



BOGAN SHIRE COUNCIL

Business Paper

24 August 2017

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17 August 2017

COUNCIL MEETING NOTICE

The next Ordinary Meeting of Council will be held in the Council Chambers, Nyngan on Thursday 24 August 2017 at 9.30am.

AGENDA

1. Opening Prayer
2. Remembrances
3. Apologies
4. Declarations of Interest
5. Confirmation of the Closed and Confidential Minutes of the Council Meeting held on 27 July 2017
6. Confirmation of the Minutes of Council Meeting held on 27 July 2017
7. Committee Meeting Minutes
8. General Manager's Report incorporating reports from:-
 - People and Community Services
 - Finance and Corporate Services
 - Engineering Services
 - Development and Environmental Services
9. Correspondence
10. Grants and Funding

Your attendance at this meeting would be appreciated.

Yours sincerely

Cathy Ellison

Executive Assistant



Committee Meeting Minutes to the Ordinary Meeting of Bogan Shire Council
held on 24 August 2017

COMMITTEE MEETING MINUTES

1 MUSEUM MEETING

Attached are the Minutes of the Nyngan Museum Meeting held on 5 July 2017.

1.1 Recommendation: That the Minutes of the Nyngan Museum Meeting held on 5 July 2017 be received and noted.

Nyngan Museum Meeting Date: 5th July 2017 Venue: Nyngan Museum

Present:

Glad Eldridge, Leonie Montgomery, Val Keighran, Collin Pardy, Yvonne Pardy, Bay Lovett, Anne Quarmby, Leonie Montgomery

Apologies:

Anna Corby, Hugh Sibbald, Margaret Sibbald

Guests:

Abigail McLaughlin, Katie Sinclair

Minutes last meeting: Move: *Katie Sinclair* second: *Glad Eldridge*

Business Arising from Minutes:

- *Uniform for nurse has arrived and is on the mannequin*
- *Glass for front foyer not completed.*
- *Market day rained and so ended up being held in the Town Hall. It was very successful but Council will not be organizing another one. They are however, happy to assist groups who may wish to organize it themselves.*
- *Collin "Eftpos machine is inevitable but we will cope."*

Correspondence In:

*Pamphlets from St James rail for upcoming tours.
Email from Garry Norford re donations to the Museum.*

**Committee Meeting Minutes to the Ordinary Meeting of Bogan Shire Council
held on 24 August 2017**

Correspondence Out:

**Email to Garry Norford to accept donation subject to discussion at July meeting*

Treasurers Report attached: read and moved: Collin 2nd: Glad

General Business:

Anna to accept donations from Garry Norford. Email to be sent.

Anna to buy larger copies of medals for nurse uniform

Abigail's Report:

Training will be available for staff when eftpos machine arrives.

Tomorrow Ty will be looking at the masonite in the foyer to review it for replacement.

He will also look for doors for the foyer and wheelchair access.

Locking/unlocking procedure has been recorded by Katie. We are looking at removing the outside lock on the front door. Ty is looking at other ideas to make opening easier. He is looking at an emergency exit plan. A plan will be in place by 27th July council meeting.

Badges will issued to everyone. We need a list of what you want on it. Abigail will email Anna to organize this.

See Katie if you wish to attend the course in Cobar in September. Need names by the end of July.

TV to go on with photo display

Maintenance Report:

Air conditioners / heaters no further information

Lights ongoing issue with John Holland

Computer speaking with Tara

Powerpoint behind computer Abigail will show Ty on Monday

Meeting Closed: 10.15 Next meeting 2nd August

**General Manager’s Report to the Ordinary Meeting of Bogan Shire Council
held on 24 August 2017**

REPORT TO ORDINARY MEETING OF COUNCIL – GENERAL MANAGER’S REPORT

Mayor and Councillors

The following report is submitted for consideration:-

1 CHECKLIST

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
1	13/12/2012 28/03/2013	418/2012 098/2013	Davidson Park Revitalisation Program	Establish paving pathways to the mural.	MDES	Work commenced.
2	22/06/2014	209/2014	Tourist Information Bay	On commencement of project, Council advise owners/apparent owners of existing highway signage that existing signs to be removed. Or maybe replaced by signs on the Information Bays. Council charge an annual fee and an initial fee.	GM	Affected business owners identified and engagement process commenced. <u>UPDATE:</u> Contact made with affected business owners. Some signs to be relocated, no response from other owners. Direction sought from Council to now remove those signs on public road reserve. COMPLETED

General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 24 August 2017

3	26/09/2014	363/2014	Fire Safety Audit Program	Further report on progress of compliance with Program.	MDES	Fire Safety Audit Reports (FSARs) to all selected properties completed. Meetings held with several owners / Boards. Agreement on required works achieved with several owners / Boards.
	26/02/2015	033/2015		Legal proceedings including the issuing of Notices and Orders to commence against the owner/occupier of any premises who fails to confirm their agreement to comply with the findings of the FSAR.		Efforts still being made to have owners upgrade building voluntary. <u>UPDATE:</u> Report refers.

General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 24 August 2017

4	25/02/2016	022/2016	Bogan Bush Mobile	Delegation is planned to meet with Minister.	GM	Meeting held 1 December 2016.
	15/12/2016	481/2016		Council works together with MCSA & other Councils in Parkes Electorate to formulate a combined response to the proposed BBF funding changes, expressing grave concerns that a valuable service to our rural families will be lost.		<p>Council's response report sent to PwC, with a copy to Mark Coulton on 27 Jan 2017.</p> <p>Submission has been made to Senate Enquiry.</p> <p>BBM has been assured of ongoing funding but it is uncertain what form this will take. Awaiting follow up visit from consultants, PwC.</p> <p>General Manager and staff attending workshop with Department and PwC on 3 & 4 August 2017.</p> <p><u>UPDATE:</u></p> <p>Report refers.</p>

General Manager's Report to the Ordinary Meeting of Bogan Shire Council
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5	24/03/2016 15/12/2016	078/2016 485/2016	Bicentennial Wall & Ceramic Mural	The General Manager work with Peter Zanetti to undertake the necessary work to complete the reinstatement of the wall & mural.	GM	<p>Broken tiles have been put together & now to be catalogued. Manufacture of blank tiles commenced.</p> <p>List of tile owners has been publicised to the community.</p> <p><u>UPDATE:</u></p> <p>Community workshops held on Saturday 12 and Sunday 13 August 2017, with 20 people participating.</p> <p>Reinstatement of wall commenced 15 August 2017.</p>
6	28/04/2016	107/2016	Village Tour	Entrance Signs into villages be pursued in conjunction with the villages' communities. Costing to be part funded from village allocation & part funded by Council.	MES	<p>Construction of signs still in progress.</p> <p><u>UPDATE:</u></p> <p>Signs Installed. COMPLETED</p>

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 24 August 2017**

7	27/10/2016	423/2016	Seniors Living Rental Units	- Consult with community to gauge interest in the project before making a decision on which location & how many units to build & advise prospective tenants of what the highest rental payment will be & what they would receive for their payment.	GM	Public Information Meeting 14 December 2016.
	27/04/2017	109/2017				<p>Council approve \$7,000 in the current year's budget to have the construction plans complied.</p> <p>A report be presented to Council detailing the estimated cost of the development once the construction plans have been received and quantified.</p> <p><u>UPDATE:</u></p> <p>Grant application made under Resources for Regions Program. Building Better Regions Grant Program identified as a match for this project. Round 2 expected in November 2017.</p>

General Manager's Report to the Ordinary Meeting of Bogan Shire Council
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8	27/04/2017	090/2017	Flood Memorial Carpark	Signage be erected in the carpark advising campers free camping is permitted within the area for 24 hours and that no access to power is available, however, power is available at the two Caravan Parks.	MPC	Signage ordered – waiting on receipt. Signage received. Some amendments are required to the information sign, which will be installed as soon as the new sign is received.
9	22/06/2017	181/2017	Orana Arts – Proposal to develop exhibition space and gallery in the former Fire Station.	A detailed proposal to be submitted to Council with costings of planned building works. Council be provide with full details of how the exhibition space will be managed & operated setting out Council's & Orana Arts responsibilities at the start & in the medium term for further consideration.	MPC	<u>UPDATE:</u> Michelle Hall has advised that Council's preferred space is not suitable. Further options will be explored for an application next financial year. COMPLETED

**General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 24 August 2017**

10	22/06/2017	196/2017	Pedestrian Access to Early Learning Centre	Manager Engineering Services presents a report to Council in October 2017 with estimates for a footpath & stormwater drain crossing.	MES	<u>UPDATE:</u> Report refers. COMPLETED
11	27/072017	236/2017	National Broadband & Network Design	Council raises it concern with the current footprint with the Minister for Communications & Arts & member for Parkes to ensure that our community is able to fully benefit from the fixed line NBN delivery.	MDES	<u>UPDATE:</u> Letter Sent. COMPLETED



**General Manager's Report to the Ordinary Meeting of Bogan Shire Council
held on 24 August 2017**

1.1 Recommendation

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

**Derek Francis
General Manager**

REPORT TO THE ORDINARY MEETING OF COUNCIL – PEOPLE AND COMMUNITY SERVICES

Mayor and Councillors

The following reports are submitted for consideration:-

1 BOGAN SHIRE MEDICAL CENTRE

Summary:-

This report is to advise Council of the successful operation of the Medical Centre since opening 3 months ago.

