



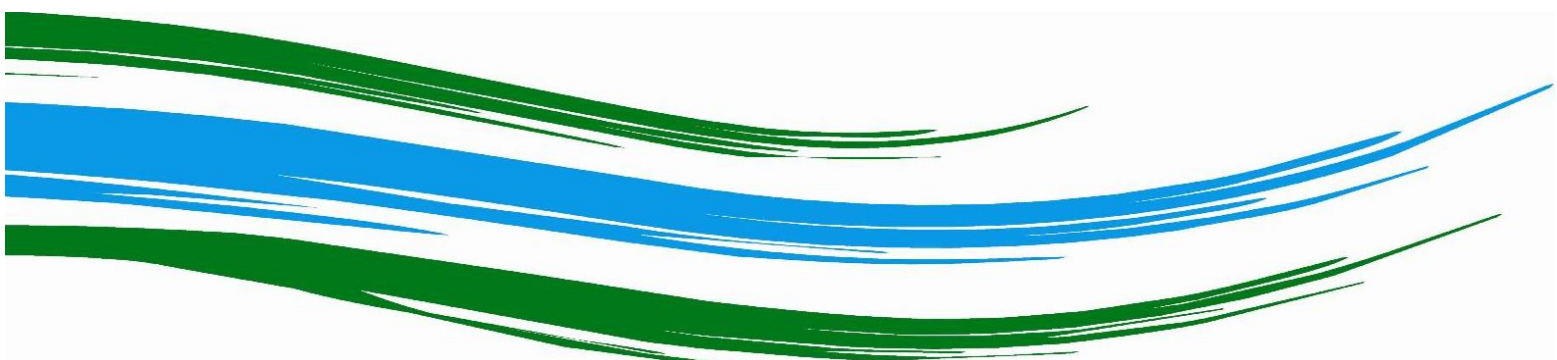
# Camden Council

## Attachments

**Ordinary Council Meeting**  
**11 June 2019**

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**Camden Council**  
**Administration Centre**  
**70 Central Avenue**  
**Oran Park**





# ORDINARY COUNCIL

## ATTACHMENTS - ORDINARY COUNCIL

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**PUBLIC INTEREST  
DISCLOSURES ACT  
INTERNAL  
REPORTING  
POLICY**

**-P3.0107.34**

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## PUBLIC INTEREST DISCLOSURES ACT INTERNAL REPORTING POLICY

**DIVISION:** CUSTOMER AND CORPORATE STRATEGY

**BRANCH:** GOVERNANCE AND RISK

**CATEGORY:** 1

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### PART 1 – INTRODUCTION

#### 1. BACKGROUND

- 1.1 Council is committed to ensuring the highest ethical and accountable conduct and will support Council officials who report wrongdoing.

#### 2. OBJECTIVE

- 2.1 To provide a policy and procedure under the *Public Interest Disclosures Act 1994* (PID Act) for Councillors, members of staff or any other public official in terms of the PID Act that aims to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration, serious and substantial waste, government information contravention and Local Government pecuniary interest contravention within Council and to ensure any disclosure is used to achieve efficiency and effectiveness of Council's operations.

#### 3. SCOPE

- 3.1 This policy will apply to:
- ~~all Council officials, including Councillors and Council staff.~~
- Councillors
  - Council staff including permanent employees, whether full-time or part-time, temporary or casual employees
  - Consultants
  - Individual contractors working for Council
  - Employees of contractors providing services to Council
  - Other people who perform Council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.
- 3.2 The policy also applies to public officials of another council or public authority who report wrongdoing relating to Council.

#### 4. DEFINITION

~~Staff means employees, contractors and volunteers.~~

- 4.1 **You** means the person making a report under the PID Act.

- 4.2 **ICAC** means the NSW Independent Commission Against Corruption

4.3 ICAC Act means the *Independent Commission Against Corruption Act 1988*.

## PART 2 - POLICY STATEMENT

### 5. ROLES AND RESPONSIBILITIES

#### 5.1 The role of Council staff and Councillors

Staff and Councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All Council staff and Councillors are obliged to:

- Report all known or suspected wrongdoing and support those who have made reports of wrongdoing
- If requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality
- Treat any staff member or person dealing with a report of wrongdoing with courtesy and respect
- Respect the rights of any person the subject of reports.

Staff and Councillors must not:

- Make false or misleading reports of wrongdoing
- Victimise or harass anyone who has made a report

Additionally, the behaviour of all Council staff and Councillors involved in the internal reporting process must adhere to the Council's code of conduct. A breach of the code could result in disciplinary action.

#### 5.2 The role of Council

Council has a responsibility to establish and maintain a working environment that encourages staff and Councillors to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.

Council will assess all reports of wrongdoing it receives from staff and Councillors and deal with them appropriately. Once wrongdoing has been reported, Council takes 'ownership' of the matter. This means it is up to us to decide whether a report should be investigated, and if so, how it should be investigated and by whom. Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.

Council must report on our obligations under the PID Act and statistical information about public interest disclosures in our annual report and to the NSW Ombudsman every six months.

To ensure Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and Councillors with roles outlined below and elsewhere in this policy will be required to complete training on their responsibilities.

### 5.3 Roles of key positions

#### 5.3.1 General Manager

The General Manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring Council complies with the PID Act. The General Manager can receive reports from staff and Councillors and has a responsibility to:

- Assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with
- Deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures
- Ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- Make decisions following any investigation or appoint an appropriate decision-maker
- Take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified
- Refer actual or suspected corrupt conduct to the ICAC
- Refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

#### 5.3.2 Disclosures Coordinator

The Disclosures Coordinator has a central role in Council's internal reporting system. The Disclosures Coordinator can receive and assess reports, and is the primary point of contact in Council for the reporter. The Disclosures Coordinator has a responsibility to:

- Assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager)

- Deal with reports made under the Council's code of conduct in accordance with the Council's adopted Code of Conduct procedures
- Coordinate Council's response to a report
- Acknowledge reports and provide updates and feedback to the reporter
- Assess whether it is possible and appropriate to keep the reporter's identity confidential
- Assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified
- Where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report
- Ensure Council complies with the PID Act
- Provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

### **5.3.3 Disclosures Officers**

Disclosures Officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing and assist staff and Councillors to make reports.

Disclosures Officers have a responsibility to:

- Document in writing any reports received verbally, and have the document signed and dated by the reporter
- Make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace
- Discuss with the reporter any concerns they may have about reprisal or workplace conflict
- Carry out preliminary assessment and forward reports to the Disclosures Coordinator or General Manager for full assessment.

### **5.3.4 Mayor**

The Mayor can receive reports from staff and Councillors about the General Manager. Where the Mayor receives such reports, the Mayor



has a responsibility to:

- Assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with
- Deal with reports made under the Council's Code of Conduct in accordance with Council's adopted Code of Conduct procedures
- Refer reports to an investigating authority, where appropriate
- Liaise with the Disclosures Coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- Refer actual or suspected corrupt conduct to the ICAC
- Refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

### **5.3.5 Supervisors and line managers**

Supervisors and line managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and line managers should be aware of the internal reporting policy and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing. They have a responsibility to:

- Encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do
- Identify reports made to them in the course of their work which could be public interest disclosures, and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy
- Implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report
- Notify the Disclosures Coordinator or General Manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the General Manager, notify the Mayor.

~~This policy places responsibilities on people at all levels within Council:~~

#### ~~Staff~~

~~Staff are encouraged to report known or suspected incidences of corrupt conduct, maladministration, serious and substantial waste or government information contravention in accordance with this policy.~~

~~All staff have an important role to play in supporting those who have made legitimate disclosures. They must abstain from any activity that is or could be perceived to be victimisation or harassment of people who make disclosures. Further, they should protect/maintain the confidentiality of people they know or suspect to have made disclosures.~~

#### ~~Nominated disclosure officers~~

~~Nominated disclosure officers are members of staff who are responsible for receiving and forwarding disclosures in accordance with this policy. Nominated disclosure officers will:~~

~~Clearly explain to people making disclosures what will happen in relation to the information received~~

~~When requested, make arrangements to ensure that disclosures can be made privately and discreetly (if necessary, away from the workplace)~~

~~Write and date any disclosures received orally (and have the person making the disclosure sign the document)~~

~~Deal with disclosures impartially~~

~~Forward disclosures to the Disclosure Coordinator for assessment~~

~~Take all necessary and reasonable steps to ensure that the identity of people who make disclosures, and the person the subject of disclosures, are kept confidential~~

~~Support people who make public interest disclosures and protect them from victimisation, harassment or other forms of reprisal.~~

#### ~~Disclosure Coordinator~~

~~The Disclosure Coordinator is a member of staff and has a pivotal role in the internal reporting system. The Disclosure Coordinator will:~~

~~Provide an alternative internal reporting channel to the General Manager and nominated disclosure officers~~

~~Impartially assess each disclosure to determine:~~

~~Whether the disclosure appears to be a public interest disclosure within the meaning of the PID Act~~

~~The appropriate action to be taken in relation to the disclosure, for example:~~

- ~~• No action or declining to take action~~
  - ~~• Identification of the appropriate person to take responsibility for dealing with the disclosure~~
  - ~~• Preliminary or informal investigation~~
  - ~~• Formal investigation~~
  - ~~• Prosecution or disciplinary action~~
  - ~~• Referral to an investigating authority for investigation or other appropriate action or~~
  - ~~• Referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct).~~
- ~~(b) Consult with the General Manager or, if the protected interest disclosure is about the General Manager, consult with the Mayor~~
- ~~(c) Be responsible for carrying out or coordinating any internal investigation arising out of a disclosure, subject to the direction of the General Manager or, if the protected interest disclosure is about the General Manager, subject to the direction of the Mayor~~
- ~~(d) Report to the General Manager or, if the investigation is about the General Manager, to the Mayor, on the findings of any investigation~~

- and recommended remedial action
- ~~(e) Take all necessary and reasonable steps to ensure that the identity of people who make disclosures, and people the subject of the disclosures, are kept confidential~~
- ~~(f) Support those who make disclosures and actively protect them from victimisation, harassment or any other form of reprisal~~
- ~~(g) Report actual or suspected corrupt conduct to the General Manager or, if the conduct is about the General Manager, to the Mayor, in a timely manner to enable that officer to comply with the ICAC Act.~~

#### ~~5.3 General Manager~~

~~Disclosures may be made directly to the General Manager rather than by way of the internal reporting system established under this policy. The General Manager will:~~

- ~~(a) Impartially assess each disclosure to determine:
 
  - ~~i. Whether the disclosure appears to be a public interest disclosure within the meaning of the Act~~
  - ~~ii. The appropriate action to be taken in relation to the disclosure, for example:
 
