

Meeting of Riverina Water County Council

The meeting will be held in the Riverina Water Board Room,
91 Hammond Ave, Wagga at 9.30am on Wednesday 22
April 2020

Meeting Agenda

Live Streaming of Council Meetings

Riverina Water advises that Council meetings are live streamed on Council's website www.riverinawater.nsw.gov.au. Visitors in the public gallery are advised that their voice and/or image may form part of the webcast. By remaining in the public gallery it is assumed your consent is given in the event your image or voice is broadcast.

Welcome to Country

Apologies

Declaration of pecuniary and non-pecuniary interests

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Minutes of Council Meeting 26 February 2020

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CM1 COVID-19 Financial Assistance

Author Councillor Greg Verdon

Summary The report seeks to support the local government sector's campaign for assistance in dealing with the health and economic crisis caused by the COVID-19 pandemic.

RECOMMENDATION that Council:

- a) Calls on the Federal Government and NSW Government to urgently deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic
- b) Calls for the packages to include the following measures:
 - i. Increasing Financial Assistance Grants payments to 1% to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents
 - ii. Immediate financial assistance to support council employees, especially in early education and care
 - iii. Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs
 - iv. Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed
- c) Commends the NSW and Federal Governments on their stewardship during this crisis and commits to working in partnership to protect community health and sustain local economies through this crisis
- d) Write to the local Federal and State Members Michael McCormack MP and Joe McGirr MP, Prime Minister the Hon Scott Morrison MP, NSW Premier the Hon Gladys Berejiklian MP, Federal Treasurer the Hon Josh Frydenburg MP, NSW Treasurer the Hon Dominic Perrottet MP, NSW Local Government Minister the Hon Shelley Hancock MP, Federal Minister for Local Government the Hon Mark Coulton, Federal Opposition Leader the Hon Anthony Albanese, NSW Opposition Leader Jodi McKay MP, Federal Shadow Minister for Local Government Jason Clare MP and NSW Shadow Minister for Local Government Greg Warren MP to confirm their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic

- e) Endorses Local Government NSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector
- f) Advise LGNSW President Linda Scott of the passage of this Chairperson's Minute

Report

I am calling on Board Members to support the local government sector's campaign for assistance in dealing with the health and economic crisis caused by the COVID-19 pandemic.

Our Constituent Councils are already suffering the consequences of the COVID-19 pandemic and it is only right and proper that Riverina Water support calls by the sector for local government to receive increased support in the terms noted above.

I am recommending that Riverina Water support the campaign, which is being coordinated on behalf of the NSW sector by Local Government NSW (LGNSW) and at a national level by the Australian Local Government Association (ALGA).

Our constituent Councils are doing everything possible to provide support and deliver the services needed to protect community health and keep our communities running during these difficult times. The wellbeing, safety and livelihoods of our communities, customers, and staff is our top priority.

It is critical that the local government sector receives adequate funding and resources to coordinate and deliver the goods and services needed as we navigate through, and recover from, natural disasters and the new challenges presented by COVID-19 and its massive impacts on people and our local economies.

Council needs urgent financial assistance from the Federal Government and NSW State Government to maintain infrastructure, services and employment as well as funding to give councils the capacity to provide hardship assistance to the community.

The measures listed below would be effective and simple to implement:

- Increasing Financial Assistance Grants payments to 1% to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
- Immediate financial assistance to support council employees, especially in early education and care.
- Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs. Existing Federal funding programs include the Roads to Recovery, Bridges Renewal and Road Safety Blackspots programs. State programs include Fixing Local Roads, Fixing Country Bridges and the Stronger Country Communities programs.

- Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.

Financial Implications

There are no financial implications for Council in terms of making the above representations.

Risks Considerations

Corporate Governance and Compliance	
Avoid	Council will avoid risks relating to corporate governance and compliance including procedural/policy, legal and legislative compliance.

R1 Extension of time to pay water accounts

Management Area **Corporate Services**

Author Emily Tonacia, Manager Corporate Services

Summary Following the onset of the COVID-19 pandemic, the General Manager (in consultation with the Chairperson) extended the time available to customers to pay their quarterly water accounts (by two weeks). This reports seeks for the Board to endorse that decision.

RECOMMENDATION that Council endorse the actions of the General Manager in extending the period of time for customers to pay their water accounts by up to two weeks.

Report

All water accounts issued from 25 March 2020 have been automatically extended by two weeks to assist those in the community financially impacted by the COVID-19 pandemic. Subject to the Board's consideration of this request, it is intended that the extension will remain in place for all accounts issued up until 30 June 2020.

Should a customer be experiencing serious financial hardship they are able to access additional assistance under Council's Water Billing Hardship Policy.

Management will monitor the situation and will assess if a recommendation for further financial support is required as the impact of COVID-19 continues.

Financial Impact

Council will forgo two weeks of interest on overdue accounts that would have potentially been charged. Council's current interest rate on overdue accounts is 7.5%. Based on historical averages this amount is anticipated to be under \$1,000 and will have no adverse effect on Council's anticipated year end result.

Due to Council's current liquidity the delay in cash flow due to the extension will not have any significant impact on Council meeting any future obligations.

Risk Considerations

Financial	
Avoid	Council will endeavour to ensure that its financial sustainability is protected at all times and avoid proposals that may impact negatively.

R2 Draft Delivery Program 2020/21 – 2022/23 and Draft Operational Plan 2020/21

Organisational Area Corporate Services

Author Emily Tonacia, Manager Corporate Services

Summary The draft revised delivery program 2020/21 to 2023/24 and draft Operational Plan for the period 1 July 2020 to 30 June 2021 is submitted for Council's consideration. In accordance with Sections 404 and 405 of the Local Government Act 1993, the draft plans must go on display for a period of at least 28 days.

RECOMMENDATION that:

- a) In accordance with Sections 404 and 405 of the Local Government Act 1993, the draft revised Delivery Program and draft Operational Plan be placed on public exhibition and that it also be available to be collected on request from the Administrative Office, Hammond Ave Wagga Wagga
- b) Council increase the consumption charge by 2.5% in 2020/21 and also apply the same increase to Fees and Charges

Report

The Draft Revised Delivery Program 2020/21 to 2022/23 and Draft Operational Plan for the period 1 July 2020 to 30 June 2021 is submitted for Council's consideration.

A workshop to assist in the development of the budget was held on 26 February 2020. At this workshop Council looked at a number of options regarding pricing for 2020/21 and future years.

The consensus at the workshop was to increase consumption charges by 2.5% and availability charges by 1.25%. When combined, the total increase for the average residential property is an additional \$15 or 2.2% per year, or 28c per week.

An increase of 2.5%, has been applied to Council's Sundry Fees and Charges, rounded to the nearest 50c.

The draft plan reflects a strong financial position for Council which is vital in ensuring the continued delivery of Council's asset replacement program of \$78.7m over the next four years.

Of course, the impact of the COVID-19 pandemic was not a consideration at the workshop held in February; this is a now matter for the consideration of the Board. Given the current environment surrounding Covid-19 an alternate sustainable price increase for the short term could be to maintain the availability charge at the same level as that in 2019/20, being \$160 per annum and increase the consumption charge by 2.5%.

The Board will recall that in 2019/20 Council resolved that consumption charges not be increased and that the pensioner rebate be increased by \$20 per annum. In addition, Council maintained the access charge at the same level as that in 2018/19 (\$160 per annum).

The author of the report and the Executive management team recommend that Council apply an increase to the consumption charge as appears in the recommendation. The recommendation holds the fixed costs for all customers and also allows customers to reduce water consumption based on the proposed increased tariff.

By way of further information, the Council is forecast to deliver an operating surplus of \$10.7m in 2019/20, attributed predominately to increased water sales during what has been a warmer than usual year.

› **R2.1 Draft Delivery Program 2020/21 – 2022/23 and Draft Operational Plan 2020/21
(separate cover)**

Financial Implications

The report has discussed the financial implications of the likely impact of decisions made by the Board during their consideration of the matter.

Risks Considerations

Financial	
Avoid	Council will endeavour to ensure that its financial sustainability is protected at all times and avoid proposals that may impact negatively

R3 Councillor Superannuation Discussion Paper

Organisational Area General Manager

Author Andrew Crakanthorp, General Manager

Summary The Office of Local Government (OLG) has issued a discussion paper to seek the views of councils and their local communities on whether councillors should receive superannuation payments. Submissions should be made before close of business Friday 8 May 2020.

RECOMMENDATION that Council determine whether it wishes to make a submission to the Office of Local Government in response to the Councillor Superannuation Discussion Paper and if so, make comment (on matters discussed by the Board) and on the need for any future decision to note the “dynamic” that exists (as it relates to fees for councillors) in relation to this matter

Report

Under the Commonwealth Superannuation Guarantee (Administration) Act 1993, councils across Australia are not required to make superannuation contributions in relation to the fees they pay to mayors and councillors. This is because mayors and councillors are elected to a civic office in a council and are not employees of the council.

According to the OLG the release of the discussion paper has been prompted by concerns raised by mayors and councillors that the ineligibility of councillors to receive superannuation payments is inequitable and is a deterrent to more women and younger people standing as candidates at council elections.

The discussion paper seeks the views of councils and others on the following four options:

1. Maintaining the status quo – mayors and councillors can continue to voluntarily contribute a portion of their fees to a complying superannuation fund of their choice;
2. Mandate the current voluntary situation – amend the Local Government Act 1993 (the Act) to make it compulsory for councils to pay a portion of the mayors' and councillors' fees equivalent to the superannuation guarantee amount into a complying superannuation fund nominated by the mayor and councillors;
3. Amend the Act to allow councils to voluntarily pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominated by the mayor and councillors in addition to the mayor's and councillors' fees – this means that the payment of councillor superannuation in addition to their fee would be at

each council's discretion, allowing the council to take into account the council's resources and the local community's views; or

4. Amend the Act to make it compulsory for councils to pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominated by the mayor and councillors in addition to the mayor's and councillors' fees.

The Discussion Paper provides comment on several questions including:

- Are NSW mayors and Councillors adequately remunerated?
- Have NSW mayors and councillors been denied a financial benefit received by other members of the workforce through the payment of the superannuation guarantee.
- Will payment of the superannuation guarantee encourage more women to stand as candidates at Council elections?
- Will payment of the superannuation guarantee encourage younger people to stand as candidates at council elections?
- How much will it cost and who will pay?

The Discussion Paper makes reference to indicative contributions payable by the four water County Councils, but does not go into detail regarding the relationship between potential payments made by a general purpose council to all its councillors and those councillors from the general purpose Councils who then also sit on a County Council.

One argument is that as fees are payable to a person who sits as a councillor on a general purpose council and then also receives fees when they go further and sit on the board of county council, then the payment of superannuation should also be payable for both roles.

There are a number of options however as the four general purpose councils (in our case) may choose not (depending on any legislative change made as part of the consideration of this discussion paper) to contribute to a councillor's superannuation.

Legislative Policy & Planning Implications

The legal position regarding the current situation as well as the options under consideration are outlined in the Discussion Paper. The discussion paper has been uploaded separately to The Hub. In addition, board members may have already received a copy of the Discussion Paper via their constituent Councils. Amendments to the Local Government Act 1993 may be required depending on which option outlined in the discussion paper is adopted by the Government.

Financial Implications

The superannuation guarantee was introduced in 1992-93, with compulsory contributions rising at regular intervals from 3 per cent of wages in that year to 9 per cent in 2002-03 and 9.5 per cent in 2013-14. The superannuation guarantee is scheduled to rise incrementally from 9.5 per cent of wages today to 12 per cent by July 2025.

Based on the 2019/2020 Chairperson and Board Member fees this would amount to \$11,318 per annum in total should the payment of superannuation on councillor fees be compulsory. The discussion paper notes that the "average annual cost" to Water County Council's would be \$9,289. The amounts of money involved are not really the issue here, as the issue is more the principle of payment of superannuation to improve the retirement benefits for more members of the community.

In the scenario where one or more of the Council's decide to contribute to a councillors' superannuation, there may be an argument that a County Council could choose to also make a contribution.

However, in the scenario where none of the constituent Council's decide to make a contribution, it would be entirely likely that the same decision would be made by the Board of a County Council (this is certainly a matter for discussion)

Lockhart Shire Council is making a submission that supports Option 4. Federation Council are not making a submission and their general manager rightly advises that their Council is more interested in securing increased remuneration for their councillors through the Remuneration Tribunal. The Greater Hume Council were to consider this matter at their meeting on the 15 April and Wagga Wagga City Council are yet to consider the matter.

Should the government eventually amend the Act then Riverina Water can also respond in an appropriate manner at the time.

This report suggest that it is important that we make a submission as it is highly likely that the impact (both **on** a County Council and **by** a County Council – in paying super to a Board member) should be considered by the Government and that this is the opportunity to engage on same – and prevent any unintended consequences (that is, similar to the term of Chairpersons matter)

Risks Considerations

Risk Corporate Governance and Compliance	
Appetite Avoid	Council will avoid risks relating to corporate governance and compliance including perceptions of decisions regarding remuneration to board members.

R4 Proposed Local Government (COVID-19) Splinter Award 2020

Management Area	Governance & HR
Author	Simon Thomson, Manager Governance & HR
Summary	Council has opted-in on a splinter award for all participating NSW Local Government Councils to assist participating members in managing the workplace relations / human resources management issues associated with COVID-19.

RECOMMENDATION that Council endorse the actions of the General Manager in advising Local Government NSW that Riverina Water be covered under the proposed splinter award

Report

The Splinter Award is expected to assist with preserving Local Government jobs by affording employers greater flexibility to provide suitable alternative duties to employees that are unable to perform their regular duties due to Health Orders by the State or Commonwealth Governments relating to COVID-19.

The Splinter Award also contains close-down procedures at Part 6, which commence with a "Duty to Explore Suitable Alternative Duties". Where the employer has exhausted all reasonable attempts to find suitable alternative duties and has no useful work for affected employees, the employer may temporarily stand down (or partially stand down) employees in accordance with the staged stand down procedures under the award.

Under stage 1, employees are entitled to up to four (4) weeks of paid COVID-19 special leave at their salary system rate of pay (of which up to 2 weeks may be absorbed by paid special leave already received by the employee from their employer in relation to COVID-19).

At stage 2, an employee who has exhausted their entitlement to paid COVID-19 special leave is entitled to be paid a Job Retention Allowance at the Band 1 / Level 2 rate of pay under the *Local Government (State) Award* (currently \$858.20/week) for up to three (3) months.

During stage 2, employees may supplement the Job Retention Allowance by accessing their accrued leave entitlements.

At stage 3, employees who have exhausted their entitlement to paid COVID-19 special leave and the Job Retention Allowance are placed on leave without pay until the employer is able to provide the employee with useful work, unless the employee elects to utilise any available accrued leave entitlements.

All Local Government NSW (LGNSW) members were required to notify LGNSW if they wish to be covered by 12 pm Tuesday 14 April 2020. The General Manager consulted with the Chairperson and provided advice to LGNSW that is sought to opt-in the covered by the new splinter award.

Whilst Riverina Water is not a party to the Local Government State Award, Clause 6 Relationship with the *Local Government (State) Award*, this splinter award allows for Riverina Water to be considered ... 6.1 *This Award is to be read and interpreted in conjunction with the LG (State) Award and any relevant registered enterprise agreement or enterprise award.*

Riverina Water inclusion allows for some protection and support for Riverina Water and employees if Covid-19 restrictions in NSW are to escalate.

Financial Implications

Whilst it is expected that as far as possible and notwithstanding any National or Local Government further directives, Riverina Water will be able to maintain meaningful work for employees during this Covid-19 period as it continues to provide essential services and support to the community. It is expected that in the event of this splinter award taking effect there will be financial implications in the form of

- additional special leave (up to 4 weeks) and
- job retention allowances requirements

The provisions of the splinter award would become operative in the event that the Federal or State Governments issue an Order that "locks down" the movement of all Australians or residents of NSW. The costs of such a lockdown would be able to be met by an adjustment to the Council's adopted budget, without placing Council under undue financial pressure

There are protections in the splinter award against working from home claims which include

- spread of ordinary hours
- home internet and home computer related expenses
- Close down
- Provision for employees to be directed to take or take accrued leave. This is conditional and explained further in the splinter award.

Risks Considerations

Corporate Governance and Compliance	
Avoid	Council will avoid risks relating to corporate governance and compliance, including the efficient and effective direction and operation of the organisation; ethical, responsible and transparent decision-making; corruption; fraud, procedural/policy; legal and legislative compliance. Under these circumstances Council has an attitude of avoidance where uncertainty in achieving its objectives exists.

R5 March 2020 Quarterly Budget Review

Organisational Area Corporate Services

Author Emily Tonacia, Manager Corporate Services

Summary The Quarterly Budget Review Statement is presented to Council in accordance with Clause 203(2) of the Local Government (General) Regulations 2005, for the purpose of periodically reviewing and revising estimates of income and expenditure

RECOMMENDATION that the Quarterly Budget Review for the period ended 31 March 2020 be received and adopted

Report

The Quarterly Review of Council's Budget for the period ending 31 March 2020 is submitted for examination by the Council.