1.1 Introduction

The purpose of this report is to advise Council of the successful operation of the Medical Centre since opening 3 months ago.

1.2 Background

The Bogan Shire Medical Centre opened on Monday 15 May 2017 and employs one GP, one Registered Nurse (currently job shared between three nurses), one Practice Manager, two Care Coordinators and a Cleaner.

Onsite Pathology Services are provided by Douglass Hanly Moir Pathology 3 mornings per week. Podiatry services are currently offered at the Centre on Wednesdays. Visiting Ultrasound and Psychiatry Services have also been provided, with future service provision / clinics based on need and GP referral.

Other services provided by the Medical Centre are as follows:-

- Standard routine GP consultations;
- Longer GP consultations by request;
- Acute appointments (limited availability);
- Script appointments (limited availability);
- Minor procedures including excision and cryotherapy;
- Childhood vaccinations (funded by Medicare);
- Vaccinations, including overseas vaccinations and immunisations;
- Chronic Disease Management (through our Healthy Living Program);
- Diabetes Cycle of Care (regular checks);
- Asthma Cycle of Care (regular checks);

- Preventive health checks;
- Home visits (at the discretion of our GPs);
- Family Planning & Antenatal shared care;
- Pap Smears;
- Health assessments (including 45-49, 75+, ATSI);
- Skin checks;
- WorkCover management;
- Pre-Employment Medicals (Fees may be involved);
- RMS Medicals, Insurance Medicals (Fees may be involved); and
- Registrations for Closing the Gap.

1.3 Discussion

Since opening and at time of writing this report, 1274 people have registered as patients, 2437 services have been provided by Dr Merran Auland and 718 services provided by the nurses.

Dr Auland has seen more than 330 acute care patients and currently visits 22 Residential Aged Care patients at the Nyngan Health Service.

There are currently 84 patients identified as having chronic medical conditions such as diabetes, asthma, heart disease, etc. and are being managed by a multi-disciplinary team consisting of the GP, Nurse and Allied Health through the Chronic Disease Management (CDM) Plans.

1.4 Recommendation

That the report on the first 3 month's operations of the Medical Centre be noted.

2 BOGAN SHIRE EARLY LEARNING CENTRE

Summary:-

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

2.1 Introduction

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

2.2 Discussion

Statistics

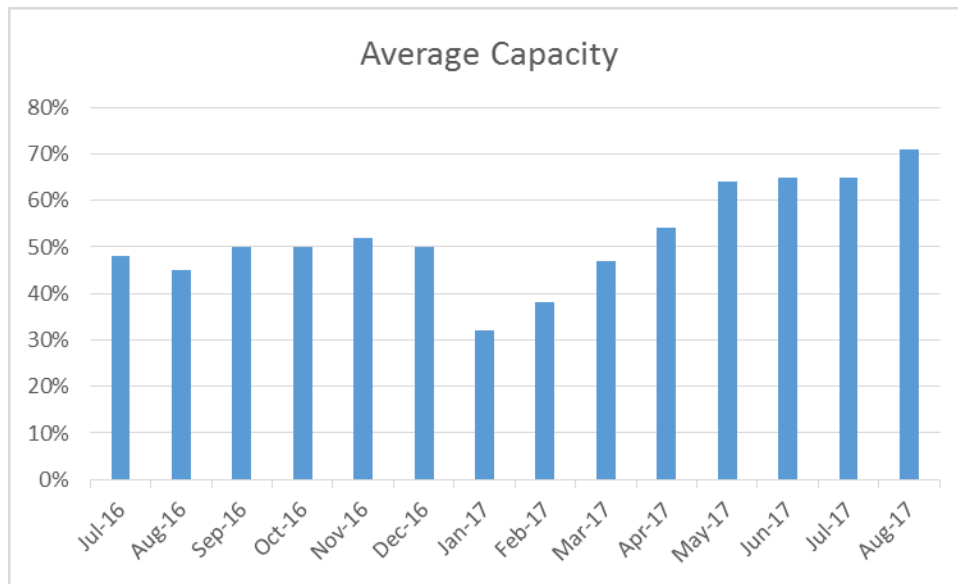
- Total children enrolled as at 6/02/2017: 79
- Total Children enrolled as at 10/05/2017: 103

- Total children scheduled to attend for the week ending 10/02/2017: 74
- Total children scheduled to attend for the week ending 11/08/2017: 147

Usage Capacity

	Monday	Tuesday	Wednesday	Thursday	Friday	Ave.
July 2016	47%	40%	55%	59%	44%	48%
August 2016	35%	35%	49%	66%	41%	45%
May	60%	69%	77%	54%	55%	64%
June	60%	70%	77%	58%	62%	65%
July	64%	69%	68%	62%	62%	65%
August (weeks 1&2)	79%	69%	74%	74%	60%	71%

**People and Community Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 24 August 2017**



The Early Learning Centre is continuing to run smoothly, with numbers still on a steady increase since the beginning of the new financial year. New enrolments are continuing, with the Puggles Room (0-3 years) at capacity 2-3 days per week.

ELC Accreditation

The ELC have recently been notified that ACECQA will be visiting in August to conduct the first assessment and rating visit. The Quality Improvement Plan (QIP) has been submitted to the Education Directorate and the ELC will receive notice of a visit date 5 days before the day of assessment.

There are 3 main sections covered in the QIP as follows:-

- Philosophy:
 - What are the core values of the service?
 - Does the service follow a particular educational approach?
 - What is important to the service, the staff, the children and the families using your service?
 - Does the service reflect the wider community?

**People and Community Services' Report to the Ordinary Meeting of Bogan Shire Council
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- Self-Assessment:
 - Quality Area 1: Educational Program and Practice.
 - Quality Area 2: Children's Health and Safety.
 - Quality Area 3: Physical Environment.
 - Quality Area 4: Staffing Arrangements.
 - Quality Area 5: Relationships with Children.
 - Quality Area 6: Collaborative Partnerships with Families and Communities.
 - Quality Area 7: Leadership and Service Management.

- Plan for improvement:
 - Prioritise the identified areas for improvement as a high, medium or low (H, M, L) priority.

Recent Highlights for the Service.

The ELC has received exciting news that the funding application "The Power of Outdoor Education" for a \$50,000 Grant from the Frank Johnson Foundation was successful, with comment from the Trustee that applications this year were of a very high standard. The Grant will be used for Stage 2 of the playground at the ELC, comprising of the following:-

- Cubby house;
- Mud pit;
- Tactile pathways;
- Water play near sandpit;
- Mud kitchen; and
- Additional trees and landscaping to complete the playground creating a powerful outdoor learning environment.

Recent Events.

The ELC and BBM teams set up and manned a large stall at the Nyngan Ag Expo. In addition to this, they held a book fair and received very positive feedback from the community and the day, as always, being a great success for Council and their Children's Services.



**People and Community Services' Report to the Ordinary Meeting of Bogan Shire Council
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The ELC participated in NAIDOC celebrations in the week of 15 - 18 August, with children attending the Opening Ceremony, hosting an afternoon tea with the Joeys Room children visiting the Public School on Tuesday.

2.3 Recommendation

That the Early Learning Centre Report be received and noted.

3 BOGAN BUSH MOBILE – BUDGET BASED FUNDING TRANSITION

Summary:-

The purpose of this report is to update Council on the progression of the Budget Based Funding transition in relation to Bogan Bush Mobile funding.

3.1 Introduction

The purpose of this report is to update Council on the progression of the Budget Based Funding transition in relation to Bogan Bush Mobile funding.

3.2 Background

The Bogan Bush Mobile has been operating out of Nyngan for 26 years and currently provides fortnightly, two hour educational sessions to approximately 210 children aged 0-6 across 11 localities and five Local Government areas. With the ceasing of the Budget Base Funding Model it will be required to operate under the Federal Government's Jobs for Families Package which could result in it transitioning to become a mobile child care provider, not funded through the Department of Education.

The Australian Parliament passed the Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Bill 2017 (the Bill) on 27 March 2017. The Bill gives effect to the Government's Jobs for Families Child Care Package (the Package) including the new Child Care Subsidy (CCS), Additional Child Care Subsidy (ACCS) and strengthened legislative compliance provisions. The CCS and ACCS, together with the new Community Child Care Fund (CCCF), will commence in July 2018.

PricewaterhouseCoopers (PwC "the Consultants") completed the first phase of transition visits to BBF services with key management staff in October 2016 and presented their findings to Council in January 2017.