    - ~~• No action or declining to take action~~
    - ~~• Identification of the appropriate person to take responsibility for dealing with the disclosure~~
    - ~~• Preliminary or informal investigation~~
    - ~~• Formal investigation~~
    - ~~• Prosecution or disciplinary action~~
    - ~~• Referral to an investigating authority for investigation or other appropriate action, or~~
    - ~~• Referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct).~~~~~~
- ~~(b) Receive reports from the Disclosure Coordinator on the findings of any investigation and any recommendations for remedial action, and determine what action should be taken~~
- ~~(c) Conduct his/her own investigation if deemed necessary~~
- ~~(d) Take all necessary and reasonable steps to ensure that the identity of persons who make disclosures, and the persons the subject of disclosures, are kept confidential~~
- ~~(e) Have primary responsibility for protecting staff and contracted staff who make disclosures, or provide information to any internal or external investigation of a disclosure, from victimisation, harassment or any other form of reprisal~~
- ~~(f) Be responsible for implementing organisational reform identified as necessary following investigation of a disclosure~~
- ~~(g) Report criminal offences to the police and actual or suspected corrupt conduct to ICAC (under section 11 of the ICAC Act).~~

#### ~~5.4 The Mayor~~

~~The Mayor may receive internal disclosures from any member of staff or any Councillor concerning the General Manager or a Councillor. The Mayor will:~~

- ~~(a) Impartially assess each disclosure made to him/her about the General Manager or a Councillor to determine:
 
  - ~~i. Whether the disclosure appears to be a public interest disclosure within the meaning of the Act~~
  - ~~ii. The appropriate course of action to be taken in relation to the disclosure (in consultation with the General Manager, if~~~~

appropriate), for example:

- ~~No action or declining to take action~~
- ~~The appropriate person to take responsibility for dealing with the disclosure~~
- ~~Preliminary or informal investigation~~
- ~~Formal investigation~~
- ~~Prosecution or disciplinary action~~
- ~~Referral to an investigating authority for investigation or other appropriate action~~
- ~~Referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct), or~~
- ~~Conduct his/her own investigation if the disclosure is in relation to the General Manager and if deemed necessary.~~

(b) ~~Refer disclosures to the General Manager for appropriate action if they concern Council's administration, within the day to day responsibilities of the General Manager~~

(c) ~~Protect/maintain the confidentiality of:~~

- i. ~~The identity of persons who make disclosures (unless any of the criteria in section 22 of the Act apply)~~

6. ~~The identity of persons the subject of the disclosures (unless disclosure is required to enable the allegations to be investigated or otherwise appropriately dealt with).~~ **WHAT SHOULD BE REPORTED**

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

6.2 All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the relevant policies. This might include:

- Harassment or unlawful discrimination
- Practices that endanger the health or safety of staff or the public.

6.3 Even if these reports are not dealt with as public interest disclosures, Council recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the staff member making the report from reprisal.

6.4 **Corrupt Conduct** – is the dishonest or partial exercise of official functions by a ~~Councillor or Council officer~~ public official. For example, this could include:

- The improper use of knowledge, power or position for personal gain or the advantage of others;
- Acting dishonestly or unfairly, or breaching public trust;
- A member of the public influencing a public official to use their

position in a way that is dishonest, biased or breaches public trust.

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

Examples of maladministration could include:

- Making a decision and/or taking action that is unlawful;
- ~~Making a decision not related to the merits of an application.~~ [Refusing to grant an approval for reasons that are not related to the merits of their application.](#)

- 6.6 **Serious and substantial waste** – Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of ~~local government~~ [public](#) money. ~~This includes all revenue, loans and other money collected, received or held by, for or on account of Council.~~ Examples of this could include:

- [Not following a competitive tendering process for a large-scale contract](#)
- [Having bad or no processes in place for a system involving large amounts of public funds.](#)
- ~~Poor project management practices leading to projects running significantly over time and/or budget;~~
- ~~Having poor or no process in place for a system involving large amounts of public funds.~~

- 6.7 **Breach of the GIPA Act** ~~Government Information Contravention~~ – A government information contravention is a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009* (GIPA Act). Examples could include:

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

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

- A senior Council staff member recommending a family member for a Council contract and not declaring the relationship

- ~~• A general manager holding an undisclosed shareholding in a company competing for a council contract.~~
- ~~• A Councillor participating in consideration of a planning matter for a property they or their family have an interest in.~~

6.9 For more information about the five categories, see the NSW Ombudsman's Guideline on what can be reported at <http://www.ombo.nsw.gov.au/news-and-publications/guidelines/public-interest-disclosures>.

~~6.10 **Other Wrongdoing** – Although reports about the previous five categories of conduct can attract the specific protections of the PID Act, staff, Councillors and public officials should report all activities or incidents that they believe may be wrong. For example:~~

- ~~• Harassment or unlawful discrimination~~
- ~~• Reprisal action against a person who has reported wrongdoing~~
- ~~• Practices that endanger the health and safety of staff or the public.~~

~~Even if these reports are not dealt with as public interest disclosures under the PID Act, Council will consider each matter and make every attempt to protect the relevant person making the report from any form of reprisal.~~

## 7. Assessment of reports

- 7.1 All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.
- 7.2 The disclosures coordinator is responsible for assessing reports, in consultation with the General Manager where appropriate. All reports will be assessed on the information available to the Disclosures Coordinator at the time. It is up to the Disclosures Coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report the Disclosures Coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.

## 8. When will a report be treated as a public interest disclosure?

- 8.1 Council will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:
- The report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention
  - The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing
  - The report has to be made to either the General Manager or, for reports about the General Manager, the Mayor, a position nominated in this

policy, an investigating authority or in limited circumstances to an MP or journalist.

8.2 Reports by staff are not public interest disclosures if they:

- Mostly question the merits of government policy
- Are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

~~7. WHEN WILL A REPORT BE PROTECTED~~

~~a. Council will support any member of staff, Councillor or public official who reports wrongdoing. For a report to be considered a public interest disclosure under the PID Act, it must meet the following requirements:~~

- ~~• The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.~~
- ~~• The report also has to be made to a person nominated in this policy, the General Manager (or Mayor in the case of a report against the General Manager), or one of the investigating authorities nominated in the PID Act.~~

~~b. Reports by staff and Councillors will not be considered to be public interest disclosures if they:~~

- ~~• Mostly question the merits of government policy, including the policy of the governing body of Council; or~~
- ~~• Are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.~~

~~8. HOW TO MAKE A REPORT~~

~~a. Disclosures can be made verbally or in writing. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation. If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The individual making the report should keep a copy of this record.~~

~~9. ANONYMOUS REPORTING AND CONFIDENTIALITY~~

~~a. There will be some situations where a person may not want to identify themselves in making a report. Although these reports will be dealt with by Council, it is best to identify yourself. This allows Council to provide the necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.~~

~~b. Council realises that many staff, Councillors and public officials may wish their report to remain confidential. Council is committed to keeping a reporter's identity, and the fact a report has been made, confidential. However there may be situations where this may not be possible or appropriate. The General Manager (or Mayor, in the case of a claim against the General Manager) will~~

~~discuss with the reporter of the wrongdoing whether it is possible to keep a report confidential.~~

- ~~c. If confidentiality cannot be maintained, the General Manager (or Mayor, in the case of a claim against the General Manager) will develop a plan to support and protect a reporter from risks of reprisal. The reporter of wrongdoing will also be involved in developing this plan. You will also be told if your report will be dealt with under Council's Code of Conduct, as this may mean certain information will have to be tabled at a Council meeting.~~
- ~~d. If a person reports wrongdoing, they should only discuss the report with those dealing with it. This includes the Disclosures Coordinator, the General Manager or the Mayor. If a person discusses the report more broadly with others, this may affect the outcome of any investigation.~~

#### **10.9. WHO CAN RECEIVE A REPORT WITHIN COUNCIL**

- 9.1 You are encouraged to report general wrongdoing to your supervisor. However, the PID Act requires that for a report to be a public interest disclosure, it must be made to a public official in accordance with Council's disclosure procedures - this means this policy and any supporting procedures.
- 9.2 Any supervisor who receives a report that they believe may be a public interest disclosure must refer the individual making the report to one of the positions listed below.
- 9.3 If you are a Council staff member and your report involves a Councillor, you should make it to the General Manager or the Mayor. If you are a Councillor and your report is about another Councillor, you should make it to the General Manager or the Mayor.
- 9.4 The following positions are the only staff within Council who can receive a public interest disclosure.

##### **9.4.1 General Manager**

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- Deciding if a report is a public interest disclosure
- Deciding what needs to be done next, including referring it to other authorities
- Deciding what needs to be done to correct the problem that has been identified
- Ensuring there are systems in place to support and protect people who report wrongdoing, and
- Referring actual or suspected corrupt conduct to the



[ICAC](#) Independent Commission Against Corruption.

#### 9.4.2 Mayor

If you are making a report about the General Manager, you should make your report to the Mayor. The Mayor is responsible for:

- Deciding if a report is a public interest disclosure
- Deciding what needs to be done next, including referring it to other authorities
- Deciding what needs to be done to correct the problem that has been identified, and
- Ensuring there are systems in place in Council to support and protect people who report wrongdoing.

If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to ICAC.

#### 9.4.3 Disclosures Coordinator – Manager Governance and Risk

The Disclosures Coordinator has a central role in dealing with reports made by staff and Councillors. The Disclosures Coordinator receives, assesses and refers reports to the people within Council or contracted by Council who can deal with them appropriately.

#### 9.4.4 Disclosures Officers –

- General Manager
- ~~Mayor and~~
- Director Customer and Corporate Strategy

Customer & Corporate Strategy:

- Chief People Officer
- Manager Corporate Performance
- Property Services Coordinator

Community Assets:

- Team Leader Major Projects
- Team Leader Landscape Design
- Fleet, Plant and Workshop Coordinator

Planning & Environment:

- Team Leader Waste
- Team Leader Engineering Certification

[Sport, Community & Recreation:](#)

- [Manager Sport, Recreation & Sustainability](#)
- [Coordinator Parks & Gardens](#)
- [Manager Library Services](#)

Disclosures Officers are responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy.

Additional Disclosures Officers may be nominated by the General Manager from time to time.

## **10. WHO CAN RECEIVE A REPORT OUTSIDE COUNCIL**

10.1 [Staff and Councillors are encouraged to report wrongdoing within Council, but internal reporting is not your only option. You can also make a public interest disclosure to:](#)

- [An investigating authority](#)
- [A Member of Parliament or a journalist, but only in the limited circumstances outlined below.](#)

### 10.1.1 [Investigating authorities](#)

[The PID Act lists a number of investigating authorities in NSW that staff and Councillors can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example a report about either the General Manager or the Mayor.](#)

[The relevant investigating authorities are:](#)

- [The ICAC — for reports about corrupt conduct](#)
- [The Ombudsman — for reports about maladministration](#)
- [The Information Commissioner — for disclosures about a breach of the GIPA Act](#)
- [The Office of Local Government— for disclosures about local councils.](#)

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

[You should be aware that the investigating authority may well discuss any such reports with Council. We will make every effort to assist and cooperate with the investigating authority to ensure the](#)

matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff or Councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

#### 10.1.2 Members of Parliament or journalists

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

- The General Manager
- A person nominated in this policy, including the Mayor for reports about the General Manager
- An investigating authority.