Operating Budget

The anticipated Operating Result for 2019/2020 is a surplus of \$10,863,626. The Operating Result was originally budgeted for a surplus of \$7,813,626. Proposed March quarterly review operational adjustments relate to:

Income

- Additional water sales due hot weather \$3,000,000

Expenditure

- Deferral of ICT project to 2020/21 (\$ 50,000)

Net Operating Increase/ (Decrease) \$3,050,000

Capital Budget

Also included is a quarterly review for Capital Works projects. The proposed capital expenditure for 2019/2020 totals \$18,003,859. The original capital expenditure budget for 2019/2020 was \$21,685,760. Proposed March quarterly review adjustments relate to:

Deferral to 2020/21

Budgeted expenditure totalling \$2,677,623 in relation to the following projects has been deferred until 2020/21.

- Refurbishment of operations office (\$ 40,000)
- Koorringal Road land purchase (\$235,000)
- Koorringal Road Storage Area (\$ 50,000)
- Deferral of ICT project (\$ 93,000)

• Purchase of office furniture	(\$ 4,623)
• Radio telemetry SCADA upgrade	(\$240,000)
• Solar installations	(\$450,000)
• Humula well replacement	(\$150,000)
• Switchboard replacement	(\$ 5,000)
• Ralvona aeration tower	(\$ 60,000)
• Ralvona aeration cover	(\$ 60,000)
• New Wagga water treatment plant	(\$550,000)
• Bellevue pump station	(\$ 60,000)
• Estella pump station	(\$120,000)
• The Rock reservoir	(\$220,000)
• Tarcutta reservoir roof	(\$ 70,000)
• Low level reservoir pipework	(\$270,000)

Budget Reductions

The following projects have been reduced by budgeted expenditure totalling \$1,004,278.

• Computer server replacement and associated costs completed under budget	(\$ 79,000)
• Shires reservoir relocation completed under budget	(\$ 47,970)
• Glenoak reservoir completed under anticipated budget	(\$447,308)
• San Isadore mains renewal completed under budget	(\$ 50,000)
• Lower than anticipated developer works	(\$150,000)
• Renewal of reticulation mains under budget	(\$ 50,000)
• Renewal of trunk mains under budget	(\$ 80,000)
• Lower than anticipated service connections	(\$100,000)

Net Capital Expenditure Increase/ (Decrease) (\$3,681,901)

The Quarterly Budget Review Statement should be read in conjunction with the detailed Capital Expenditure Quarterly Review, which is included at the end of this report.

As per previous correspondence from the Audit, Risk & Improvement Committee Council's Sales Fluctuation Reserve will be reduced to \$3,000,000 as part of the completion of Council's 2020 Financial Statements.

› **R5.1 Quarterly Budget Review Statement – March 2020**

Financial Implications

The recommendation increases Council's operating result for 2019/20 by \$3,050,000.

Risks Considerations

Financial	
Avoid	Council will endeavour to ensure that its financial sustainability is protected at all times and avoid proposals that may impact negatively

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Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

It is my opinion that the Quarterly Budget Review Statement for Riverina Water County Council for the quarter ended 31/03/20 indicates that Council's projected financial position at 30/6/20 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.



Signed:

Date: 14/04/2020

Ms Emily Tonacia
Responsible Accounting Officer

Income & Expenses Budget Review Statement

Budget review for the quarter ended 31 March 2020

(\$000's)	Original Budget 2019/20	Approved Changes		Revised Budget 2019/20	Variations for this Mar Qtr	Notes	Projected Year End Result	19/20	18/19	Notes
		Other than by QBRs	Dec QBRs					Actual YTD figures	Actual YTD figures	
Income										
Rates and Annual Charges	5,046	-	-	5,046	-		5,046	4,033	4,096	
User Charges and Fees	23,196	-	-	23,196	3,000	1	26,196	20,349	19,996	
Interest and Investment Revenues	300	-	-	300	-		300	125	311	
Other Revenues	287	-	-	287	-		287	2,210	417	
Grants & Contributions - Operating	225	-	-	225	-		225	10	15	
Grants & Contributions - Capital	3,741	-	200	3,941			3,941	2,187	3,002	
Total Income from Continuing Operations	32,795	-	200	32,995	3,000		35,995	28,914	27,837	
Expenses										
Employee Costs	9,002	-	93	9,095	-		9,095	6,323	5,651	
Borrowing Costs	488	-	-	488	-		488	318	411	
Materials & Contracts	4,155	-	51	4,206	-		4,206	2,295	2,751	
Depreciation	6,100	-	-	6,100	-		6,100	4,747	4,534	
Other Expenses	5,026	65	200	5,291	(50)	2	5,241	3,581	3,455	
Total Expenses from Continuing Operations	24,771	65	344	25,180	(50)		25,130	17,264	16,802	
Net Operating Result from Continuing Operations	8,024	(65)	(144)	7,815	3,050		10,865	11,650	11,035	
Net Operating Result from All Operations	8,024	(65)	(144)	7,815	3,050		10,865	11,650	11,035	
Net Operating Result before Capital Items	4,283	(65)	(344)	3,874	3,050		6,924	9,464	8,033	

Income & Expenses Budget Review Statement

Recommended changes to revised budget

Budget Variations being recommended include the following material items:

[illegible]

Capital Budget Review Statement

Budget review for the quarter ended 31 March 2020

(\$000's)	Original Budget 2019/20	Approved Changes				Revised Budget 2019/20	Variations for this Mar Qtr	Notes	Projected Year End Result	19/20 Actual YTD figures	18/19 Actual YTD figures
		Carry Forwards	18/19 Revotes	Other than QBRS	Dec QBRS						
Capital Expenditure											
Land & Buildings	740	169	534	140	158	1,741	(325)		1,416	1,209	1,883
Plant & Equipment	3,422	216	123	300	(210)	3,851	(867)		2,984	1,817	977
Water Infrastructure	13,438	1,735	1,404	91	(574)	16,094	(2,490)		13,604	10,745	7,881
Total Capital Expenditure	17,600	2,120	2,061	531	(626)	21,686	(3,682)		18,004	13,771	10,741
Capital Funding											
Rates & Other Untied Funding	17,600	2,120	2,061	531	(626)	21,686	(3,682)		18,004	13,771	10,741
New Loans	-	-	-	-	-	-	-		-	-	-
Total Capital Funding	17,600	2,120	2,061	531	(626)	21,686	(3,682)		18,004	13,771	10,741
Net Capital Funding - Surplus/(Deficit)	-	-	-	-	-	-	-		-	-	-

Capital Budget Review Statement

Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes Details

Refer to Capital Works Progress report for more detail on Capital Projects

Cash & Investments Budget Review Statement

Budget review for the quarter ended 31 March 2020

(\$000's)	Original Budget 2019/20	Approved Changes			Revised Budget 2019/20	Variations for this Mar Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRS	Dec QBRS					
Externally Restricted ⁽¹⁾									
Loan Funds - LIRS	-	-	-		-			-	-
Total Externally Restricted	-	-	-	-	-	-		-	-
(1) Funds that must be spent for a specific purpose									
Internally Restricted ⁽²⁾									
Employee Leave Entitlements *	2,134	-	-		2,134	-		2,134	2,134
Plant Replacement	1,505	-	-		1,505	-		1,505	1,552
Sales Fluctuation	5,000	-	-		5,000	-		5,000	5,000
Total Internally Restricted	8,639	-	-	-	8,639	-		8,639	8,686
(2) Funds that Council has earmarked for a specific purpose									
Unrestricted (ie. available after the above Restrictions)	6,598	-	2,655	1,233	10,486	6,356	1	16,842	17,256
Total Cash & Investments	15,237	-	-	1,233	16,470	6,356		25,481	25,942

* ELE Reserve is currently funded at 50%

Cash & Investments Budget Review Statement

Comment on Cash & Investments Position

Due to Cash & Investment balances at the start of the financial year being higher than anticipated after the 2018/19 end of year financial result cash on hand is higher than originally budgeted.

Investments

Investments have been invested in accordance with Council's Investment Policy.

Cash

The Cash at Bank figure included in the Cash & Investment Statement totals \$368,968

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.
The date of completion of this bank reconciliation is 31/03/20

Reconciliation Status

The YTD Cash & Investment figure reconciles to the actual balances held as follows:		\$ 000's
Cash at Bank (as per bank statements)		937
Investments on Hand		29,183
less: Unpresented Cheques	(Timing Difference)	(589)
add: Undeposited Funds	(Timing Difference)	21

Reconciled Cash at Bank & Investments	<u>29,552</u>
Balance as per Review Statement:	<u>29,552</u>
Difference:	-

Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes Details

- 1 Cash on hand projected to be higher than original budget due to deferred CAPEX projects and additional water sales due to dry hot weather.

Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)

Budget review for the quarter ended 31 March 2020

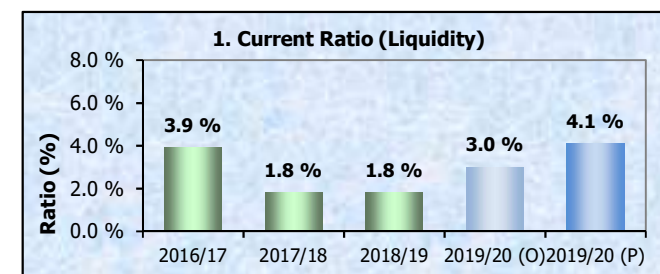
(\$000's)	Current Projection		Original Budget 19/20	Actuals Prior Periods	
	Amounts	Indicator		18/19	17/18
	19/20	19/20			

NSW Local Government Industry Key Performance Indicators (OLG):

1. Current Ratio (Liquidity)

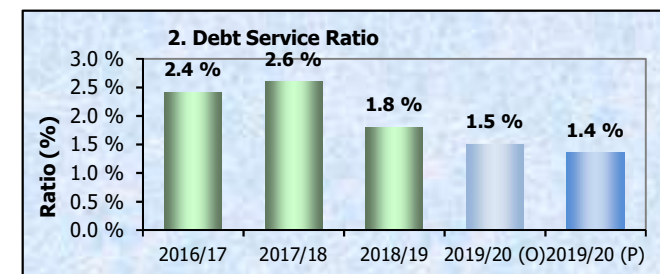
Current Assets	32438	4.1 %	3.0 %	1.8 %	1.8 %
Current Liabilities	7952				

This measures Council's ability to pay existing liabilities in the next 12 months. (target >1.5)


2. Debt Service Ratio

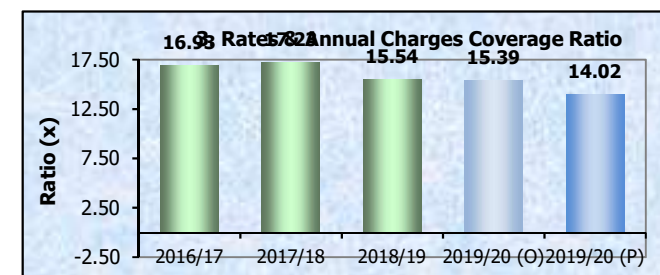
Debt Service Cost	488	1.4 %	1.5 %	1.8 %	2.6 %
Income from Continuing Operations	35995				

This measures Council's ability to meet interest repayments and therefore service debt. (target 0% to 5%)


3. Rates & Annual Charges Coverage Ratio

Rates & Annual Charges	5046	14.02	15.39	15.54	17.23
Income from Continuing Operations	35995				

To assess the degree of Council's dependence upon revenue from rates and annual charges and to assess the security of Council's income. (target < 25%)



Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)

Budget review for the quarter ended 31 March 2020

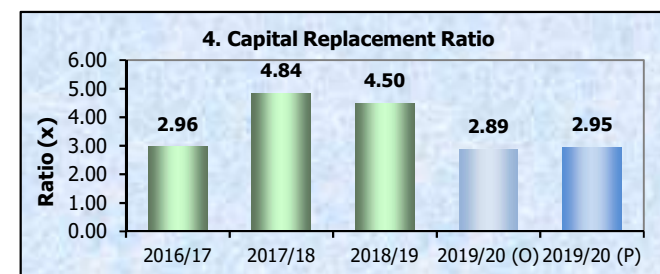
(\$000's)	Current Projection		Original Budget 19/20	Actuals Prior Periods	
	Amounts	Indicator		18/19	17/18
	19/20	19/20			

NSW Local Government Industry Key Performance Indicators (OLG):

4. Capital Replacement Ratio

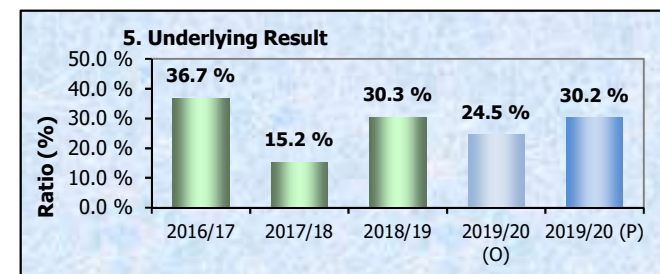
Infrastructure, Property, Plant & Equipment	18004	2.95	2.89	4.50	4.84
Depreciation	6100				

Comparison of the rate of spending on IPP&E with consumption of assets. This is a long-term indicator, as capital expenditure can be deferred in the short term if insufficient funds are available from operations and borrowing is not an option. (target > 1.5)


5. Underlying Result

Net Result	10865	30.2 %	24.5 %	30.3 %	15.2 %
Total Revenue	35995				

A positive result indicates a surplus and the larger the percentage the stronger the result. A negative result indicates a deficit. Operating deficits cannot be sustained in the long term. (target > 0%)



Budget review for the quarter ended 31 March 2020

Part A - Contracts Listing - contracts entered into during the quarter

[illegible]

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

Consultancy & Legal Expenses Budget Review Statement

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies	18,945	Y
Legal Fees	1,015	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Comments

Expenditure included in the above YTD figure but not budgeted includes:

Details

Riverina Water County Council

OPERATIONAL PLAN - MARCH 2020 REVIEW

OPERATING SUMMARY	YTD ACTUAL \$'000	CURRENT BUDGET \$'000	REMAINING \$'000	% AVAILABLE	2019/20 BUDGET \$'000	31/03/2020 REVIEW ADJUSTMENT	REVISED BUDGET \$'000	REVIEW ADJUSTMENT COMMENT
OPERATING INCOME								
Access Charges								
Urban	3,321	4,075	755	19%	4,075	0	4,075	
Non-Urban	713	971	258	27%	971		971	
	4,033	5,046	1,013	20%	5,046	0	5,046	
User Charges								
Consumption Charges								
Urban	16,257	18,046	1,789	10%	18,046	3,000	21,046	Additional water sales over summer period
Non-Urban	3,380	4,130	749	18%	4,130	0	4,130	
	19,637	22,176	2,539	11%	22,176	3,000	25,176	
Extra Charges								
Urban	57	80	23	29%	80	0	80	
Non-Urban	16	15	-1	0%	15		15	
	73	95	22	24%	95	0	95	
Other Income	2,838	1,202	-1,636	-136%	1,202	0	1,202	
Interest	125	300	175	58%	300		300	
Operating Grants & Contributions	10	225	215	96%	225	0	225	
Capital Grants & Contributions	2,187	3,941	1,754	45%	3,941	0	3,941	
Private Works Income	12	10	-2	0%	10	0	10	
TOTAL OPERATING INCOME	28,914	32,994	4,080	12%	32,994	3,000	35,994	
OPERATING EXPENSES								
Management	6,250	10,268	4,019	39%	10,268	-50	10,218	Deferral of ICT operational expenses
Operations & Maintenance								
Buildings & Grounds								
Urban	370	612	242	40%	612	0	612	
Non-Urban	37	49	12	24%	49	0	49	
	407	661	254	38%	661	0	661	
Management - Operations								
Urban	614	950	336	35%	950	0	950	
Non-Urban	270	350	80	23%	350	0	350	
	884	1,300	416	32%	1,300	0	1,300	
Sources								
Urban	813	1,164	350	30%	1,164	0	1,164	