On Thursday 1 December, Director of Children's Services, Nichole Jenkins attended a meeting at Parliament House with Member for Parkes, Mark Coulton MP, Rachel Howard, Senior Advisor to Simon Birmingham, Minister for Education and Michelle Carnegie representing Bogan Shire Council on behalf of MCSA and Contact Inc.

The Director Children's Service attended the National BBF Mobile Forum in March 2017.

The General Manager, Manager People and Community Services, Manager Finance and Corporate Services and Director Children's Services attended a PwC meeting in Dubbo on 3 and 4 August 2017 regarding the BBF funding transition.

3.3 Discussion

At present there are three possible options Council needs to consider. All three options require further work and investigation from Council, PwC and the Department of Education (DoE).

Option 1

BBM would transition into the new funding model funded as a mobile "child care" service. Hours would be slightly longer possibly 3-4 hours. Families would be able to leave their children at the service if they so choose for some or all of the time, they are also welcome to stay and participate as they currently do if this is their preferred option. Parents and carers would be required to sign care of their children over to the BBM Educators. The DoE has expressed that they expect services to keep fees to families as to what they are currently paying. This model of funding would require substantial funding from the Federal Government via the DoE Community Child Care Fund (CCCF) to maintain viability and keep fees to families affordable. This option would see BBM enter into a 5 year funding arrangement.

Option 2

BBM would transition into the new funding model funded as a mobile "child care" service for some of our venues and some venues would remain as our current playgroup model supported again from the CCCF funds within the DoE Child Care funding model. This would again attract a 5 year funding arrangement.

Option 3

BBM would elect to transition to another department (unknown at this stage) with our current funding amount to deliver playgroup as we currently do. This funding would be guaranteed for 2 years only and is of an uncertain nature.



**People and Community Services' Report to the Ordinary Meeting of Bogan Shire Council
held on 24 August 2017**

Overall PwC and the DoE expressed a real desire to make the transition work for our services and families and understood that this would require financial support from the Federal Government CCCF fund in order for our service to transition smoothly.

Council staff will continue to work with PwC and DoE to determine which of the three options above will provide the best outcomes for our families. At this stage Option 1 appears to be the most beneficial for our families but is likely to require substantial Government funding to remain viable. A decision on which model to adopt may have to be made before the September Council meeting. As a result, Council may wish to consider delegating this decision to the Mayor and General Manager.

5.1 Recommendation

That the decision on which funding/operating model to adopt for the Bogan Bush Mobile be delegated to the Mayor and General Manager should a decision be required before the next Ordinary Meeting of Council.

Debb Wood

Manager People and Community Services

REPORT TO THE ORDINARY MEETING OF COUNCIL – FINANCE AND CORPORATE SERVICES

Mayor and Councillors

The following reports are submitted for consideration:-

1 BANK RECONCILIATION

Summary:-

The report is to present the reconciliation of Council's Cash Book, Bank Statements and Ledger Bank Account as at 31 July 2017.

1.1 Introduction

The purpose of this report is to present the reconciliation of Council's Cash Book, Bank Statements and Ledger Bank Account as at 31 July 2017.

1.2 Background

The presentation of the reconciliation of Council's Cash Book, Bank Statements and Ledger Bank Accounts is not a requirement of any Act, however historically it has been provided for the information of Councillors.

Bank Reconciliation for July 2017

Council General Fund

Bank Statement Balance	\$ 100,000.00cr
Add Deposits not yet receipted	\$ 11,474.69cr
Less Unpresented Payments	\$ 6,686.56dr
Balance as per Council	\$ 104,788.13 cr

Represented by the following in Council Ledgers

Account	
19001.8000.8000	\$ 104,788.13cr
Difference	\$ 0.00

**Finance and Corporate Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017**

1.3 Recommendation

That the Bank Reconciliation Report as at 31 July 2017 be received and noted.

2 INVESTMENTS JULY 2017

Summary:-

- *The report is to outline the performance of Council's Investment Portfolio for the month of July 2017.*
- *At 31 July 2017 Council had \$11.9 million invested. There has been an increase of \$772,000 to Council's investments since the June 2017 report due to the receipt of outstanding funds relating to RMS flood damage claim and the first quarter Block Grant.*

2.1 Introduction

The purpose of this report is to outline the performance of Council's Investment Portfolio for the month of July 2017.

2.2 Background

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

2.3 Discussion

The Investment Report for July 2017 is shown below. At 31 July 2017 Council had \$11.9 million invested. There has been an increase of \$772,000 to Council's investments since the June 2017 report due to the receipt of outstanding funds relating to Roads and Maritime Service Flood Damage Claim and the first quarter Block Grant. All money has been invested in accordance with Council's Investment Policy.

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

**Finance and Corporate Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017**

Investment Movements for July 2017

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

Bogan Shire - Investment movements for July 2017							
REF	Source	Maturity	Days	% rate	Interest	Bal 30/06/2017	Bal 31/07/2017
3204	NAB	11-Jun-17	270	2.650%	19,603	1,000,000.00	1,000,000.00
4608	NAB	1-Sept-17	180	2.600%	26,000	2,000,000.00	2,000,000.00
7985	NAB	08-Aug-17	365	2.850%	79,800	2,800,000.00	2,800,000.00
516	NAB	29-Aug-17	365	2.760%	27,600	1,000,000.00	1,000,000.00
300023	C'WEALTH	27-Jan-18	270	2.670%	19,750	1,000,000.00	1,000,000.00
6894	NAB Professional Funds		At Call	2.000%		3,367,681.63	4,139,846.92
	Balance securities held					11,167,681.63	11,939,846.92
	Ledger Balance					11,167,681.63	11,939,846.92
	Summary by institution						
	C'wealth					1,000,000.00	1,000,000.00
	NAB					10,167,681.63	10,939,846.92

2.4 Recommendation

That the Investments Report as at 31 July 2017 be received and noted.

**Finance and Corporate Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017**

3 SUMMARY OF RATES & ANNUAL CHARGES COLLECTION

Summary:-

- *The report is to provide a comparison of rate collections as at 31 July 2017, with the same period last year.*
- *Total arrears have increased from \$312,113 at 31 July 2016 to \$382,463 as at 31 July this year.*

3.1 Introduction

The purpose of this report is to provide a comparison of rate collections as at 31 July 2017 with the same period last year.

3.2 Discussion

This report is provided for the information of Councillors.

Rate Collections	2017-2018	2016-2017
Arrears Prior to 01/07/2017	382,463	312,113
First Instalment Outstanding as at 31/07/2017	982,818	981,648
Second Instalment Outstanding as at 31/07/2017	1,117,587	1,092,352
Third Instalment Outstanding as at 31/07/2017	1,129,389	1,102,080
Fourth Instalment Outstanding as at 31/07/2017	1,134,397	1,103,542
Total Arrears	382,463	312,113
Total Outstanding	4,746,654	4,591,735
Monthly Transactions		
Amount Levied & B/Fwd	5,253,779	4,998,031
Add: Adjustments	2,269	2,114
Less: Payments to end of May	-434,125	-331,724
Less: Rebates	-78,138	-79,585
Add: Postponed	2,869	2899
Gross Total Balance	4,746,654	4,591,735
Arrears of total amount levied %	7%	6%

**Finance and Corporate Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017**

Council has collected \$102,401 more at 31/7/2017 than collected at 31/07/2016.

Total arrears have increased from \$312,113 at 31 July 2016 to \$382,463 as at 31 July this year. This is due to long term outstanding debt not reducing during 2016/2017. Procedures are currently being put in place by Council staff for Sale of Land for unpaid rates. This, however, is a long, and time consuming process, and could take several months before it is completed. Council will also be unlikely to recover all long term outstanding debt as the value of unpaid rates exceeds the value of property and the amount likely to be recovered by Council. The process will however enable Council to start collecting rates on these properties once new owners take over the property.

3.3 Recommendation

That the Rates and Annual Charges Collection Report as at 31 July 2017 be received and noted.

**Finance and Corporate Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017**

4 AUDIT OF 2016/2017 FINANCIAL ACCOUNTS

Summary:-

The report is to advise Council of the timeline for the Audit of the 2016/2017 Statutory Accounts.

4.1 Introduction

The purpose of this report is to inform Council of the timing of the Audit of the Statutory Accounts for the 2016/2017 Financial Year.

4.2 Background

Council is required to produce and have audited a set of Statutory Accounts each Financial Year. The 2016/2017 Financial Year closed on 30 June 2017 and audited Statutory Accounts must be lodged with the Department of Local Government by 31 October 2017.

4.3 Discussion

The Auditors have suggested audit dates between 25 to 28 September, providing that certain information is sent in advance.

Council staff plan to have a full set of statutory accounts completed by 11 September 2017 so that they can be adopted and referred to audit at Council's Ordinary Meeting scheduled for 28 September 2017. This is in line with the timeline set in 2016.