Also, the investigating authority that received your initial report must have either:

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

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

### 11. OTHER EXTERNAL REPORTING

11.1 If you report wrongdoing to a person or authority that is not listed above, or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or our code of conduct – by, for example, disclosing confidential information.

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

~~a. — Staff and Councillors are encouraged to report wrongdoing within Council, but internal reporting is not the only option available.~~

- ~~20.1 Staff, Councillors and public officials can choose to make a report to an investigating authority. Reporters can do this first, or at any stage after the initial report to Council. If a report concerns the General Manager or the Mayor, a staff member or Councillor may consider making a report to an investigating authority.~~
- ~~b. It is also possible to make a report to a Member of Parliament or a journalist, however only in limited circumstances. To have the protections of the PID Act, staff and Councillors reporting wrongdoing to a Member of Parliament or a journalist must have already made substantially the same report to either the General Manager, the Mayor (in the case of a claim against the General Manager), the Disclosure Coordinator or an investigating authority and Council or the investigating authority that received the report decided not to investigate the matter; did not complete the investigation within six months of the report; investigated the matter but did not recommend any action as a result; or not told the reporter within six months whether an investigation would be completed. Most importantly, to be protected under the PID Act, if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.~~
- ~~c. The PID Act lists a number of investigating authorities in NSW that staff and Councillors can report wrongdoing to and the categories of wrongdoing each authority can deal with. In relation to Council, these authorities are:~~

<del>Investigating Authority</del>	<del>What they investigate</del>
<del>ICAC</del>	<del>Corrupt Conduct</del>
<del>NSW Ombudsman</del>	<del>Maladministration</del>
<del>NSW Office of Local Government, (OLG)</del>	<del>The Chief Executive may receive disclosures relating to a wider range of wrongdoing including serious and substantial waste in local government, corrupt conduct, maladministration, breaches of pecuniary interest obligations, or a failure to exercise functions properly in accordance with the <i>Government Information (Public Access) Act 2009</i>.</del>
<del>NSW Information Commissioner</del>	<del>For disclosures about a government information contravention.</del>

d. ~~In making a report to an investigating authority, staff and Councillors should contact them directly for advice about how to make a disclosure. Contact details for each investigating authority are provided at the end of this policy.~~

e. ~~It is also noted that it is very likely the investigating authority will discuss the case with Council. Council will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. Council will also provide appropriate support and assistance to staff and Councillors who report wrongdoing to an investigating authority.~~

f. ~~If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or our Code of Conduct – by, for example, disclosing confidential information.~~

## 12. HOW TO MAKE A REPORT

12.1 You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation. If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The reporter should keep a copy of this record.

## 13. CAN A REPORT BE ANONYMOUS?

13.1 There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by Council, it is best if you identify yourself. This allows Council to provide you with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.

13.2 It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the report or your colleagues. If we do not know who made the report, it is very difficult for Council to prevent any reprisal should others identify you.

## ~~14. FEEDBACK TO THE INDIVIDUAL WHO REPORTED WRONGDOING~~

### 14.14. FEEDBACK TO STAFF WHO REPORT WRONGDOING

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

#### 14.1.1 Acknowledgement

When you make a report, Council will contact you to confirm that your report has been received and to advise:

- The timeframe within which you will receive further updates

- [The name and contact details of the people who can tell you what is happening or handle any concerns you may have.](#)

[After a decision is made about how your report will be dealt with, Council will send you an acknowledgment letter, providing:](#)

- [Information about the action that will be taken in response to your report](#)
- [The likely timeframes for any investigation or other action](#)
- [Information about the internal and external resources or services available that you can access for support.](#)

[We will provide this information to you within ten working days from the date you make your report. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the PID Act. Please note, if you make a report which meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of your day to day functions, you will not receive an acknowledgement letter or a copy of this policy.](#)

#### 14.1.2 [Progress updates](#)

[While your report is being dealt with, such as by investigation or making other enquiries, you will be given:](#)

- [Information about the progress of the investigation or other enquiries and reasons for any delay](#)
- [Advice of any decision by Council not to proceed with the matter](#)
- [Advice if your identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.](#)

#### 14.1.3 [Feedback](#)

[Once the matter has been finalised you will be given:](#)

- [Enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified](#)
- [Advice about whether you are likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.](#)

**The individual who reported wrongdoing will be told what is happening to their report. When**

you make a report, you will be given:

- An acknowledgment letter and copy of this policy
- The timeframe for when you will receive further updates, and
- The name and contact details of the people who can tell you what is happening.

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

- Information about the action that will be taken in response to your report
- Likely timeframes for any investigation
- Information about the resources available within Council to handle any concerns you may have
- Information about external agencies and services you can access for support.
- Although the PID Act requires that this process is required to be completed within 45 days after receipt of a report, Council will endeavour to provide this information within 10 working days from the date of the report (as recommended by the NSW Ombudsman).
- During an investigation, you will be given:
  - Information on the ongoing nature of the investigation
  - Information about the progress of the investigation and reasons for any delay
  - Advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

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

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

c. Behaviour of all people involved in the PID process needs to adhere to Council's Code of Conduct. A breach of the Code of Conduct may result in disciplinary action.

## **16.15. PROTECTION AGAINST REPRISALS** MAINTAINING CONFIDENTIALITY

15.1 Council realises reporters may want their identity and the fact they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.

15.2 Where possible and appropriate, we will take steps to keep your identity, and

the fact you have reported wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential.

- 15.3 If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you.
- 15.4 If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the Disclosures Coordinator and the General Manager, or in the case of a report about the General Manager, the Disclosures Coordinator and the Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.
- 15.5 Any staff or Councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

#### 17-16. MANAGING THE RISK OF REPRISAL AND WORKPLACE CONFLICT

- 16.1 When a staff member or Councillor reports wrongdoing, Council will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.
- 16.2 Depending on the circumstances, Council may:
- Relocate the reporter or the staff member who is the subject of the allegation within the current workplace
  - Transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified
  - Grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.
- 16.3 These courses of action are not punishment and will only be taken in consultation with the reporter.

#### 18-17. PROTECTION AGAINST REPRISALS

- 17.1 Council will not tolerate any reprisal against staff or Councillors who report wrongdoing or are believed to have reported wrongdoing.
- 17.2 The PID Act provides protection for staff and Councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public



interest disclosure, even if they did not.

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

- Injury, damage or loss
- Intimidation or harassment
- Discrimination, disadvantage or adverse treatment in relation to employment
- Dismissal from, or prejudice in, employment
- Disciplinary proceedings.

17.4 A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of the Council's Code of Conduct which may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the Local Government Act 1993 and may include suspension or disqualification from civic office.

17.5 It is important for staff and Councillors to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect reporters from disciplinary or other management action where Council has reasonable grounds to take such action.

- ~~a. The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the public interest disclosure.~~
- ~~b. Council will not tolerate any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.~~
- ~~c. Detrimental action means action causing, comprising or involving any of the following:~~
  - ~~• Injury, damage or loss~~
  - ~~• Intimidation or harassment~~
  - ~~• Discrimination, disadvantage or adverse treatment in relation to employment~~
  - ~~• Dismissal from, or prejudice in, employment~~
  - ~~• Disciplinary proceedings.~~
  - ~~•~~

- ~~Council will act to protect staff who report wrongdoing from reprisals. When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff who reported the wrongdoing, as well as strategies to deal with those risks.~~
  - 
  - ~~If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, a disclosures officer, the Disclosure Coordinator or the General Manager immediately, or in the case of an allegation of reprisal by the General Manager, to the Mayor.~~
  - 
  - ~~All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the Disclosure Coordinator or the General Manager.~~
- d. ~~If the Disclosures Coordinator becomes aware of reprisal action against a person who has made a disclosure, they will:~~
- ~~Ensure that a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal~~
  - ~~Give the results of that investigation to the General Manager for a decision~~
  - ~~Give the results of that investigation to the Mayor for a decision if the allegation of reprisal action is about the General Manager~~
  - ~~If it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure~~
  - ~~Take appropriate disciplinary or criminal action against anyone proven to have taken or threatened any action in reprisal for making a disclosure.~~
- e. ~~If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.~~
- f. ~~The General Manager may issue specific directions to help protect against reprisals, including:~~
- ~~Issuing warnings to those alleged to have taken reprisal action against the member of staff who made the disclosure~~
  - ~~Relocating the member of staff who made the disclosure or the subject officer within the current workplace~~
  - ~~Transferring the member of staff who made the disclosure or the staff member who is the subject of the allegation to another position for which they are qualified~~
  - ~~Granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.~~
- g. ~~In relation to staff who make reports, such directions will only be made if the member of staff agrees to it. The Disclosure Coordinator will~~

~~make it clear to other staff that this action was taken in consultation with the staff member and with management support, and it is not a punishment.~~

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

~~17.4.1~~17.5.1 **PROTECTION AGAINST LEGAL ACTION**Responding to allegations of reprisal

If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately. In the case of an allegation of reprisal by the General Manager, you can alternatively report this to the Mayor.

All supervisors must notify the Disclosures Coordinator or the General Manager if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the General Manager, the Mayor can alternatively be notified.

If Council becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, Council will:

- Assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
- If the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff
- If it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter
- Take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure
- Refer any breach of Part 8 of the Council's Code of Conduct (reprisal action) by a Councillor or the General Manager to the Office of Local Government
- Refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.

If you allege reprisal, you will be kept informed of the progress and

outcome of any investigation or other action taken in response to your allegation.

If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, contact the Office of Local Government, the Ombudsman or the ICAC (depending on the type of wrongdoing you reported). Contact details for these investigating authorities are included at the end of this policy.

#### 17.4.217.5.2 Protection against legal action

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

### 19-18. SUPPORT FOR THOSE REPORTING WRONGDOING

- 18.1 Council will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or counselling services.
- 18.2 Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the Disclosures Coordinator.