OPERATING SUMMARY	YTD ACTUAL \$'000	CURRENT BUDGET \$'000	REMAINING \$'000	% AVAILABLE	2019/20 BUDGET \$'000	31/03/2020 REVIEW ADJUSTMENT	REVISED BUDGET \$'000	REVIEW ADJUSTMENT COMMENT
Non-Urban	255	339	84	25%	339	0	339	
	1,068	1,503	435	29%	1,503	0	1,503	
<i>Pumping Stations</i>								
Urban	226	377	151	40%	377	0	377	
Non-Urban	206	309	103	33%	309	0	309	
	432	686	254	37%	686	0	686	
<i>Reservoirs</i>								
Urban	134	233	99	42%	233	0	233	
Non-Urban	83	130	47	36%	130	0	130	
	218	363	145	40%	363	0	363	
<i>Treatment Plant</i>								
Urban	1,736	2,329	593	25%	2,329	0	2,329	
Non-Urban	396	530	133	25%	530	0	530	
	2,132	2,859	726	25%	2,859	0	2,859	
<i>Mains & Services</i>								
Supervision	147	239	92	38%	239	0	239	
Urban	858	1,051	193	18%	1,051	0	1,051	
Non-Urban	390	501	111	22%	501	0	501	
	1,396	1,791	395	22%	1,791	0	1,791	
<i>Other Operations</i>	-270	-350	-81	23%	-350	0	-350	
Depreciation	4,747	6,100	1,353	22%	6,100	0	6,100	
TOTAL OPERATING EXPENSES	17,264	25,181	7,916	31%	25,181	-50	25,131	
OPERATING RESULT	11,650	7,814			7,814	3,050	10,864	

Riverina Water County Council
Balance Sheet

Projected
2019/20
\$

ASSETS

Current Assets

Cash & Cash Equivalents	25,481
Receivables	4,106
Inventories	2,851
Total Current Assets	32,438

Non-Current Assets

Infrastructure, Property, Plant & Equipment	372,038
Intangible Assets	7,602
Total Non-Current Assets	379,640

TOTAL ASSETS

412,078

LIABILITIES

Current Liabilities

Payables	1,314
Income received in advance	372
Borrowings	1,860
Provisions	4,406
Total Current Liabilities	7,952

Non-Current Liabilities

Borrowings	5,399
Total Non-Current Liabilities	5,399

TOTAL LIABILITIES

13,351

Net Assets

398,727

EQUITY

Retained Earnings	146,241
Revaluation Reserves	252,486
Other Reserves	-
Council Equity Interest	398,727
Minority Equity Interest	-
Total Equity	398,727

31 MARCH 2020 CAPEX QUARTERLY BUDGET REVIEW

Description	Current Budget	YTD Actual 2019/20	Budget Remaining	31/03/2020 QBR	Revised Budget	Comment
	\$	\$	\$	\$	\$	
MANAGEMENT						
LAND & BUILDINGS FOR ADMIN. DEPOTS AND WORKSHOPS						
Administration Office	75,045	67,808	7,237	0	75,045	
Depot Buildings	528,740	398,197	130,543	-40,000	488,740	Operations office refurbishment to 20/21
Access, Parking and Landscaping	1,138,271	743,407	394,864	-285,000	853,271	Koorngal Road land purchase and storage development to 20/21
SUB-TOTAL LAND & BUILDINGS FOR ADMIN, DEPOTS & WORKSHOPS	1,742,056	1,209,412	532,644	-325,000	1,417,056	
PLANT & EQUIPMENT						
IT Equipment	399,570	199,409	200,161	-172,000	227,570	Deferral of ICT project & server replacement under budget
Office Furniture & Equipment	14,000	9,377	4,623	-4,623	9,377	Office furniture & equipment to 20/21
Working Plant & Vehicle Purchases	1,372,013	626,631	745,382	0	1,372,013	
Fixed Plant Tools & Equipment	25,000	23,202	1,798	0	25,000	
Telemetry & Control Systems Upgrade	994,525	446,765	547,760	-240,000	754,525	Radio Temelentry SCADA Upgrade to 20/21
Radio Communications Upgrade/Replacements/Improvements	94,939	61,489	33,450	0	94,939	
Energy Efficiency & Cost Minimisation	650,973	148,309	502,664	-450,000	200,973	Solar installations to 20/21
SUB-TOTAL PLANT & EQUIPMENT	3,551,020	1,515,181	2,035,839	-866,623	2,684,397	
INTANGIBLES						
Water Licences	300,000	301,757	-1,757	0	300,000	
TOTAL MANAGEMENT	5,593,076	3,026,350	2,566,726	-1,191,623	4,401,453	
SOURCES						
Bores-renew/refurbish/decommission	240,000	73,494	166,506	-150,000	90,000	Humula well replacement
Source Works General Improvements	21,166	21,201	-35	0	21,166	
Switchboards Improvements/Replacements	5,000	0	5,000	-5,000	0	Switchboard replacement 20/21
TOTAL SOURCES	266,166	94,696	171,470	-155,000	111,166	
TREATMENT PLANTS						

Description	Current Budget	YTD Actual 2019/20	Budget Remaining	31/03/2020 QBR	Revised Budget	Comment
	\$	\$	\$	\$	\$	
Aeration Tower Replacements	85,000	0	85,000	-60,000	25,000	Ralvona Aeration Tower 20/21
Aeration Tower Covers	541,243	281,854	259,389	-60,000	481,243	Ralvona Aeration Cover 20/21
Specific Treatment Plant improvements	137,455	101,667	35,788	0	137,455	
Treatment Plant refurbishments	1,559,059	516,929	1,042,130	-550,000	1,009,059	New Wagga Water Treatment Plant
Laboratory Facilities Upgrade	6,236	6,236	0	0	6,236	
TOTAL TREATMENT PLANTS	2,328,993	906,686	1,422,307	-670,000	1,658,993	
PUMPING STATIONS						
Pump Stations Renewal/Refurbish/Upgrade	190,000	26	189,974	-180,000	10,000	Estella pump station
Pump & Motor Maintenance / Replacements	75,892	40,842	35,050	0	75,892	
TOTAL PUMPING STATIONS	265,892	40,868	225,024	-180,000	85,892	
RESERVOIRS						
General Improvements	106,025	57,600	48,425	0	106,025	
New/Replacement Reservoirs	7,707,845	5,971,726	1,736,119	-715,278	6,992,567	Glenoak resevoir underbudget & The Rock reservoir 20/21
Reservoirs - Refurbish	101,000	1,677	99,323	-70,000	31,000	Tarcutta Reservoir roof
Reservoir Hatches Magflows	56,000	11,073	44,927	0	56,000	
TOTAL RESERVOIRS	7,970,870	6,042,077	1,928,793	-785,278	7,185,592	
MAINS, SERVICES & METERS						
MAINS						
System Improvements	1,500,000	916,171	583,829	-320,000	1,180,000	Low Level Reservoir pipework
Reticulation for Developers (including other extensions)	860,000	570,782	289,218	-150,000	710,000	Lower than anticipated developer works
Renew Reticulation Mains	855,000	677,143	177,857	-50,000	805,000	
Renew Trunk Mains	989,143	674,988	314,155	-80,000	909,143	
SUB-TOTAL MAINS	4,204,143	2,839,084	1,365,059	-600,000	3,604,143	
SERVICES						
Service Connections, new including Meters	550,000	347,042	202,958	-100,000	450,000	
Renew Services	170,000	142,437	27,563	0	170,000	

Description	Current Budget	YTD Actual 2019/20	Budget Remaining	31/03/2020 QBR	Revised Budget	Comment
	\$	\$	\$	\$	\$	
SUB-TOTAL SERVICES	720,000	489,479	230,521	-100,000	620,000	
METERS						
Water meters replacement	180,000	169,220	10,780	0	180,000	
Remote metering	80,251	66,226	14,025	0	80,251	
Water Filling Stations Upgrade	51,369	72,749	-21,380	0	51,369	
Water Filling Stations New	25,000	23,674	1,326	0	25,000	
SUB-TOTAL METERS	336,620	331,869	4,751	0	336,620	
TOTAL MAINS, SERVICES & METERS	5,260,763	3,660,432	1,600,331	-700,000	4,560,763	
TOTALS	21,685,760	13,771,108	7,914,652	-3,681,901	18,003,859	

R6 Privacy Management Plan and Privacy Policy

Organisational Area Governance and Human Resources

Author Wendy Reichelt, Governance and Records Officer

Summary The Privacy Management Plan and Policy 1.20 have been placed on public exhibition with no submissions received.

RECOMMENDATION that Council:

- a) Note that the Privacy Management Plan and Policy 1.20 – Privacy were placed on public exhibition from 20 February to 19 March 2020 with no public submissions received
- b) Adopt Policy 1.20 – Privacy and the Privacy Management Plan as exhibited

Report

Riverina Water is required to have a Privacy Policy and a Privacy Management Plan explaining how we manage the personal and health information of our customers, board members, staff, contractors and all who come in contact with Riverina Water in accordance with NSW privacy laws. This includes the Privacy and Personal Information Act 1998 (PIPP Act) and the Health Records and Information Act 2002 (HRIP Act).

Without an up-to-date Privacy Management Plan and Policy, Riverina Water risks private information not being treated in accordance with the Privacy and Personal Information Act 1998 (PIPP Act) and the Health Records and Information Act 2002 (HRIP Act), thereby acting in breach of that legislation.

The draft Privacy Management Plan and Policy 1.20-Privacy were presented to the February 2020 Board meeting. Following that meeting the documents were placed on public exhibition from 20 February to 19 March, with no submissions received. Therefore, it is requested, that the Board endorse the adoption of the Plan and Policy as exhibited, noting that they will be made available from Council's website.

- › **R6.1** Privacy Management Plan
- › **R6.2** Privacy Policy

Financial Implications

Nil – any costs associated with training have already been taken into account in operational budgets

Risk Considerations

Corporate Governance and Compliance	
Avoid	Council will avoid risks relating to procedural/policy, legal and legislative compliance

Privacy Management Plan

February 2020

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1 Privacy Management Plan Overview

The purpose of this Privacy Management Plan (PMP) is to explain how Riverina Water manages personal and health information of our customers, Board members, staff, contractors and all who come in contact with Riverina Water in accordance with NSW privacy laws. This includes the Privacy and Personal Information Protection Act 1998 (PPIP Act) and the Health Records and Information Privacy Act 2002 (HRIP Act).

The PMP also explains who you should contact with questions about the information collected and retained by Riverina Water, how to access and amend your stored information and what to do if you believe Riverina Water may have breached the PPIP or HRIP Acts.

Additionally the PMP is used to support Riverina Water's staff about how to deal with personal information. This helps to ensure that Riverina Water complies with the PPIP Act, the HRIP Act and the Government Information (Public Access) Act 2009 (GIPA).

1.1 What the plan covers

This PMP includes requirements outlined in s33(2) of the PPIP Act (PPIPA) including:

- › Information about the private information Riverina Water holds and for what purpose
- › how Riverina Water develops policies and practices in line with the State's information and privacy Acts
- › how Riverina Water disseminates these policies and practices within the organisation and trains our staff in their use
- › Riverina Water's internal review processes
- › anything else Riverina Water considers relevant to the PMP in terms of privacy and the personal and health information we hold.

This Plan should be read in conjunction with the Code of Practice for Local Government (the Code) and the Riverina Water Code of Conduct

Who the Plan applies to

The PPIPA, HRIPA and this Plan apply, wherever practicable, to:

- Board members
- Riverina Water employees
- Consultants and contractors of Riverina Water
- Volunteers
- Audit, Risk & Improvement Committee members
- Anyone working for and on behalf of Riverina Water in whatever capacity

1.2 Definitions

Collection (of personal information) – the way in which Riverina Water acquires personal and/or health information, which can include a written or online form, a verbal conversation, a voice recording, or a photograph

Disclosure (of personal information) – when Riverina Water makes known to an individual or an entity, personal or health information not previously known to them

Exemptions from compliance with Information Protection Principles (IPPs) – are provided under Division 2 and Division 3 of Part 2 of the PPIP Act

Health Information – information or an opinion about a person's physical or mental health or disability, or a person's express wishes about the future provision of their health services or a health service provided or to be provided to a person (see the definition at S6 HRIP Act)

Investigative agencies -any of the following: the NSW Ombudsman's office, the Independent Commission against Corruption (ICAC) or the ICAC inspector, the Law Enforcement Conduct Commission (LECC) or the LECC Inspector and any staff of the Inspector, the Health Care Complaints Commission, the Office of the Legal Services Commissioner, and Inspector of Custodial Services.

Law enforcement agencies - any of the following: the NSW Police Force or the police force of another State or Territory, the NSW Crime Commission, the Australian Federal Police, the Australian Crime Commission, the Director of Public Prosecutions of NSW or another State or Territory or of the Commonwealth, Department of Justice, Office of the Sheriff of NSW.

Personal information - information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. Exclusions to the definition of personal information are contained in s4(3) of the PPIP Act and includes health information; (see the definition at s4 PPIP Act and s4(3) PPIP Act and s5 of the HRIP Act).

Privacy principles - the Information Protection Principles set out in Division 1 of Part 2 of the PPIP Act and Health Principles set out in Schedule 1 of the HRIP Act. The privacy principles set out the minimum standards for all NSW public sector agencies when handling personal and health information. Within these principles lawful exemptions are provided.

Public register- a register of public information that is required by law to be, or is made, publicly available or open to public inspection, whether or not upon payment of a fee.

Privacy obligations – the information privacy principles and any exemptions to those principles that apply to Riverina Water

Riverina Water official - an individual having "public official" functions or acting in a public official capacity of Riverina Water. Includes but not limited to a volunteer, Board member, Committee member, contractor or member of staff

Staff – any person working in a casual, temporary or permanent capacity at Riverina Water, including consultants and contractors

1.3 Data Breach Plan

In addition to this PMP, Riverina Water has a Data Breach Response Plan that sets out Riverina Water's procedures for managing a data breach, including the considerations around notifying those persons whose privacy may be affected by the breach.

2. Personal and health information

Riverina Water is committed to protecting the privacy of our customers, business contacts, Board members, employees, contractors and volunteers. This Plan aims to ensure we manage the personal and health information we collect, store, access, use and disclose in the course of business activities ethically and appropriately.

Riverina Water collects, stores and uses a range of information. A significant part of that information is personal information.

In practice any information held will receive treatment of a higher standard; namely treatment accorded to personal information where the information cannot be meaningfully or practicably separated.

2.1 Information that is not personal information

Personal information does not include information about an individual that is contained in a publicly available publication. Personal information, once it is contained in a publicly available publication, ceases to be covered by PPIPA.

Where Riverina Water is requested to provide access or make a disclosure and that information has already been published, then the provision of the relevant Act that authorises the holding of that information will be followed (for example, section 12(1) of the Local Government Act).

The following are considered to be publicly available documents:

- an advertisement containing personal information in a newspaper
- personal information published on any social media platform
- books or magazines that are printed and distributed broadly to the general public
- Council business papers or that part that is available to the general public
- personal information that may be a part of a public display on view to the general public

Information published in this way ceases to be covered by the PPIPA.

2.2 Information Riverina Water might collect

The following are examples of the types of personal and health information and circumstances where we may collect personal information in exercising our functions:

Board members

Riverina Water holds personal information concerning Board members, including:

- personal contact information
- pecuniary interest returns
- any declarations of interest made at Board meetings
- any complaints or disciplinary matters
- entitlements to fees, expenses and facilities

Customers and Residents

Riverina Water holds personal and possible health information in its records such as:

- Property records
- Billing records
- Pensioner and concession details
- Financial records
- Details of circumstances relating to hardship and debt management
- Customer requests
- Donation, grant and sponsorship applications
- Leases, licences and agreements
- Submissions and information collected as part of Riverina Water's community engagement and consultation activities

Employees, volunteers and contractors

Riverina Water holds personal and health information concerning its employees, volunteers and contractors as appropriate, such as:

- Personal contact information and emergency contact details
- Recruitment material
- Pre-employment medical information
- Bank account details
- Wage and salary entitlements
- Leave and payroll data
- Medical certificates and medical information
- Disclosure of interest returns
- Workers' compensation records
- Performance management plans
- Disciplinary matters

2.3 How Riverina Water collects personal and health information

Riverina Water collects and receives people's personal and health information in a variety of ways, in order to perform services and functions.

The collection of this information may be in writing, e-mail, inquiry from the website, over the phone, by fax or in person.

Riverina Water will decide what level of information is appropriate to be collected for each enquiry on a case-by-case basis. This is on the understanding that the details collected must contain enough information to be an accurate record of the issue and assistance given, but should not contain unnecessary personal and/or health information.

If someone writes to Riverina Water, a full copy of whatever is sent is generally kept within the electronic document management system or in a hard copy file. However, if someone calls over the phone and gives a lot of background information, Riverina Water may decide not to record all the personal information if it is irrelevant to the enquiry. For example, a Riverina Water staff member might make a general note, such as "concerned about impact of an illness" without recording details about the illness itself.

Riverina Water's telephones will display the number of the person who called, except for private/silent numbers. Telephone conversations are not electronically recorded. If someone has an enquiry that cannot be answered straight away, a Riverina Water staff member will offer to take the person's name and telephone number so someone can respond.

It is normal business practice for our customer service officers to check customer contact details when they call, including a contact email address. This is to allow us to make contact via email should that be necessary regarding billing matters, for example meter readings that are very high, or to respond to an earlier enquiry.

As a security measure, Riverina Water has video surveillance of the customer service counter at its Administration Building in Hammond Avenue. This records vision only. Recordings are held for two weeks. This timeframe is under review, and it is expected that this retention period will be extended.