4.4 Recommendation

That the Audit of 2016/2017 Financial Accounts Report be noted.

**Finance and Corporate Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017**

5 FINANCIAL ASSISTANCE TO COMMUNITY SERVICE ORGANISATIONS

Summary:-

- *The report is to advise Council of requests received for Financial Assistance in relation to Rates and Charges levied on Community Service Organisations.*
- *Council has in the past granted Financial Assistance to the below organisations to help with payment of their Annual Rates and Charges. The request is that the same assistance applies to this current financial year.*

5.1 Introduction

The purpose of this report is to advise Council of requests for financial assistance in relation to rates and charges levied on Community Service Organisations.

5.2 Background

Council levies rates according to the Local Government Act 1993 (The Act) and its Operational Plan.

Under Section 356 of The Act, Council can legally provide financial assistance to Community Organisations if their activities can be linked to outcomes specified in the Operational Plan.

The 2017/2018 rates were levied with these ratepayers included and if Council agrees to financial assistance then corresponding savings must be found in other parts of the budget. Council has budgeted \$5000 in 2017/2018 for these types of donations. However, Council has already committed to \$3,630 in Financial Assistance to the Nyngan Night Church leaving a balance of \$1,370 in the budget.

5.3 Discussion

Council has received three letters requesting financial assistance to meet the cost of rates and charges payable.

**Finance and Corporate Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017**

Organisation	Levied 2016/17	Fin Assist 2016/17	Levied 2017/2018	Fin Assist 2017/2018	Justification
Hermidale CWA Branch	\$1,080	\$447	\$1,141	\$476	Sect 1.1 of the Operational Plan
Nyngan Baptist Fellowship	\$3,630	\$3,630	\$879	\$879	Sect 1.2 of the Operational Plan
Nyngan Baptist Fellowship Non-Res Sewer Access	\$540	\$540	\$540	\$540	Sect 1.2 of the Operational Plan
Trustees Bobadah Hall	\$567	\$287	\$601	\$316	Sect 1.1 of the Operational Plan
Girl Guides Association	\$1,453	\$1,453	\$1,380	\$1,380	Sect 1.2 of the Operational Plan
Girl Guides Association Non-Res Sewer Access	\$540	\$540	\$540	\$540	Sect 1.2 of the Operational Plan

- **Hermidale Branch CWA**

No Amount Specified

Small community organisation based in Hermidale who have received financial assistance in past years. Recommend Council assist with the full amount of rates levied of \$160 and the Waste Depot Levy of \$316. They would then still pay the \$665 Rateable Water Charge for Hermidale.

**Finance and Corporate Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017**

• Nyngan Baptist Fellowship \$1419

This is a non-profit organisation who have requested that Council give them financial assistance for the Waste Depot Levy and the Water Access Charges. Included in this report is also the \$540 Sewer Access Charge although not specifically asked for in their request it would be in line with what was granted in 2019/2017.

As this property is now operated as a Church it is no longer rateable for the general rates. Recommend Council assist with amount payable of \$1,419.

• Trustees Bobadah Hall \$316

This is a non-profit organisation who have requested that Council give them financial assistance for the Waste Depot Levy. Recommend Council assist with amount payable of \$316.

• Girl Guides Association No Amount Specified

This is a non-profit community service organisation who has requested that Council give them financial assistance to pay for their Rates and Charges levied for 2017/2018.

Recommend that as in previous year's Council assist with the sum of \$1,920.

5.4 Recommendation

That Council:

1. Provide financial assistance to Hermidale CWA to the value of \$476, which represents the general rate levied on the Hermidale CWA Building and the Waste Depot Levy.
2. Provide financial assistance to The Nyngan Baptist Fellowship to the value of \$1,419, which represents the Water Access Charge, the Waste Depot Levy and the Non-res Sewer Access Charge. This would exclude any usage charges for water.
3. Provide financial assistance to the Trustees of the Bobadah Hall to the value of \$316, which represents the Waste Depot Levy.
4. Provide financial assistance to the Nyngan Girl Guides Association to the value of \$1,920 which represents all rates and charges levied on the Girl Guides Hall. This would exclude any usage charges for water.

6 REVISION OF COUNCIL POLICY FOR PUBLIC INTEREST DISCLOSURES

Summary:-

- *The purpose of this report is to review Policy AP001 Public Interest Disclosures – Internal Reporting. The Policy was last reviewed on 23/04/2015 and is now due to be reviewed.*
- *Under section 6D of the PID Act, public authorities are required to have a Policy and Procedures for receiving, assessing and dealing with Public Interest Disclosures.*

6.1 Introduction

The purpose of this report is to review Policy AP001 Public Interest Disclosures – Internal Reporting. The Policy was last reviewed on 23/04/2015 and is now due to be reviewed.

6.2 Background

The Public Interest Disclosures Act 1994 (the PID Act) aims to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration, serious and substantial waste, breach of the GIPA Act and Government information contravention in the public sector.

Under section 6D of the PID Act, public authorities are required to have a Policy and Procedures for receiving, assessing and dealing with Public Interest Disclosures.

6.3 Discussion

The protection of people who make disclosures in the public interest is the foundation of this Policy.

The Policy requires Council management to do the following:-

1. encourage reports of wrongdoing;
2. protect and support those who make them;
3. provide training for key personnel;
4. investigate allegations;
5. properly manage any workplace issues that the allegations identify or create; and
6. correct any problem that is identified.

**Finance and Corporate Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017**

The Policy details the five main categories of serious wrongdoing which should be reported. These categories are:-

1. Corrupt Conduct;
2. Maladministration;
3. Serious and substantial waste of public money;
4. Breach of the GIPA Act; and
5. Local Government Pecuniary Interest Contravention.

The above categories are explained in the Policy document and examples given.

There have been changes to the previously adopted Policy based on the updates by the NSW Ombudsman. The provisions of the Policy have not changed.

It is recommended that the updated Policy be adopted for a further two years.

6.4 Attachment

The current AP001 Public Interest Disclosure Policy.

6.5 Recommendation

That Council adopt the current Policy AP001 Public Interest Disclosures – Internal Reporting for a further two years.

7 SECTION 713 SALE OF LAND FOR UNPAID RATES

Summary:-

- *The purpose of this report is to outline the strategy to recover unpaid rates outstanding for more than five years under Section 713 of the Local Government Act.*
- *Council has a large number of properties that are able to be sold for unpaid rates and charges. The processes are listed and a timeline of when these will take place.*

7.1 Introduction

The purpose of this report is to outline the strategy to recover unpaid rates outstanding for more than five years under Section 713 of the Local Government Act.

7.2 Background

Council has a large number of properties that are able to be sold for unpaid rates and charges. The majority of these parcels could have been sold some years back as they were vacant parcels with rates and charges due being higher than the land value of the property. It will now be unlikely that Council will recoup all the monies owed requiring a significant write off of rates and charges.

7.3 Discussion

The table listed below give Council a timeline for the completion of the Sale of Land. This is a drawn out procedure as there must be a three month waiting period between the resolution to sell the properties and the actual sale.

**Finance and Corporate Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017**

September 17	Set place, date and time for the sale.
	Write a formal letter to 3 conveyancers/solicitors for expressions of interest in assisting with the sale and their terms of trade.
	Write a formal letter to 2 real estate agents for expressions of interest in assisting with the sale and their terms of trade.
October 17	Compile a list of properties to be sold.
	Identify properties to be purchased by Council.
	Make a file for each property including map/aerial photograph, photograph from street of land, title search and LPI property print out from Valnet.
	Write to the owner and advise that Council is proposing to sell the land, including a notice of intent form.
	Certify the debt in writing (GM to sign).
	Council Resolve to sell properties for unpaid rates and charges.
	Select Councils preferred auctioneer and solicitor.
	Provide owner/property details to Councils auctioneer and solicitor.
	Give notice of the proposed sale by means of an advertisement published in the Government Gazette and at least 1 newspaper. Sale must be completed within 6 month but not less than 3 months from this point.
November 17	Take reasonable steps to ascertain the identity of any person or organisation that has a vested interest in the property ie. Mortgagee. Excess funds may need to be dispersed amongst stakeholders.
	Advise adjoining property owners of the sale and any person that has expressed interest.

**Finance and Corporate Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017**

December 17	Arrange meeting with solicitor and auctioneer to discuss the sale logistics ie, set-up, payment required, sequence of property sold.
January 18	Prepare property information sheets and booklets.
	Re-advertise before the sale.
February 18	Conduct sale.
March 18	Prepare a report of Rates and Charges to be written off for all properties.

7.4 Recommendation

1. That the report Section 713 Sale of Land for unpaid rates be received and noted.
2. Council sets a date for the auction to be conducted.

