



**BYRON  
SHIRE  
COUNCIL**

# **Policy**

## **Council Investments**

**2023**

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## Information about this document

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DM838120	9/4/09	Draft amendments reported to Council – further amendments see Res 09-181
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DM1241222	28/6/12	Draft amendments policy reported to Council 28/6/12 Res 12-470 placed on public exhibition (Previous Policy No 2.5)
E2012/1401	15/8/12	Adopted after close of Public Exhibition – no submissions received
E2017/18817	13/4/17	Draft updated policy reported to Finance Advisory Committee
E2017/30990	18/5/17	Revised draft updated policy reported to Finance Advisory Committee
E2017/83283	22/6/17	Council resolution 17-220 to put the draft policy on public exhibition for 28 days. No submissions were received. As such the policy is adopted.
E2019/13629	06/03/19	Reviewed for currency. Endorsed by Executive Team due to minor amendment to title year and reference to Community Strategic Plan.
E2023/107205	29/11/2023	Reviewed for currency. Endorsed by Executive Team due to minor amendment to title year and reference to Community Strategic Plan.

## Further Document Information and Relationships

Related Legislation	Local Government Act 1993 – Section 625 Local Government Act 1993 – Investment Order (of the Minister) dated 12 January 2011 (attached to policy) Local Government (General) Regulation 2021 – Section 212 The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14(C)(1) & (2)
Related Policies	
Related Standards, Procedures, Statements, documents	

Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.

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# 1. Introduction

## 1.1 Objectives

The purpose of this Policy is to provide a framework for the investment of Council's funds at the most favourable rate of interest available to it at the time of investment and maximising return whilst having due consideration of risk, liquidity, and security for its investments. Council must consider the purpose of an investment opportunity in terms of environmental and social outcomes when investing funds where the investment return is favourable relative to alternate investment opportunities.

## 1.2 Scope

This Policy is to cover:

- Council's objectives for its investment portfolio;
- Applicable Risks to be managed;
- Detail any constraints or other prudential requirements to apply to the investment of Funds;
- The applicable legislation and regulation governing Council investments;
- The reporting of investments;
- Appropriate performance benchmark(s)

The Investment Policy is a policy produced by the Corporate and Community Services Directorate. The Finance Branch is responsible for the operation and updating of this Policy.

This Policy document replaces any previous Investment Policy document approved by Council.

## 1.3 Definitions

<b>Policy acronym</b>	<b>Definition</b>
<b>ADI</b>	Authorised Deposit Taking Institution as defined in the Banking Act 1959 (Cwth).
<b>Environmentally and Socially Responsible Investments</b>	Defined by Council in accordance with resolution 15-515 as disclosed at section 4.1 to this Policy.
<b>Delegated Officers</b>	Director of Corporate and Community Services Manager Finance Management/Assets Accountant Financial Operations Accountant

<b>RAO</b>	Responsible Accounting Officer as prescribed by Regulation 196 of the Local Government (General) Regulation 2021. The Responsible Accounting Officer of Byron Shire Council is the Manager Finance.
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## 2. Statement

While exercising the power to invest, consideration is to be given to the preservation of investment principal, liquidity, and the return of investment. Council therefore has several primary objectives for its investment portfolio:

- a) Compliance with legislation, regulations, the prudent person tests of the Trustee Act and guidelines issued by the Office of Local Government.
- b) Preservation of the investment principal amount invested.
- c) To ensure there is sufficient liquid funds to meet all reasonably anticipated cash flow requirements of Council.
- d) To generate income from the investment portfolio that exceeds the performance benchmark(s) established in this Policy.
- e) Facilitate the enhancement of environmental and social outcomes through investment of Council funds as outlined in section 4.1 (part (i) and (ii)) of this Policy as the decision making process at each investment opportunity available to Council.

### 2.1. Environmental and Socially Responsible Investments

Council gives preference to finance institutions that invest in or finance Environmentally and Socially Responsible Investments (SRI) where:

- i) The investment is compliant with legislation and investment policy objectives and parameters; and
- ii) The rate of return is favourable relative to comparable investments on offer to Council at the time of investment

SRI status may be in respect of the individual investment, the issuer of the investment, or both and should be endorsed by an accredited environmentally and socially responsible industry body or institution.

Environmentally and Socially Responsible Investments will be assessed on the same basis as other investment opportunities and the Council will select the investment that best meets its overall investment selection criteria.