The Spam Act 2003

Riverina Water complies with the Commonwealth Spam Act 2003 in regards to sending of emails to customers. Prior to sending any message that could be construed to be marketing, we will first seek to confirm that permission has been granted to use a customer's email address for that purpose. Our email message will identify us as the sender and contain our contact details.

Permission

There are two types of permission: express or inferred

People can give express permission by one of the following:

- filling in a form
- ticking a box on a website
- over the phone
- face to face
- correspondence – via mail or email

It is inferred that a person gives permission to be contacted by email for marketing purposes if they are a current customer and the message we send is related to the service they already have.

Public access to tabled correspondence and reports

The Local Government Act 1993 – sec 11. (1) provides that:

A council and a committee of which all the members are councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

(2) This section does not apply if the correspondence or reports—

(a) relate to a matter that was received or discussed, or

(b) were laid on the table at, or submitted to, the meeting,

when the meeting was closed to the public.

(3) This section does not apply if the council or committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 10A(2), are to be treated as confidential.

It should be noted that since December 2019, Riverina Water records all Council meetings, which are livestreamed onto our website. By remaining in the public gallery it is assumed that an attendee's permission has been given in the event that their image or voice is broadcast.

3 Public Registers

A public register is defined in section 3 of the PPIPA as a register of personal information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee).

Disclosure in relation to public registers must comply with Part 6 of the PPIPA. Personal information cannot be accessed by a person about another person unless the personal information is contained in a public register. Where personal information is contained in a public register, Part 6 of the PPIPA applies to determine whether access to that information will be given.

It is considered that a secondary purpose for which all public registers are held by a council includes the provision of access to members of the public. Therefore disclosure of specific records from public registers would normally be considered to be allowable under section 57 of the PPIPA.

Personal information contained in a public register, other than where required by legislation, will only be disclosed where Riverina Water is satisfied that it is to be used for a purpose relating to the purpose of the register.

3.1 Application for disclosure

A person seeking a disclosure of someone else's personal information from a public register must satisfy Riverina Water that the intended use of the information is for a purpose directly relating to the purpose of the register or the Act under which the register is kept.

Persons or organisations who apply to Riverina Water to have access to the information contained in any public register for a purpose not related to the purpose of the register, may be given access at the discretion of Riverina Water but only in accordance with the Code.

3.2 Suppression of information in relation to a public register

A person about whom personal information is contained (or proposed to be contained) in a public register, may request the General Manager under section 58 of the PPIPA to have the information removed from, or not placed on the register, and not disclosed to the public.

If the General Manager is satisfied that the safety or well-being of any person would be affected by not suppressing the personal information as requested, the information will be suppressed in accordance with the request. The General Manager may however, form the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information.

When in doubt, Riverina Water will err in favour of suppression.

An application for suppression should be made in writing to the General Manager and must outline the reasons for the request. Supporting documentation may be required as appropriate.

Any information that is removed from, or not placed on, a public register under this section may be kept on the register for other purposes.

Riverina Water holds the following public registers:

- Land Register
- Contracts Register for contracts awarded over \$250,000 (GST inclusive)
- Register of disclosures of Interest
- Fees and charges
- Related Party Disclosures

3.3 Purposes of the public registers

Register	Primary purpose of the Register
Land register	Identify all land vested in council or under its control. The secondary purpose includes a consideration of public accountability as to the land held by council
Contracts register	Contracts awarded and details of successful contractor for contracts with a value of over \$250,000 (GST inclusive). There is a public accountability purpose and third party access is a secondary purpose.
Register of Disclosures of Interest and Related Party Disclosures	The purpose is to determine whether or not a Riverina Water official has a pecuniary interest in a matter with which the council is likely to be concerned. There is a corresponding public accountability purpose and third party access is a secondary purpose.

3.4 Other Registers

Riverina Water may keep other registers that are not public registers. The Information Protection Principles, this Plan, the Code and PPIPA apply to the use and disclosure of information in those registers.

4 Information Protection Principles

This section contains a general summary of how Riverina Water must manage personal and health information under the PPIP Act, the HRIP Act and other relevant laws.

PIPPA provides for the protection of personal information by means of 12 Information Protection Principles and HRIPA provides for the protection of health information by means of 15 Health Information Protection Principles.

Riverina Water complies with the Information Protection Principles (IPPs) prescribed under PPIPA and Health Privacy Principles (HPPs) prescribed under HRIPA.

4.1 The PPIP Act and personal information

The PPIP Act sets out how Riverina Water must manage personal information.

Personal information is defined in s4 of the PPIP Act and is essentially any information or opinions about a person where that person's identity is apparent or can be reasonably ascertained. Personal information can include a person's name and address, details about their family life, their sexual preferences, financial information, fingerprints and photos.

There are some kinds of information that are not personal information, such as information about someone who has been dead for more than 30 years, information about someone that is contained in a publicly available publication, or information or an opinion about a person's suitability for employment as a public sector official. Health information is generally excluded here as it is covered by the HRIP Act.

Information protection principles (IPPs)

Part 2, Division 1 of the PPIP Act contains 12 IPPs with which Riverina Water must comply.

4.2 The HRIP Act and health information

The HRIP Act sets out how Riverina Water must manage health information.

Health information is a more specific type of personal information and is defined in s6 of the HRIP Act. Health information can include information about a person's physical or mental health, such as a psychological report, blood test, an X-ray, or even information about a person's medical appointment. It can also include personal information that is collected to provide to a health service, such as a name and contact number on a medical record.

Health privacy principles (HPPs)

Schedule 1 of the HRIP Act contains 15 HPPs with which Riverina Water must comply.

4.3 Riverina Water compliance with the Principles

Below is an overview of the principles as they apply to Riverina Water.

IPP 1 & HPP1 Lawful collection

Riverina Water collects personal information only for a lawful purpose that is directly related to its functions and activities.

Riverina Water will not collect any more information than is reasonably necessary to fulfil its proper functions.

Personal and health information may include names, residential address, phone numbers, email addresses, signatures, medical certificates, photographs and video footage (CCTV)

Anyone engaged by Riverina Water as a private contractor or consultant that involves the collection of personal and health information must agree not to collect personal information by any unlawful means.

IPP 2 & HPP 2 Direct collection

Personal information will be collected directly from the individual, unless that person consents otherwise.

The Code makes provision for Riverina Water to depart from this principle where indirect collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be conferred upon the person to whom the information relates.

Health information will be collected directly from the person concerned, unless it is unreasonable or impractical to do so. Riverina Water may collect personal information from other public sector agencies in respect of specific statutory obligations where it is authorised by law to do so. (eg State Cover).

PIPPA permits non-compliance with this principle if Riverina Water is exercising complaint handling, investigative function or is authorised or required not to comply with the principle under any Act or law.

Riverina Water informs people why their personal information is being collected, what it will be used for, and to whom it will be disclosed. We will tell people how they can access and amend their personal information and any possible consequences if they decide not to give their personal information to us.

IPP 3 & HPP 3 Requirements when collecting

We inform people why their health information is being collected, what it will be used for and to whom it will be disclosed. Riverina Water will tell people how they can access and amend their health information and any possible consequences if they decide not to give their health information to us.

If health information is collected about a person from someone else, reasonable steps will be taken to ensure that the persons has been notified.

IPP4 & HPP 4 Relevance of information collected

Riverina Water will ensure that personal information collected is relevant, accurate, is not excessive and does not unreasonably intrude into the personal affairs of people.

We will, in normal circumstances, rely on the individual to supply accurate, complete information, although in special circumstances some verification processes may be necessary.

IPP 5 & HPP5 Secure storage

Riverina Water stores personal and health information securely, keeps it no longer than necessary and destroys it appropriately. Personal information is protected from unauthorised access, use, or disclosure by application of appropriate access levels to our electronic document management system (EDRMS), our finance and billing systems, and staff training.

If it is necessary for the information to be given to a person in connection with the provision of a service to Riverina Water (eg health provider) everything reasonably within the power of Riverina Water is done to prevent unauthorised use or disclosure of the information.

IPP 6 & HPP 6 Transparent access

Riverina Water stores information for the purpose of carrying out its services and functions and in order to comply with relevant records keeping legislation.

Individuals have a right to request access to their own information to determine what, if any, information is stored, how long it will be stored and where it is stored.

Where Riverina Water receives a request or formal application by a person on what information we hold about them, a search will be undertaken of our records to answer the enquiry. We will normally provide a response to applications of this kind within 28 days of the application being made.

Riverina Water will have a privacy statement on its web page and in its annual report concerning the nature of the personal information we regularly collect, the purpose for which the personal information is used and an individual's right to access their own information.

IPP 7 & HPP 7 Access to own information

Riverina Water will ensure individuals are allowed to access their own personal and health information without unreasonable delay or expense.

It should be understood, however, that compliance with this principle does not allow disclosure of information about other people. If access to information that relates to someone else is sought, an application must be made under the GIPA Act.

IPP 8 & HPP 8 Right to request to alter own information

Riverina Water will, at the request of the person involved, allow them to make appropriate amendments (that is, correction, deletion or amendments) to their own personal and health information so as to ensure the information is accurate, relevant to the purpose for which it was collected, up to date and not misleading.

Changes of name, address and other amendments to personal information require appropriate supporting documentation.

IPP 9 & HPP 9 Accurate use of information collected

Riverina Water will take all reasonable steps to ensure personal and health information is accurate, relevant and up to date before using it. This will include taking into account the age of the information, its significance, the likelihood of change and the particular function for which the information is collected.

IPP 10 & HPP 10 Limits to use of information collected

Riverina Water only uses personal information for the purpose it was collected for, or a directly related purpose or for a purpose for which a person gives consent.

The Code makes provision that Riverina Water may use personal information for a purpose other than the purpose for which it was created in the following circumstances:

- Where the use is in pursuance of Riverina Water's lawful and proper function/s and we are satisfied that the personal information is reasonably necessary for the exercise of such function/s
- Where personal information is to be used for the purpose of conferring upon a particular person, an award, prize, benefit or similar form of personal recognition

IPP 11 & HPP 11 Restricted and limited disclosure of personal and health information

Riverina Water will only disclose personal and health information with the individual's consent or if the individual was told at the time of collection that it would do so.

PIIPA permits non-compliance with this principle if the disclosure is in relation to a complaint that is made to or referred from an investigative agency.

PIPPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Office of Local Government.

IPP 12 Special limits on disclosure

Riverina Water will not disclose sensitive personal information without consent unless it is necessary to prevent a serious and imminent threat to the life or health of an individual in relation to the following:

- Ethnic or racial origin
- Political opinions, religious or philosophical beliefs
- Trade union membership
- Health or sexual activities

Riverina Water will not disclose sensitive or health information to any person or body who is in a jurisdiction outside of NSW unless:

- The disclosure is permitted under a Privacy Code of Practice
- Riverina Water is asked for information by a potential employer outside NSW. We may verify that a current or former employee works or has worked with us, the duration of that work, and the position occupied at that time. This exemption will not permit Riverina Water to give an opinion as to that person's suitability for a particular position with a particular employer, unless Riverina Water is satisfied that the person has provided their consent for Riverina Water to provide a reference or to be a referee,

which may include an opinion as to that person's suitability for the position for which they have applied.

Specific Health Information Privacy Principles

Health information includes information or an opinion about the physical or mental health or a disability of an individual and includes personal information about a health service provided, or to be provided, to an individual.

Health information is given a higher level of protection regarding use and disclosure than is other personal information.

In addition to the principles above, the following four additional principles apply specifically to health information.

HPP12 Unique identifiers

Riverina Water does not use unique identifiers for health information, as they are not needed to carry out our functions.

HPP 13 - Anonymity

Riverina Water allows people to stay anonymous where it is lawful and practical.

HPP 14 Trans-border data flow

Riverina Water does not usually transfer health information outside of NSW unless we have a request from a GP or specialist or legal writ.

HPP 15 Cross-organisational linkages

Riverina Water does not currently use a health records linkage system and does not anticipate using one in the future. However, if one were to be used, Riverina Water would not use one without people's consent.

4.4 Exemptions in PIPPA and HRIPA

Exemptions are located mainly in Schedule 1 of the HRIP Act and may allow Riverina Water to not comply with HPPs in certain situations.

Riverina Water does not use the exemptions on a regular basis as they are not usually relevant to the work of Riverina Water. However, if an exemption were used, we would aim to be clear about the reasons for using it.

Health privacy codes of practice and public interest directions can modify the HPPs for any NSW public sector agency. These are available on the IPC website. Currently, there are none that are likely to affect how Riverina Water manages health information.

Offences

It is an offence for Riverina Water officials to intentionally disclose or use personal information about another person accessed in the exercising of official functions for an unauthorised purpose.

It is an offence for Riverina Water officials to supply personal information that has been disclosed unlawfully.

Offences can be found in Part 8 of the HRIP Act. It is an offence for Riverina Water to:

- intentionally disclose or use any health information about an individual to which the official has or had access to in the exercise of his or her official functions
- offer to supply health information that has been disclosed unlawfully
- attempt to persuade an individual to refrain from making or to withdraw an application pursuing a request for access to health information or a complaint to the Privacy Commissioner or Tribunal
- by threat, intimidation, or false representation require another person to give consent or to do, without consent, an act for which consent is required.

4.5 Specific exemptions in PIPA and HRIPA relevant to Riverina Water

There are a number of exemptions from compliance with the PIPA and HRIPA that apply directly to Council. These relate to situations where:

- information is collected in connection with proceedings (whether commenced or not) before any Court or Tribunal
- information is collected for law enforcement purposes
- information is used for a purpose reasonably necessary for law enforcement purposes or to protect the public revenue
- Riverina Water is authorised or required by a subpoena or search warrant or other statutory instrument
- Riverina Water is investigating a complaint that may be referred or made to an investigative agency
- Riverina Water is permitted by a law or Act not to comply
- Compliance would prejudice the interests of the individual to whom the information relates
- The individual to whom the information relates has given express consent to Riverina Water not to comply
- Disclosure is permitted under the Privacy Code of Practice for Local Government

4.6 Riverina Water staff responsibilities

Employees will be made aware of this Plan as part of induction, and it will be made available on Riverina Water's intranet and website. Additionally there will be reminders provided to staff on the general provisions of the PPIPA and HRIPA, and in particular this Privacy Management Plan.

Fast screen savers have been installed on Riverina Water computers to ensure security of information and screens in public areas are facing away from the public. Passwords are required to be changed regularly and permissions are set on access to records within our finance systems and electronic records management system, to ensure that only authorised members of staff can access certain types of records.

4.7 Promoting the Plan to the community

Riverina Water promotes public awareness of how we manage personal and health information by:

- making the Privacy Management Plan publicly available from our website or office
- writing the Plan in plain english
- letting people know about the Plan and our procedures if they enquire about personal and health information
- including privacy statements on application forms and invitations for submissions and community engagement

5 Privacy concerns

Riverina Water encourages individuals to try to resolve any privacy concerns they may have with us informally before going through a formal review process. Please contact us by phone or email in the first instance for advice. If the issue isn't resolved to your satisfaction you will be referred to our Privacy Contact Officer. Please phone 69220608 during office hours.

5.1 Internal review

If an issue hasn't been resolved after discussions with Riverina Water's Privacy Contact Officer, or if you think that Riverina Water has breached the PPIPA or HRIPA relating to your own personal or health information you may seek an internal review. You cannot seek an internal review for a breach of someone else's privacy, unless you are an authorised representative of that person.

An application for internal review is to be made in writing to the Privacy Contact Officer within 6 months of when you first became aware of the conduct or decision that is the subject of the review.

How does the Internal Review work?

The Privacy Contact Officer will appoint a suitably qualified Reviewing Officer to conduct the internal review. The Reviewing Officer will report their findings to the Privacy Contact Officer.

The review is to be completed within 60 days of receipt of the application. The applicant will be notified of the outcome of the review within 14 days of the determination.

The Privacy Contact Officer will notify the Privacy Commissioner of a review application as soon as is practicable after it is received. Riverina Water will brief the Privacy Commissioner on the progress of an internal review and notify them of the outcome. Riverina Water can, if it deems it appropriate, ask the Privacy Commissioner to conduct the internal review.

5.2 External review

If an applicant disagrees with the outcome of an internal review or is not notified of an outcome within 60 days, they have the right to seek an external review.

An application for external review can only be made after an internal review has been completed and must be made within 28 days from the date of the internal review decision.

If the applicant remains unsatisfied with the outcome of the external review they may appeal to the NSW Civil and Administrative Tribunal (NCAT) for a review of Riverina Water's conduct of the initial review.

5.3 Alternative to lodging an Internal review

If a person does not want to lodge an application for an internal review with Riverina Water, they may contact the Privacy Commissioner directly. The complaint does not need to be reviewed internally before being reviewed by the Privacy Commissioner.