Stephanie Waterhouse
Manager Finance and Corporate Services

REPORT TO THE ORDINARY MEETING OF COUNCIL – ENGINEERING SERVICES

Mayor and Councillors

I submit the following report for consideration:-

1 OPERATIONAL REPORT

1.1 Civil Works

Work undertaken during the reporting period of 17 July 2017 to 12 August 2017 consisted of the following:-

- Completing earthworks for the construction of new kerb and gutter at the new NSW Fire Station and the Storage Units in the John Hoare OAM Business Estate.
- Completing earthworks for the construction of the new garden beds in Pangee Street CBD.
- Assisting contractors with the pouring of the new kerb and gutter in Lawlor Street.
- Assisting contractors with the pouring of the new garden beds and pedestrian blisters in Pangee Street.
- Repairing paving in front of the Dental Surgery in Pangee Street.
- Removing levee gates, replacing seals and grouting gates once placed back into position.

1.2 Community Facilities

Work undertaken by Council's Community Facilities during this reporting period consisted of the following:-

- Preparation and clean-up of the Nyngan Showground for the Nyngan Agricultural Expo.
- Preparation of the Nyngan Showground for the Annual Dog Trials.
- Mowing and maintenance of ovals and reserves.
- Cleaning of town facilities.
- Cleaning and sweeping of the Nyngan CBD.
- Preparing for private functions.
- Cleaning and maintenance of town streets and nature strips.
- Cleaning of town streets gutters and culverts.
- Digging and backfilling of graves.

**Engineering Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017**

1.3 Roads

The work undertaken during this reporting period by Works Crews consisted of the following:-

No.	Name	Comments
73	Jump's Road	Maintenance grading completed.
5	Piesley Road	Maintenance grading continuing.
15	Kallara Road	Re-sheeting continuing.
10	Pangee Road	Maintenance grading commenced.
12	Coffils' Lane	Re-sheeting completed.
14	Gilgai Road	Maintenance grading completed.
30	Eulo Glen Road	Maintenance grading completed.
22	Mulla Road	Intersection works continuing.
10	Pangee Road	Re-sheeting continuing.
92	Colane Road	Maintenance grading completed.
4	Dandaloo Road	Maintenance grading completed.
12	Coffils' Lane	Maintenance grading completed.
22	Mulla Road	Maintenance grading commenced.
20	Murrawombie Road	Maintenance grading commenced.
3	Buddabadah Road	Maintenance grading commenced.
20	Murrawombie Road	Re-sheeting completed.
2	Gibson's Road	Maintenance grading commenced.

**Engineering Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017**

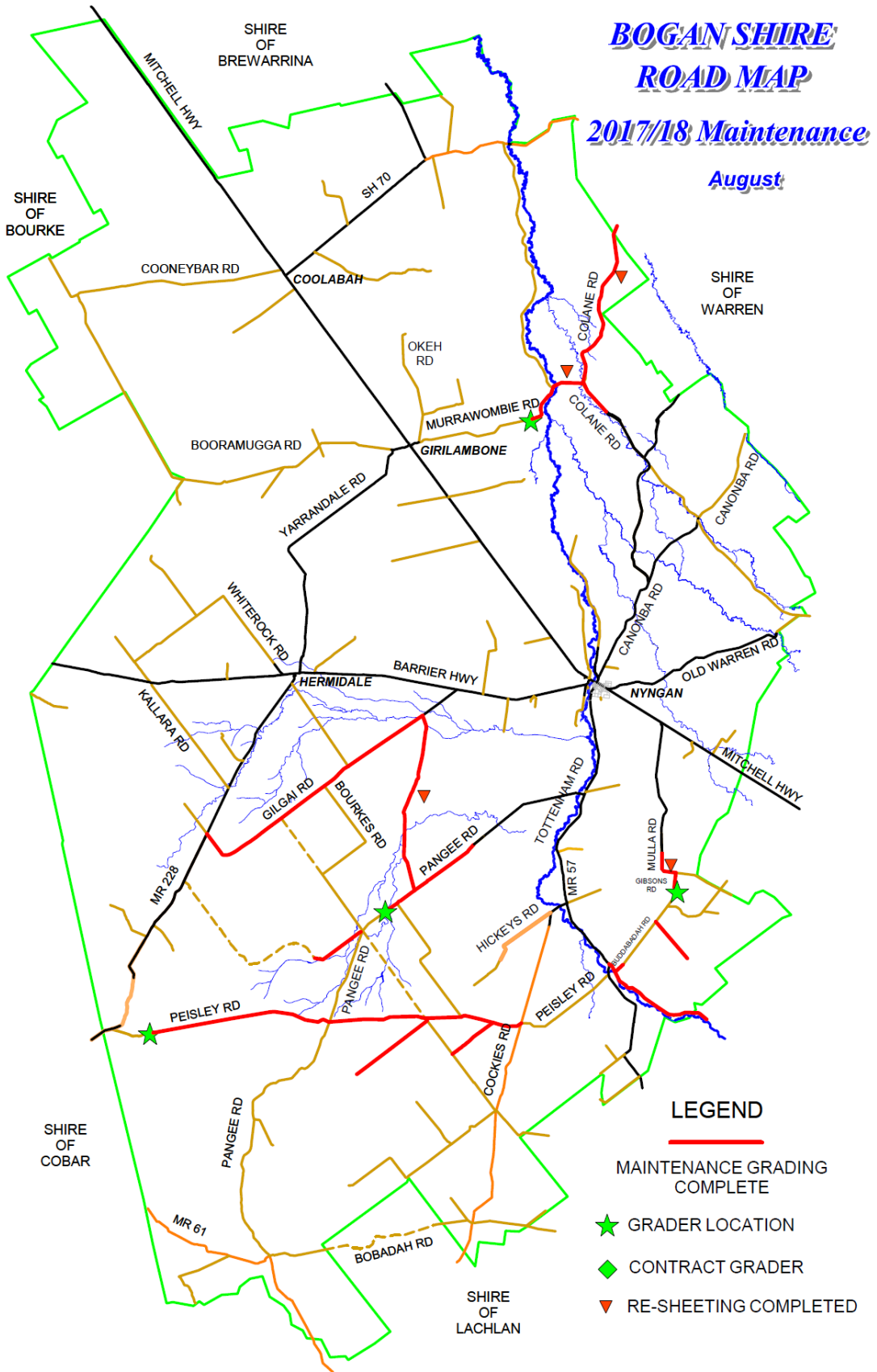
The works program for the remainder of August and part of September includes but is not limited to the following works:-

- Commencing or continuing re-sheeting on the following roads - Merryanbone Road, Gilgai Road, and Cockie's Road.
- Commencing or continuing maintenance grading of the following roads - Cockies Road, Buddebadah Road, Mulla Road, Gibson's Road and Hermidale Nymagee Road.
- Completing construction of the new dressing sheds at Larkin Oval.
- Continuing with the installation of new seals on some of the town levee bank gates and the cleaning of their outlet drains.
- Commencing cleaning of mitre drains on the Mitchell Highway west of Nyngan.
- Backfilling the new kerb and gutter in the John Hoare OAM Business Estate.

1.4 Recommendation

That the Operational Report for the reporting period 17 July 2017 to 12 August 2017 be received and noted.

Engineering Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017



2 NEEROC ROAD EXTENSION

Summary:-

The purpose of this report is for Council to consider a request from AGL to extend the length of the Neeroc Road.

2.1 Introduction

The purpose of this report is for Council to consider a request from AGL to extend the length of the Neeroc Road.

2.2 Background

Council resolved in February 2017 to investigate the cost of transferring and constructing the crown road section of Neeroc Road. It was reported to the March 2017 meeting that the estimated cost to clear and form the road was \$30,000 with an additional \$50,000 required for a crushed rock pavement. A \$50,000 budget was considered in the 2017/18 estimates for the project on the basis that less crushed rock would be required than originally thought, but it was not approved.

2.3 Discussion

Council has received a letter from AGL requesting that the length of the Neeroc Road be extended by 3kms to provide access to Lot 30 DP 752879.

AGL Energy Limited was given approval by the Department of Planning and Infrastructure on 15 July 2013 to construct the solar photo voltaic power station. The project resulted in the permanent loss of approximately 10 hectares of native vegetation ranging from poor to good condition.

The Biodiversity Assessment for the project determined the site contained known breeding habitat for the threatened Grey-crowned Babbler (listed as Vulnerable under the Threatened Species Conservation Act 1995) with a number of family groups and active nests identified. A condition of approval was that a Biodiversity Offset Management Package be developed to offset the ecological values lost as a result of the project.

AGL identified a proposed Offset Site located approximately 10 km southwest of the solar plant at the end of the Neeroc Road. The proposed site is approximately 50 hectares in area and is located in the north western corner of Lot 30 DP 752879.

**Engineering Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017**

The overarching objectives of the plan and the biodiversity outcomes to be achieved were to:-

- Provide a 'like for like' offset with regard to vegetation types and threatened species habitats impacted by the development.
- Ensure offsets are consistent with the Principles for the use of Biodiversity Offsets in NSW.
- Achieve a net improvement in the biodiversity values within the Offset Site and maintain this for the long term.

