
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD IN COUNCIL CHAMBERS ON THURSDAY 27 JUNE 2024 COMMENCING AT 5:00PM

PRESENT (FILE C13-2)

Councillors Jarrod Marsden (Mayor), Janine Lea- Barrett, Robert Sinclair, Lillian Simpson, Michael Prince, Tony Chaplain, Julie Payne and Kate Winders.

OBSERVERS

Peter Vlatko (General Manager), Garry Ryman (Director of Planning and Environmental Services) Heinz Kausche (Director Engineering), Kylie Smith (Director of Corporate and Community Services) and Meike Griffiths (Acting Project Coordinator).

MESSAGE FROM THE CHAIR:

In the spirit of open, accessible and transparent government, Cobar Shire Council Ordinary and Committee Meetings are video recorded and webcast. By speaking at a Council or Committee Meeting, members of the public agree to being recorded and webcast. Cobar Shire Council accepts no liability for any defamatory, discriminatory or offensive remarks or gestures that are made during the course of the Council or Committee Meeting. Opinions expressed or statements made by individuals are the opinions or statements of those individuals and do not imply any form of endorsement by Cobar Shire Council.

APOLOGIES (FILE C13-2)

69.06.2024 RESOLVED:

1. That the apology received from Councillor Harley Toomey be accepted.
2. That Councillor Harley Toomey be granted a leave of absence.

Clr Lea-Barrett / Clr Simpson

CARRIED

DECLARATIONS OF INTEREST (FILE C12-3)

- Nil.

THIS IS PAGE 1 OF THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 27TH JUNE 2024

.....
GENERAL MANAGER

.....
MAYOR

CONDOLENCES (FILE M2-3)

- Kenneth John Mazoudier
- Kathleen (Kitty) June Ward
- Shirley Theresa Bereyne

PUBLIC ACCESS SESSION

- Nil.

CONFIRMATION OF MINUTES

ORDINARY MEETING OF COUNCIL (FILE C13-11)

70.06.2024 RESOLVED: That the Minutes of the Ordinary Meeting of Council held on Thursday, 23 May 2024 be confirmed as a true and correct record of the proceedings of that meeting.

Clr Sinclair / Clr Payne

CARRIED

CLAUSE 1- NOTICE OF MOTION

FILE: P1-7 AOP REFERENCE: 1.5.2.5 & 4.4.3.1

ATTACHMENT: NO

AUTHOR: *Councillor, Julie Payne*

MOVED:

1. That given the significant passing of some time since the original motion of Council dated 27th July 2017 has not been completed Council now approves a condition of the use of the Newey that will not facilitate the area to be used for campers and,
2. That the staff prepare a Service Management Plan for the Newey which will identify and include the condition of use, maintenance plans and future development options.

Clr Payne / Clr Lea-Barrett

LOST

Councillor Julie Payne left the meeting at 5:22pm.

CLAUSE 2 – DETERMINATION OF FEES PAID TO MAYOR AND COUNCILLORS

FILE: C12-2 & L5-1 AOP REFERENCE: 3.1.5

ATTACHMENT: NO

AUTHOR: *General Manager, Peter Vlatko*

71.06.2024 RESOLVED:

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.....
GENERAL MANAGER

.....
MAYOR

1. That Councillors fees are set at \$13,520 per annum paid monthly in arrears for the twelve months commencing 1 July 2024.
2. That the Mayor's fee is set at \$29,500 per annum, paid monthly in arrears for the twelve months commencing 1 July 2024.

Clr Prince / Clr Sinclair

CARRIED

CLAUSE 3 – MONTHLY STATUS REPORT

FILE: C13-10

ATTACHMENT: NO

AUTHOR: General Manager, Peter Vlatko

72.06.2024 RESOLVED:

That the information contained in the monthly status report be received and noted, with the following items to be removed: 1482 and 1483.

Clr Lea-Barrett / Clr Sinclair

CARRIED

CLAUSE 4 – ARIC TERMS OF REFERENCE AND INTERNAL AUDIT CHARTER

FILE: 14378

AOP REFERENCE:3.1.2.2

ATTACHMENT: YES (PAGE

60-90)

AUTHOR: Kylie Smith, Director Corporate and Community Services

73.06.2024 RESOLVED:

1. The Internal Audit Charter be adopted by Council and,
2. The Audit Risk and Improvement Committee Terms of Reference be adopted by Council.

Clr Sinclair / Clr Lea-Barrett

CARRIED

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TERMS OF REFERENCE

Cobar Shire Council Audit, Risk, and Improvement Committee

*Responsible Officer:
Director Corporate and Community Services*

THIS IS PAGE 4 OF THE MINUTES OF THE ORDINARY MEETING OF
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY

.....
GENERAL MANAGER

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Cobar Shire Council has established an Audit, Risk and Improvement Committee (ARIC) in compliance with Section 428A of the New South Wales Local Government Act 1993, the Local Government (General) Regulation 2021, and the Office of Local Government’s Guidelines for risk management and internal audit for local government in NSW.

These Terms of Reference set out the ARIC’s objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

The ARIC has been established as a shared arrangement by the Far Northwest Joint Organisation.

1.0 Definitions

- 1.1 “Act” means the Local Government Act 1993
- 1.2 “ARIC” means Audit Risk and Improvement Committee
- 1.3 “Council” means Cobar Shire Council
- 1.4 “Governing Body” means the elected officials of Cobar Shire Council
- 1.5 “Guidelines” means the Risk Management and Internal Audit for local councils in NSW Guidelines, as amended
- 1.6 “IP&R” means Integrated Planning and Reporting
- 1.7 “Internal Audit” means the independent, objective approach receive independent assurance that Council is performing its functions legally, effectively and efficiently and to advise on how it can improve its performance
- 1.8 “Internal Audit Function” means the function which provides internal audit services to the Council
- 1.9 “Internal Audit Provider” means the external third-party provider of internal audit services
- 1.10 “Internal Audit Coordinator” means the Council employee internally responsible for the Internal Audit Function of the Council

2.0 OBJECTIVE

- 2.1 The objective of the ARIC is to provide independent assurance to the Council by monitoring, reviewing and providing advice about the Council governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance.

3.0 INDEPENDENCE

- 3.1 The ARIC is to be independent to ensure it has no real or perceived bias or conflicts of interest that may interfere with its ability to act independently and to provide the Council with robust, objective and unbiased advice and assurance.
- 3.2 The ARIC is to have an advisory and assurance role only and is to exercise no administrative functions, delegated financial responsibilities or any management functions of the Council.
- 3.3 The ARIC provides independent advice to the Council that is informed by the Council's internal audit and risk management activities and information and advice provided by staff, relevant external bodies and subject matter experts.
- 3.4 The ARIC must always ensure it maintains a direct reporting line to and from the Internal Audit Function and act as a mechanism for internal audit to report to the Governing Body and the General Manager on matters affecting the performance of the Internal Audit Function.

4.0 AUTHORITY

- 4.1 The Council authorises the ARIC, for the purposes of exercising its responsibilities, to:
 - 4.1.1 access any information it needs from the Council;
 - 4.1.2 use any Council resources it needs;
 - 4.1.3 have direct and unrestricted access to the General Manager and senior management of the Council;
 - 4.1.4 seek the General Manager's permission to meet with any other Council staff member or contractor;
 - 4.1.5 discuss any matters with the external auditor or other external parties;
 - 4.1.6 request the attendance of any employee at committee meetings; and
 - 4.1.7 seek approval from the General Manager to obtain external legal or other professional advice in line with the Council's procurement policies.