The role of the Privacy Commissioner includes promoting the adoption of and compliance with the information protection principles, investigating complaints, initiating privacy codes of practice and assisting agencies manage personal information.

5.4 NSW Civil and Administrative Tribunal (NCAT)

NCAT was established on 1 January 2014. NCAT consolidates the work previously dealt with by 22 separate tribunals. Riverina Water's previous Privacy Management Plan was covered under the Administrative Decisions Tribunal (ADT).

NCAT's broad and diverse jurisdiction and matter types are dealt with in four specialist Divisions. The division that is relevant to this Plan is the Administrative and Equal Opportunity Division. This Division reviews administrative decisions made by NSW government agencies and resolves discrimination matters.

6 Other applicable laws

This section contains information about the other laws that affect how Riverina Water complies with the IPPs and HPPs.

Crimes Act 1900

Under this law, Riverina Water must not access or interfere with data in computers or other electronic devices unless it is authorised to do so.

Government Information (Public Access) Act 2009 (GIPA Act) and Government Information (Public Access) Regulation 2009

The GIPA Act provides a mechanism to access your personal information or other information. An application can be made to Riverina Water to access information that Riverina Water holds. Sometimes, this information may include personal and/or health information.

If a person has applied for access to someone else's information, Riverina Water will take steps to consult with people who might have concerns regarding disclosure of their personal information. Riverina Water will provide notice of the decision to ensure that people who might want to object to the release of information have time to apply for a review of the decision to release information.

Government Information (Information Commissioner) Act 2009 (GIIC Act)

Under this law, the Information Commissioner has the power to access government information held by other NSW public sector agencies for the purpose of conducting a review or investigation, or dealing with a complaint under the GIPA Act and GIIC Act.

The Information Commissioner also has the right to enter and inspect any premises of a NSW public sector agency and inspect any record.

This Act also allows the Information Commissioner to provide information to the NSW Ombudsman, the Director of Public Prosecutions, the Independent Commission Against Corruption, or the Police Integrity Commission.

Independent Commission Against Corruption Act 1988

Under this law, Riverina Water staff cannot misuse information obtained in the course of doing their jobs.

Public Interest Disclosures Act 1994 (PID Act)

The PID Act sets in place a system to encourage public officials to report wrongdoings. The NSW Information Commissioner is responsible for receiving complaints made as public interest disclosures about government information contraventions, as provided for under the PID Act.

The definition of personal information under the PPIP Act excludes information contained in a public interest disclosure. This means that 'personal information' received or collected under the PID Act is not subject to the IPPs or HPPs.

The PID Act requires Riverina Water to not disclose information that might identify or tend to identify a person who has made a public interest disclosure.

State Records Act 1998 and State Records Regulation 2015

This law sets out when Riverina Water can destroy its records. It also authorises the State Records Authority to establish policies, standards and codes to ensure that NSW public sector agencies manage their records appropriately.

7 Contact details

For assistance in understanding the processes under the PPIPA and HRIPA, please contact Riverina Water's Privacy Contact Officer or the Information and Privacy Commission.

Riverina Water

The Privacy Contact Officer
Riverina Water
PO Box 456
WAGGA WAGGA NSW 2650
Phone: (02) 69220608
Email: admin@rwcc.nsw.gov.au

Riverina Water Administration Office
91 Hammond Avenue
WAGGA WAGGA NSW 2650
Monday to Friday – 8:30 am to 4:30 pm

Information & Privacy Commission

GPO Box 7011
SYDNEY NSW 2001
Phone 1800 472679
Email: ipcinfo@ipc.nsw.gov.au
Web: www.ipc.nsw.gov.au

NSW Civil and Administrative Tribunal (NCAT)

Level 10, John Maddison Tower
86-90 Goulburn Street
SYDNEY NSW 2000
Phone 02 93775859
Or
1300 006228

8 Document Details

Responsible area	Governance & HR
Approved by	Council (to be approved)
Approval date	To be confirmed
Legislation or related strategy	Privacy and Personal Information Protection Act 1998 (NSW) (PPIPA) Health Records and Information Privacy Act 2002 (HRIPA) Privacy Code of Practice for Local Government (Code) Public Interest Disclosures Act 1994 (PID Act) Local Government Act 1993
Documents associated with this Plan	Privacy Policy 1.20 Protected Disclosures Policy 1.11 Records Management Policy 1.18 Code of Conduct Policy 1.1 Internal Reporting Procedure Data Breach Response Plan Employee Induction Information pack
Document history	Adopted 23 June 2000 – Res 00/69 Name changed 22/11/13 from Policy 5.12 Reviewed February 2020
Next Review	The Information and Privacy Commission guidelines for Privacy Management Plans recommend review at least every two years. This Plan, therefore, should be reviewed in February 2022

It should be noted that details contained within the Privacy Management Plan may change prior to review due to legislative or other changes, therefore this document is uncontrolled when printed.

Policy 1.20

Privacy

Purpose

This policy sets out Riverina Water's commitment to promoting the protection of personal and health information it captures and retains. This Policy and associated Privacy Management Plan have been written to ensure personal and health information is managed in accord with relevant legislation and accompany regulations.

Policy Statement

Riverina Water respects the privacy of its Board, staff, volunteers, contractors and customers, and members of the general public who have contact with Riverina Water.

Riverina Water will deal with personal and health information in a manner that complies with legislative requirements and ensure that persons who have personal or health information collected by Riverina Water are aware of their rights in regard to this information

Scope

This Policy applies to all personal and health information collected, maintained and/or used by Riverina Water Board members, staff, contractors, volunteers, customers and members of the public who have contact with Riverina Water. It provides the foundation for Riverina Water's Privacy Management Plan.

Definitions

Personal information	Information or an opinion about an individual whose identity is apparent or can be reasonably ascertained from the information or opinion. This information can be on a data base or does not necessarily have to be recorded in material form.
Health information	Is a specific type of personal information. Health information includes personal information that is information or an opinion about the physical, mental or emotional state or capacity of an individual

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HRIPA	Health Records Information and Privacy Act 2002
PIPPA	Privacy and Personal Information Protection Act 1998
Public Register	A register that contains information (including personal information) that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee)
Privacy Management Plan	Regulates the collection, use and disclosure of, and the procedures for dealing with, personal information held by Riverina Water

Policy Principle 1

Riverina Water is committed to ensuring the protection of personal and health information that is collected and held by council.

As part of this intent, Riverina Water will apply the following general principles, based on the 12 Information Protection Principles and the 15 Health Privacy Principles as specified in legislation.

The first 9 principles are common under the PPIPA and HRIPA

- Principle 1 Collection of personal information for lawful purposes
- Principle 2 Collection of personal information directly from an individual
- Principle 3 Requirements when collecting personal information
- Principle 4 Other requirements relating to collection of personal information
- Principles 5 Retention and security of personal information
- Principle 6 Information about personal information held by agencies
- Principle 7 Access to personal information held by agencies
- Principle 8 Alteration of personal information
- Principle 9 Agency to check accuracy of personal information before use

Further principles under PIPPA

- Principle 10 Limits on use of personal information
- Principle 11 Limits on disclosure of personal information
- Principle 12 Special restrictions on disclosure of personal information

Further principles under HRIPA

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Principle 10	Limits on use of health information
Principle 11	Limits on disclosure of health information
Principle 12	Identifiers
Principle 13	Anonymity
Principle 14	Trans-border data flows and data flow to Commonwealth agencies
Principle 15	Linkage of Health Records

Policy Principle 2

Individuals can seek access to review or amend their own personal and health information under Section 14 of PPIPA and Section 26 of HRIPA. Forms are available from our website or via direct contact to our Administration office by phoning 69220608 or via email to admin@rwcc.nsw.gov.au. Proof of identity is required to access and/or amend personal or health information.

Policy Principle 3

Riverina Water will comply with the relevant legislation and Privacy Code of Practice in regards to the disclosure of privacy and health information. Disclosure of personal information in Public Registers and other Council registers to third parties is covered in Riverina Water's Privacy Management Plan. Personal information will be provided at the General Manager's discretion, only where it would be in the public interest to do so.

Policy Principle 4

An internal review can be requested in writing from Riverina Water in relation to an information privacy matter or against a decision made in relation to the release of information. Alternatively, a review or complaint can be directed to the Privacy Commissioner.

Policy Implementation

The principles set out in this policy will be implemented through the provisions of the Privacy Management Plan. The Policy and Plan will be made available on Riverina Water's website.

The Policy and Management Plan will be made available to all staff through the intranet, and awareness of handling personal and private information will be covered at induction and reinforced through department meetings and compliance refresher training.

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Non Compliance

Non-compliance with adopted policy may be considered a breach under the Code of Conduct. As such, any suspected or known non-compliance will be reported to the General Manager.

Policy number	1.20
Responsible area	Governance and HR
Approved by	To be updated
Approval date	To be updated
Legislation or related strategy	Privacy and Personal Information Protection Act 1998 (PPIPA) Health Records Information and Privacy Act 2002 (HRIPA) Government Information (Public Access) Act 2009 (GIPAA) Privacy Code of Practice for Local Government
Documents associated with this policy	Records Management Policy Policy 1.18 Privacy Management Plan
Policy history	Original publication date August 2013 Reviewed Oct 2015 Res 15/151 28 Oct 2015 Reviewed June 2017 Res 17/99 28 June 2017

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

END OF POLICY STATEMENT

Data and document control

Author: Governance & HR

Version

Last revised date June 2017

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R7 Policy 1.13 – Enterprise Risk Management

Management Area Governance and HR

Author Wendy Reichelt, Governance and Records Officer

Summary The existing Risk Management Policy 1.13 has been reviewed as part of the development of the Enterprise Risk Management Framework (ERMF) and Plan. This updated Policy is presented to the Board for review and adoption.

RECOMMENDATION that Council review and adopt Policy 1.13 – Enterprise Risk Management

Report

The Enterprise Risk Policy is an update of Risk Management Policy 1.13 which was last reviewed in 2018. The original policy mentions a number of risk management documents, namely: a risk management framework; risk management strategy, annual risk management plan, and; Audit Committee framework (the Audit Universe).

The Risk Management Framework internal audit of November 2017 made recommendations regarding the review of these documents.

The recommendations from the audit as well as the draft Risk Management and Internal Audit Framework for local councils in NSW released in September 2019 have been taken into consideration in review of the documents mentioned in the original policy.

The resulting Enterprise Risk Management Framework (ERMF) and Plan include the previously mentioned framework and strategy which were in varying degrees of development for a number of years. The ERMF and Plan are the subject of a separate report for information to the Board.

It has been necessary to update Policy 1.13 as part of the development process for the ERMF and Plan to ensure that the Plan and Policy align and support each other.

The Policy was presented to the Riverina Water Audit & Risk Committee (ARIC) meeting of 18 March 2020. The Committee recommended some small changes to the draft and endorsed its presentation to the Board for review and adoption. These small changes have been incorporated, and Policy 1.13 Enterprise Risk Management is now presented to the Board for adoption.

› R7.1 Enterprise Risk Management Policy 1.13

Financial Implications

Nil

Risks Considerations

Corporate Governance and Compliance	
Avoid	Council will avoid risks relating to corporate governance and compliance including ethical, responsible and transparent decision making, corruption, fraud

Enterprise Risk Management

Policy 1.13

Purpose

This policy sets out the key foundations, roles and responsibilities in relation to risk management at Riverina Water County Council. It is designed to embed an advanced risk management culture.

Policy Statement

Riverina Water has significant legislative, financial, service delivery, asset management and contractual responsibilities. It has a duty of care to councillors, employees, contractors, volunteers, the community, broader public and the environment.

Riverina Water will seek to understand and manage the strategic, operational and project risks and opportunities it faces, to enable it to make informed decisions and meet its responsibilities, council priorities and community expectations.

Riverina Water will adopt a risk management approach consistent with AS/NZS ISO 31000:2018 in our planning, approval, review and control processes.

Scope

This policy applies to Riverina Water board members, staff, volunteers, contractors and service providers engaged to conduct authorised Council business.

Definitions

Risk	The effect of uncertainty on objectives. Risk is measured in terms of the likelihood of an event occurring and the consequence (impact) of that event occurring
Risk appetite	The level of risk Riverina Water is prepared to accept, tolerate or be exposed to at any point in time
Enterprise risk management	The coordinated activities (culture, processes and systems) to identify, analyse, mitigate, monitor and report risks at all levels and across the organisation

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Controls	Measurable activities that are intended to modify the level of risk
Risk treatment	Additional activities should the level of risk remain unacceptable after controls are applied
Enterprise risk management plan	Document to specify the approach, management components and resources to be applied to the enterprise management of risk
Enterprise risk management framework	Shows the foundations for designing, implementing, monitoring, reviewing and continually improving risk management throughout Riverina Water

Principles

It is the policy of Riverina Water to seek to achieve best practice in the management of all risks that threaten to adversely impact Riverina Water, its people, assets, function, objectives, operations or members of the public.

Risk management will form part of strategic, operational and line management responsibilities and be integrated into the strategic and business planning processes. Special risk responsibilities may be assigned to nominated officers of Riverina Water as determined by need.

Consultants may be retained from time to time to advise and assist in the risk management process, or management of specific risks or categories of risk.

Every employee of Riverina Water is recognised as having a role in risk management in the identification of risks to treatment and is encouraged to participate in that process.

Council will take a risk-based approach to managing risks based on the severity of the risk and effectiveness of controls. Management of extreme and high risks will be prioritised.

Enterprise Risk Management Framework and Plan (ERMF and Plan)

Riverina Water will maintain a risk management framework and plan, detailing its approach to risk management, and to provide a consistent methodology to assess, prioritise and manage risk.

The Enterprise Risk Management Framework (ERMF) comprises this policy, council and management commitment to effective risk management, people and relationships that enable a

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risk aware culture and the objectives and strategies that provide the context for risk assessment and management.



Figure 1. Riverina Water Enterprise Risk Management Framework

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The Enterprise Risk Management Framework and Plan will be approved by the General Manager (and noted by the Audit Risk & Improvement Committee and Council) and be reviewed every two years.

The Framework will be aligned to the Australian/New Zealand ISO Standard on Risk Management (AS/NZS ISO 31000:2018)

Council will maintain an enterprise risk register including consideration of both the internal and external context of Riverina Water. Risks are identified under the following strategic risk categories:

- Service/Operational Interruption
- Governance and Compliance (this includes contractual and legal)
- Public Reputation
- People & Safety
- Environmental
- Financial

Managers are accountable for the management of operational risks within their respective areas of responsibility and high and strategic risks and their controls will be provided to the Audit Risk & Improvement Committee. These will inform and be considered in the development of the Internal Audit Plan.

Performance will be measured by:

- Implementation and documentation of risk management
- Identification of risks and successful treatment in accordance with procedures and guidelines
- Mitigation and control of any losses
- Reduction in the costs of risks
- Improvement in internal audit results on matters relating to risk

Risk Appetite

Separate risk appetite statements have been set for each strategic risk and tolerance levels agreed. To assist in the application of these statements, the strategic risk categories have been expanded from six to ten. This helps officers and councillors to more clearly test any risks and controls against the approved risk appetite statement.

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The ten risk appetite statements relate to (in no particular order or hierarchy):

- Service Delivery
- Human Resources/People Management
- Work Health and Safety
- Financial
- Environmental Influences
- Community Partnerships
- Corporate Governance and Compliance
- Reputation
- Projects
- Information Technology and Communications

Key roles and responsibilities

Riverina Water Board

- Approve the Risk Management Policy and note the Enterprise Risk Management Framework(ERMF) and Plan
- Be satisfied that strategic risks are identified, managed and controlled appropriately
- Appoint the Audit Risk & Improvement Committee
- Allocate sufficient funds to support effective and efficient management of risks

Audit Risk & Improvement Committee

- Monitor the systems and processes for managing risks through internal audit, and consider the risk profile when developing and implementing the Internal Audit program
- Consider the adequacy of actions taken to ensure that high operational and strategic risks have been dealt with in a timely manner to mitigate exposures to Riverina Water
- Identify and refer specific projects or investigations deemed necessary to assess risk management through the General Manager, the internal auditor and the council.