AGL have now requested Council extend the Neeroc Road to allow them access to the Biodiversity Offset site. AGL has advised they, along with the property owner Will Carter, are prepared to contribute the estimated cost of \$50,000 for the road construction.

This estimated cost of \$50,000 allows for clearing approximately 4 hectares of timber to construct the road and forming of the road itself, along with some areas of rock pavement where the natural material may be poor.

The new section of the road will be constructed along the eastern boundary of Lot 31 DP 752879 which is currently fenced. This new road construction will then leave the western boundary of lot 38 DP 752891 unfenced. If fencing of the 3km was to be included as a condition of the road construction, the estimated cost is an additional \$18,000.

2.4 Attachments

Letter from AGL

Location of Biodiversity Offset Site

Neeroc Road Location Plan

2.5 Recommendation

For Council's consideration

Engineering Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017

AGL Energy Limited
ABN: 74 115 061 375
Level 24, 200 George St
Sydney NSW 2000
Locked Bag 1837
St Leonards NSW 2065
t: 02 9921 2999
f: 02 9921 2552
agl.com.au



31 July 2017

The General Manager
Derek Francis
Bogan Shire Council
81 Cobar Street
Nyngan NSW 2825

cc: Graeme Bourke (Manager Engineering Services – Bogan Shire Council)

Dear Mr Francis,

Neeroc Road clearing and forming to Lot 30 in DP752879

In follow up to a discussion with Graeme Bourke, AGL would like to formally request for Bogan Shire Council to clear vegetation and form a road on the Crown road reserve known as Neeroc Road. The purpose is to allow AGL and its service providers to access the 50 hectare Biodiversity Offset site for the Nyngan Solar Farm. The Biodiversity Offset area is located on Lot 30 in DP752879 in the ownership of Mr Will Carter.

AGL and Mr Carter propose to fund the amount estimated by Council to complete the works, being \$50,000 plus GST. AGL can raise a purchase order for the amount upon a quote being issued by Council. Payment is at the completion of works being inspected and deemed by AGL to be to a satisfactory standard.

AGL as part of the scope of works request the cleared vegetation to be windrowed to the western side, if the cleared timber is to remain in place.

AGL under the Biodiversity Management Plan has obligations to meet in managing the site and a long-term, secure access road is necessary.

Please advise in writing if Council accept the offer for AGL to fund the road.

Please do not hesitate to contact me on (02) 9921 2080 if you have any queries in relation to the above.

Yours sincerely,



Doug Hunt
Land and Approvals Manager

Engineering Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017



Figure 1-1 Location of the proposed development and Offset Site

Engineering Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017



3 EARLY LEARNING CENTRE FOOTPATH

Summary:-

The purpose of this report is for Council to consider the construction of a concrete footpath along the nature strip from the Early Learning Centre to Cathundril Street.

3.1 Introduction

The purpose of this report is for Council to consider the construction of a concrete footpath along the nature strip from the Early Learning Centre to Cathundril Street.

3.2 Background

Council was requested through the Traffic Committee to consider the construction of a concrete footpath to the Early Learning Centre to provide a safe walkway for pedestrians going to and from the facility.

3.3 Discussion

The construction of a footpath is straight forward although a section of the existing table drain on the southern side of Cathundril Street requires realignment to allow for the path. The path would also need to be extended to the kerb on the northern side of Cathundril Street and steel gutter crossings constructed and installed on both sides of the street to allow pedestrians to cross the steep road shoulders.



**Engineering Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017**

The estimated cost to realign the drain, construct and install two steel gutter crossings and pour a concrete footpath is \$12,000. Funding for this could be considered at the October 2017 Budget Review.

3.4 Recommendation

For Council's consideration.

Graeme Bourke

Manager Engineering Services

**Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017**

REPORT TO THE ORDINARY MEETING OF COUNCIL – DEVELOPMENT AND ENVIRONMENTAL SERVICES

Mayor and Councillors

I submit the following reports for consideration:-

1 DEVELOPMENT APPLICATIONS

1.1 Introduction

Three (3) Applications have been approved since Council's July 2017 Meeting.

DA NUMBER	APPLICANT	ADDRESS	DESCRIPTION	VALUE (\$)	PROGRESS
2014/001	Dr Ryan Heggie	Canonba Road, NYNGAN	Hangar	64,000	Applicant advises that the DA will continue subject to lease negotiations.
2016/015	WR Nominees	Lot 101 Lawlor Street, NYNGAN	Change of Use	15,000	Additional report provided on Fire Safety Upgrades prior to Christmas. Under Assessment. Additional Information required.
2016/016	Terry Lyons	Lot 2 DP 939430 Nyngan Street, Hermidale	Refurbishment of shed and extension	100,000	Advice from Applicant that the application will be withdrawn / amended to reduce scope of project.
2017/007	Evolution Planning	39-41 Pangee Street, Nyngan	Replacement Business Signage	45,000	Approved.
2017/11	Geolyse Pty Ltd	Rutherglen Road, Nyngan	Transportable Dwelling for Rural Workers Accommodation	212,000	Approved.
2017/019	Mr G G Greilinger	Sirius Street, Girilambone	Shed	12,000	Approved.
2017/020	Mr RJ Sainsbury	37 Merilba Street Nyngan	Shed	40,000	Under Assessment

**Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017**

2017/021	Nyngan Local Aboriginal Land Council	15678 Mitchell Highway Nyngan	Shed	35,000	Under Assessment
2017/022	Mr MD and Mrs AB Bush	15-21 Jubilee Street Nyngan	Shed	30,000	Under Assessment
2017/023	Mr DJ Read	13 Collins Street Nyngan	Shed	17,000	Under Assessment
2017/024	Ms KF Dunn	35 Warren Street Nyngan	Shed	6,000	Under Assessment

1.2 Recommendation

That the Development Applications Report since the July Council Meeting be received and noted.

2 OPERATIONAL REPORTS

2.1 Introduction

The purpose of this report is to outline the key works undertaken since Council's July 2017 meeting by the Parks and Gardens Team and the Noxious Weeds Officer.

2.2 Discussion

Key works that have been undertaken by the Parks and Gardens Team consisted of the following:-

Routine maintenance duties as required including whipper snipping, mowing, weed removal at Heritage Park, Nyngan Cemetery, Davidson Park, Vanges Park, Medical Centre, Teamsters Rest Area, Flood Memorial Rest Area, Council Administration Building, Moonagee Street Park, Early Learning Centre and Rotary Park.

Additional task undertaken include:-

- Planting of shrubs for National Tree Day in the Truck Parking Area;
- Planting of trees to provide additional shade in the nature strip of the Council Administration Building;
- Replanting shrubs and laying of turf under the tree opposite the Council Administration Building;
- Replanting of garden areas in the Nyngan Cemetery;
- Assisting with works within Centenary Fountain including new turf and sprinklers;
- Ordering of new plants for the two new main street garden beds; and
- Assisting in the garden bed construction at Teamsters Rest Area.

Key works that have been undertaken by the Noxious Weeds Officer consistent of:-

Highway Spraying on the Nyngan approaches and attendance at the Central West Regional Strategic Weed Committee meeting Dubbo and the Macquarie Valley Meeting in Brewarrina whereby Brian Bonello was awarded the Tom Knowles Memorial Award for the Quiet Achiever of the Macquarie Valley Weeds Advisory Committee 2017.

Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017

2.3 Recommendation

That the Operational Report, including Parks and Gardens and Noxious Weeds since the July Council Meeting be received and noted.

3 FIRE SAFETY AUDIT – PROGRESS REPORT

Summary:-

The purpose of this report is to provide Council with an update on the progress of the Fire Safety Audit upgrades.

3.1 Introduction

Council previously resolved (Minute Number 269/2014) *“for a fire safety audit to be undertaken on all high risk premises where life and limb may be at risk as to ensure public safety and to present to the owners with a strategy to bring existing building into general compliance with the provisions of the Building Code of Australia”*.

3.2 Discussion

Council's previous resolution was intended to focus on existing public accommodation buildings or buildings where a large number of people gathered for social events. These buildings would be assessed and through a schedule of upgrading works, a voluntary agreement with the owners would bring their respective buildings up to standard with the intent of the Building Code of Australia over an agreed timeframe.

There were fourteen (14) such premises in Nyngan identified, these being:

- 3 hotels;
- 3 motels;
- 3 social clubs;
- 2 major shopping outlets;
- 2 bed and breakfast; and
- 1 social hall.

**Development and Environmental Services' Report to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017**

Of the above, the following has occurred:-

- 2 Hotels have completed works, 1 challenging the audit recommendations;
- 3 Motels have agreed to upgrade;
- 3 Social Clubs have commenced works;
- 2 Major shopping outlets have commenced works;
- 2 Bed and Breakfast have agreed to upgrade; and
- 1 Social Hall has agreed to upgrade.