- 4.2 Information and documents pertaining to the ARIC are confidential and are not to be made publicly available. The ARIC may only release Council information to external parties that are assisting the ARIC to fulfil its responsibilities with the approval of the General Manager, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

5.0 COMMITTEE COMPOSITION AND TENURE

- 5.1 The ARIC consists of an Independent Chair and two Independent Members who have voting rights, two non-voting Councillors.
- 5.2 The Cobar Shire Council will appoint the Chair and independent members of the ARIC in accordance with the Far North West Joint Organisation appointments. If needed, the Council will appoint the optional non-voting Council Member directly.
- 5.3 All ARIC members must meet the independence and eligibility criteria prescribed under the Local Government (General) Regulation 2021.
- 5.4 Members can be appointed for up to a four year term. Members can be reappointed for one further term, but the total period of continuous membership cannot exceed eight years. This includes any term as Chair of the ARIC.
- 5.5 Members who have served an eight-year term (either as a member or as a Chair) must have a two-year break from serving on the ARIC before being appointed again.
- 5.6 To preserve the ARIC's knowledge of the Council, ideally, no more than one member should retire from the ARIC because of rotation in any one year.
- 5.7 The terms and conditions of each independent member's appointment to the ARIC are to be set out in a letter of appointment from the Far North West Joint Organisation. New members will be thoroughly inducted to their role and receive relevant information and briefings on their appointment to assist them to meet their responsibilities.
- 5.8 Prior to approving the reappointment or extension of the Chair's or an Independent Member's term, the Far North West Joint Organisation is to undertake an assessment of the Chair's or Independent Members performance. Reappointment of the Chair or an Independent Member is also to be subject to that person still meeting the independence and eligibility requirements prescribed under the Local Government (General) Regulation 2021.
- 5.9 Members of the ARIC must possess and maintain a broad range of skills, knowledge and experience relevant to the operations, governance and financial management of the Council, the environment in which the Council operates and the contribution that the ARIC makes to the Council.

- 5.10 At least one member of the ARIC must have accounting or related financial management experience with an understanding of accounting and auditing standards in a local government environment.
- 5.11 All members should have sufficient understanding of the Council’s financial reporting responsibilities to be able to contribute to the ARIC’s consideration of the annual financial statements.

6.0 ROLE

- 6.1 As required under Section 428A of the Act, the role of the ARIC is to keep under review and provide independent advice to the Council regarding the following aspects of the Council operations:
 - 6.1.1 compliance;
 - 6.1.2 risk management;
 - 6.1.3 fraud control;
 - 6.1.4 financial management;
 - 6.1.5 governance;
 - 6.1.6 implementation of the strategic plan, delivery program and strategies;
 - 6.1.7 service reviews;
 - 6.1.8 collection of performance measurement data by the Council; and
 - 6.1.9 internal audit.
- 6.2 The ARIC must also provide information to the Council for the purpose of improving the Council performance of its functions.
- 6.3 The ARIC’s specific audit, risk and improvement responsibilities under Section 428A of the Act are outlined in Schedule 1 to this document.
- 6.4 The ARIC will act as a forum for consideration of the Internal Audit Function and oversee its planning, monitoring and reporting to ensure it operates effectively.
- 6.5 The ARIC has no power to direct external audit or the way it is planned and undertaken but will act as a forum for the consideration of external audit findings.
- 6.6 The ARIC is directly responsible and accountable to the Governing Body for the exercise of its responsibilities. In carrying out its responsibilities, the ARIC must at all times recognise that primary responsibility for the management of the Council rests with the Governing Body and the General Manager.
- 6.7 The responsibilities of the ARIC may be revised or expanded in consultation with, or as requested by, the Governing Body from time to time.

7.0 INDEPENDENT MEMBER RESPONSIBILITIES

- 7.1 The Chair and members of the ARIC are expected to understand and observe the requirements of the Office of Local Government's Guidelines for risk management and internal audit for local government in NSW.
- 7.2 Members are also expected to:
 - 7.2.1 make themselves available as required to attend and participate in meetings;
 - 7.2.2 contribute the time needed to review and understand information provided to it;
 - 7.2.3 apply good analytical skills, objectivity and judgement;
 - 7.2.4 act in the best interests of the Council;
 - 7.2.5 have the personal courage to raise and deal with tough issues, express opinions respectfully and frankly, ask questions that go to the fundamental core of the issue and pursue independent lines of inquiry; and
 - 7.2.6 maintain effective working relationships with the Council.
- 7.3 In addition to those expectations listed in 7.2, the Chair is expected to:
 - 7.3.1 have strong leadership qualities.
 - 7.3.2 ability to lead effective ARIC meetings; and
 - 7.3.3 oversee the Council's Internal Audit Function.

8.0 COUNCILLOR MEMBER RESPONSIBILITIES

- 8.1 To preserve the independence of the ARIC, the Councillor Member (where nominated) of the ARIC is a non-voting member. Their role is to:
 - 8.1.1 relay to the ARIC any concerns the Governing Body may have regarding the Council and issues being considered by the ARIC;
 - 8.1.2 provide insights into local issues and the strategic priorities of the Council that would add value to the ARIC's consideration of agenda items;
 - 8.1.3 advise the Governing Body (as necessary) of the work of the ARIC and any issues arising from it; and
 - 8.1.4 assist the Governing Body to review the performance of the ARIC.
- 8.2 Issues or information the Councillor Member raises with or provides to the ARIC must relate to the matters listed in Schedule 1 and issues being considered by the ARIC.
- 8.3 The Councillor Member of the ARIC must conduct themselves in a non-partisan and professional manner. The Councillor Member of the ARIC must not engage in any conduct that seeks to politicise the activities of the ARIC or the Internal Audit Function or that could be seen to do so.

- 8.4 If the Councillor Member of the ARIC engages in such conduct or in any other conduct that may bring the ARIC and its work into disrepute, the Chair of the ARIC may recommend to the Council, that the Councillor Member be removed from membership of the ARIC. Where the Council does not agree to the ARIC Chair’s recommendation, the Council must give reasons for its decision in writing to the Chair.

9.0 MEMBERS CONDUCT

- 9.1 Independent Members of the ARIC are required to comply with the Council’s Code of Conduct.
- 9.2 Complaints alleging breaches of the Council’s Code of Conduct by an independent ARIC member are to be dealt with in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW. The General Manager must consult with the Governing Body before taking any disciplinary action against an independent ARIC member in response to a breach of the Council’s Code of Conduct.

10.0 CONFLICTS OF INTEREST

- 10.1 Once a year, ARIC members must provide written declarations to the Council stating that they do not have any conflicts of interest that would preclude them from being members of the ARIC.
- 10.2 Independent ARIC members are ‘designated persons’ for the purposes of the Council’s Code of Conduct and must complete and submit returns of their interests.
- 10.3 ARIC members and observers must declare any pecuniary or non-pecuniary conflicts of interest they may have in a matter being considered at the meeting at the start of each meeting or as soon as they become aware of the conflict of interest.
- 10.4 Where an ARIC member or observer declares a pecuniary or a significant non- pecuniary conflict of interest, they must remove themselves from ARIC deliberations on the issue.
- 10.5 Details of conflicts of interest declared at meetings must be appropriately minuted.

11.0 STANDARDS

- 11.1 ARIC members are to conduct their work in accordance with the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and International Standard on Risk Management – ISO 31000:2018, where applicable.