Internal Audit

- Consider strategic and operational risks in the development and implementation of the Internal Audit Plan and recommending improvements
- Periodically audit Riverina Water risk management practices and provide recommendations on improvements to management and the Audit Risk & Improvement Committee

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General Manager

- The General Manager is accountable for ensuring appropriate risk management within Riverina Water
- Provide executive leadership in the management of strategic, operational and project risk, and generally champion risk management within Riverina Water
- Report expeditiously to the Audit Risk and Improvement Committee on any fraud and corruption incidents or material risk mitigation failures and actions taken
- Ensure that Riverina Water has the appropriate culture, capability, processes and systems to deliver on this policy and the ERMF and Plan.
- Ensure that risk management activities are aligned to Council strategy and objectives
- Ensure sufficient resourcing to support effective and efficient management of risks

Managers and supervisors

- These are the risk owners and are required to create an environment where the management of risk is accepted as the responsibility of all staff, volunteers and contractors
- Managers are accountable for the implementation and maintenance of sound risk management processes within their area of responsibility in conformity with Riverina Water's risk management framework including:
 - Improving and enhancing ways of managing risks
 - Identifying, recording and periodically reviewing risks
 - Identifying, recording and assessing effectiveness of existing controls
 - Implementing and maintaining effective internal controls
 - Developing treatment plans to treat higher level risks in a timely manner
- Managers and supervisors are also responsible for supporting good management practices that compliment risk management including:
 - Complying with and monitoring staff compliance with Riverina Water's policies, procedures, guidelines and designated authorities
 - Maintaining up-to-date information and documentation for key operational processes

Staff, contractors and service providers

- All staff, contractors and service providers are required to act at all times in a manner which does not place at risk the health and safety of themselves or any other person in the workplace

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- Support risk owners (managers) and be responsible and accountable for taking practical steps to minimise Riverina Water's exposure to risks including contractual, legal and professional liability in so far as is reasonably practicable within their area of activity and responsibility
- All staff must be aware of operational and business risks. Particularly, staff should:
 - Provide input into various risk management activities
 - Assist in identifying key risks and controls
 - Report all emerging risks, issues and incidents to their supervisor, manager or other appropriate council officer
 - Follow Council policies and procedures

Some positions because of the nature of their role may have additional responsibilities for managing risks. These responsibilities will be listed in their position description or delegations.

Policy Implementation

This Policy will be published to the Riverina Water Internet and Intranet. Staff awareness of the content of the policy will be achieved through team meetings and at induction for new members of staff. Training and awareness of safety and risk responsibilities is ongoing and risk management responsibilities are included in job descriptions and staff performance appraisals.

Non Compliance

Non-compliance with adopted policy may be considered a breach under the Code of Conduct. As such, any suspected or known non-compliance will be reported to the General Manager.

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Document Details

Policy number	1.13
Responsible area	General Manager
Approved by	
Approval date	
Legislation or related strategy	<p>Local Government Act 1993</p> <p>Work Health & Safety Act 2011 (NSW)</p> <p>Work Health & Safety Regulation 2017</p> <p>Civil Liabilities Act 2002</p> <p>Independent Commission Against Corruption Act 1988 (ICAC Act)</p>
Documents associated with this policy	<p>Riverina Water Enterprise Risk Management Framework and Plan</p> <p>Asset Management (Policy 3.1)</p> <p>Asset Purchase and Disposal (Policy 3.2)</p> <p>Business Continuity (Policy 1.22)</p> <p>Business Continuity Plan</p> <p>Good Governance (Policy 1.3)</p> <p>Fraud & Corruption Prevention (Policy 1.14)</p> <p>Health & Wellbeing (Internal Policy 3.29)</p> <p>Environmental Policy (Policy 5.0)</p>

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Work Health and Safety (Policy 4.3) plus all work health and safety procedures and guidelines (refer to Intranet for full list)

Riverina Water Governance Framework

Riverina Water Risk Register

Policy history

Original publication date 14 Dec 2012 Res 12/175

Name changed from policy 5.3 on 22 Nov 2013

Reviewed 15 Oct 2014 Res 14/170

Reviewed May 2018 Res 18/55

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

END OF POLICY STATEMENT

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R8 Draft Policy 2.6 – Water Restrictions Policy

Organisational Area Engineering

Author Bede Spannagle, Director Engineering

Summary The existing Water Restrictions Policy 2.6 has been reviewed and is presented to the Board for review and adoption.

RECOMMENDATION that Council:

- a) Endorse the draft Policy 2.6 - Water Restrictions Policy and place it on public exhibition from Thursday 23 April 2020 until noon, Friday 5 June 2020 and invite public submissions on the draft policy during that period
- b) Receive a further report following the public exhibition and submission period:
 - i. Addressing any submissions made in respect of the proposed Policy 2.6 - Water Restrictions Policy
 - ii. Proposing adoption of the policy unless there are any recommended amendments deemed to be substantial and requiring a further public exhibition period.

Report

At the 18 December 2019 meeting, the Board resolved on the motion of Councillors Keenan and Meyer OAM that the:

- a) *Board note the information in the report and note that the General Manager and Director Engineering are delegated authority to implement and revoke water restrictions by virtue of the provisions of Policy 2.6 – Water Restrictions Policy.*
- b) *Make provision in the 2020/21 Delivery Plan to commence a review of the 2012 Drought Management Plan and 2012 Demand Management Plan.*
- c) *Receive a further report on amending the Water Restriction Policy at the April 2020 meeting which will be informed by the results of the Water Conservation Survey Presentation at the February meeting of the Board.*

This report addresses item c, following the presentation by IRIS Research to the Board on 26 February 2020. Other findings in the survey will be addressed through a cohesive approach to community engagement, education, communication and marketing.

Both the new draft policy and current policy are attached due to the significant wording changes, along with the updated policy format.

The most significant proposed change is the current permanent water conservation measure becoming Stage 1 Water Restrictions, which would automatically be enforced each year during daylight savings. Other changes include clearer wording on what is and is not permitted during the different stages of restrictions and the addition of emergency water restrictions.

The triggers for further stages of water restrictions remain unchanged, as they are directly related to storage capacity, the network, water treatment and access to raw water.

The key objectives of the proposed changes are to:

- Reduce confusion for the community
- Assist with compliance should stricter water restrictions be required in the future
- Assist in behavioural change to value and conserve water
- Formalise processes for extraordinary water restrictions based on infrastructure issues or emergencies

Summary of Water Conservation Survey

Key findings relevant to the redevelopment of this policy are:

Permanent water conservation measure

- 52 per cent of residents are aware of the current permanent water conservation measure
- Of those aware of the conservation measure, 58 per cent correctly knew the 'sprinkler ban' was from 10am to 5pm
- Effectively, approximately 30 per cent of all residents surveyed are aware of the conservation measure and know when it is active

Attitudes towards water conservation

- 55 per cent agreed there should be more permanent water restrictions in the Riverina area
- Similarly, 47 per cent of residents disagreed that water restrictions should only be put in place in more severe circumstances

Perceptions of water restrictions

Residents were asked to indicate what they think of when they hear 'water restrictions'. This was an open-ended response.

- Most residents indicated they were supportive of water restrictions, stating they are a 'good idea' and a 'good thing'. A smaller number were more critical, with concerns that people do not adhere to them and that it will result in their gardens dying.
- Residents specified that hearing 'water restrictions' raises awareness of their own behaviour, stating that they need to 'be careful with water', 'be more diligent' and to not 'overuse water'.

- Residents also referred to the weather and climate conditions that lead to water restrictions being implemented. Over 30 residents made reference to 'drought' while other residents referred to a 'dry summer', 'lack of rain' and 'dry weather'.
- Residents referred to the quantity of the water supply, stating that water restrictions signal that they are 'running out of water', that there is a 'water shortage' and that 'water is running low'.
- Several residents referred to the emotions they feel when they hear about water restrictions. These residents generally indicated a feeling of sadness and sympathy for farmers.

Summary of proposed changes to the policy

The current policy lists the permanent water conservation measure as Level 1, while Level 2 is Stage 1 Water restrictions, Level 3 is Stage 2 etc. This system has created confusion for the community, as demonstrated in the survey findings.

The permanent conservation measure has been removed in the draft policy. The 'sprinkler ban' from 10am to 5pm during daylight savings becomes the new Stage 1 Water Restrictions to be clearer for residents and align with the survey findings.

As such, the existing water restriction stages have been increased by one number each.

While further restrictions are not currently needed, should this occur the community will be more accustomed to the water restrictions process as they will experience it each year.

Additionally, moving from a permanent conservation measure to a Stage 1 Water Restriction during daylight savings will assist in behavioural change. As per the survey findings, restrictions give the community a sign that it is time to act and reduce their water usage where possible.

The introduction of the Stage 1 Water Restriction each year also gives Riverina Water a greater opportunity to educate the community on ways to conserve water in daily life. Should the draft policy be adopted, households will receive a flyer at the start of the 2020 daylight savings period noting Stage 1 Water Restrictions are in place, the details and practical tips on saving water. This will be coupled with other promotion and marketing on different mediums.

The wording in the current policy regarding fixed sprinklers, hoses and sprays etc was reviewed, noting that it is not in plain language for the community. There have been occasions where residents have interpreted the wording differently and not adhered to the existing permanent conservation measure.

The draft policy now only lists what is permitted. For example, handheld hoses only between the hours of 10am to 5pm. All other details of each stage have been simplified to give staff and the community a clear list of what is allowed as restrictions escalate.

The final significant change is the addition of an "Extraordinary Water Restrictions" to the draft policy. The current policy does not provide details on these types of restrictions, which are normally triggered by natural disasters or infrastructure issues.

The draft policy formalises Riverina Water's process to extraordinary restrictions and provides clarity to the community on the temporary restrictions process. This gap was identified during the recent bushfire emergency, with temporary restrictions placed on Tarcutta residents to assist the RFS.

Public exhibition

Due to the ongoing COVID-19 pandemic, it is proposed the draft policy will be exhibited until noon, Friday 5 June 2020.

Along with the extended public exhibition period, social media will be used to increase awareness of the proposed changes.

It is strongly encouraged that the Board and member councils assist in making residents aware of the draft policy during this period.

- › **R8.1 Water Restrictions Policy 2.6 – old version**
- › **R8.2 Water Restrictions Policy 2.6 – new version**

Financial Implications

There are no immediate implications associated with exhibiting the revised policy. The policy, when implemented will impact customer behaviour and ultimately, Council's revenues.

Risks Considerations

Corporate Governance and Compliance	
Avoid	Council will avoid risks relating to corporate governance and compliance including policies relating to the conservation of our water sources.

WATER RESTRICTIONS POLICY

POLICY REFERENCE NUMBER:		POL 2.6	
Original publication date		RWCC Management Plan 2007/08	
Revision number	Issue Date	Approved	Approval date
1	Name Change from 5.12		22 Nov 2013
2	27 Feb 2019	Resn: 19/15	27 Feb 2019
<p>This document is to be reviewed once per Council term.</p> <p>Next review date: September 2020</p>			
RESPONSIBLE OFFICER			

Objective

1. To protect the ongoing security of the water supply during periods of drought or any other crisis involving the interruption or supply constraint of Council's water supply.
2. To provide guidelines for the management and implementation of water restriction levels.
3. To raise community awareness of water conservation and water restrictions.

Policy statements

1. The General Manager and Director Engineering are delegated authority to implement and revoke water restrictions.
2. The General Manager and Director Engineering are delegated authority to issue exemptions from water restrictions.
3. Applications for exemptions must be applied for in writing.
4. All levels of restrictions will be subject to appropriate trigger points, detailed below.
5. If deemed necessary, a non-compliance letter will be issued in the first instance followed by a final warning letter for a second non-compliance. If a consumer fails to abide by the first two written requests, restriction devices or fines for non-compliance of restrictions will be considered.
6. The operation of restrictions and water consumption will be closely monitored and this policy reviewed as necessary.

Water restriction stages:

Stage 1 – Permanent water conservation measures.

Trigger point

Commencement of daylight saving time in NSW regardless of current weather conditions. Restriction to remain in force for a minimum of the daylight savings period, or extended further into April/May if water consumption remains high (>70 ML/day).

DOMESTIC

Garden watering-The use of fixed hoses, sprays and fixed sprinkler systems between the hours of 10am-5pm each day is prohibited.

The use of hand held hoses is allowed.

Swimming pools (Private). No restrictions.

Hosing paved areas. No restrictions.

Washing of motor vehicles. No restrictions

PUBLIC/COMMERCIAL

Public gardens, Sports grounds, Nurseries, Bowling greens. The use of fixed hoses, sprays and fixed sprinkler systems between the hours of 10am-5pm each day is prohibited.

The use of hand held hoses is allowed.

Washing of motor vehicles. No restrictions.

Water cartage. No restrictions (Metered standpipes only).

Automatic flush toilets. No restrictions.

Hosing paved areas. No restrictions

INDUSTRIAL

No restrictions.

Actions

Public awareness campaign to commence.

Non-compliance letter to be issued for repeat offenders.

No implementation of non-compliance fines unless active repeat offences following at least 2 non-compliance letters being issued.

Stage 2 Restrictions

Triggerpoint

Average daily rolling weekly usage exceeds 90ML per day or weekly consumption above 600ML.

DOMESTIC

Garden watering. The use of fixed hoses, sprays and fixed sprinkler systems permitted between 7pm and 7am.

The use of hand held hoses to water gardens allowed at any time.

Swimming pools (Private). No initial fill, topping up only.

Hosing paved areas. No washing down of any hard surfaces unless it is required as a result of an accident, fire, health hazard or other emergency.

Washing of motor vehicles. Washing of cars with hoses allowed if not on hard surface.

PUBLIC/COMMERCIAL

Public gardens, Sports grounds, Nurseries, Bowling greens. The use of fixed hoses, sprays and fixed sprinkler systems between 7pm and 7am.

The use of hand held hoses to water gardens allowed at any time.

Washing of motor vehicles. No restrictions.

Water cartage. No restrictions (Metered standpipes only).

Automatic flush toilets. No restrictions.

Hosing paved areas. No washing down of any hard surfaces unless it is required as a result of an accident, fire, health hazard or other emergency.

INDUSTRIAL

No restrictions.

Actions

Increased public awareness campaign.

Implementation of non-compliance for all consumers will commence. Fines based on Council's current fees and charges.

Stage 3 Restrictions

Triggerpoint

Current daily consumption continues to exceed 90ML per day or 600ML per week, and/or Council's allocation of water is reduced by up to 20%.

DOMESTIC

Garden watering. The use of fixed hoses, sprays allowed between 7pm and 7am on an odds and evens system, based on the house/property address..

The use of hand held hoses allowed only between the hours of 7pm and 7am daily.

Swimming pools (Private). Topping up only

Hosing paved areas. No washing down of hard surfaces unless it is required as a result of an accident, fire, health hazard or other emergency.

Washing of motor vehicles. The washing of cars is prohibited unless at a commercial car wash.

PUBLIC/COMMERCIAL

Public gardens, Sports grounds, Nurseries, Bowling greens. The use of fixed hoses, sprays allowed between 7pm and 7am on an odds and evens system based on the house/property address.

The use of hand held hoses to water gardens allowed at any time.

Washing of motor vehicles. The washing of cars is prohibited unless at a commercial car wash.

Water cartage. From Council's fixed standpipes only

Automatic flush toilets. No restrictions.

Hosing paved areas. No washing down of hard surfaces unless it is required as a result of an accident, fire, health hazard or other emergency.

INDUSTRIAL

No restrictions.

Action

Further increase in public awareness through all forms of media communication

Non-compliance strictly enforced.

Stage 4 Restrictions

Triggerpoint

Current daily consumption continues to exceed 90ML per day or 600ML per week, and/or Council's allocation of water is reduced by between 20% and 50%.

DOMESTIC

Garden watering. The use of fixed hoses, sprays and fixed sprinkler systems is prohibited.

The use of hand held hoses allowed only between the hours of 7pm and 7am daily.

Swimming pools (Private). Topping up only

Hosing paved areas. No washing down of hard surfaces unless it is required as a result of an accident, fire, health hazard or other emergency.

Washing of motor vehicles. The washing of cars is prohibited unless at a commercial car wash.

PUBLIC/COMMERCIAL

Public gardens, Sports grounds, Nurseries, Bowling greens. The use of fixed hoses, sprays and fixed sprinkler systems between 7pm and 7am on an odds and evens system based on the property address.

The use of hand held hoses to water gardens allowed at any time.

Washing of motor vehicles. The washing of cars is prohibited unless at a commercial car wash.

Water cartage. From Council's fixed standpipes only

Automatic flush toilets. No restrictions.

Hosing paved areas. No washing down of hard surfaces unless it is required as a result of an accident, fire, health hazard or other emergency.

INDUSTRIAL

No external watering of lawns or gardens.

Actions

Increase of public awareness through all forms of media communication.

General engagement with high volume users.

Strict adhering to non-compliance orders.

The use of flow restrictors for repeated non-compliance.

Stage 5 Restrictions

Triggerpoint

Council's allocation of water is reduced by more than 50%.

DOMESTIC

Garden watering. The use of fixed hoses, sprays and fixed sprinkler systems is prohibited.

The use of hand held hoses prohibited.

The use of watering cans or buckets allowed only between the hours of 7pm and 7am daily.

Swimming pools (Private). No topping up permitted at all. .

Hosing paved areas. **W**ashing down of hard surfaces prohibited. Washing of motor vehicles. The washing of cars is prohibited unless at a commercial car wash

PUBLIC/COMMERCIAL

Public gardens, Sports grounds, Nurseries, Bowling greens. The use of fixed hoses, sprays and fixed sprinkler systems is prohibited

The use of hand held hoses to water essential gardens/plants/grass allowed at any time.