### 20-19. SANCTIONS FOR MAKING FALSE OR MISLEADING STATEMENTS

- 19.1 It is important all staff and Councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. Council will not support staff or Councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the Code of Conduct resulting in disciplinary action. In the case of Councillors, disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

### 24-20. THE RIGHTS OF PERSONS THE SUBJECT OF A REPORT

20-220.1 Council is committed to ensuring staff or Councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

20-320.2 If you are the subject of the report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time you will be:

- [Advised of the details of the allegation](#)
- [Advised of your rights and obligations under the relevant related policies and procedures](#)
- [Kept informed about the progress of any investigation](#)
- [Given a reasonable opportunity to respond to any allegation made against you](#)
- [Told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.](#)

~~20.4~~20.3 Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by Council. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

## 22.21. MORE INFORMATION

21.1 More information around public interest disclosures is available on our intranet. Staff can also seek advice and guidance from the disclosures coordinator and the NSW Ombudsman's website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

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

## ~~23. SUPPORT FOR THOSE REPORTING WRONGDOING~~

- ~~a.~~ Council will make sure that staff and Councillors who have reported wrongdoing in good faith and not vexatiously, regardless of whether they have made a public interest disclosure, are provided with access to any reasonable professional support they may need as a result of the reporting process such as stress management, counselling services, legal or career advice.
- ~~b.~~ Council also has staff who are responsible for providing support to staff who report wrongdoing, particularly to those who are suffering any form of reprisal.
- ~~c.~~ All supervisors must notify the Disclosure Coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

## ~~24. SANCTIONS FOR MAKING FALSE OR MISLEADING DISCLOSURES~~

- ~~a.~~ It is important that all staff and Councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. It may also be a breach of Council's Code of Conduct and may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from

~~civic office.~~

#### ~~25. SUPPORT FOR THE SUBJECT OF A REPORT~~

- ~~a. Council is committed to ensuring staff who are the subject of a report of wrongdoing are treated fairly and reasonably. The subject of a report, will be:~~
- ~~• Treated fairly and impartially~~
  - ~~• Told their rights and obligations under Council's policies and procedures~~
  - ~~• Kept informed during any investigation~~
  - ~~• Given the opportunity to respond to any allegation made against them~~
  - ~~• Told the result of any investigation.~~

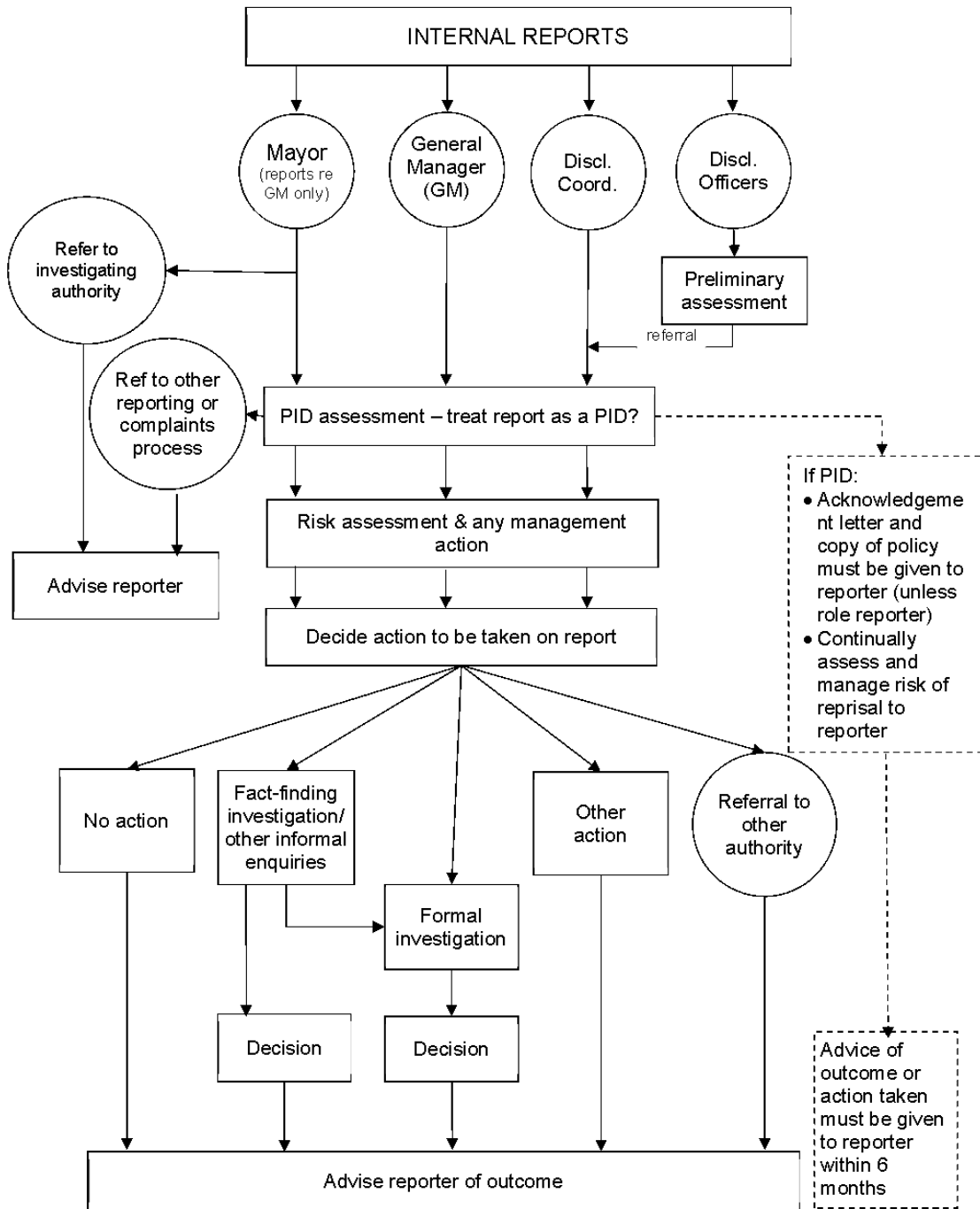
#### ~~26:22. REVIEW~~

- ~~22.1 This policy will be reviewed by Council annually to ensure compliance with current objectives of the legislation.~~

#### ~~27. RESOURCES AVAILABLE~~

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

23. FLOW CHART OF INTERNAL REPORTING PROCESS



**For disclosures about corrupt conduct:**

Independent Commission Against  
Corruption (ICAC)  
Phone: 02 8281 5999  
Toll free: 1800 463 909  
Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)  
Web: [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)  
Address: Level 21, 133 Castlereagh Street,  
Sydney NSW 2000

**For disclosures about maladministration:**

NSW Ombudsman  
Phone: 02 9286 1000  
Toll free: 1800 451 524  
Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)  
Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)  
Address: Level 24, 580 George Street,  
Sydney NSW 2000

**For disclosures about serious and substantial waste:**

Auditor-General of the NSW Audit Office  
7100  
Email: [mail@audit.nsw.gov.au](mailto:mail@audit.nsw.gov.au)  
Web: [www.audit.nsw.gov.au](http://www.audit.nsw.gov.au)  
Address: Level 15, 1 Margaret Street,  
Sydney NSW 2000

**For disclosures about breaches of the GIPA Act:**

Information Commissioner Phone: 02 9275  
Phone: 1800 463 626  
Email: [oinfo@oic.nsw.gov.au](mailto:oinfo@oic.nsw.gov.au)  
Web: [www.oic.nsw.gov.au](http://www.oic.nsw.gov.au)  
Address: Level 11, 1 Castlereagh Street  
Sydney NSW 2000

For disclosures about local government agencies concerning serious and substantial waste, corrupt conduct, maladministration, breaches of pecuniary interest obligations and a failure to exercise functions properly in accordance with the *GIPA Act* or *Local Government Act*:

Chief Executive, Office of Local Government Phone: 02 4428 4100  
Email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)  
Web: [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)  
Address: 5 O'Keefe Avenue, Nowra, NSW 2541



\* \* \*

**RELEVANT LEGISLATIVE INSTRUMENTS:** *Public Interest Disclosures Act 1994*  
*Government Information (Public Access) Act 2009*  
*Local Government Act 1993*

**RELATED POLICIES, PLANS AND PROCEDURES:** Code of Conduct

**RESPONSIBLE DIRECTOR:** Customer and Corporate Strategy

**APPROVAL:** Council

**HISTORY:**

Version	Approved by	Changes made	Date	EDMS Number
1	Council	Nil	13/11/2012	
2	Council	Minor amendments	22/10/2013	
3	Council	Minor amendments	27/03/2018	18/94703
<a href="#">4</a>	<a href="#">Council</a>	<a href="#">Adoption of model policy</a>		



**PUBLIC INTEREST  
DISCLOSURES ACT  
INTERNAL  
REPORTING  
POLICY  
P3.0107.4**

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## PUBLIC INTEREST DISCLOSURES ACT INTERNAL REPORTING POLICY

**DIVISION:** CUSTOMER AND CORPORATE STRATEGY

**BRANCH:** GOVERNANCE AND RISK

**CATEGORY:** 1

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### PART 1 – INTRODUCTION

#### 1. BACKGROUND

- 1.1 Council is committed to ensuring the highest ethical and accountable conduct and will support Council officials who report wrongdoing.

#### 2. OBJECTIVE

- 2.1 To provide a policy and procedure under the *Public Interest Disclosures Act 1994* (PID Act) for Councillors, members of staff or any other public official in terms of the PID Act that aims to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration, serious and substantial waste, government information contravention and Local Government pecuniary interest contravention within Council and to ensure any disclosure is used to achieve efficiency and effectiveness of Council's operations.

#### 3. SCOPE

- 3.1 This policy will apply to:

- Councillors
- Council staff including permanent employees, whether full-time or part-time, temporary or casual employees
- Consultants
- Individual contractors working for Council
- Employees of contractors providing services to Council
- Other people who perform Council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.

- 3.2 The policy also applies to public officials of another council or public authority who report wrongdoing relating to Council.

#### 4. DEFINITION

- 4.1 **You** means the person making a report under the PID Act.

- 4.2 **ICAC** means the NSW Independent Commission Against Corruption

4.3 ICAC Act means the *Independent Commission Against Corruption Act 1988*.

## PART 2 - POLICY STATEMENT

### 5. ROLES AND RESPONSIBILITIES

#### 5.1 The role of Council staff and Councillors

Staff and Councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All Council staff and Councillors are obliged to:

- Report all known or suspected wrongdoing and support those who have made reports of wrongdoing
- If requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality
- Treat any staff member or person dealing with a report of wrongdoing with courtesy and respect
- Respect the rights of any person the subject of reports.

Staff and Councillors must not:

- Make false or misleading reports of wrongdoing
- Victimise or harass anyone who has made a report

Additionally, the behaviour of all Council staff and Councillors involved in the internal reporting process must adhere to the Council's code of conduct. A breach of the code could result in disciplinary action.

#### 5.2 The role of Council

Council has a responsibility to establish and maintain a working environment that encourages staff and Councillors to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.

Council will assess all reports of wrongdoing it receives from staff and Councillors and deal with them appropriately. Once wrongdoing has been reported, Council takes 'ownership' of the matter. This means it is up to us to decide whether a report should be investigated, and if so, how it should be investigated and by whom. Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.

Council must report on our obligations under the PID Act and statistical

information about public interest disclosures in our annual report and to the NSW Ombudsman every six months.

To ensure Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and Councillors with roles outlined below and elsewhere in this policy will be required to complete training on their responsibilities.

### 5.3 Roles of key positions

#### 5.3.1 General Manager

The General Manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring Council complies with the PID Act. The General Manager can receive reports from staff and Councillors and has a responsibility to:

- Assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with
- Deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures
- Ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- Make decisions following any investigation or appoint an appropriate decision-maker
- Take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified
- Refer actual or suspected corrupt conduct to the ICAC
- Refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

#### 5.3.2 Disclosures Coordinator

The Disclosures Coordinator has a central role in Council's internal reporting system. The Disclosures Coordinator can receive and assess reports and is the primary point of contact in Council for the reporter. The Disclosures Coordinator has a responsibility to:

- Assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager)

- Deal with reports made under the Council's code of conduct in accordance with the Council's adopted Code of Conduct procedures
- Coordinate Council's response to a report
- Acknowledge reports and provide updates and feedback to the reporter
- Assess whether it is possible and appropriate to keep the reporter's identity confidential
- Assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified
- Where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report
- Ensure Council complies with the PID Act
- Provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

### **5.3.3 Disclosures Officers**

Disclosures Officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing and assist staff and Councillors to make reports.