12.0 WORKPLANS

- 12.1 The work of the ARIC is to be thoroughly planned and executed.
- 12.2 The ARIC must develop a strategic workplan every four years to ensure that the matters listed in Schedule 1 are reviewed by the ARIC and considered by the Internal Audit Function when developing their risk-based program of internal audits. The strategic workplan must be reviewed at least annually to ensure it remains appropriate.
- 12.3 The ARIC may, in consultation with the Governing Body, vary the strategic workplan at any time to address new or emerging risks. The Governing Body may also, by resolution, request the ARIC to approve a variation to the strategic workplan. Any decision to vary the strategic workplan must be made by the ARIC.
- 12.4 The ARIC must also develop an annual workplan to guide its work, and the work of the Internal Audit Function, over the forward year.
- 12.5 The ARIC may, in consultation with the Governing Body, vary the annual workplan to address new or emerging risks. The Governing Body may also, by resolution, request the ARIC to approve a variation to the annual workplan. Any decision to vary the annual workplan must be made by the ARIC.
- 12.6 When considering whether to vary the strategic or annual workplans, the ARIC must consider the impact of the variation on the Internal Audit Function's existing workload and the completion of pre-existing priorities and activities identified under the workplan.

13.0 ASSURANCE REPORTING

- 13.1 The ARIC must regularly report to the Governing Body to ensure that it is kept informed of matters considered by the ARIC and any emerging issues that may influence the strategic direction of the Council or the achievement of the Council's goals and objectives.
- 13.2 The ARIC will provide an update to the Governing Body and the General Manager of its activities and opinions after every ARIC meeting.
- 13.3 The ARIC will provide an annual assessment to the Governing Body and the General Manager on the ARIC's work.
- 13.4 The ARIC will provide a comprehensive assessment every Council term of the matters listed in Schedule 1 to the Governing Body and the General Manager.
- 13.5 The ARIC may at any time report to the Governing Body or the General Manager on any other matter it deems of sufficient importance to warrant their attention.
- 13.6 The Mayor and the Chair of the ARIC may also meet at any time to discuss issues relating to the work of the ARIC.

13.7 Should the Governing Body require additional information, a request for the information may be made to the Chair of the ARIC by resolution. The Chair is only required to provide the information requested by the Governing Body where the Chair is satisfied that it is reasonably necessary for the Governing Body to receive the information for the purposes of performing its functions under the Act. Individual councillors are not entitled to request or receive information from the ARIC.

14.0 MEETINGS

- 14.1 The ARIC will meet at least quarterly at a time as agreed by the ARIC. The need for an additional special meeting to review the Council’s annual financial statements will be assessed annually by the Chair.
- 14.2 The ARIC can hold additional meetings when significant unexpected issues arise or if the Chair is asked to hold an additional meeting by an ARIC member, the General Manager or the Governing Body.
- 14.3 ARIC meetings can be held in person, by telephone or videoconference. Proxies are not permitted to attend meetings if an ARIC member cannot attend.
- 14.4 A quorum will consist of a majority of independent voting members. Where the vote is tied, the Chair has the casting vote.
- 14.5 The Chair of the ARIC will decide the agenda for each ARIC meeting in consultation with the General Manager. Each ARIC meeting is to be minuted to preserve a record of the issues considered and the actions and decisions taken by the ARIC.
- 14.6 The Mayor, General Manager and Internal Audit Coordinator should attend meetings as non-voting observers. The external auditor (or their representative) is to be invited to each ARIC meeting as an independent observer and internal Audit work will be presented by the contractor at completion of work.
- 14.7 The Chair can request any employee or contractor of the Council and any subject matter expert to attend ARIC meetings. Where requested to attend a meeting, persons must attend the meeting where possible and provide any information requested.
- 14.8 Observers have no voting rights and can be excluded from a meeting by the Chair at any time.
- 14.9 The ARIC can hold closed meetings whenever it needs to discuss confidential or sensitive issues with only voting members of the ARIC present.
- 14.10 The ARIC must meet separately with the General Manager and the Council’s external auditor at least once each year.

15.0 DISPUTE RESOLUTION

- 15.1 Members of the ARIC and the Council's management should maintain an effective working relationship and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.
- 15.2 In the event of a disagreement between the ARIC and the General Manager or other senior managers, the dispute is to be resolved by the Governing Body.
- 15.3 Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive of the Office of Local Government in writing.

16.0 SECRETARIAT

- 16.1 The General Manager will nominate a staff member to provide secretariat support to the ARIC.
- 16.2 The secretariat will ensure the agenda for each meeting and supporting papers are circulated after approval from the Chair at least four (4) full business days before the meeting and ensure that minutes of meetings are prepared and maintained.
- 16.3 Minutes must be approved by the Chair and circulated within two (2) weeks of the meeting to each member.

17.0 REMUNERATION

- 17.1 In accordance with the ARIC Terms of Reference adopted by the Far North West Joint Organisation.

18.0 PUBLIC LIABILITY AND PROFESSIONAL INDEMNITY INSURANCE

- 18.1 The Council will provide Public Liability and Professional Indemnity Insurance to the Independent Chair and Independent Members under the same arrangements as provided to councillors.
- 18.2 This coverage provides indemnification in respect of claims for all loss or damage potentially made against them in their capacity as members of the ARIC.

19.0 RESIGNATION AND DISMISSAL OF MEMBERS

- 19.1 Where the Chair or an ARIC member is unable to complete their term or does not intend to seek reappointment after the expiry of their term, they should give three (3) months' notice to the Chair and the Far North West Joint Organisation prior to their resignation to allow the Council to ensure a smooth transition to a new Chair or ARIC member.
- 19.2 The Governing Body in consultation with Far North West Joint Organisation can, by resolution, terminate the engagement of the Chair or an independent ARIC member before the expiry of their term where that person has:
- 19.2.1 breached the Council's Code of Conduct;
 - 19.2.2 performed unsatisfactorily or not to expectations;
 - 19.2.3 declared, or is found to be in, a position of a conflict of interest which is unresolvable.
 - 19.2.4 been declared bankrupt or found to be insolvent;
 - 19.2.5 experienced an adverse change in business status;
 - 19.2.6 been charged with a serious criminal offence
 - 19.2.7 been proven to be in a serious breach of their obligations under any legislation; or
 - 19.2.8 experienced an adverse change in capacity or capability.
- 19.3 The position of a councillor member on the ARIC can be terminated at any time by the Governing Body via resolution.

20.0 REVIEW ARRANGEMENTS

- 20.1 At least once every council term the Governing Body must review or arrange for an external review of the effectiveness of the ARIC.
- 20.2 These Terms of Reference must be reviewed annually by the ARIC and once each council term by the Governing Body. Any substantive changes are to be approved by the Governing Body.

Schedule 1: Audit, Risk, and Improvement Committee responsibilities

AUDIT

Internal audit

Principle: The Council has an effective internal audit function and receives maximum value from its internal audit activities.

- Provide overall strategic oversight of internal audit activities
- Act as a forum for communication between the Governing Body, General Manager, senior management, the internal audit function and external audit
- Coordinate, as far as is practicable, the work programs of internal audit and other assurance and review functions
- Review and advise the Council:
 - on whether the Council is providing the resources necessary to successfully deliver the internal audit function
 - if the Council is complying with internal audit requirements, including conformance with the International Professional Practices Framework
 - if the Council's Internal Audit Charter is appropriate and whether the internal audit policies and procedures and audit/risk methodologies used by the Council are suitable
 - of the strategic four-year workplan and annual workplan of internal audits to be undertaken by the Council's Internal Audit Function
 - if the Council's internal audit activities are effective, including the performance of the Internal Audit Coordinator and Internal Audit Function
 - of the findings and recommendations of internal audits conducted, and corrective actions needed to address issues raised.
 - of the implementation by the Council of these corrective actions
 - on the appointment of the Internal Audit Coordinator and Internal Audit Providers, and
 - if the internal audit function is structured appropriately and has sufficient skills and expertise to meet its responsibilities.

External Audit

Principle: The Council receives maximum value from its external audit activities.