Washing of motor vehicles. washing of cars is prohibited unless at a commercial car wash

Water cartage. From Council's fixed standpipes only

Automatic flush toilets. No restrictions.

Hosing paved areas. Washing down of hard surfaces prohibited

INDUSTRIAL

No external watering of lawns or gardens.

Actions

Increase of public awareness of the situation. Daily updates of water consumption and mitigation measures.

Direct engagement of high volume users with usage reduction strategies.

Strict adhering to non-compliance orders.

The use of flow restrictors for repeated non-compliance.

Water Restrictions Policy

Purpose

1. To protect the ongoing security of the water supply during periods of drought or any other events involving the interruption or supply constraint of Riverina Water's water supply.
2. To provide guidelines for the management and implementation of water restrictions in Riverina Water's supply area.
3. To raise community awareness of water conservation and restrictions, including relevant trigger points

Policy Statement

1. This policy applies to the use of water supplied by Riverina Water to all customers within the current supply area.
2. The General Manager and Director Engineering are delegated authority to implement and revoke water restrictions.
3. The General Manager and Director Engineering are delegated authority to issue exemptions from water restrictions.
4. All levels of restrictions will be subject to the appropriate trigger points detailed in this policy.
5. Non-compliance with water restrictions will be enforced as necessary depending on the stage of water restrictions, including restrictor devices and/or fines for non-compliance.
6. The operation of restrictions and water consumption will be closely monitored and this policy reviewed as often as required.

Stage 1 Water Restrictions

Trigger points: Stage 1 Water Restrictions are implemented automatically during the NSW daylight savings period in NSW, unless otherwise specified by the General Manager and Director Engineering. Stage 1 may be extended beyond the NSW daylight savings period at

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the discretion of the General Manager or Director Engineering if the daily rolling weekly water usage is more than 70 megalitres per day.

Domestic water use

- › Garden watering: From 10am to 5pm each day, only handheld hoses are permitted to be used. All other watering methods are prohibited for example, sprinklers, irrigation systems, fixed hoses etc.
- › Handheld hosing paved areas: prohibited from 10am to 5pm each day unless required as a result of an accident, fire, health hazard or other emergency.
- › Private swimming pools: No restrictions.
- › Washing of motor vehicles: No restrictions.

Public and commercial water use

- › Public gardens, sportsgrounds, nurseries, bowling greens, etc.: From 10am to 5pm each day, only handheld hoses are permitted to be used. All other watering methods are prohibited (for example, but not limited to sprinklers, irrigation systems, fixed hoses and sprays).
- › Washing of motor vehicles: No restrictions.
- › Water cartage: No restrictions for metered standpipes only.
- › Automatic flush toilets: No restrictions.
- › Handheld hosing of paved areas: No restrictions.

Industrial water use

No restrictions.

Actions

- › Public awareness campaign to begin, including advice to the four constituent councils.
- › Non-compliance letter to be issued for repeat offenders, including the four constituent councils.
- › Issuing of non-compliance letters begins

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Stage 2 Water Restrictions

Trigger points: Stage 2 Water Restrictions may be implemented at the discretion of the General Manager or Director Engineering when:

- › Average daily rolling weekly water usage is more than 90 megalitres per day, or if weekly water usage is more than 600 megalitres.

Domestic water use

- › Garden watering: From 7am to 7pm each day, only handheld hoses are permitted to be used. All other watering methods are prohibited (for example, but not limited to sprinklers, irrigation systems, fixed hoses and sprays) during this time period.
- › Hosing paved areas: prohibited from 7am to 7pm each day unless required as a result of an accident, fire, health hazard or other emergency.
- › Private swimming pools: No initial filling of pools. Topping up a pool's water level is permitted.
- › Washing of motor vehicles: Washing of motor vehicles with a hose is permitted if not on a hard or paved surface.

Public and commercial water use

- › Public gardens, sportsgrounds, nurseries, bowling greens and similar facilities : From 7am to 7pm each day, only handheld hoses are permitted to be used. All other watering methods are prohibited (for example, but not limited to sprinklers, irrigation systems, fixed hoses and sprays).
- › Washing of motor vehicles: No restrictions.
- › Water cartage: No restrictions (metered standpipes only).
- › Automatic flush toilets: No restrictions.
- › Hosing of paved areas: Prohibited from 7am to 7pm each day unless required as a result of an accident, fire, health hazard or other emergency.

Industrial water use

No restrictions.

Actions

- › Increased public awareness campaign.

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- › Further action may be taken for repeat non-compliance, including fines as per Riverina Water's current Fees and Charges and the use of flow restrictor devices for verified repeat offenders.

Stage 3 Water Restrictions

Trigger points: Stage 3 Water Restrictions are implemented when:

- › Average daily rolling weekly water usage continues to be more than 90 megalitres per day, or if weekly water usage is more than 600 megalitres, and/or
- › Riverina Water's allocation of water is reduced by up to 20 per cent.

Domestic water use

- › Garden watering: No watering of any kind from 7am to 7pm. Handheld hoses are permitted any time from 7pm to 7am. Other watering methods such as sprinklers or irrigation systems may be used between 7pm and 7am on an odds/evens system based on property address.
- › Hosing paved areas: No washing down of hard services unless as a result of an accident, fire, health hazard or other emergency.
- › Private swimming pools: Topping up a pool's water level is permitted.
- › Washing of motor vehicles: The washing of cars is prohibited unless at a commercial car wash.

Public and commercial water use

- › Public gardens, sportsgrounds, nurseries, bowling greens and similar facilities: Handheld hoses may be used at any time. Other watering methods such as sprinklers or irrigation systems may only be used between 7pm and 7am on an odds/evens system based on property address.
- › Washing of motor vehicles: The washing of cars is prohibited unless at a commercial car wash.
- › Water cartage: From Riverina Water's fixed standpipes only.
- › Automatic flush toilets: No restrictions.
- › Hosing of paved areas: No washing down of hard services unless as a result of an accident, fire, health hazard or other emergency.

Industrial water use

Data and document control

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No restrictions.

Actions

- › Further increase in public awareness of water restrictions and availability, including communicating the odds/evens water system for domestic users.
- › Action will be taken for repeat non-compliance, including fines as per Riverina Water's current Fees and Charges and the use of restrictor devices.

Stage 4 Water Restrictions

Trigger points: Stage 4 Water Restrictions are implemented when:

- › Average daily rolling weekly water usage continues to be more than 90 megalitres per day, or if weekly water usage is more than 600 megalitres, and/or
- › Riverina Water's allocation of water is reduced by between 20 and 50 per cent.

Domestic water use

- › Garden watering: Handheld hoses may be used from 7pm to 7am. All other watering is prohibited.
- › Hosing paved areas: No washing down of hard services unless as a result of an accident, fire, health hazard or other emergency.
- › Private swimming pools: Topping up a pool's water level is permitted.
- › Washing of motor vehicles: The washing of cars is prohibited unless at a commercial car wash.

Public and commercial water use

- › Public gardens, sportsgrounds, nurseries, bowling greens and similar facilities: Handheld hoses may be used at any time. Other watering methods such as sprinklers or irrigation systems may only be used between 7pm and 7am on an odds/evens system based on property address.
- › Washing of motor vehicles: The washing of cars is prohibited unless at a commercial car wash.
- › Water cartage: From Riverina Water's fixed standpipes only.
- › Automatic flush toilets: No restrictions.

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- › Hosing of paved areas: No washing down of hard services unless as a result of an accident, fire, health hazard or other emergency.

Industrial water use

- › No external watering of lawns or gardens.

Actions

- › Increase public awareness of water availability situation.
- › Communication of odds/evens system for commercial/public restrictions.
- › Initial engagement with high volume users.
- › Action will be taken for repeat non-compliance, including fines as per Riverina Water's current Fees and Charges and the use of restrictor devices.

Stage 5 Water Restrictions

Trigger points: Stage 5 Water Restrictions are implemented when:

- › Riverina Water's allocation of water is reduced by more than 50 per cent.

Domestic water use

- › Garden watering: The use of watering cans or buckets between 7pm and 7am is permitted. All other watering is prohibited, including handheld hoses.
- › Hosing paved areas: No washing down of hard services.
- › Private swimming pools: No topping up permitted.
- › Washing of motor vehicles: The washing of cars is prohibited unless at a commercial car wash.

Public and commercial water use

- › Public gardens, sportsgrounds, nurseries, bowling greens, etc.: The use of handheld hoses to water essential gardens/plants/grass is permitted at any time. All other watering is prohibited.
- › Washing of motor vehicles: The washing of cars is prohibited unless at a commercial car wash.
- › Automatic flush toilets: No restrictions.
- › Hosing of paved areas: No washing down of hard services.

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Industrial water use

- › No external watering of lawns or gardens.

Actions

- › Increase public awareness of water availability situation, including daily updates of water usage and regular communication of water restrictions.
- › Direct engagement with high volume users to develop usage reduction strategies.
- › Action will be taken for repeat non-compliance, including fines as per Riverina Water's current Fees and Charges and the use of restrictor devices.

Extraordinary Water Restrictions

Trigger points: The General Manager or Director Engineering may implement temporary extraordinary water restrictions due to special circumstances, such as, but not limited to:

- › Damage or required maintenance to critical infrastructure.
- › Emergencies or to support emergency services.
- › Significant supply issues.
- › Locally high water usage placing pressure on storage levels in an independent system or particular area.

Actions

- › Communication of restrictions to relevant stakeholders.
- › Appropriate compliance or direct discussions as required.

Exemptions to Water Restrictions

The General Manager and Director Engineering are the delegated authority to issue exemptions from water restrictions.

Exemptions may be made for domestic, public, commercial and industrial uses.

Exemptions to water restrictions must be applied for in writing to the General Manager and/or Director Engineering, and must provide appropriate reasoning why an exemption should be made.

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Any increase in water restrictions stages will void the existing exemption and a new application must be made.

Policy implementation

This policy will be implemented as per the Actions described in each stage of water restrictions.

Significant changes to this policy will be communicated to the public and to staff.

Policy number	POL 2.6
Responsible area	Engineering
Approved by	<Resolution Number>
Approval date	<Approval date>
Legislation or related strategy	Demand Management Plan 2012 Drought Management Plan 2012
Documents associated with this policy	
Policy history	22 November 2013: Name changed from 5.12 27 February 2019: Policy reviewed, Resolution 19/15

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

END OF POLICY STATEMENT

Data and document control

Author:

Version

Last revised date

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R9 Local Government NSW 2020 Annual Conference

Organisational Area General Manager

Author Andrew Crakanthorp, General Manager

Summary The Local Government New South Wales Annual Conference will be held in Lovedale on 22 – 24 November 2020

RECOMMENDATION that:

- a) Council be represented at the Local Government NSW 2020 Annual Conference
- b) Council's delegate be the Chairperson and the General Manager (as an observer)
- c) Nominations be invited from any other Councillor to attend as an observer
- d) Council determine motions that it believes are of concern and should be discussed at the conference

Report

The LGNSW Conference was originally scheduled to run from Sunday 11 October to Tuesday 13 October, but close proximity to the 2020 local government elections has raised serious concerns for many councils around capacity to nominate delegates. The conference will now be held from Sunday 22 November to Tuesday 24 November at the Crowne Plaza, Lovedale. Since the decision to move the conference to November was made, the impact of the COVID-19 pandemic have now resulted in the local government elections being postponed to September 2021.

Council was represented at the 2019 Conference by the Chairperson, Councillor Greg Verdon (delegate), and the General Manager (observer).

A copy of the Draft Program will be circulated in due course including details of the date for the conference dinner and the Outstanding Service Awards for Councillors. As is past practice, Council will invite councillors and senior staff from the four constituent Councils to a dinner on the night that the conference dinner is not held

Registrations for the Conference will be open in July 2020.

In accordance with the rules of the Association, Council is able to nominate one voting delegate to the conference.

The Business Paper for the Conference, including motions, will be forwarded to members at least one week prior to the Conference.

Given the location of the conference this year, travel to and from the conference will be by flights to and from Sydney with transfers from the airport to the Hunter Valley. Accommodation at the conference venue has been secured and will be confirmed once delegates are decided.

Financial Implications

The indicative cost to attend (including travel and accommodation) is \$1400 per person and funds are allocated in the 2020/21 budget to meet these costs.

Risk Considerations

Corporate Governance and Compliance	
Avoid	Council will avoid risks relating to corporate governance and compliance including efficient and effective direction and operation of the organisation; procedural/policy, legal and legislative compliance

R10 Continuation of the Community Grants Program

Organisational Area General Manager

Author Josh Lang, Community Engagement Officer

Summary The Community Grants Program was endorsed by the current Board at the June 2018 meeting as a two-year initiative. This report provides an update on the Program and suggests a continuation of the Program

RECOMMENDATION: that the Board

- a) Endorse the continuation of the Community Grants Program for further one-year period during 2021/22 by way of allocating \$500,000 in the 2021/22 Operational Plan
- b) Review the grant guidelines annually as required:
 - i. based on Riverina Water's financial performance, and;
 - ii. to ensure it continues to meet the needs of the community and the goals of Council
- c) Review the Community Grants Program following the appointment of a new Board in October 2021

Report

Background and success of the program to date

At the February 2020 meeting, the Board resolved to:

- a) *Receive and note the update on the 2019/20 Community Grants Program*
- b) *Endorse the timeframe for the 2020/21 Community Grants Program*
- c) *Receive a further report regarding the 2020/21 Community Grants Guidelines*
- d) *Receive a further report on the continued operation of the Community Grants Program beyond the 2020/21 Program at the June 2020 Board Meeting*

This report addresses item d.

The Community Grants Program was endorsed at the June 2018 meeting as a two-year initiative. The program was developed following a workshop with Board members, who had discussed for some time how Riverina Water can improve its connection with the communities it provides water to by raising the organisation's profile and supporting various projects and services.

As per the report to the February 2020 meeting, feedback from the inaugural program has been overwhelmingly positive.

In summary:

- The program was launched in August 2019 with a total pool of \$500,000 across the four Local Government Areas
- Three categories were available - Community Projects and Facilities; Arts and Culture; and Water Conservation
- 56 eligible applications were received, with 42 applications approved and sharing in \$389,687 in funding
- Successful and unsuccessful applicants welcomed a new funding opportunity to assist their projects, clubs and community groups, noting most feedback was to suggest improvements to the guidelines and criteria

The 42 approved projects are in varying stages of completion. As noted in the Chair's March 2020 update to Board members, the acquittal deadline for the current program is now extended due to COVID-19 impacting delivery of some projects.

Some recipients have submitted their acquittals already and their communities will now start to see the benefits of completed projects that we have supported.

Enquiries have already been received for the upcoming program from both successful and unsuccessful applicants, as well as those not previously aware of the program. As such, an even more diverse range of applications from all four Local Government Areas is anticipated.

New prospective applicants cited hearing about the program primarily from Riverina Water's communication channels (social media, customer newsletter), along with member Councils and via previous applicants.

Overall, the initiative has been successful and many recipients have noted their project may not have been possible without Riverina Water's support.

Continuation of the grants program

The second year of the Community Grants Program will launch on 21 September 2020 and successful applicants will be awarded at the 16 December 2020 Board meeting.

It is recommended the program continue beyond the initial two-year period so it can build on the success to date and further strengthen the connection between Riverina Water and the community. Continuing the program will also give prospective applicants the ability to plan projects in the long-term, which would result in greater outcomes for the community.

As it is a significant financial contribution by Riverina Water, it is recommended the program be reviewed following the appointment of a new Board. This allows the program to be assessed against its benefits, the current needs of the community, the organisation's priorities and current financial performance.

Additionally, the grant guidelines will be reviewed annually to ensure the criteria and categories are effective and to adjust funding amounts and categories as required based on the same criteria above.

Financial implications

Continuing the Community Grants Program will need to be factored into Riverina Water's budget each year. It is intended the program continue to have a total funding pool of \$500,000 per annum until it is reviewed following the next Board election.

Risks considerations

Community Partnerships	
Accept	When considering options for community partnerships or external party relationships, Council may choose to accept risks to maximise potential benefits to Council and the community.

R11 Naming of Meeting Room

Organisational Area General Manager

Author Andrew Crakanthorp, General Manager

Summary Council recently completed construction of a multi-purpose meeting room located on the mezzanine floor of the Stores Building. This report provides an update on the process by which Council can proceed to allocate a name to the room.

RECOMMENDATION that Council be furnished with the report as resolved in December 2012 which stated: "that a comprehensive report be submitted to Council on the means of recognition of people that have made a significant contribution to Riverina Water County Council."

Report

At the meeting held on 26 February 2020 it was resolved:

That the General Manager prepare a report to the April meeting of the Board providing information on the options for the naming of the recently completed meeting room. Further that the report includes information on former Board member and inaugural Riverina Water Chairperson, Councillor Pat Brassil as I intend to move at the April meeting that the room be named the "Pat Brassil Room".