Council has previously resolved (Minute Number 033/2015) to commence legal proceedings, including the issuing of Notices of Intent, Orders and the issuing of Penalty Infringement Notices against the owner/occupier of any premises who fails to comply with the findings of the Fire Safety Audit Report and/or comply with a relevant Fire Safety Schedule.

To date, Council has worked closely with the business to reach compliance, readily available and offering assistance when requested.

For those business owners not willing to satisfy Council's concerns and their own legal obligations with respect to achieving a satisfactory level of fire safety, it would appear that the above legal proceedings are required in order for appropriate action/s to commence. Relevant legal proceedings can be a long and costly process and have been considered as a last option.

It should be noted that it is not the intent of this process to negatively impact on any business. The intent of the entire process is for the public to have safe and appropriate means to evacuate a building in the case of an emergency.

3.4 Recommendation

That:

1. The report be received and noted.
2. Council reconfirm its position with respect to instituting legal proceedings where business owners are not meeting their obligation for fire safety.

Ty Robson

Manager of Development and Environmental Services

Precis of Correspondence to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017

PRECIS OF CORRESPONDENCE

1 ORANA ARTS INC

Attached is a copy of the Orana Arts mid-year report to Bogan Shire Council. The focus for the first year of engagement with Council and the community includes:-

- Increase in community capacity to access funds and opportunities;
- Increase in community engagement in local arts and cultural activities;
- Increase support to local artists so they can meet their artistic ambitions; and
- To expose and engage young people in arts and cultural practice.

List of outcomes and partnerships with and for Bogan Shire community to date have also been advised.

1.1 Recommendation: That the Orana Arts mid-year report to Bogan Shire Council be received and noted.

2 WEEKLY CIRCULARS

Weekly Circulars 28/17 to 31/17 are tabled for Council's information. Copies of the Circulars Indices and Summary of Items have been dispatched to Councillors.

2.1 Recommendation: That the Local Government Weekly Circulars be noted.

**Precis of Correspondence to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017**



Clr Ray Donald
Mayor
Bogan Shire Council
P.O. Box 221
Nyngan, 2825
New South Wales

Dear Clr Donald,

Orana Arts is pleased to provide a mid-year report to Bogan Shire Council.

Our focus for our first year of engagement with your council and community includes the following priority areas;

- Increase in community capacity to access funds and opportunities
- Increase in community engagement in local arts and cultural activities
- Increase support to local artists so they can meet their artistic ambitions
- To expose and engage young people in arts and cultural practice

Our Local Outcomes to date are;

- 194 young people aged 6 – 14 participated in our digital arts and cultural program including robotics and coding.
- 4 carved up workshops with 60 young people aged 6 – 12
- 1 weekend theatre workshop with 12 young people aged 8-14 with Alan Flower
- Intensive support and grant application for two local visual artists to fund development of a joint exhibition which will open in Nyngan and will also be exhibited at the Western Plains Cultural Centre
- Support to a local emerging visual artist in their application for a Youth Fellowship with Create NSW with a focus on photographic works of local identities and characters.

**Precis of Correspondence to the Ordinary Meeting of
Bogan Shire Council held on 24 August 2017**

- 1 Grant writing workshop for local organisations and individuals
- Development of Music in the Park Spring series (still under development)
- Development of youth ukulele program for young people aged -10 with Nyngan Public School P&C

Partnerships we have developed with and for the Bogan Shire Community to date include;

- 1 partnership with Western Plains Cultural Centre for exhibitions to and from Nyngan
- 1 visit by State and Federal arts funding bodies to meet with Council and Community
- Partnerships with Nyngan High School and Nyngan Public School to increase exposure and participation in arts activities
- Re-activation of Nyngan Arts Council

We are pleased that the local community has embraced Orana Arts with such passion that enables our organisation to deliver programs and opportunities to meet community needs.

We look forward to working with Council and Community in the future to further develop arts within the Bogan Shire. Should you have any questions, please do not hesitate to contact me on 0429945811.

Yours Sincerely,

A handwritten signature in black ink that reads "Alicia Leggett". The signature is written in a cursive, flowing style.

Alicia Leggett
Executive Director
Orana Arts

GRANTS AND FUNDING

LG Weekly 28/17 – 21 July 2017

Regional Cultural Fund

Expressions of Interest are invited for the NSW Government's Regional Cultural Fund.

LG Weekly 30/17 – 4 August 2017

Before and After School Care Funding

Funding of up to \$30,000 is available from the NSW Government to establish new out of school hours care services or expand existing ones.

Capital Works Funding for Preschools

Funding is available under the Start Strong Capital Works Grants program to increase the number of pre-school places.

NSW Seniors Festival Grants

Councils can apply for funding for events and activities during Seniors Week Festival (4-15 April 2018).

Strong and Resilient Communities Grants Open

Councils can apply for Federal Government Social Cohesion Grants for projects that build community resilience and promote inclusiveness.

Country Passenger Transport Infrastructure Grant Scheme

Applications are invited for the Country Passenger Transport Infrastructure Grant Scheme funded by Transport for NSW.

POLICY AP001
PUBLIC INTEREST DISCLOSURES
– INTERNAL REPORTING



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Overview

The Public Interest Disclosures Act 1994 (the PID Act) aims to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration, serious and substantial waste and government information contravention in the public sector.

Under section 6D of the PID Act, public authorities are required to have a policy and procedures for receiving, assessing and dealing with public interest disclosures made by public officials.

Policy Statement

Bogan Shire Council is committed to high standards of ethical and accountable conduct and will not tolerate any form of wrongdoing. Staff are encouraged to report known and suspected wrongdoing within Council to help promote integrity, accountability and good management. A decision to disclose wrongdoing to bodies outside the Bogan Shire Council will be respected, provided that the disclosure is made in accordance with the provisions of the PID Act.

A disclosure by a public official is protected under the Act if it discloses information “that the person making the disclosure honestly believes, on reasonable grounds, shows or tends to show” conduct of the relevant type (such as corrupt conduct or maladministration).

Any staff member who reports wrongdoing, will be supported by management. Details of such people will be protected and their confidentiality maintained wherever possible or appropriate. Victimisation or harassment of anyone who has made a disclosure will not be tolerated.

Reports of wrongdoing will be thoroughly and impartially investigated and, if some form of wrongdoing has been found, appropriate action will be taken to rectify the situation.

Staff who make reports will be kept informed of the progress and outcome of such report.

Council will provide adequate resources, both financial and human, to

- encourage reports of wrongdoing
- protect and support those who make them
- provide training for key personnel
- investigate allegations
- properly manage any workplace issues that the allegations identify or create
- correct any problem that is identified.

Applicability

This policy will apply to

- both council staff and councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- individual contractors working for the council.

The policy may also apply to other people who perform public official functions and their conduct and activities could be investigated by an investigating authority. This can include volunteers and those contracted to work for the council.

Purpose

The practical protection of persons who make disclosures is the foundation on which the success of the PD Act sits. Bogan Shire Council is committed to supporting and protecting staff if they report wrongdoing. This policy and related procedures set out the process for handling reports that are classified as public interest disclosures under the PID Act to allow staff and Councillors to disclose matters of corrupt conduct within Council in the strictest confidence.

Principles

1. What should be reported?

You should report any wrongdoing you see within the Bogan Shire Council. Reports about the five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention, and local government pecuniary interest contravention – will be dealt with under the PID Act as public interest disclosures and according to this policy.

a. Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a member of the public influencing a public official to use their position in a way that is dishonest, biased or breaches public trust.

For more information about corrupt conduct, see the NSW Ombudsman's guideline on what can be reported.

b. Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant someone a licence for reasons that are not related to the merits of their application.

For more information about maladministration, see the NSW Ombudsman's guideline on what can be reported.

c. Serious and substantial waste in local government

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of the council.

For example, this could include:

- poor project management practices leading to projects running over time
- having poor or no processes in place for a system involving large amounts of public funds.

For more information about serious and substantial waste, see the NSW Ombudsman's guideline on what can be reported.

d. Government information contravention

A government information contravention is a failure to properly fulfil functions under the Government Information (Public Access) Act 2009 (GIPA Act).

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

For more information about government information contravention, see the NSW Ombudsman's guideline on what can be reported.

e. Local government pecuniary interest contravention

A local government pecuniary interest contravention is a failure to fulfil certain functions under the Local Government Act 1993 relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, lodge written declarations and disclose pecuniary interests at council and council committee meetings. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

- a senior council staff member recommending a family member for a council contract and not declaring the relationship
- a general manager holding an undisclosed shareholding in a company competing for a council contract

For more information about local government pecuniary interest contravention, see the NSW Ombudsman's guideline on what can be reported.

f. Other wrongdoing

Although reports about the previous five categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong.

For example, these could include:

- harassment or unlawful discrimination
- reprisal action against a person who has reported wrongdoing
- practices that endanger the health or safety of staff or the public.