- Act as a forum for communication between the Governing Body, General Manager, senior management, the internal audit function and external audit
- Coordinate as far as is practicable, the work programs of internal audit and external audit
- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided
- Review all external plans and reports in respect of planned or completed audits and monitor the Council's implementation of audit recommendations
- Provide advice to the Governing Body and/or General Manager on action taken on significant issues raised in relevant external audit reports and better practice guides

RISK MANAGEMENT

Principle: The Council has an effective risk management framework and internal controls that successfully identify and manage the risks it faces.

Review and advise the Council:

- if the Council has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- whether the Council is providing the resources necessary to successfully implement its risk management framework
- whether the Council's risk management framework is adequate and effective for identifying and managing the risks the Council faces, including those associated with individual projects, programs, and other activities
- if risk management is integrated across all levels of the Council and across all processes, operations, services, decision-making, functions, and reporting.
- of the adequacy of risk reports and documentation, for example, the Council's risk register and risk profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- if the Council has taken steps to embed a culture which is committed to ethical and lawful behaviour
- if there is a positive risk culture within the Council and strong leadership that supports effective risk management of the adequacy of staff training and induction in risk management
- how the Council's risk management approach impacts on the Council's insurance arrangements
- of the effectiveness of the Council's management of its assets, and

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COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 27TH JUNE 2024**

.....
GENERAL MANAGER

.....
MAYOR

- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

Internal controls

Principle: The Council has an effective risk management framework and internal controls that successfully identify and manage the risks it faces.

Review and advise the Council:

- whether the Council’s approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective
- whether the Council has in place relevant policies and procedures and that these are periodically reviewed and updated
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- if the Council’s monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

Compliance

Principle: The Council has an effective compliance framework that ensures it is complying with its legal obligations and other governance and contractual requirements when undertaking its functions.

Review and advise the Council of the adequacy and effectiveness of the Council’s compliance framework, including:

- if the Council has appropriately considered legal and compliance risks as part of the Council’s risk management framework
- how the Council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
- whether appropriate processes are in place to assess compliance.

Fraud and corruption

Principle: The Council has an effective fraud and corruption control framework in place that minimises the incidence of fraud and corruption.

Review and advise the Council of the adequacy and effectiveness of the Council's fraud and corruption prevention framework and activities, including whether the Council has appropriate processes and systems in place to capture and effectively investigate fraud- related information.

Financial management

Principle: The Council has an effective financial management framework, sustainable financial position and positive financial performance.

Review and advise the Council:

- if the Council is complying with accounting standards and external accountability requirements
- of the appropriateness of the Council's accounting policies and disclosures
- of the implications for the Council of the findings of external audits and performance audits and the Council's responses and implementation of recommendations
- whether the Council's financial statement preparation procedures and timelines are sound
- the accuracy of the Council's annual financial statements prior to external audit, including:
 - o management compliance/representations
 - o significant accounting and reporting issues
 - o the methods used by the Council to account for significant or unusual transactions and areas of significant estimates or judgements
 - o appropriate management signoff on the statements
- if effective processes are in place to ensure financial information included in the Council's annual report is consistent with signed financial statements
- if the Council's financial management processes are adequate
- the adequacy of cash management policies and procedures
- if there are adequate controls over financial processes, for example:
 - o appropriate authorisation and approval of payments and transactions
 - o adequate segregation of duties
 - o timely reconciliation of accounts and balances
 - o review of unusual and high value purchases

- if policies and procedures for management review and consideration of the financial position and performance of the Council are adequate, and
- if the Council’s grants and tied funding policies and procedures are sound.

Governance

Principle: The Council has an effective governance framework to ensure it is appropriately directing and controlling the management of the Council.

Review and advise the Council regarding its governance framework, including the Council’s:

- decision-making processes
- implementation of governance policies and procedures
- reporting lines and accountability
- assignment of key roles and responsibilities
- committee structure
- management oversight responsibilities
- human resources and performance management activities
- reporting and communication activities
- information and communications technology (ICT) governance, and
- management and governance of the use of data, information and knowledge

Improvement

Strategic planning

Principle: The Council has an effective framework that ensures it achieves its strategic plans and objectives under the integrated planning and reporting (IP&R) framework.

Review and advise the Council:

- of the adequacy and effectiveness of the Council’s IP&R processes
- if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- whether the Council is successfully implementing and achieving its IP&R objectives and strategies.

Service reviews and business improvement

Principle: The Council has an effective framework to ensure it is delivering services and conducting its business and functions to an expected standard.

- Act as a forum for communication and monitoring of any audits conducted by external bodies and the implementation of corrective actions (for example, NSW government agencies, Commonwealth government agencies, insurance bodies)
- Review and advise the Council:
 - o if the Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
 - o if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
 - o how the Council can improve its service delivery and the Council's performance of its business and functions generally.

Performance data and measurement

Principle: The Council's performance management framework ensures the Council can measure its performance and if it is achieving its strategic goals.

Review and advise the Council:

- if the Council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- if the performance indicators Council uses are effective, and
- of the adequacy of performance data collection and reporting.

COBAR SHIRE COUNCIL AUDIT, RISK, AND IMPROVEMENT COMMITTEE
AMENDMENT LIST

No.	Date Adopted	Minute No.	Date Commenced
1.			



THIS IS PAGE 22 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 27TH JUNE 2024

.....
GENERAL MANAGER

.....
MAYOR



INTERNAL AUDIT CHARTER

**Cobar Shire Council Audit, Risk, and
Improvement Committee**

*Responsible Officer:
Director Corporate and Community Services*

THIS IS PAGE 23 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 11 OCTOBER 2018

.....
GENERAL MANAGER

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COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 27TH JUNE 2024**

.....
GENERAL MANAGER

.....
MAYOR

Cobar Shire Council has established an Internal Audit Function as a key component of Council's governance and assurance framework, in compliance with the Departmental Chief Executive's Guidelines for risk management and internal audit for local government in NSW. This charter provides the framework for the conduct of Council's Internal Audit Function in Council and has been approved by the governing body taking into account the advice of Council's Audit, Risk and Improvement Committee.

1.0 PURPOSE OF INTERNAL AUDIT

Internal audit is an independent, objective assurance and consulting activity designed to add value and improve Council's operations. It helps Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes¹.

Internal audit provides an independent and objective review and advisory service to provide advice to the governing body, General Manager and Audit, Risk and Improvement Committee about Council's governance processes, risk management and control frameworks and its external accountability obligations. It also assists Council to improve its business performance.

2.0 INDEPENDENCE

Council's Internal Audit Function is to be independent of Council so it can provide an unbiased assessment of Council's operations and risk and control activities.

Council's Internal Audit Function reports functionally to Council's Audit, Risk and Improvement Committee on the results of completed audits, and for strategic direction and accountability purposes, and reports administratively to the General Manager to facilitate day-to-day operations. Internal audit activities are not subject to direction by Council and Council's management has no role in the exercise of Council's internal audit activities.

The Audit, Risk and Improvement Committee is responsible for communicating any internal audit issues or information to the governing body. Should the governing body require additional information, a request for the information may be made to the chair by resolution. The chair is only required to provide the information requested by the governing body where the chair is satisfied that it is reasonably necessary for the governing body to receive the information for the purposes of performing its functions under the Local Government Act. Individual Councillors are not entitled to request or receive information from the Audit, Risk and Improvement committee.

The General Manager must consult with the chair of Council's Audit, Risk and Improvement Committee before appointing or making decisions affecting the employment of the head of Internal Audit Function. If the head of Internal Audit Function is dismissed, the General Manager must report the reasons for their dismissal to the governing body.

Where the chair of Council's Audit, Risk and Improvement Committee has any concerns about the treatment of the head of Internal Audit Function, or any action taken that may compromise

their ability to undertake their functions independently, they can report their concerns to the governing body.