Council recently completed construction of a multi-purpose meeting room located on the mezzanine floor of the Stores Building. A notice of motion was carried at the February 2020 meeting of the Board as detailed immediately above.

Council does not have a policy in relation to the naming of its buildings or meeting rooms, however this is not the first time that the matter has been considered by the Board. The following background information is provided.

In August 2012, the Board considered a report titled "Naming of the Wagga Wagga Water Treatment Plant". The staff recommendations stated "that subject to the agreement of the ____ family (name withheld for reasons of confidentiality), that the new water treatment plant be named the ____ ____ (name withheld for reasons of confidentiality) Water Treatment Plant". The Board at the time chose not to endorse the recommendation and instead resolved "that a comprehensive report be submitted to Council on the means of recognition of people that have made a significant contribution to Riverina Water County Council."

Given the above, I advise that research indicates that Council has carried a resolution requiring the preparation of a report relating to this very matter. It would appear that the report requested has not been prepared.

The recommendation on this report reflects the necessary action that needs to occur as required by the Local Government Act.

In summary, this report addresses the first part of the motion carried at the February 2020 meeting of the Board. It is suggested that, in the circumstances, that Cr Keenan cannot proceed with her intended motion until such stage as the Board considers the report requested in 2012.

The following additional information is provided for further context.

Shortly after the opening of the Stores Building (which included two specific meeting rooms, the names of "Burrinjuck Meeting Room" and "Blowering Meeting Room" were assigned by staff. The names reflect the Australian Height Datum on the relative heights of both storages and thus the Blowering Room is on the ground floor and the Burrinjuck Room is on the first floor. This unofficial naming convention continued when a new meeting room was created in the Administration Building in 2019 and named the "Talbingo Meeting Room". This continued a theme of naming rooms which have an association with the Snowy Mountains Scheme.

As part of the preparation of this report staff have been provided the opportunity to provide suggestions for the naming of the room and strong support has emerged for the room to be named "The Murrumbidgee Room". Murrumbidgee is an aboriginal term which means "big water".

Cr Keenan provided the following information in support of her notice of motion to the February meeting of the Board:

Whilst many notable people have held significant roles with Riverina Water and its preceding entities, none have had as much an impact as inaugural Riverina Water Chair Pat Brassil OAM.

I have spoken with members of Pat's family about the proposal and his widow Anne is deeply touched and honoured for Council to consider this.

Pat was orphaned by the age of six and he and his siblings were raised in Redfern and Paddington, eventually settling with their Aunt Eileen in Burwood.

Pat went on to Sydney University, where he met a Wagga girl, Anne McDonough and they married.

Pat went on to teach and became a deputy principal and moved to Wagga and the successes just kept coming.

Pat Brassil was a part of what made Wagga Wagga work; Pat through decades of teaching and services to local community made Wagga a better place. He believed

children in regional Australia should have the same opportunities as their city counterparts to excel.

Pat is on record as the longest-serving Councillor in Wagga's history and one of the longest serving in NSW history, from 1974 to 2004. He was mayor seven times, chiefly from 1989 to 1995, and delegate and chairman of the Riverina Water County Council, and its predecessor, for 25 years. He was an executive member of the Local Government Association of NSW and chairman of its Water Management Committee for a decade. Pat knew the huge significance of water to the area, though he never drank it unless it was cut with tea or, preferably, hops and barley.

As chairman of the Country Mayors Association and founding member of the Riverina Regional Development Board, Pat was a key driver in the case for balanced state development, arguing that the NSW government paid scant regard to the needs of people west of the "sandstone curtain".

Pat was made a Member of the Order of Australia (OAM) in 1997 for services to local government, notably regional development and decentralisation.

To him, this award was only surpassed by the granting of the Freedom of the City in 2007 from the community that had adopted him 40 years before.

Given that the discussion at the February board meeting was seen to be supportive of naming the room to acknowledge people who have had a long association with Riverina Water, the Council could also consider previous board members or long serving staff.

Appearing below are the names and tenure of past long serving (at least twelve years') board members:

- Rod Kendall 12 years
- Ian Kreutzberger 12 years
- Peter Yates 13 years
- Lindsay Vidler 15 years
- John McInerney 17 years
- Pat Brassil OAM 25 years

Appearing below are the names and tenure of past long serving (at least forty years) staff:

- Rob Palframan forty years
- Roy Smith forty years
- Wayne Schiller forty-one years
- Kerrie Fawcett forty-two years
- Garry Watson forty-five years

It is proposed that these matters will be included in a report to a future meeting of the Board which addresses the decision in December 2012.

It should be noted that the naming of rooms and/or facilities is not something that is undertaken lightly. The name typically (but not always) applies in perpetuity. For this reason, many Council's avoid applying names of individuals and use other names as mentioned in the report.

Financial Implications

The cost of ordering a sign to reflect the name of the room will be met from the existing budget.

Risk Considerations

Reputation	
Averse	Council is averse to taking risks that may adversely impact its reputation

R12 Morven Reservoir

Organisational Area Works

Author Natalie Eisenhauer, Engineering Officer & Austin Morris, Manager Works

Summary A correction has been made to the easement location over the Morven Reservoir and pipeline. The new location must be signed by Council and registered to finalise the correction.

RECOMMENDATION that Council authorise the General Manager to sign the Plan of Subdivision and necessary documents in relation to Lot 2 DP1092125 and Lot 2 DP431081 to:

- a) Acquire the land surrounding the existing Morven Reservoir;
- b) Create an easement for water supply; and
- c) Create a right of carriageway.

Report

In 2008 Council attempted to finalise the correction of easements and transfer of land surrounding the Morven Reservoir. Council requested that the owner, Mr Goode, allow the creation of a new easement and carriageway to allow access to the Morven Reservoir and a transfer of the land around the reservoir to Council. In return Council agreed to extinguish the existing easement over Mr Goode's land, transfer superfluous land to Mr Goode and create any requested easements.

On 8 November 2016, Council's solicitor forwarded a copy of a plan of subdivision, and an instrument creating the easement (Section 88B Instrument). On 17 November 2016 a return copy of Council's letter and Section 88B instrument were received. However, the documents were incorrectly signed. On 21 November 2016 Council responded acknowledging receipt of the documents and requesting re-signing as necessary to finalise the matter. No response was received and further requests were made by Council in 2017 and 2018.

On 25 February 2020, Council received signed copies of the plan of subdivision and Section 88B instrument from Mr Goode. In order to finalise the matter Council via the General Manager must sign and register the documents.

- › **R12.1 Plan of Subdivision**
- › **R12.2 Deposited Plan Administration Sheet**

Financial Implications

The costs associated with registration can be accommodated within existing budgets.

Risks Considerations

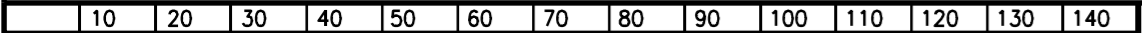
Corporate Governance and Compliance	
Avoid	Good corporate governance and compliance with property related matters, as a Local Government agency

HEIGHT DIFFERENCE SCHEDULE			
FROM	TO	HEIGHT DIFFERENCE	METHOD
PM 148347	PM 148348	+16.961	CORS NRTK GNSS
PM 148347	PM 182574	-21.054	CORS NRTK GNSS
PM 182574	PM 148348	+38.015	CORS NRTK GNSS

HEIGHT DATUM : AHD71

GNSS VALIDATION SCHEDULE				
FROM	TO	GRID BEARING	DISTANCE	METHOD
RMGIP "R"	RMGIP "S"	136° 02' 19"	612.481	CORS NRTK GNSS
		136° 02' 19"	612.475	CADASTRAL TRAVERSE

GNSS VALIDATION SCHEDULE				
FROM	TO	GRID BEARING	DISTANCE	METHOD
RMGIP "R"	RMGIP "S"	136° 02' 19"	612.481	CORS NRTK GNSS
		136° 02' 19"	612.475	CADASTRAL TRAVERSE





PLAN FORM 6 (2017)	DEPOSITED PLAN ADMINISTRATION SHEET	Sheet 1 of 3 sheet(s)
Office Use Only	Office Use Only	
Registered:		
Title System:		
PLAN OF SUBDIVISION OF LOT 2 IN DP1092125 AND LOT 2 IN DP431081.	LGA: GREATER HUME Locality: CULCAIRN Parish: THUGGA County: HUME	
<p align="center">Survey Certificate</p> <p>I, MICHAEL MATTHEW SLINGER of P.O. BOX 8336, KOORINGAL, WAGGA WAGGA a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>*(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, is accurate and the survey was completed on, or</p> <p>*(b) The part of the land shown in the plan being, LOT 1 & EASEMENT FOR WATER SUPPLY 4 WIDE & RIGHT OF CARRIAGE WAY 6 WIDE, was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, the part surveyed is accurate and the survey was completed on 22 NOV 2018, the part not surveyed, LOT 2, was compiled in accordance with that Regulation, or</p> <p>*(c) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2017.</p> <p>Datum Line: "X" – "Y"</p> <p>Type: *Urban/*Rural</p> <p>The terrain is *Level-Undulating / *Steep-Mountainous.</p> <p>Signature: <i>Michael Slinger</i> Dated: 5 MARCH 2019</p> <p>Surveyor Identification No: 1988</p> <p>Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i></p> <p><small>*Strike out inappropriate words.</small></p> <p><small>**Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</small></p>	<p align="center">Crown Lands NSW/Western Lands Office Approval</p> <p>I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature:</p> <p>Date:</p> <p>File Number:</p> <p>Office:</p>	
	<p align="center">Subdivision Certificate</p> <p>I, *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature:</p> <p>Accreditation number:</p> <p>Consent Authority:</p> <p>Date of endorsement:</p> <p>Subdivision Certificate number:</p> <p>File number:</p> <p><small>*Strike through if inapplicable.</small></p>	
Plans used in the preparation of survey/compilation. DP 185762, DP 236229, DP 252892, DP 384954, DP 431081, DP 710349, DP 1092125, 1016-1668.	Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land. <div style="border: 1px solid black; padding: 10px; text-align: center; margin-top: 20px;">  </div>	
Surveyor's Reference: 201897-2	Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A	

Office Use Only

Office Use Only

Registered:**PLAN OF SUBDIVISION OF LOT 2 IN
DP1092125 AND LOT 2 IN DP431081.**

Subdivision Certificate number:

Date of Endorsement:

This sheet is for the provision of the following information as required:

- A schedule of lots and addresses - See 60(c) *SSI Regulation 2017*
- Statements of intention to create and release affecting interests in accordance with section 88B *Conveyancing Act 1919*
- Signatures and seals- see 195D *Conveyancing Act 1919*
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919, IT IS INTENDED TO CREATE :

1. EASEMENT FOR WATER SUPPLY 4 WIDE
2. RIGHT OF CARRIAGE WAY 6 WIDE

PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919, IT IS INTENDED TO RELEASE :

1. EASEMENT FOR WATER SUPPLY 6.095 WIDE VIDE D.185318 WITHIN LOT 2.

SCHEDULE OF STREET ADDRESSES

LOT	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY
1	488	JENNINGS	ROAD	CULCAIRN
2	434	JENNINGS	ROAD	CULCAIRN

If space is insufficient use additional annexure sheet

Surveyor's Reference: 201897-2

Office Use Only

Office Use Only

Registered:**PLAN OF SUBDIVISION OF LOT 2 IN
DP1092125 AND LOT 2 IN DP431081.**

Subdivision Certificate number:

Date of Endorsement:

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If space is insufficient use additional annexure sheet

Surveyor's Reference: 201897-2

R13 Railway Access Licence

Organisational Area Works

Author Austin Morris, Manager Works

Summary Council is in dispute with Transport for NSW over the need for a licence to access Council infrastructure in the rail corridor. To resolve the dispute, the matter may be referred to the Minister for Local Government.

RECOMMENDATION that Council refer the dispute (as described in the report below) to the Minister for Local Government and the Minister for Transport, as prescribed by the Transport Management Act (NSW)

Report

Where Council plans to construct new infrastructure within the rail corridor, a Rail Land Property Licence ('Licence') must be obtained. Transport for NSW (TfNSW) are the approving authority, who have delegated management of the railway corridor to John Holland Rail Pty Ltd (JHR).

In these instances, Council must pay a per metre rate in perpetuity for the right to enter the land and maintain access to our infrastructure. In addition, Council employees entering the rail corridor must have a Rail Industry Worker certificate (TLIF2080 Safely access the Rail Corridor), pass a category one medical examination and be certified by JHR Training. When undertaking work on-site, a Rail Protection Officer must be engaged by Council and approved by JHR.

Throughout our service area, Council has numerous existing assets within the rail corridor where no licence exists. Council is permitted to access existing infrastructure under clause 59A of the Local Government Act (LG Act) 1993. Furthermore, the clause allows Council to '...extend, expand' existing infrastructure. The clause is presented below:

59A Ownership of water supply, sewerage and stormwater drainage works

- (1) *Subject to this Division, a council is the owner of all works of water supply, sewerage and stormwater drainage installed in or on land by the council (whether or not the land is owned by the council).*
- (2) *A council may operate, repair, replace, maintain, remove, extend, expand, connect, disconnect, improve or do any other things that are necessary or appropriate to any of its works to ensure that, in the opinion of the council, the*

works are used in an efficient manner for the purposes for which the works were installed

In this regard Council sought to expand its existing water main in the rail corridor between Milbrulong and Lockhart. The water main was constructed initially in 1953 with further work being carried out in 1962. As part of our strategic planning works to secure water in our region, we have commenced upgrading this line from The Rock to Lockhart, with stage one being completed last financial year. Stage two is the replacement of the main within the rail corridor.

JHR on behalf of TfNSW required Council to enter into a Licence for the new pipe and pay the associated licence fee (\$10,421.60 per annum in perpetuity). Typically, Council's infrastructure crosses the rail corridor so the licence fee is typically around \$1,000. In this case the asset runs inside the corridor parallel to the railway line, approximately 15 metres from the tracks. As the asset is existing, and been in place for 67 years, Council replied to JHR stating that no licence was needed under the LG Act. JHR responded that they were permitted to refuse our entry into the rail corridor under the Transport Administration Act (TAA) until a licence is signed and fees paid.

The TAA does allow refusal of entry but only when "it is necessary to do so in the interests of public safety or the safety of the officer or other persons". The TAA does not state a licence must be entered into or a fee must be paid. Council stated that in regard to the TAA all safety requirements had been adhered to, and that the clause in the TAA does not provide a blanket reason to refuse entry. All Council staff (who work in the corridor) are trained and certified to work in the rail corridor and an external approved Rail Protection Officer has been engaged.

Council gave notice of the intention to continue works without entering into a licence. Council also asked for information in relation to any safety issue but nothing was received. At this time JHR denied approval to Council's Rail Protection Officer. As it was unsafe to proceed without a Rail Protection Officer, Council stopped work.

Council and TfNSW are effectively in dispute over the right to access councils existing infrastructure in the rail corridor. In this regard the TAA states:

111 Referral of disputes

- (1) If any transport dispute arises—*
 - (a) between one transport authority and another transport authority, or*
 - (b) between a transport authority and a public authority, either party may refer the matter to the Minister.*

- (1A) If any dispute with respect to the carrying out of the functions of TfNSW under this Act arises between TfNSW and a public authority (other than a transport authority), either party may refer the matter to the Minister.*

- (2) *If the Minister is not the Minister responsible for an authority that is a party to a dispute under this section, the dispute may be referred instead (or in addition) to the Minister responsible for that authority.*

As the dispute is between a transport authority (TfNSW) and a public authority (Council) either party may refer the matter to the Minister. Furthermore, as the Minister for Transport is not the Minister responsible for Council, Council can refer the dispute to the Minister for Local Government instead.

Financial Implications

In 2018/19 Council paid \$42,694 in licence fees. If Council is required to enter into Rail Land Property Licence to 'operate, repair, replace, maintain, remove, extend, expand, connect, disconnect, improve or do any other things that are necessary or appropriate' and pay an associated licence fee in perpetuity, it will have an effect on Council's ability to fund future capital works.

Risks Considerations

Corporate Governance and Compliance	
Avoid	Good corporate governance and compliance with property related matters, as a Local Government agency

CONF1 Performance Review – General Manager

Author Councillor Greg Verdon

Summary The General Manager Performance Review Committee met in February and this report provides details of the outcome of the review.

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(a) personnel matters concerning particular individuals (other than councillors)

CONF2 Advertising and content opportunity – Wagga Wagga.tv

Organisational Area General Manager

Author Andrew Crakanthorp, General Manager

Summary Riverina Water has been approached to consider entering into a commercial relationship with Wagga Wagga.tv

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposed to conduct) business

CONF3 Update on WTP contract

Organisational Area Engineering - Projects

Author Bede Spannagle, Director Engineering

Summary Council has recently terminated UGL Engineering from the WTP contract. This report provides details of the termination process, reasons behind the action and planned actions to progress the project toward completion.

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it