Disclosures Officers have a responsibility to:

- Document in writing any reports received verbally, and have the document signed and dated by the reporter
- Make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace
- Discuss with the reporter any concerns they may have about reprisal or workplace conflict
- Carry out preliminary assessment and forward reports to the Disclosures Coordinator or General Manager for full assessment.

### **5.3.4 Mayor**

The Mayor can receive reports from staff and Councillors about the General Manager. Where the Mayor receives such reports, the Mayor has a responsibility to:

- Assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with
- Deal with reports made under the Council's Code of Conduct in accordance with Council's adopted Code of Conduct procedures
- Refer reports to an investigating authority, where appropriate
- Liaise with the Disclosures Coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- Refer actual or suspected corrupt conduct to the ICAC
- Refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

### **5.3.5 Supervisors and line managers**

Supervisors and line managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and line managers should be aware of the internal reporting policy and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing. They have a responsibility to:

- Encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do
- Identify reports made to them in the course of their work which could be public interest disclosures, and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy
- Implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report
- Notify the Disclosures Coordinator or General Manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the General Manager, notify the Mayor.

## **6. WHAT SHOULD BE REPORTED**

- 6.1 You should report any suspected wrongdoing you see within Council. Reports about the five categories of serious misconduct– corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, and local government pecuniary interest contravention – will

be dealt with under the PID Act as public interest disclosures and according to this policy.

- 6.2 All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the *relevant* policies. This might include:
- Harassment or unlawful discrimination
  - Practices that endanger the health or safety of staff or the public.
- 6.3 Even if these reports are not dealt with as public interest disclosures, Council recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the staff member making the report from reprisal.
- 6.4 **Corrupt Conduct** – is the dishonest or partial exercise of official functions by public official. For example, this could include:
- The improper use of knowledge, power or position for personal gain or the advantage of others;
  - Acting dishonestly or unfairly, or breaching public trust;
  - A member of the public influencing a public official to use their position in a way that is dishonest, biased or breaches public trust.
- 6.5 **Maladministration** – is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.
- Examples of maladministration could include:
- Making a decision and/or taking action that is unlawful;
  - Refusing to grant an approval for reasons that are not related to the merits of their application.
- 6.6 **Serious and substantial waste** – Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of public money. Examples of this could include:
- Not following a competitive tendering process for a large-scale contract
  - Having bad or no processes in place for a system involving large amounts of public funds.
- 6.7 **Breach of the GIPA Act** – A government information contravention is a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009* (GIPA Act). Examples could include:
- Destroying, concealing or altering records to prevent them from being released



- Knowingly making decisions that are contrary to the legislation
- Directing another person to make a decision that is contrary to the legislation.

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

- A senior Council staff member recommending a family member for a Council contract and not declaring the relationship
- A Councillor participating in consideration of a planning matter for a property they or their family have an interest in.

6.9 For more information about the five categories, see the NSW Ombudsman's Guideline on what can be reported at <http://www.ombo.nsw.gov.au/news-andpublications/guidelines/public-interest-disclosures>.

## 7. Assessment of reports

7.1 All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.

7.2 The disclosures coordinator is responsible for assessing reports, in consultation with the General Manager where appropriate. All reports will be assessed on the information available to the Disclosures Coordinator at the time. It is up to the Disclosures Coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report the Disclosures Coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.

## 8. When will a report be treated as a public interest disclosure?

8.1 Council will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:

- The report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention
- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing

- The report has to be made to either the General Manager or, for reports about the General Manager, the Mayor, a position nominated in this policy, an investigating authority or in limited circumstances to an MP or journalist.

8.2 Reports by staff are not public interest disclosures if they:

- Mostly question the merits of government policy
- Are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

## 9. WHO CAN RECEIVE A REPORT WITHIN COUNCIL

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

9.2 Any supervisor who receives a report that they believe may be a public interest disclosure must refer the individual making the report to one of the positions listed below.

9.3 If you are a Council staff member and your report involves a Councillor, you should make it to the General Manager or the Mayor. If you are a Councillor and your report is about another Councillor, you should make it to the General Manager or the Mayor.

9.4 The following positions are the only staff within Council who can receive a public interest disclosure.

### 9.4.1 General Manager

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- Deciding if a report is a public interest disclosure
- Deciding what needs to be done next, including referring it to other authorities
- Deciding what needs to be done to correct the problem that has been identified
- Ensuring there are systems in place to support and protect people who report wrongdoing, and
- Referring actual or suspected corrupt conduct to the ICAC.

#### 9.4.2 Mayor

If you are making a report about the General Manager, you should make your report to the Mayor. The Mayor is responsible for:

- Deciding if a report is a public interest disclosure
- Deciding what needs to be done next, including referring it to other authorities
- Deciding what needs to be done to correct the problem that has been identified, and
- Ensuring there are systems in place in Council to support and protect people who report wrongdoing.

If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to ICAC.

#### 9.4.3 Disclosures Coordinator – Manager Governance and Risk

The Disclosures Coordinator has a central role in dealing with reports made by staff and Councillors. The Disclosures Coordinator receives, assesses and refers reports to the people within Council or contracted by Council who can deal with them appropriately.

#### 9.4.4 Disclosures Officers –

- **General Manager**
- **Mayor**
- **Director Customer and Corporate Strategy**

Customer & Corporate Strategy:

- **Chief People Officer**
- **Manager Corporate Performance**
- **Property Services Coordinator**

Community Assets:

- **Team Leader Major Projects**
- **Team Leader Landscape Design**
- **Fleet, Plant and Workshop Coordinator**

Planning & Environment:

- **Team Leader Waste**
- **Team Leader Engineering Certification**

Sport, Community & Recreation:

- **Manager Sport, Recreation & Sustainability**
- **Coordinator Parks & Gardens**
- **Manager Library Services**

Disclosures Officers are responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy.

Additional Disclosures Officers may be nominated by the General Manager from time to time.

## 10. WHO CAN RECEIVE A REPORT OUTSIDE COUNCIL

10.1 Staff and Councillors are encouraged to report wrongdoing within Council, but internal reporting is not your only option. You can also make a public interest disclosure to:

- An investigating authority
- A Member of Parliament or a journalist, but only in the limited circumstances outlined below.

### 10.1.1 Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff and Councillors can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example a report about either the General Manager or the Mayor.

The relevant investigating authorities are:

- *The ICAC — for reports about corrupt conduct*
- *The Ombudsman — for reports about maladministration*
- *The Information Commissioner — for disclosures about a breach of the GIPA Act*
- *The Office of Local Government— for disclosures about local councils.*

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

You should be aware that the investigating authority may well discuss any such reports with Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory

outcome. We will also provide appropriate support and assistance to staff or Councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

#### 10.1.2 Members of Parliament or journalists

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

- The General Manager
- A person nominated in this policy, including the Mayor for reports about the General Manager
- An investigating authority.

Also, the investigating authority that received your initial report must have either:

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

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

## 11. OTHER EXTERNAL REPORTING

11.1 If you report wrongdoing to a person or authority that is not listed above, or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or our code of conduct – by, for example, disclosing confidential information.

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

## 12. HOW TO MAKE A REPORT

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

misinterpretation. If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The reporter should keep a copy of this record.

### 13. CAN A REPORT BE ANONYMOUS?

13.1 There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by Council, it is best if you identify yourself. This allows Council to provide you with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.

13.2 It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the report or your colleagues. If we do not know who made the report, it is very difficult for Council to prevent any reprisal should others identify you.

### 14. FEEDBACK TO STAFF WHO REPORT WRONGDOING

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

#### 14.1.1 Acknowledgement

When you make a report, Council will contact you to confirm that your report has been received and to advise:

- The timeframe within which you will receive further updates
- The name and contact details of the people who can tell you what is happening or handle any concerns you may have.

After a decision is made about how your report will be dealt with, Council will send you an acknowledgment letter, providing:

- Information about the action that will be taken in response to your report
- The likely timeframes for any investigation or other action
- Information about the internal and external resources or services available that you can access for support.

We will provide this information to you within ten working days from the date you make your report. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the PID Act.

Please note, if you make a report which meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of your day to day functions, you will not receive an acknowledgement letter or a copy

of this policy.

#### 14.1.2 Progress updates

While your report is being dealt with, such as by investigation or making other enquiries, you will be given:

- Information about the progress of the investigation or other enquiries and reasons for any delay
- Advice of any decision by Council not to proceed with the matter
- Advice if your identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.

#### 14.1.3 Feedback

Once the matter has been finalised you will be given:

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

### 15. MAINTAINING CONFIDENTIALITY

15.1 Council realises reporters may want their identity and the fact they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.

15.2 Where possible and appropriate, we will take steps to keep your identity, and the fact you have reported wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential.

15.3 If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you.

15.4 If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the Disclosures Coordinator and the General Manager, or in the case of a report about the General Manager, the Disclosures Coordinator and the Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.

15.5 Any staff or Councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except

for those people responsible for handling the report.

## 16. MANAGING THE RISK OF REPRISAL AND WORKPLACE CONFLICT

16.1 When a staff member or Councillor reports wrongdoing, Council will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

16.2 Depending on the circumstances, Council may:

- Relocate the reporter or the staff member who is the subject of the allegation within the current workplace
- Transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified
- Grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

16.3 These courses of action are not punishment and will only be taken in consultation with the reporter.

## 17. PROTECTION AGAINST REPRISALS

17.1 Council will not tolerate any reprisal against staff or Councillors who report wrongdoing or are believed to have reported wrongdoing.

17.2 The PID Act provides protection for staff and Councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.

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

- Injury, damage or loss
- Intimidation or harassment
- Discrimination, disadvantage or adverse treatment in relation to employment
- Dismissal from, or prejudice in, employment
- Disciplinary proceedings.



17.4 A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of the Council's Code of Conduct which may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

17.5 It is important for staff and Councillors to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect reporters from disciplinary or other management action where Council has reasonable grounds to take such action.

#### 17.5.1 Responding to allegations of reprisal

If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately. In the case of an allegation of reprisal by the General Manager, you can alternatively report this to the Mayor.

All supervisors must notify the Disclosures Coordinator or the General Manager if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the General Manager, the Mayor can alternatively be notified.

If Council becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, Council will:

- Assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
- If the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff
- If it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter
- Take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure

- Refer any breach of Part 8 of the Council's Code of Conduct (reprisal action) by a Councillor or the General Manager to the Office of Local Government
- Refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.

If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to your allegation.