As defined by the International Standards for the Professional Practice of International Auditing (2017)

The head of Internal Audit Function is to confirm at least annually to the Audit, Risk and Improvement Committee the independence of internal audit activities from Council.

3.0 AUTHORITY

Council authorises the Internal Audit Function to have full, free and unrestricted access to all functions, premises, assets, personnel, records and other documentation and information that the head of Internal Audit Function considers necessary for the Internal Audit Function to undertake its responsibilities.

All records, documentation and information accessed while undertaking internal audit activities are to be used solely for the conduct of those activities. The head of Internal Audit Function and individual internal audit staff are responsible and accountable for maintaining the confidentiality of the information they receive when undertaking their work.

All internal audit documentation is to remain the property of Council, including where internal audit services are performed by an external third-party provider.

Information and documents pertaining to the Internal Audit Function are not to be made publicly available. The Internal Audit Function may only release Council's information to external parties that are assisting Council to undertake its responsibilities with the approval of the General Manager, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

4.0 ROLE

The Internal Audit Function is to support Council's Audit, Risk and Improvement Committee to review and provide independent advice to Council in accordance with section 428A of the Local Government Act 1993. This includes conducting internal audits of Council and monitoring the implementation of corrective actions.

The Internal Audit Function is to also play an active role in:

- developing and maintaining a culture of accountability and integrity.
- facilitating the integration of risk management into day-to-day business activities and processes, and
- promoting a culture of high ethical standards.

The Internal Audit Function has no direct authority or responsibility for the activities it reviews. The Internal Audit Function has no responsibility for developing or implementing procedures or systems and does not prepare records or engage in Council's functions or activities (except in carrying out its own functions).

5.0 HEAD OF INTERNAL AUDIT FUNCTION

Council's Internal Audit Function is to be led by a member of Council's staff with sufficient skills, knowledge and experience to ensure it fulfils its role and responsibilities to Council and the Audit, Risk and Improvement Committee. The head of Internal Audit Function must be independent, impartial, unbiased and objective when performing their work and free from any conflicts of interest.

Responsibilities of the head of Internal Audit Function include:

- contract management
- managing the internal audit budget
- ensuring the external provider completes internal audits in line with the Audit, Risk and Improvement Committee's annual work plan and four-year strategic work plan
- forwarding audit reports by the external provider to the Audit, Risk and Improvement Committee
- acting as a liaison between the external provider and the Audit, Risk and Improvement Committee
- monitoring Council's implementation of corrective actions that arise from the findings of audits and reporting progress to the Audit, Risk and Improvement Committee, and
- assisting the Audit, Risk and Improvement Committee to ensure Council's internal audit activities comply with the Guidelines for risk management and internal audit for local government in NSW.

6.0 INTERNAL AUDIT TEAM

Council is to contract an external third-party provider to undertake its internal audit activities. To ensure the independence of the external provider, the head of Internal Audit Function is to ensure the external provider:

- does not conduct any audits on specific Council operations or areas that they have worked on within the last two years.
- is not the same provider conducting Council's external audit.
- is not the auditor of any contractors of Council that may be subject to the internal audit, and
- can meet Council's obligations under the Guidelines for risk management and internal audit for local government in NSW.

The head of Internal Audit Function must consult with the Audit, Risk and Improvement Committee and General Manager regarding the appropriateness of the skills, knowledge, and experience of any external provider before they are engaged by Council.

7.0 PERFORMING INTERNAL AUDIT ACTIVITIES

The work of the Internal Audit Function is to be thoroughly planned and executed. Council’s Audit, Risk and Improvement Committee must develop a strategic work plan every four years to ensure that the matters listed in Schedule 1 are reviewed by the Audit, Risk and Improvement Committee and considered by the Internal Audit Function when developing their risk-based program of internal audits. The strategic work plan must be reviewed at least annually to ensure it remains appropriate.

The Audit, Risk and Improvement Committee must also develop an annual work plan to guide the work of the Internal Audit Function over the forward year.

All internal audit activities are to be performed in a manner that is consistent with relevant professional standards including the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and the current Australian risk management standard.

The head of Internal Audit Function is to provide the findings and recommendations of internal audits to the Audit, Risk and Improvement Committee at the end of each audit. Each report is to include a response from the relevant director.

The head of Internal Audit Function is to establish an ongoing monitoring system to follow up Council’s progress in implementing corrective actions.

The General Manager, in consultation with the Audit, Risk and Improvement Committee, is to develop and maintain policies and procedures to guide the operation of Council’s Internal Audit Function.

The head of Internal Audit Function is to ensure that the Audit, Risk and Improvement Committee is advised at each of the committee’s meetings of the internal audit activities completed during that quarter, progress in implementing the annual work plan and progress made implementing corrective actions.

8.0 CONDUCT

Internal audit personnel must comply with Council’s code of conduct. Complaints about breaches of Council’s code of conduct by internal audit personnel are to be dealt with in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW. The General Manager must consult with Council’s Audit, Risk and Improvement Committee before any disciplinary action is taken against the head of Internal Audit Function in response to a breach of Council’s code of conduct.

Internal auditors must also comply with the Code of Ethics for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors.

9.0 ADMINISTRATIVE ARRANGEMENTS

Audit, Risk, and Improvement Committee meetings

The head of Internal Audit Function will attend Audit, Risk and Improvement Committee meetings as an independent non-voting observer. The head of Internal Audit Function can be excluded from meetings by the committee at any time.

The head of Internal Audit Function must meet separately with the Audit, Risk, and Improvement Committee at least once per year.

The head of Internal Audit Function can meet with the chair of the Audit, Risk, and Improvement Committee at any time, as necessary, between committee meetings.

External Audit

Internal and external audit activities will be coordinated to help ensure the adequacy of overall audit coverage and to minimise duplication of effort.

Periodic meetings and contact between internal and external audit shall be held to discuss matters of mutual interest and to facilitate coordination.

External audit will have full and free access to all internal audit plans, working papers and reports.

Dispute resolution

The Internal Audit Function should maintain an effective working relationship with Council and the Audit, Risk and Improvement Committee and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.

In the event of a disagreement between the Internal Audit Function and Council, the dispute is to be resolved by the General Manager and/or the Audit, Risk and Improvement Committee. Disputes between the Internal Audit Function and the Audit, Risk and Improvement Committee are to be resolved by the governing body.

Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive in writing.

Review Arrangements

Council's Audit, Risk and Improvement Committee must review the performance of the Internal Audit Function each year and report its findings to the governing body. A strategic review of the performance of the Internal Audit Function must be conducted each council term that considers the views of an external party with a strong knowledge of internal audit and reported to the governing body.

This charter is to be reviewed annually by the Audit, Risk, and Improvement Committee and once each council term by the governing body. Any substantive changes are to be approved by the governing body.

10.0 FURTHER INFORMATION

For further information on Council's internal audit activities, contact Council's General Manager on mail@cobar.nsw.gov.au or by phone 02 68365888.

Reviewed by head of Internal Audit Function.

Reviewed by chair of Council's Audit, Risk, and Improvement Committee

16 May 2024

Reviewed by General Manager

26 May 2024

Reviewed by Council in accordance with a resolution of the governing body xx June 2024

Resolution No XXX

11.0 SCHEDULE 1- INTERNAL AUDIT FUNCTION RESPONSIBILITIES

Audit

Internal audit

- Conduct internal audits as directed by Council's Audit, Risk and Improvement Committee.
- Implement Council's annual and four-year strategic internal audit work plans.
- Monitor the implementation by Council of corrective actions.
- Assist Council to develop and maintain a culture of accountability and integrity.
- Facilitate the integration of risk management into day-to-day business activities and processes.
- Promote a culture of high ethical standards.