These types of issues should be reported to a supervisor, manager or the general manager in line with the Bogan Shire Council's policies.

Even if these reports are not dealt with as public interest disclosures, the Bogan Shire Council will consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

When will a person making a report be protected?

The Bogan Shire Council will support any staff who report wrongdoing. For a report to be considered a public interest disclosure, it has to meet all of the requirements under the PID Act. These requirements are:

- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.
- The report has to be made to one or more of the following:
 - a position nominated in this policy – see section 9 (b), (c) & (d) below
 - the general manager
 - one of the investigating authorities nominated in the PID Act – see section 10 below

Reports by staff and councillors will not be considered to be public interest disclosures if they

- mostly question the merits of government policy, including the policy of the governing body of the council
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

2. How to make a report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The staff member should keep a copy of this record.

If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

3. Can a report be anonymous?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by the Bogan Shire Council, it is best if you identify yourself. This allows Council to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified. If we do not know who made the report, it is very difficult for Council to prevent any reprisal action.

4. Maintaining confidentiality

The Bogan Shire Council realises many staff will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing.

Council is committed to keeping your identity, and the fact you have reported wrongdoing, confidential. However there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under the council's code of conduct, as this may mean certain information will have to be tabled at a council meeting.

If you report wrongdoing, you should only discuss your report with those dealing with it. This will include the disclosures coordinator and the general manager. If you discuss your report more broadly, you may affect the outcome of any investigation.

5. Who can receive a report within the Bogan Shire Council?

You are encouraged to report general wrongdoing to your supervisor. However the PID Act requires that – for a report to be a public interest disclosure – it must be made to a public official in accordance with the council's disclosure procedures. For the Bogan Shire Council, this means this policy and any supporting procedures.

Any supervisor who receives a report that they believe may be a public interest disclosure must refer the staff member making the report to one of the positions listed below. The broader responsibilities of these positions will be outlined in the procedures supporting this policy.

If you are council staff and your report involves a councillor, you should make it to the general manager or the Mayor. If you are a councillor and your report is about another councillor, you should make it to the general manager or the Mayor.

The following positions are the only ones within the Bogan Shire Council who can receive a public interest disclosure.

a. General Manager

You can report wrongdoing directly to the general manager. The general manager is responsible for

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

The general manager must make sure there are systems in place in the Bogan Shire Council to support and protect staff who report wrongdoing.

They are also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

b. Mayor

If you are making a report about the general manager, you should make your report to the Mayor. They are responsible for:

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

The Mayor must make sure there are systems in place in the Bogan Shire Council to support and protect staff who report wrongdoing.

If the report is about the general manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

c. Disclosures coordinator

The disclosures coordinator has a central role in dealing with reports made by staff. They receive them, assess them and refer them to people within Council who can deal with them appropriately. The Manager, Corporate Services is Bogan Shire Council's disclosures coordinator.

d. Disclosures officer

The disclosures officer is responsible for receiving and dealing with reports made in accordance with this policy. The Payroll Officer is Bogan Shire Council's disclosures officer.

6. Who can receive a report outside of the Bogan Shire Council

Staff are encouraged to report wrongdoing within the Bogan Shire Council, but internal reporting is not your only option. If you follow the guidance below, your report can still be a public interest disclosure.

You can choose to make your report to an investigating authority. You can do this first, or at any stage after your initial report to the Bogan Shire Council. If your report is about the general manager or the Mayor, you should consider making it to an investigating authority.

You can also choose to make a report to a Member of Parliament or a journalist, but only in limited circumstances.

a. Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff can report wrongdoing to and the categories of wrongdoing each authority can deal with.

In relation to council, these authorities are:

- the Independent Commission Against Corruption (ICAC) — for corrupt conduct
- the Ombudsman — for maladministration
- the Division of Local Government, Department of Premier and Cabinet — for disclosures about local government agencies
- the ICAC Inspector — for disclosures about the ICAC or its staff
- the Information Commissioner — for disclosures about a government information contravention.

You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that it is very likely the investigating authority will discuss the case with the Bogan Shire Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

b. Members of Parliament or journalists

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the general manager
- a person nominated in this policy
- an investigating authority in accordance with the PID Act.

Also, the Bogan Shire Council or investigating authority that received the report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or Bogan Shire Council code of conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside the Bogan Shire Council, contact the disclosures coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

7. Feedback to staff who report wrongdoing

Staff who report wrongdoing will be told what is happening in response to their report.

When you make a report, you will be given:

- an acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening.

This information will be provided to you within two working days from the date you make your report.

After a decision is made about how your report will be dealt with, you will be given:

- information about the action that will be taken in response to your report
- likely timeframes for any investigation
- information about the resources available within Bogan Shire Council to handle any concerns you may have
- information about external agencies and services you can access for support.

This information will be given to you within 10 working days from the date you make your report.

During any investigation, you will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

8. Protection against reprisals

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the public interest disclosure.

The Bogan Shire Council will not tolerate any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

a. Responding to reprisals

The Bogan Shire Council will act to protect staff who report wrongdoing from reprisals.

When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff who reported the wrongdoing, as well as strategies to deal with those risks.

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, the disclosures coordinator or the general manager immediately.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the disclosures coordinator or the general manager.

If the disclosures coordinator becomes aware of reprisal action against a person who has made a disclosure, they will:

- ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal
- give the results of that investigation to the general manager for a decision
- give the results of that investigation to the Mayor for a decision if the allegation of reprisal action is about the general manager
- if it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure

- take appropriate disciplinary or criminal action against anyone proven to have taken or threatened any action in reprisal for making a disclosure.

If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.

The general manager may issue specific directions to help protect against reprisals. These may include:

- issuing warnings to those alleged to have taken reprisal action against the member of staff who made the disclosure
- relocating the member of staff who made the disclosure or the subject officer within the current workplace
- transferring the member of staff who made the disclosure or the staff member who is the subject of the allegation to another position for which they are qualified
- granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

These directions will only be taken if the member of staff who made the disclosure agrees to it. The disclosures coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman or the ICAC – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

b. Protection against legal action

If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and no action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

9. Support for those reporting wrongdoing

The Bogan Shire Council will make sure that staff who have reported wrongdoing, regardless of whether they have made a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management, counselling services, legal or career advice.

All supervisors must notify the disclosures coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

10. Sanctions for making false or misleading disclosures

It is important that all staff are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing.

11. Support for the subject of a report

The Bogan Shire Council is committed to ensuring staff who are the subject of a report of wrongdoing are treated fairly and reasonably. If you are the subject of a report, you will be:

- treated fairly and impartially
- told your rights and obligations under our policies and procedures
- kept informed during any investigation
- given the opportunity to respond to any allegation made against you
- told the result of any investigation.

12. External investigating authorities

The contact details for external investigating authorities that staff can make a public interest disclosure to or seek advice from are listed below.

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)
Phone: 02 8281 5999
Toll free: 1800 463 909
Tel. typewriter (TTY): 02 8281 5773
Facsimile: 02 9264 5364
Email: icac@icac.nsw.gov.au
Web: www.icac.nsw.gov.au
Address: Level 21, 133 Castlereagh Street, Sydney NSW 2000

For disclosures about serious and substantial waste:

Auditor-General of the NSW Audit Office
Phone: 02 9275 7100
Facsimile: 02 9275 7200
Email: mail@audit.nsw.gov.au
Web: www.audit.nsw.gov.au
Address: Level 15, 1 Margaret Street, Sydney NSW 2000

For disclosures about breaches of the GIPA Act:

Information Commissioner
Toll free: 1800 463 626
Facsimile: 02 8114 3756
Email: oinfo@oic.nsw.gov.au
Web: www.oic.nsw.gov.au
Address: Level 11, 1 Castlereagh Street, Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman
Phone: 02 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Tel. typewriter (TTY): 02 9264 8050
Facsimile: 02 9283 2911
Email: nswombo@ombo.nsw.gov.au
Web: www.ombo.nsw.gov.au
Address: Level 24, 580 George Street, Sydney NSW 2000

For disclosures about local government agencies:

Division of Local Government in the Department of Premier and Cabinet
Phone: 02 4428 4100
Tel. typewriter (TTY): 02 4428 4209
Facsimile: 02 4428 4199
Email: dlg@dlg.nsw.gov.au
Web: www.dlg.nsw.gov.au
Address: 5 O'Keefe Avenue, Nowra, NSW 2541

Authority

Council Resolution No. 113/2015 dated 23 April 2015.

Policy Owner / Further Assistance

Manager - Corporate Services

Related Information

- Public Interest Disclosures Act 1994
- Bogan Shire Council Code of conduct
- Guidelines and other information from the NSW Ombudsman (www.ombo.nsw.gov.au)

Review Date

April 2017

Revision History

Date	Description of Change	Sections Affected
27/10/2011	New policy drafted and adopted	All
11/10/2012	Reviewed	All
27/2/2014	Reviewed	All
23/04/2015	Reviewed	All