The Council's criteria relating to an SRI are those which:

- direct investment towards the socially and environmentally productive activities listed below
- avoid investment in the socially and environmentally harmful activities listed below.

The criteria for SRI are all desirable and not mandatory requirements.

Environmentally productive activities are considered to be:

- resource efficiency-especially water and energy
- renewable energy

- production of environmentally friendly products
- recycling, and waste and emissions reduction

Socially productive activities are considered to be:

- fair trade and provision of a living wage
- human health and aged care
- equal opportunity employers, and those that support the values of communities, indigenous peoples and minorities
- provision of housing, especially affordable housing

Environmentally harmful activities are considered to be:

- production of pollutants, toxins and greenhouse gases
- habitat destruction, especially destruction of forests and marine eco-systems.
- nuclear power
- uranium mining
- coal seam gas mining
- production or supply of armaments

Socially harmful activities are considered to be:

- abuse of Human Rights and Labour Rights
- involvement in bribery/corruption
- production or supply of armaments
- manufacture of alcohol, tobacco or gambling products”

## 2.2. Delegation of Authority

Authority for the implementation of the Investment Policy is delegated by Council to the General Manager in accordance with Section 377 of the Local Government Act 1993. The General Manager has in turn delegated the management of the Investment Policy to the Delegated Officers as defined in this Policy. Specifically, day-to-day management of Council's investments rests with the Manager Finance as Council's RAO.

Any investment undertaken under this Policy requires two Delegated Officers to approve the investment on the following basis:

- i) Investments up to \$1,000,000 in accordance with this Policy can be authorised by the RAO and one of the Delegated Officers.
- ii) Investments greater than \$1,000,000 in accordance with this Policy can be authorised by the RAO and Director Corporate and Community Services.

Such authorisations extends to Council Officers that may fill these positions from time to time when the position incumbent is on approved leave.

## 2.3 Prudent Person Standard/Ethics and Conflict of Interest

The investment portfolio of Council will be managed with the care, diligence and skill that a prudent person would exercise. As Trustees of public money, Delegated Officers are to manage the Council Investment Portfolio to safeguard the portfolio in accordance with the requirements of this Investment Policy and not for speculative purposes.

Delegated Officers shall refrain from personal activities that would conflict with the proper execution and management of Council’s Investment Portfolio. This Policy requires Delegated Officers to disclose any conflict of interest to the General Manager.

## 2.4 Authorised Investments

All investments must be denominated in Australian Dollars and be only those investments prescribed by the Investment Order (of the Minister) issued from time to time. The current Investment Order (of the Minister) is attached to this Policy. Individual investments will generally be in at least \$1,000,000 parcels wherever possible.

## 2.5 Risk Management

In regard to performing investment management on Council’s behalf, due consideration must also be given to the following:

- a) Preservation of Capital – The requirement for preventing losses in an investment portfolio’s total value.
- b) Credit Risk – The risk that a party or guarantor to a transaction will fail to fulfil its obligations. In the context of this document it relates to the risk of loss due to the failure of an institution/entity with which an investment is held to pay the interest and/or repay the principal of an investment.
- c) Diversification – the requirement to place investments in a broad range of products so as not to be over exposed to a particular sector of the investment market.
- d) Liquidity Risk – the risk an investor runs out of cash, is unable to redeem investments at a fair price within a timely period, and thereby incurs additional costs (or in the worst case is unable to execute its spending plans).
- e) Market Risk – the risk that fair value or future cash flows will fluctuate due to changes in market prices, or benchmark returns will unexpectedly overtake the investment’s return.
- f) Maturity Risk – the risk relating to the length of term to maturity of the investment. The longer the term, the greater the length of exposure and risk to market volatilities.
- g) Rollover Risk – the risk that income will not meet expectations or budgeted requirement because interest rates are lower than expected in future.

## 2.6 Credit Quality and Limits

- a) Direct Investments

The amount invested with any one financial institution should not exceed the following percentages of average annual funds invested.

Long Term Rating (Standard & Poors)	Short Term Rating (Standard & Poors)	Maximum Percentage of Total Investments
AAA to AA	A1+	100%
A+ to A-	A1	60%
BBB+ to NR	A2, NR	40%



As an alternate to credit ratings issued by Standard and Poor's, Council can also utilise credit ratings published by Moody's and Fitch rating agencies. However, it needs to be recognised that the primary control of credit quality is the prudential supervision of the Authorised Deposit-Taking Institutions (ADI) sector.