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GENERAL MANAGER

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External audit

- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided.
- Review all external plans and reports in respect of planned or completed audits and monitor Council's implementation of audit recommendations.
- Provide advice on action taken on significant issues raised in relevant external audit reports and better practice guides.

Risk

Risk management

Review and advise:

- if Council has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- whether Council's risk management framework is adequate and effective for identifying and managing the risks Council faces, including those associated with individual projects, programs and other activities.
- if risk management is integrated across all levels of Council and across all processes, operations, services, decision-making, functions and reporting.
- of the adequacy of risk reports and documentation, for example, Council's risk register and risk profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- if Council has taken steps to embed a culture which is committed to ethical and lawful behavior.
- if there is a positive risk culture within Council and strong leadership that supports effective risk management
- of the adequacy of staff training and induction in risk management
- how Council's risk management approach impacts on Council's insurance arrangements
- of the effectiveness of Council's management of its assets, and
- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

Internal Controls

Review and advise:

- whether Council’s approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective.
- whether Council has in place relevant policies and procedures and that these are periodically reviewed and updated
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- if Council’s monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

Compliance

Review and advise of the adequacy and effectiveness of Council’s compliance framework, including:

- if Council has appropriately considered legal and compliance risks as part of Council’s risk management framework
- how Council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
- whether appropriate processes are in place to assess compliance.

Fraud and Corruption

Review and advise of the adequacy and effectiveness of Council’s fraud and corruption prevention framework and activities, including whether Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

Financial Management

Review and advise:

- if Council is complying with accounting standards and external accountability requirements
- of the appropriateness of Council’s accounting policies and disclosures
- of the implications for Council of the findings of external audits and performance audits and Council’s responses and implementation of recommendations
- whether Council’s financial statement preparation procedures and timelines are sound

.....
GENERAL MANAGER

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MAYOR

- the accuracy of Council’s annual financial statements prior to external audit, including:
 - o management compliance/representations
 - o significant accounting and reporting issues
 - o the methods used by Council to account for significant or unusual transactions and areas of significant estimates or judgements
 - o appropriate management signoff on the statements
- if effective processes are in place to ensure financial information included in Council’s report is consistent with signed financial statements

the adequacy of cash management policies and procedures

- if there are adequate controls over financial processes, for example:
 - o appropriate authorisation and approval of payments and transactions
 - o adequate segregation of duties
 - o timely reconciliation of accounts and balances
 - o review of unusual and high value purchases
- if policies and procedures for management review and consideration of the financial position and performance of Council are adequate
- if Council’s grants and tied funding policies and procedures are sound.

Governance

Review and advise of the adequacy of Council governance framework, including Council’s:

- decision-making processes
- implementation of governance policies and procedures
- reporting lines and accountability
- assignment of key roles and responsibilities
- committee structure
- management oversight responsibilities
- human resources and performance management activities
- reporting and communication activities
- information and communications technology (ICT) governance, and
- management and governance of the use of data, information and knowledge.

Improvement

Strategic planning

Review and advise:

- of the adequacy and effectiveness of Council’s integrated, planning and reporting (IP&R) processes
- if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- whether Council is successfully implementing and achieving its IP&R objectives and strategies.

Service reviews and business improvement

Review and advise:

- if Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
- if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
- how Council can improve its service delivery and Council’s performance of its business and functions generally

Performance data and measurement

Review and advise:

- if Council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- if the performance indicators Council uses are effective, and
- of the adequacy of performance data collection and reporting. → if Council’s financial management processes are adequate.

INTERNAL AUDIT CHARTER
 COBAR SHIRE COUNCIL AUDIT, RISK, AND IMPROVEMENT COMMITTEE
 AMENDMENT LIST

No.	Date Adopted	Minute No.	Date Commenced	Notified in Local Paper
1.				

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 COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 27TH JUNE 2024**

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GENERAL MANAGER

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MAYOR

CLAUSE 5– BUSINESS ETHICS POLICY

FILE: D3-1 AOP REFERENCE 3.3.3.1ATTACHMENT: YES (PAGE 91-95)

AUTHOR: *Kylie Smith, Director Corporate and Community Services*

74.06.2024 RESOLVED: The Business Ethics Policy be adopted by Council.

Clr Lea- Barrett / Clr Chaplain

CARRIED

**THIS IS PAGE 36 OF THE MINUTES OF THE ORDINARY MEETING OF THE
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GENERAL MANAGER

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MAYOR



BUSINESS ETHICS POLICY

FILE: P5-82

*Responsible Officer: Director Corporate &
Community Services*

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GENERAL MANAGER

SCOPE

This Statement of Business Ethics applies to Council’s elected representatives, Council staff, contractors, volunteers, and business associates dealing with Council.

Council 38 recognizes that the private sector and public sector in general have different core values which require to be understood to enable business to transact effectively. Council is committed to conducting its business in a sound commercial and ethical manner and this policy sets out the standard that Council requires of its elected representatives, Council staff, contractors, volunteers, and business associates.

It is essential that Council provides an environment in which business dealings are conducted in a transparent manner and are open to public scrutiny, understanding that on occasions appropriate confidentiality and protection of private information is required. Council will demonstrate and practice a professional and ethical approach to all its business activities with all staff being required to conduct their activities in accordance with Council’s Code of Conduct. In doing so they will observe a high standard of probity, ethical behaviour, and integrity in their business dealings.

POLICY STATEMENT

Cobar Shire Council has a desire to act lawfully, ethically and in the best interest of the public. Our business dealings will be transparent and open to public scrutiny wherever possible. The way we deliver our services is driven first and foremost by the need to ensure and demonstrate our community receives the best possible value.

Council places high value on open and accountable business transactions with a consistent approach at all times, acknowledging that Council uses public resources demands that it will ensure diligence in each transaction.

This policy is supported by codes of conduct for Councillors and staff and an extensive range of policies and guidelines on specific issues including the following:

- Council's Code of Conduct**
- The Local Government Act, 1993**
- Delegated Authorities**
- Work, Health, and Safety Act, 2011**
- Council’s Procurement Policy**

Provision exists for enquiries regarding this policy or seeking information regarding an apparent breach of ethical behavioural standards or suspected corrupt conduct. Enquiries may be directed via telephone or email to Council’s Public Officer or by lodging a report with either the Independent Commission against Corruption (ICAC) or the NSW Office of Local Government.

This policy is a means of providing guidance regarding the standards of ethical behaviour that transacting parties can expect from Councillors and staff and that in turn they are expected to provide to Council when engaged in transactions.

Council expects that its tenderers, contractors, subcontractors, suppliers and their employees will all be guided by the same policies, procedures and practices that bind Cobar Shire Council and its staff to act in an ethical manner.

We require all private sector providers of goods and services to observe the following principles when doing business with Cobar Shire Council:

- **Act ethically, fairly, and honestly in all dealings with the Council.**
- **Deliver value for money.**
- **Comply with Council's procurement policy and procedures.**
- **Provide accurate and complete information.**
- **Declare actual or perceived conflicts of interest as soon as such matters arise.**
- **Keep council information confidential.**
- **Avoid collusion and unfair practices.**
- **Do not offer council officials any financial inducements or incentives or gifts or benefits designed to improperly influence the conduct of their duties.**
- **Assist Council in providing a safe working environment.**
- **Do not discuss Council business or information with the media.**
- **Help deter unethical practices and/or fraud by reporting your concerns to Council.**
- **Respect the environment, comply with environmental laws, and have sustainable practices in the use of resources and waste management.**

We expect our suppliers to provide a fair and ethical workplace free from workplace bullying, harassment, victimisation, and abuse. Our suppliers are expected to make all reasonable efforts to ensure that businesses within their supply chain are not engaged in, or complicit with, human rights abuses, such as forced or child labour or any other form of modern slavery.

