records disposal policies and only use approved destruction methods to securely dispose of records.
16. To not remove documents from official files.

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17. To ensure copies of all internal correspondence, reports, file notes and memorandums etc. are signed and dated and retained in recordkeeping systems.
18. To ensure copies of all outward correspondence, reports, memorandums etc. are signed and dated and retained in recordkeeping systems.
19. To record file reference on outwards correspondence as appropriate.
20. To send only authorised duplicates of original records to respond to subpoenas, FOI requests and other legal demands.
21. To contact the Records section for advice on recordkeeping policies and procedures for managing records.

**Records Section**

The Records Coordinator is operationally responsible for the efficient management of Council records (physical and electronic) incorporating sound recordkeeping principles and records management best practice guidelines.

The Records section of Campbelltown City Council is responsible for the effective management and administration of Councils Recordkeeping system.

The Records section will assist **workers** in fulfilling their recordkeeping responsibilities and provide advice and training throughout the implementation of this policy and strategies. Records **workers** will monitor and review the implementation process of all records management policies and programs.

**Authority**

The Register of Delegations and Authorities and individual Job Descriptions provides the authority to undertake the responsibilities detailed in this policy.

**Accountability**

**Workers** affected by this policy will be held accountable for complying with its instructions and will have their performance measured in their annual appraisal. Non compliance with this policy could lead to disciplinary action in accordance with Council's Disciplinary Action Policy.

**Effectiveness Of This Policy**

Regular monitoring of the records management program is undertaken by the Nominated Senior Officer, with results being reported to the General Manager.

Council will complete and forward the annual '**Records Management Survey**' conducted by the State Records Authority of NSW as part of the monitoring and reporting arrangements of the *State Records Act 1998*.

Regular planning for the records management program will be undertaken through specific strategic and operational plans, which will be reviewed on a regular basis.

**END OF POLICY STATEMENT**

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**DOCUMENT HISTORY AND VERSION CONTROL RECORD**

**Contact for inquiries and proposed changes**

<b>Name</b>	Sabrina Peroumal
<b>Position/Section</b>	Manager, Information Management and Technology
<b>Contact Number</b>	4645 4332

<b>Version Number</b>	<b>Revised Date</b>	<b>Authorised Officer</b>	<b>Amendment Details</b>

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## **6. GENERAL BUSINESS**

Nil.

## **21. CONFIDENTIAL ITEMS**

**No reports this round**

There being no further business the meeting closed at 6.15pm.

C Mead  
CHAIRPERSON

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