If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, contact the Office of Local Government, the Ombudsman or the ICAC (depending on the type of wrongdoing you reported). Contact details for these investigating authorities are included at the end of this policy.

#### 17.5.2 Protection against legal action

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

### 18. SUPPORT FOR THOSE REPORTING WRONGDOING

- 18.1 Council will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or counselling services.
- 18.2 Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the Disclosures Coordinator.

### 19. SANCTIONS FOR MAKING FALSE OR MISLEADING STATEMENTS

- 19.1 It is important all staff and Councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. Council will not support staff or Councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the Code of Conduct resulting in disciplinary action. In the case of Councillors, disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

### 20. THE RIGHTS OF PERSONS THE SUBJECT OF A REPORT

- 20.1 Council is committed to ensuring staff or Councillors who are the subject of

a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

20.2 If you are the subject of the report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time you will be:

- Advised of the details of the allegation
- Advised of your rights and obligations under the relevant related policies and procedures
- Kept informed about the progress of any investigation
- Given a reasonable opportunity to respond to any allegation made against you
- Told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.

20.3 Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by Council. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

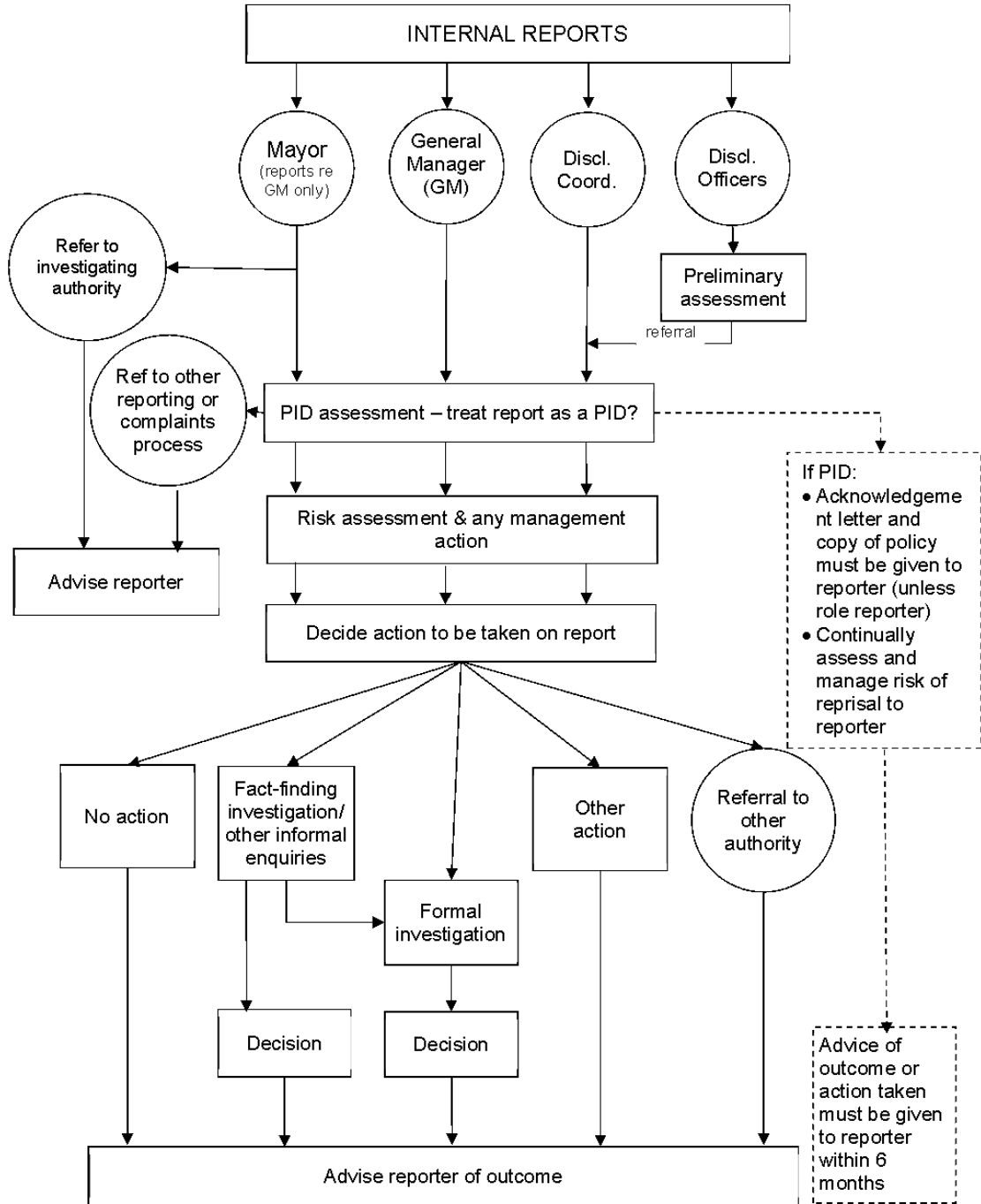
## 21. MORE INFORMATION

21.1 More information around public interest disclosures is available on our intranet. Staff can also seek advice and guidance from the disclosures coordinator and the NSW Ombudsman's website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

## 22. REVIEW

22.1 This policy will be reviewed by Council annually to ensure compliance with current objectives of the legislation.

23. FLOW CHART OF INTERNAL REPORTING PROCESS



**For disclosures about corrupt conduct:**

Independent Commission Against  
Corruption (ICAC)  
Phone: 02 8281 5999  
Toll free: 1800 463 909  
Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)  
Web: [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)  
Address: Level 21, 133 Castlereagh Street,  
Sydney NSW 2000

**For disclosures about serious and  
substantial waste:**

Auditor-General of the NSW Audit Office  
7100  
Email: [mail@audit.nsw.gov.au](mailto:mail@audit.nsw.gov.au)  
Web: [www.audit.nsw.gov.au](http://www.audit.nsw.gov.au)  
Address: Level 15, 1 Margaret Street,  
Sydney NSW 2000

For disclosures about local government agencies concerning serious and substantial waste,  
corrupt conduct, maladministration, breaches of pecuniary interest obligations and a failure to  
exercise functions properly in accordance with the *GIPA Act* or *Local Government Act*:

Chief Executive, Office of Local Government Phone: 02 4428 4100  
Email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)  
Web: [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)  
Address: 5 O'Keefe Avenue, Nowra, NSW 2541

**For disclosures about maladministration:**

NSW Ombudsman  
Phone: 02 9286 1000  
Toll free: 1800 451 524  
Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)  
Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)  
Address: Level 24, 580 George Street,  
Sydney NSW 2000

**For disclosures about breaches of the  
GIPA Act:**

Information Commissioner Phone: 02 9275  
Phone: 1800 463 626  
Email: [oinfo@oic.nsw.gov.au](mailto:oinfo@oic.nsw.gov.au)  
Web: [www.oic.nsw.gov.au](http://www.oic.nsw.gov.au)  
Address: Level 11, 1 Castlereagh Street  
Sydney NSW 2000

\* \* \*

**RELEVANT LEGISLATIVE INSTRUMENTS:**

*Public Interest Disclosures Act 1994*  
*Government Information (Public Access) Act 2009*  
*Local Government Act 1993*

**RELATED POLICIES, PLANS AND PROCEDURES:**

Code of Conduct

**RESPONSIBLE DIRECTOR:**

Customer and Corporate Strategy

**APPROVAL:**

Council

**HISTORY:**

Version	Approved by	Changes made	Date	EDMS Number
1	Council	Nil	13/11/2012	
2	Council	Minor amendments	22/10/2013	
3	Council	Minor amendments	27/03/2018	18/94703
4	Council	Adoption of model policy		



# PURCHASING AND PROCUREMENT POLICY

P3.0161.34

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## PURCHASING AND PROCUREMENT POLICY

**DIVISION:** Customer and Corporate Strategy

**BRANCH:** Finance and ~~Corporate Planning~~ Property Services

**CATEGORY:** 2

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### PART 1 - INTRODUCTION

#### 1. BACKGROUND

1.1 This Policy refers to Council's procurement of all goods and services in pursuing its commitment to efficiently deliver services to meet the needs of our community.

#### 2. OBJECTIVE

2.1 The objective of this policy is to set out the principles and framework for Council's purchasing and procurement activities and to ensure that Council is at all times compliant with the *Local Government Act 1993*, *Local Government (General) Regulations 2005*, Tendering Guidelines for NSW Local Government and Council's Code of Conduct in relation to the procurement of goods and services.

2.2 Through the application of this Policy, Council is committed to the following:

- obtaining value for money for the Community;
- transparency and accountability;
- making environmentally sustainable decisions;
- eliminating any conflicts of interest;
- monitoring and evaluating performance;
- providing policy and guidance on purchasing and procurement activities to ensure consistency;
- setting out Council's procurement governance framework.

#### 3. SCOPE

3.1 This Policy applies to all purchasing, procurement, tendering and contracting activities undertaken by Camden Council, other than statutory payments or payments for membership of regional or state organisations and is binding on Council officers (i.e. staff, contractors, consultants, Committee members, volunteers etc) who are involved in any aspect of procurement on behalf of Council.

#### 4. DELEGATED AUTHORITY

4.1 In order to purchase goods and services on behalf of Council, a **delegated authority** is required from the General Manager. Numerous employees of Council are charged with financial delegations for the *Purchasing and Procurement of Goods, Works and Services*. Employees may only procure goods and/or services applicable to their delegated authority.



Financial delegations define the financial limitations within which specified staff may approve a purchase, quotation and contractual processes. Employees may only procure goods and/or services in accordance with these delegations.

Financial delegations are set out in the Council's Schedule of Delegation Register which is available on the intranet.

## PART 2 - POLICY STATEMENT

### 5. PURCHASING PROCEDURES

- 5.1 Prescriptive purchasing procedures are located in Council's *Procurement Procedures and Guidelines* documentation.
- 5.2 The procedures outline Council's requirements when procuring goods and/or services on behalf of Council. Different requirements apply, depending on the total value of the supply.
- 5.3 All goods and/or services procured on behalf of Council must be procured following these procedures.

### 6. TENDERING PROCEDURES

- 6.1 Tenders are **mandatory** for the majority of purchases where the total anticipated expenditure is \$150,000 (GST inclusive) or above over more than one accounting period. Council may also tender for purchases below this limit.
- 6.2 Detailed tender procedures are contained in Council's *Procurement Procedures and Guidelines*.
- 6.3 It is noted that the process for public tendering may be waived when dealing with prescribed NSWBuy Government Contracts, Local Government Procurement (LGP) or Procurement Australia Contracts. Advice on this may be sought from Council's Financial Accounting Section – Purchasing and Procurement Coordinator.

### 7. PROCUREMENT PROTOCOLS

#### 7.1 Ethics and Probity

All Council Officers must comply with the standards of integrity, probity, professional conduct and ethical behaviour established by Council's *Code of Conduct*, Council's Statement of Business Ethics and Guidelines issued by ICAC.

Council officials **must disclose** any *potential or actual* conflict of interest (whether pecuniary or non-pecuniary) in order to protect the public interest and prevent breaches of public trust.