If our suppliers become aware of the presence of modern slavery in their operations or supply chain, they must report this to Council as soon as possible. Reporting should outline details of the human rights violation discovered and what remedial and preventive measures are occurring.

A copy of this Statement of Business Ethics will be included in all tenders and quotation Documentation, relevant Council policies and will accompany any other relevant business documentation where Council requires work to be undertaken on its behalf.

SUMMARY

Complying with these guiding principles will enable parties to pursue their business transactions with Council in a fair and ethical manner. It is an expectation that all transacting parties will comply, and Cobar Shire Council gives an assurance that compliance will not place any party at a disadvantage.

Transacting parties are assured that Council's staff will abide by the law and Council's relevant policies and procedures and always act with due care and diligence. Demonstrated corrupt or unethical conduct could lead to:

- **Termination of contracts/dismissal.**
- **Council will not do business with that person or organisation in the future.**
- **Reporting of conduct to regulators, police or other government agencies.**
- **Possible legal action.**
- **Additional control activities added to the process or communications.**

- Loss of further opportunities.
- Loss of approvals.
- loss of reputation

A Statement of Business Ethics will not be effective unless the Council and its employees are committed to it. That will demand explicit commitment by the elected members, senior management, clear commitment by line management, allocation of resources to educating employees and adoption of internal measures for ensuring compliance.

The community rightly expects Councillors and staff to be honest, reasonable, and equitable in their dealings with them and to have the public interest at heart. Council's adopted Code of Conduct is a key mechanism to assist council officials to act honestly, ethically, responsibly and with accountability.

The Code of Conduct has been developed to assist council officials to:-

- **Understand the standards of conduct that are expected of them;**
- **Enable them to fulfill their statutory duty to act honestly and exercise a**
- **reasonable degree of care and diligence; and**
- **Act in a way that enhances public confidence in the integrity of local government.**

POLICY REVIEW

This policy is to be reviewed every two years.

CLAUSE 6 – MEETING MINUTES

**FILE: R5-36 AOP REFERENCE: 3.1 ATTACHMENT: YES
(PAGE 96-99)**

AUTHOR: *General Manager, Peter Vlatko*

75.06.2024 RESOLVED: That the Minutes of the Rural Roads Advisory Committee be received and noted.

Clr Sinclair / Clr Simpson

CARRIED

CLAUSE 7 – RESTRICTED CASH RESERVES

FILE: B2-7 AOP REFERENCE: 3.1.1.7 ATTACHMENT: NO

AUTHOR: *Finance Manager, Sandra Davey*

76.06.2024 RESOLVED: That Council allocate the below restricted cash reserves received from developers for specific purposes constrained under legislation for previous works completed in this and past financials years.

Contribution Plan	Council Co-Contributed Project	\$
S94 Community Facilities	Ward Oval Regional Growth Fund (Ward Oval Project)	10,291
S94 Community Facilities	Cobar Youth and Community Centre Light Upgrade	1,548
S94 Open Space	Cobar Youth and Community Centre Light Upgrade	10,952
S64 Water and Sewer	Regional Leak Reduction Program Round 2	14,186
S64 Water and Sewer	Growing Regions Program Rd 1 - Stage 1 (Sewer Treatment Upgrade)	97,583
S94 Cobar Local Infrastructure Plan 2012	Ward Oval Regional Growth Fund (Ward Oval Project)	416,709
S94 Cobar Local Infrastructure Plan 2012	Ward Oval Building Better Regions Fund (Ward Oval Project)	427,000
S94 Cobar Local Infrastructure Plan 2012	Regional Tourism Activation Fund (Museum Project)	708,801

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S94 Cobar Local Infrastructure Plan 2012	Grand Hotel and Hospital Land	994,625
S64 Development Servicing Plans for Water Supply & Sewerage Services 2013	Regional Leak Reduction Program Round 2	83,119
S64 Development Servicing Plans for Water Supply & Sewerage Services 2013	Growing Regions Program Rd 1 - Stage 1 (Sewer Treatment Upgrade)	105,922
Total		2,870,376

Clr Lea- Barrett / Clr Sinclair

CARRIED

CLAUSE 8 – INVESTMENT REPORT AS OF 31 MAY 2024

FILE: B2-7 AOP REFERENCE: 3.1.1.7 ATTACHMENT: NO

AUTHOR: Finance Manager, Sandra Davey

77.06.2024 RESOLVED: That Council receive and note the Investment Report as of 31 May 2024.

Clr Lea-Barrett / Clr Simpson

CARRIED

CLAUSE 9 – BANK RECONCILIATION, CASH FLOW & LOAN FACILITY SUMMARIES AS OF 31 MAY 2024

FILE: B2-7 AOP REFERENCE: 3.1.1.5 ATTACHMENT: NO

AUTHOR: Finance Manager, Sandra Davey

78.06.2024 RESOLVED: That Council receive and note the Bank Reconciliation, Monthly Total Funds Available, Cash Flow and Loan Facility Report as of 31 May 2024.

Clr Chaplain / Clr Lea- Barrett

CARRIED

CLAUSE 10 – PURCHASING ANALYSIS OF CONTRACTORS

FILE: T3-15-6 AOP REFERENCE:3.3.4 ATTACHMENT: NO

AUTHOR: Finance Manager, Sandra Davey

79.06.2024 RESOLVED: That Council receive and note the information contained in this report.

Clr Lea- Barrett / Clr Simpson

CARRIED

CLAUSE 11 – RATES RECONCILIATION REPORT AS AT 31 MAY 2024

FILE: R2-1AOP REFERENCE: 3.1.1.6 ATTACHMENT: NO

AUTHOR: Customer Service Manager, Jo-Louise Brown

80.06.2024 RESOLVED: That the Rates Reconciliation Report as at the 31 May 2024 be received and noted.

Clr Sinclair / Clr Lea-Barrett

CARRIED

CLAUSE 12 – GRANT FUNDING

FILE: G4-17 AOP REFERENCE: 3.1.1.3 ATTACHMENT: NO

AUTHOR: Grants Officer, Bethany Smith

81.06.2024 RESOLVED: That the information contained in the grant funding report detailing grants applied for, grants announced and grants available be received and noted.

Clr Lea-Barrett / Clr Winders

CARRIED

CLAUSE 13 – ROADS TO RECOVERY FUNDING PROGRAM

FILE: 2338 & 2298 AOP REFERENCE:4.3.1 ATTACHMENT: YES (PAGE 100-101)

AUTHOR: Director of Engineering Services, Heinz Kausche.

82.06.2024 RESOLVED: That Council receives and notes this report on the allocation of funding for Cobar Shire Council under the Australian Governments Road to Recovery Funding Program for the period commencing 1 July 2024 to 30 June 2029.

Clr Winders / Clr Simpson

CARRIED

CLAUSE 14 – EXPENDITURE FOR ROADS NETWORK

FILE: R5-31AOP REFERENCE: 4.3.2 ATTACHMENT: YES (PAGE 102-111)

AUTHOR: Acting Director of Engineering, Heinz Kausche

83.06.2024 RESOLVED: That the information detailing the Expenditure for Council's Roads Network be received and noted.

Clr Lea-Barrett / Clr Sinclair

CARRIED

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GENERAL MANAGER

.....
MAYOR

CLAUSE 15 – EXPENDITURE FOR ROADS NETWORK

FILE: C6-20-2AOP REFERENCE: 4.3.2 ATTACHMENT: NO
AUTHOR: Director Engineering Services, Heinz Kausche

84.06.2024 RESOLVED: That the information contained in the Engineering Works Report detailing construction and maintenance activities on Shire and Regional Roads, State Highways, Water and Sewer Mains and other Council assets be received and noted.