Council should also consider counterparty limits in terms of the amounts of investments held with any single ADI. This should especially be the case for longer term investments.

Term to maturity limits should be structured around the time horizon of investment to ensure that liquidity and income requirements are met. Council always retains the flexibility to invest as short as required by internal requirements or the economic outlook.

#### b) Credit Ratings

If any of Council's investments are downgraded such that they no longer fall within these investment policy guidelines, they will be divested as soon as is practicable whilst preserving invested capital.

## 2.7 Safe Custody Arrangements – Security of Title

- a) Where necessary, investments may be held in safe custody on Council's behalf as long as the following criteria are met:
- i) Council must retain beneficial ownership of all investments.
  - ii) Adequate documentation is provided, verifying the existence of the investments.
  - iii) The custodian conducts regular reconciliation of records with relevant registries and/or clearing systems
  - iv) The Institution or Custodian recording and holding the investment on Council's behalf will be:
    - The Custodian nominated by New South Treasury Corporation for Hour Glass Facilities (if used).
    - Austraclear
    - An institution with an investment grade Standard and Poor's, Moody's or Fitch rating.
    - An institution with adequate insurance, including professional indemnity insurance and other insurances considered prudent and appropriate to cover its liabilities under any agreement.
- b) Prior to undertaking any investment it is imperative that the security of title of the investment proposed must be in the name and ownership of Byron Shire Council.

## 2.8 Accounting and Reporting

Council will comply with appropriate Accounting Standards in valuing its investments and quantifying its investment returns including interest and fair value gains/losses. Council will provide disclosure relating to its investment portfolio at the conclusion of each financial year as prescribed by Accounting Standards and the Local Government Code of Accounting Practice and Financial Reporting.

Council is to maintain a register of its investments including documentary evidence to Council's legal title to the investments held. The register of investments is to be reconciled monthly to the general ledger which forms the basis of monthly reporting to Council in

accordance with Regulation 212 of the Local Government (General) Regulation 2021 and the monthly financial report to the Executive Team.

Reporting on Environmentally and Socially Responsible Investment opportunities and outcomes are to be included in the Investment Report provided to Council each month.

## 2.9 Performance Benchmarks

The performance expectation of all Council's individual investments within the overall Council investment portfolio will meet the performance benchmark in the table below:

Investment	Performance Benchmark
Cash / Direct Investments	Exceed average 90 day Bank Bill Swap Index

## 3. Legislative and strategic context

### 3.1. Community Strategic Plan

Council's Investment Policy supports the objective of "*Effective Leadership: We have effective decision making and community leadership that is open and informed*".

### 3.2. Legislative Requirements

- a) Local Government Act 1993 – Section 625(2)
- b) Local Government Act 1993 – Investment Order (of the Minister) dated 12 January 2011
- c) Trustee Amendment (Discretionary Investments) Act 1997 – Section 14A(2), 14C(1) 7 (2)
- d) Local Government (General) Regulation 2021 – Regulation 212
- e) Local Government Code of Accounting Practice and Financial Reporting as amended from time to time
- f) Australian Accounting Standards
- g) Office of Local Government Investment Policy Guidelines and Circulars
- h) Council resolution 15-515 – Environmentally and Socially Responsible Investments

## 4. Sustainability

### 4.1 Social

The investment of Council's funds may provide the Council to seek investment opportunities that assist in the improvement of society or the community through the investment into projects where allowable that have positive social outcomes.

### 4.2. Environmental

The investment of Council's funds may provide the Council to seek investment opportunities that assist in the improvement of the Environment through the investment into projects where allowable that have positive environmental outcomes.

### 4.3. Economic

The investment of Council's funds provides the opportunity to generate revenue to assist in the financial sustainability of the Council and to carry out its functions.

#### **4.4. Governance**

This Policy establishes the framework for the management of Council's invested funds and to ensure due diligence and care is exercised by those charged with the investment of Council's funds.

# Attachment

## LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER

(Relating to investments by councils)

I, the Hon. Barbara Perry MP, Minister for Local Government, in pursuance of section 625(2) of the *Local Government Act 1993* and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- (c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- (d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation;

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

### Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

### Key Considerations

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.

All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12<sup>th</sup> day of January 2011



Hon BARBARA PERRY MP  
Minister for Local Government