Council has adopted a Statement of Business Ethics which sets out the standards of behaviour that Council expects from its private/public partners.

Probity auditors may be commissioned where deemed appropriate by Council's General Manager, in circumstances where additional professional knowledge, experience or independent recommendation is required.

## 7.2 **Fraud and Corruption Principles**

The principal elements of Council's Fraud and Corruption Prevention policy are:

- Preventing fraud at its origin, in particular, implementing effective control structures and procedures that aim to eliminate the prospect of fraud occurring;
- Making all staff, Councillors, contractors to Council and volunteers aware of their obligation to act ethically and to follow Council's Code of Conduct at all times;
- Making all contractors and those dealing with Council aware of the ethical standards that Council applies and of the ethical standards of others in their dealings with Council;
- Committing to a policy of detection, investigation and prosecution of individual cases of fraud; and
- Respecting the civil rights of employees and members of the public and committing to natural justice.

Council has a Fraud and Corruption Prevention Plan that underpins this policy and details responsibilities of positions within Council and the community. It also outlines steps involved in identifying, investigating, reporting and taking action around fraud and corruption.

The Fraud and Corruption Prevention Plan and Council's Code of Conduct also outline the policies and procedures being implemented by Council to ensure that any allegations and subsequent investigations into fraud are handled confidentially and in accordance with applicable legislation.

## 7.3 **Value for Money**

Council resources are to be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

## 7.4 **Record Keeping**

All substantive communications with potential suppliers in respect of procurement and purchasing should be in writing and/or formal minuted meetings. Records for all procurement activities must be kept and recorded in Council's records management system.

## 7.5 **Lobbying**

Lobbying of Councillors and staff by tenderers or their agents is not permitted and shall result in their disqualification from the quotation or tender process on that occasion. For the purposes of this clause "lobbying" shall include seeking to influence, seeking to obtain support or assistance, urging or persuading.

## 7.6 **Gifts and Benefits**

Council officers must never seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence their decision making.

In some circumstances token or nominal gifts may be accepted but only in situations that do not create a sense of obligation on the staff or Councillors actions. Where you cannot reasonably refuse or return a gift or benefit of more than nominal value this must be disclosed to your supervisor and then ensure this is recorded in the Gifts Register through Governance. Under no circumstances should a gift of cash, or cash – like gift, be accepted.

#### 7.7 Local Preference Policy

Council currently does not have a Local Preference Policy, i.e. Council does not give preference to local suppliers. The implementation of a Local Preference Policy is not necessarily inconsistent with the principles of National Competition Policy.

However, the use of local preference in the evaluation of tenders and awarding of contracts possesses inherent risks in terms of anti-competitiveness and the maintenance of defensibility, accountability and probity. ICAC does not advocate the use of local preference policies and believes they represent a corruption risk. This is because they are anti-competitive in application and create circumstances in which conflicts of interest can arise.

Council does however continue to play a significant role in local and regional economic development through other initiatives such as the Business Alliance, Small Business friendly Council Program and establishing an On- Time Payment Policy.

Local businesses should be encouraged to look in the local press, on Council's website or to register with NSW e-tendering for current quotations and tenders for the opportunity of conducting business with Council.

### 8. SUSTAINABLE PURCHASING

8.1 Council staff and its representatives must consider the impact that their purchases have on the environment. Value for money in procurement is enhanced by promoting the efficient, effective and ethical use of resources.

8.2 Consideration will be given to areas such as:

- Minimising greenhouse gas emissions, waste, habitat destruction, soil degradation and toxicity;
- Maximising water efficiency.

### 9. WORKPLACE HEALTH AND SAFETY

9.1 All contractors of Council must adhere to relevant Work Health and Safety (WHS) 2011 legislation. WHS performance will be monitored and reviewed to ensure continued adherence to legislation and relevant Council Policies.

9.2 All Contractors providing services to Camden Council are required to complete an Accreditation process. Please refer to the *Contractor Management Procedures* for more detail.

### 10. ADMINISTRATION OF THIS POLICY

10.1 General enquiries in regard to this Policy should be directed in the first instance to Council's Purchasing and Procurement Coordinator.

10.2 Council will deal promptly with any concerns or complaints regarding this Policy. Any issues should be directed in writing to the General Manager.

\* \* \*

**RELEVANT LEGISLATIVE INSTRUMENTS:**

Local Government Act 1993  
 Local Government (General) Regulations 2005  
 Tendering Guidelines for NSW Local Government  
 Work Health and Safety Act 2011  
 Local Government Code of Accounting Practice and Financial Reporting  
 Government Information (Public Access) Act 2009  
 Waste Avoidance and Resource Recovery Act 2001  
 Related Party Transaction Act 2016  
[Privacy and Personal Information Protection Act 1998](#)

**RELATED POLICIES, PLANS AND PROCEDURES:**

[State Records Act 1988](#)  
 Code of Conduct  
 Procurement Procedures and Guidelines  
 On-time Payment Policy  
 Petty Cash Policy  
 Purchase Card Policy  
 Financial Delegations from General Manager  
 Purchased Goods Safety Evaluation Sheet  
 Contractor Management Procedure 5.0A  
 Contractor Management (PC) Procedure 5.B  
 Work Health and Safety Policy  
 ICAC Guidelines  
 Statement of Business Ethics  
[Fraud and Corruption Prevention Policy](#)  
[Fraud and Corruption Prevention Plan](#)  
[ICAC Guidelines](#)

**RESPONSIBLE DIRECTOR:**

Director Customer and Corporate Strategy

**APPROVAL:**

Council

**HISTORY:**

Version	Amended by	Changes made	Date	TRIM Number
<u>1</u>	Council	Minor	July 2002	15/167592
<u>24</u>	Council	Old policy (5.32) rescinded and updated policy (P3.0161.1) adopted	26/09/2017	17/305833
<u>3</u>	<a href="#">ELG</a>	<a href="#">Minor - addition of fraud and corruption principles</a>		

PURCHASING AND PROCUREMENT  
 Adopted by [Council-ELG26/09/2017](#)

Next Review Date: **30/10/2018**  
 TRIM #: 17/305833

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**Local  
Government  
Remuneration  
Tribunal**

Annual Report  
and  
Determination

*Annual report and determination under sections 239 and  
241 of the Local Government Act 1993*

**15 April  
2019**

[NSW Remuneration Tribunals website](#)

## Local Government Remuneration Tribunal

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## Local Government Remuneration Tribunal

# Executive Summary

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The Local Government Remuneration Tribunal (the Tribunal) is required to report to the Minister for Planning and Public Spaces by 1 May each year as to its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

### Categories

The Tribunal did not undertake a broad review of the categorisation of councils and considered only those requests where an individual submission was made. The Tribunal found that the current allocation of councils into the current categories is appropriate.

The Tribunal will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020. The criteria applicable to each of the categories are published in Appendix 1 of the determination and are unchanged from 2018.

### Fees

The Tribunal has determined that the minimum and maximum fees applicable to each category will be increased by 2.5 per cent which is consistent with the government's policy on wages.

## Local Government Remuneration Tribunal

# Section 1 Introduction

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1. The role of Assessor assisting the Local Government Remuneration Tribunal (the Tribunal), pursuant to section 236 (1) (b) of the *Local Government Act 1993* (the LG Act) was undertaken by Mr Ian Reynolds from 1 July 2015 until the expiration of his appointment on 27 November 2018. The Tribunal thanks Mr Reynolds for his contributions over those years.
2. On 28 November 2018, Dr Robert Lang was re-appointed as the Tribunal and Mr Brian Bell PSM was appointed to the role of Assessor assisting the Tribunal pursuant to section 236 (1) (b) of the LG Act. The role of Assessor assisting the Tribunal pursuant to 236 (1) (a) continues to be undertaken by Mr Tim Hurst, CEO, Office of Local Government, Department of Planning and Environment.

# Section 2 Background

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3. Section 239 of the LG Act provides for the Tribunal to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.
4. Section 241 of the LG Act provides for the Tribunal to determine, not later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.
5. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A (1) of the LG Act, to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission. The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.
6. The Tribunal is however able to determine that a council can be placed in another existing or a new category with a higher range of fees without breaching the government's wage policy pursuant to section 242A (3) of the LG Act.



## Local Government Remuneration Tribunal

7. The Tribunal's determinations take effect from 1 July in each year.

## Section 2 2018 Determination

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1. The Tribunal considered ten requests for re-categorisation having regard to the case put forward and the criteria for each category. A multi variable approach was adopted in assessing each council against all the criteria (not only population) for the requested category and the relativities within the categories.
2. The Tribunal noted that at the time of making the determination only the population data as of 2016 was available.
3. The Tribunal found that the current categorisation for the ten councils was appropriate and noted that some of those councils seeking to be moved are likely to meet the criteria for re-categorisation in future determinations in the medium term.
4. The Tribunal's 2018 Determination was made on 17 April 2018 and provided a general increase of 2.5 per cent which was consistent with the Government's policy on wages.

## Section 3 2019 Review

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5. The Tribunal wrote to all mayors in December 2018 advising of the commencement of the 2019 Annual Review. In doing so the Tribunal noted that it is only required to review the categories every three years and will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020.
6. The Tribunal also stated that it does not intend to alter the groups that apply to individual councils unless there is a very strong case to do so. Any requests for a review should be supported by evidence which would indicate that the council is more appropriately allocated in another category based on the criteria.
7. The Tribunal also wrote to the President of Local Government NSW (LGNSW) in similar terms, and subsequently met with the President and Chief Executive of LGNSW. The Tribunal thanks the President and Chief Executive for making the time to meet with the Tribunal.
8. In response to this review the Tribunal received 20 submissions from individual councils and a submission from LGNSW. Those submissions addressed the allocation of councils into

## Local Government Remuneration Tribunal

those categories and fees. The Tribunal also received a submission from a joint organisation requesting that the Tribunal determine the fees for members of the boards of joint organisations. A summary of the matters raised, and the Tribunal's consideration of those matters is outlined below.

### Categorisation

9. Ten submissions received from councils requested re-categorisation now and two submissions requested re-categorisation when the Tribunal considers the categories in detail in 2020. Each of the ten requests for re-categorisation now were considered having regard to the case put forward and the criteria for each category.
10. At the time of making the determination the Tribunal had available to it the 30 June 2018 population data released by the Australian Bureau of Statistics (ABS) on 27 March 2019. In reviewing the submissions received the Tribunal also applied a multi variable approach assessing each council against all the criteria (not only population) for the requested category and the relativities within the categories.
11. The Tribunal finds that the allocation of councils into the current categories is appropriate but again notes that some of those councils seeking to be moved are likely to meet the criteria for re-categorisation in future determinations.
12. A few submissions have suggested alternative categorisation models. The Tribunal will consider this in detail in the 2020 review. The Tribunal intends to commence the 2020 annual review earlier than usual to ensure there is time to review the existing model and to examine alternatives. The Tribunal is of the preliminary view that a case may exist to revise the number of categories, and their applicable criteria, particularly for regional and rural councils.
13. A summary of the Tribunal's findings for each of the 2019 applications for re-categorisation is outlined in the following paragraphs.