Clr Lea-Barrett / Clr Sinclair

CARRIED

CLAUSE 16 – DEVELOPMENT APPROVALS: 15 MAY 2024 – 18 JUNE 2024

FILE: T5-1 AOP REFERENCE:1.6.3.1 ATTACHMENT: NO
AUTHOR: Director of Planning & Environmental Services, Garry Ryman

85.06.2024 RESOLVED: That the information detailing the Local Development and Construction Certificate approvals for the period 15 May 2024 – 18 June 2024 be received and noted.

Clr Prince / Clr Sinclair

CARRIED

CLAUSE 17 – DRY AND WET HIRE PLANT AND EQUIPMENT (T3-24-06)

FILE: T3-24-06 AOP REFERENCE: ATTACHMENT: NO
AUTHOR: *Carrie Ann Martin, Purchasing Officer*

86.06.2024 RESOLVED: That a further report regarding the tender for Dry and Wet Hire Plant and Equipment (T3-24-06) be considered in the Committee of the Whole Closed Council with the press and public excluded for the reason as stated in Section 10A (2)(d)(i) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed in open Council, prejudice the commercial position of the person who supplied it.

Clr Prince / Clr Lea-Barrett

CARRIED

CLAUSE 18 – GENERAL MANAGERS PERFORMANCE REVIEW

FILE: S5-5

ATTACHMENT: NO

AUTHOR: *Peter Vlatko, General Manager*

87.06.2024 RESOLVED: That a further report regarding the tender for the General Managers Performance Review be considered in the Committee of the Whole Closed Council with the press and public excluded for the reason as stated in Section 10A (2)(a) of the Local Government Act 1993, as it contains personnel matters concerning particular individuals (other than councillors).

Clr Sinclair / Clr Simpson

CARRIED

CLAUSE 19 – THE GREAT COBAR MUSEUM – COACH HOUSE AND MINING EXPERIENCE T3-24-04

FILE: T3-24-04 AOP REFERENCE: ATTACHMENT: NO

AUTHOR: *Meike Griffiths, Acting Projects Coordinator*

88.06.2024 RESOLVED:
That Council:
1. Consider this report as a matter of urgency.
2. That a further report regarding the Great Cobar Museum – Coach House and Mining Experience tender (T3-24-04) be considered in the Committee of the Whole Closed Council with the press and public excluded for the reason as stated in Section 10A (2)(d)(i) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed in open Council, prejudice the commercial position of the person who supplied it.

Clr Sinclair / Clr Simpson

CARRIED

89.06.2024 RESOLVED: That Council move into the Closed Council with the press and public excluded at 5.39pm in accordance with Section 10A (2) (a) of the Local Government Act 1993 as the matter and information relates to personnel matters concerning particular individuals (not Councillors).

Clr Sinclair / Clr Simpson

CARRIED

CLAUSE 1C- DRY AND WET HIRE PLANT AND EQUIPMENT (T3-24-06)

FILE: T3-24-06 AOP REFERENCE: ATTACHMENT: NO

AUTHOR: *Purchasing Officer, Carrie Ann Martin*

90.06.2024 RESOLVED:

That Council:

A. Resolve to accept the panel of suppliers for Dry and Wet Hire Plant and Equipment as recommended by the evaluation panel and listed below, noting that the companies are listed in alphabetical order, not in order of preference:

1. A McLaughlin and G McLaughlin
2. A1 Tree Service
3. Advance Sweepers
4. A-Plant Equipment
5. As Per Plan Construction
6. Brooks Hire Service Pty Ltd
7. Broughton Contracting Pty Ltd
8. Brycon Civil Pty Ltd
9. Coates Hire Operations
10. Conlan Contracting Pty Ltd
11. Conplant Pty Ltd
12. Crushrite Crushing and Haulage
13. Darnel Pastoral Company
14. Deppeler Earthmoving Pty Ltd
15. DLM PLant Hire Pty Ltd
16. Dubbo Traffic Control Pty Ltd
17. Ezyquip Hire Pty Ltd
18. Hill Earthmoving and Bulk Haulage Pty Ltd
19. HMS Ag Company
20. I J Chase Grader Contracting
21. JM Nicholson and MJ Nicholson
22. JN Harbison Earthmoving and Electrical
23. JNJ Contracting Pty Ltd
24. Kallara Partners
25. Neill Earthmoving Pty Ltd
26. Premiair Services Pty Ltd
27. R Bruces Contracting Services Pty Ltd
28. Road Care Australia Pty Ltd
29. Road Verge Trimming RVT Pty Ltd
30. Rollers Australia Pty Ltd
31. Rosmech Sales and Service Pty Ltd
32. Smith Plant
33. Spicer Earthmoving Services Pty Ltd
34. Stabilifix Pty Ltd

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.....
GENERAL MANAGER

.....
MAYOR

- 35. The Stabilising Pty Ltd
 - 36. The Trustee for Earth Moving Trust
 - 37. The Trustee for M and V Cavalot Family Trust
 - 38. Tolbra Earthmovers and Haulage Pty Ltd
 - 39. Tutt Bryant Hire Pty Ltd
 - 40. Wayne Cohen
 - 41. WesTrac Pty Ltd
 - 42. Wideland Equipment Hire
- B. Authorise the General Manager to enter into contracts with the companies recommended for the panel for Dry and Wet Hire Plant and Equipment.
- C. Note the information contained within this report remains confidential within the Committee of the Whole Closed Council.

Clr Lea-Barret / Clr Simpson

CARRIED

CLAUSE 2C- GENERAL MANAGERS PERFORMANCE REVIEW

FILE: S5-5

ATTACHMENT: NO

AUTHOR: *Peter Vlatko, General Manager*

91.06.2024 RESOLVED: That the next 12 Months Performance Measures for the General Manager be:

- Act as the primary link between Councillors and the Organisation and is responsible for assisting Councillors in developing policy.
- Provides leadership to staff in achieving Council objectives.
- Oversees the financial management of the Council.
- Communicates and promotes Councils policies to the Community it serves.
- Supporting the Mayor with regards to approaching other levels of government.
- Attend community events where possible to provide visible leadership.

That the last 12 Months Performance of the General Manager be:

- Recognised as superb and that the General Manager be thanked for his efforts.

Clr Lea-Barret / Clr Simpson

CARRIED

**CLAUSE 3C- THE GREAT COBAR MUSEUM – COACH HOUSE
AND MINING EXPERIENCE T3-24-04**

FILE: T3-24-04 AOP REFERENCE: ATTACHMENT: NO

AUTHOR: *Meike Griffiths, Acting Projects Coordinator*

92.06.2024 RESOLVED: That Council:

1. Resolve in accordance with Clause 178 1(b) of the Local Government (General) Regulation 2021, to decline to accept any of the submissions received.
2. Resolve in accordance with Clause 178 3(e) of the Local Government (General) Regulation 2021 to enter into negotiations with any person (whether or not the person was a tenderer).
3. Delegate the General Manager to undertake negotiations and enter into a contract for the Great Cobar Museum – Coach House and Mining Experience and that Council receive a report following negotiations before any decision is made.
4. Note the information contained within this report remains confidential within the Committee of the Whole Closed Council.

Clr Chaplain / Clr Prince

CARRIED

93.06.2024 RESOLVED: That the meeting resumed in open council at 6.29pm.

Clr Lea-Barrett / Clr Sinclair

CARRIED

The Mayor advised that the motions in closed council were resolved in relation to Clause 1C, Clause 2C and Clause 3C.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 6:30 PM

CONFIRMED.....

MINUTE NO.....

MAYOR.....

**THIS IS PAGE 49 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 27TH JUNE 2024**

.....
GENERAL MANAGER

.....
MAYOR