### Metropolitan Large

14. Canterbury-Bankstown and Penrith have sought re-categorisation to new categories noting that no changes to the categories of councils are planned until 2020. Canterbury-Bankstown has proposed a new categorisation model for consideration in the 2020 review. The proposed model would provide different categories for metropolitan councils. Penrith

## Local Government Remuneration Tribunal

has again sought to be re-categorised to a new category - 'Metropolitan Large – Growth Centre'.

15. Both councils may wish to provide further details for consideration in the 2020 annual review.

### **Metropolitan Medium Councils**

16. Inner West has again sought to be re-categorised to Metropolitan Large. The Tribunal outlined in the 2018 determination that Inner West did not demonstrate enough additional criteria to warrant re-categorisation at that time, but with population growth the council would likely be more comparable with other Metropolitan Large councils in the short to medium term.
17. The Tribunal has again considered in detail the features of Inner West having regard to the other criteria for Metropolitan Large councils. The Tribunal finds that Inner West does not provide the same degree of regional servicing or have an equivalent sphere of economic influence as other Metropolitan Large councils. This is supported by development and planning information published by the Greater Sydney Commission.
18. Inner West's June 2018 population of 198,024 is below the indicative population of other Metropolitan Large councils. Based on existing growth predictions it is likely Inner West will meet the minimum population threshold for inclusion in Metropolitan Large in 2020.

### **Metropolitan Small Council**

19. Willoughby and Camden have sought to be re-categorised to Metropolitan Medium.
20. Willoughby's June 2018 population of 80,339 is below the indicative population of Metropolitan Medium Councils. The Tribunal outlined in the 2018 determination that Willoughby sought recognition of its scale of operations and businesses and regional significance of its centres and high percentage of non-resident visitors and workers. The Tribunal found the characteristics of the council were more appropriately aligned with those of other Metropolitan Small councils and found no case for it to be re-categorised at that time.
21. Willoughby's 2019 submission argues there is an over emphasis on resident population and no recognition of the complexity or burden on high volumes of non-resident populations.
22. As previously stated, the Tribunal considers a range of factors (not only population) in determining categories as required under section 240 of the LG Act. The Tribunal has again considered in detail the features of Willoughby having regard to the other criteria for other

## Local Government Remuneration Tribunal

Metropolitan Medium councils and finds that Willoughby has not demonstrated the criteria to warrant inclusion in the Metropolitan Medium group at this time.

23. Camden's 2018 population of 94,159 is below the indicative population of Metropolitan Medium councils. The Tribunal has considered the features of Camden having regard to the other criteria for Metropolitan Medium councils. The Tribunal finds that Camden does not provide the same degree of regional servicing or have an equivalent sphere of economic influence as Metropolitan Medium councils. The Tribunal notes however that the ABS identifies that Camden has the largest and fastest population growth in NSW. Based on existing growth predictions it is likely Camden will meet the minimum population threshold for inclusion in Metropolitan Medium in 2020.

### Regional Strategic Area Councils

24. Central Coast has sought to be re-categorised to Regional City. The council submits that its characteristics are more like Newcastle and Wollongong (Regional City) and substantially different to Lake Macquarie (Regional Strategic Area). The Tribunal finds that Central Coast has not demonstrated the additional criteria to warrant inclusion in the Regional City group.

### Regional Rural Councils

25. Shellharbour and Port Macquarie have sought re-categorisation to Regional Strategic Area.
26. Shellharbour's June 2018 population of 72,240 is significantly below the indicative population of Regional Strategic Area councils. In addition, the submission was not supported by evidence which would indicate that the council is more appropriately allocated in another category based on the criteria.
27. Port Macquarie's June 2018 population of 83,131 is significantly below the indicative population of Regional Strategic Area councils. The Tribunal finds that Port Macquarie has not demonstrated the additional criteria to warrant inclusion in the Regional Strategic Area group.
28. Port Macquarie (as an alternative) and Mid-Coast sought to be re-categorised to a new category between Regional Strategic Area and Regional Rural. Both councils may wish to provide further details for consideration in the 2020 annual review.

### Rural Councils

29. Muswellbrook and Federation have sought to be re-categorised to Regional Rural.

## Local Government Remuneration Tribunal

30. Muswellbrook's June 2018 population of 16,383 and Federation's June 2018 population of 12,462 are well below the indicative population of Regional Rural councils. Both councils have not demonstrated the additional criteria to warrant inclusion in the Regional Rural group.
31. The Tribunal also undertook a review of Hilltops having regard to its 2018 submission and the Tribunal's findings that re-categorisation at that time was not warranted:

*"41. Hilltops Council has sought to be re-categorised from Rural to Regional Rural. The new Hilltops Council is an amalgamation of three former councils in the Rural category (Young, Boorowa and Harden). The submission states that the new council has increased complexity of business and should be recognised as Regional Rural.*

*42. The Tribunal notes that Hilltops has a population of 19,150 (2016) which is just below the indicative population range of Regional Rural councils. The category of Regional Rural currently includes one council – Broken Hill – which has a population similar to that of Hilltops. Broken Hill warrants categorisation as Regional Rural in recognition of the degree of regional servicing it provides to far western NSW. It is not considered that Hilltops provides the same degree of regional services and on that basis re-categorisation is not warranted at this time."*

32. Hilltops' June 2018 population of 18,782 is below the indicative population range of Regional Rural councils. The Tribunal has reviewed the additional criteria and finds no reason to alter its findings as outlined in the 2018 determination.

### Fees

33. The LGNSW submission requested that the Tribunal increase fees by the allowable maximum of 2.5 per cent. The submission also repeated its view that the current arrangement for setting fees is inadequate and does not compensate elected members for the significant workload and range of responsibilities which are expanding. Comparative information was presented in respect to board fees, fees paid to mayors and councillors of councils in Queensland, and salaries for members of Parliament. A report detailing the findings of an independent review conducted on current remuneration paid to councillors and mayors was also provided. The LGNSW submission

### Local Government Remuneration Tribunal

also requested that the Tribunal make a recommendation in support of the payment of superannuation.

34. Several submissions sought an increase to the allowable maximum of 2.5 per cent and raised similar issues to LGNSW in respect to the current fees not being adequate compensation for increased responsibilities and workload required to carry out mayoral and councillor duties and non-payment of superannuation. Several submissions also sought an increase significantly higher than the allowable 2.5 per cent or that fees be increased by benchmarking them to Principal CBD fees or population per councillor or using the base salary and allowances for Members of Parliament in the relevant region.
35. Two submissions also raised the matter of fees for deputy mayors. The Tribunal addressed this matter in the 2018 determination and will make no further comment.
36. The Tribunal has considered the submissions received. The Tribunal is mindful that the roles and responsibilities of councillors and mayors in NSW are outlined in the LG Act and notes that they are not necessarily comparable to the roles and responsibilities of councillors and mayors in other states, members of Parliament or members of boards and committees.
37. The Tribunal again notes that some of the other matters raised by submissions are more appropriately dealt with in the context of the current Local Government reform agenda and are outside the Tribunal's powers.
38. The Tribunal is required to have regard to the Government's wages policy when determining the increase to apply to the maximum and minimum fees that apply to councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.
39. The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Government's policy of rate pegging, and finds that the full increase of 2.5 per cent is warranted. The 2.5 per cent increase will apply to the minimum and the maximum of the ranges for all existing categories.

## Local Government Remuneration Tribunal

### Other matters

40. The submission from LGNSW and several councils have again raised the matter of the non-payment of superannuation. The Tribunal addressed this matter in the 2018 determination as outline below and will make no further comment:

*"54. The matter of the non-payment of superannuation has been previously raised in submissions to the Tribunal and is not a matter for the Tribunal to determine. Section 251 of the LG Act confirms that councillors are not employees of the council and the fee paid does not constitute a salary under the Act. The Tribunal notes that the Australian Tax Office has made a definitive ruling (ATO ID 2007/205) that allows councillors to redirect their annual fees into superannuation on a pre-tax basis and is a matter for councils (Ref: Councillor Handbook, Oct 2017, Office of Local Government p.69)."*

41. The Tribunal also received a submission from the Canberra Region Joint Organisation (CRJO) although no invitation to do so was issued by the Tribunal. The CRJO has requested that the Tribunal set chair and member fees for joint organisations in the 2019 annual determination.
42. The Tribunal is constituted under Chapter 9, Part 2, Division 4 of the LG Act. The Tribunal's determinations apply to Councils, Mayors and Councillors within the meaning of Chapter 9 of the LG Act.
43. Joint organisations, including the Board of a joint organisation, are constituted under Chapter 12, Part 7 of the LG Act. The Tribunal's jurisdiction does not apply to joint organisations, as provided for in section 400ZH(3)(e) of the LG Act.
44. On that basis the Tribunal has no power to consider the CRJO submission and it is a matter that the CRJO may wish to raise with the Minister for Planning and Public Spaces who is the Minister responsible for the LG Act. The Tribunal has written to the CRJO in the above terms.

### Conclusion

45. The Tribunal's determinations have been made with the assistance of the two Assessors - Mr Brian Bell and Mr Tim Hurst. The allocation of councils into each of the categories,

### Local Government Remuneration Tribunal

pursuant to section 239 of the LG Act, is outlined in Determination No. 1. The maximum and minimum fees paid to councillors and mayors and members and chairpersons of county councils, pursuant to section 241 of the LG Act, are outlined in Determination No. 2.

**The Local Government Remuneration Tribunal**

*(Signed)*

**Dr Robert Lang**

**Dated: 15 April 2019**



## Local Government Remuneration Tribunal

## Section 4 Determinations

### Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2019

Table 1: General Purpose Councils - Metropolitan

Principal CBD (1)	Major CBD (1)
Sydney	Parramatta
Metropolitan Large (8)	Metropolitan Medium (9)
Blacktown	Bayside
Canterbury-Bankstown	Campbelltown
Cumberland	Georges River
Fairfield	Hornsby
Liverpool	Ku-ring-gai
Northern Beaches	Inner West
Penrith	Randwick
Sutherland	Ryde
	The Hills
Metropolitan Small (11)	
Burwood	
Camden	
Canada Bay	
Hunters Hill	
Lane Cove	
Mosman	
North Sydney	
Strathfield	
Waverley	
Willoughby	
Woollahra	

## Local Government Remuneration Tribunal

Table 2: General Purpose Councils – Non-Metropolitan

Regional City (2)		Regional Strategic Area (2)	
Newcastle		Central Coast	
Wollongong		Lake Macquarie	

Regional Rural (37)		Rural (57)	
Albury	Balranald	Kyogle	
Armidale	Bellingen	Lachlan	
Ballina	Berrigan	Leeton	
Bathurst	Bland	Liverpool Plains	
Bega	Blayney	Lockhart	
Blue Mountains	Bogan	Moree Plains	
Broken Hill	Bourke	Murray River	
Byron	Brewarrina	Murrumbidgee	
Cessnock	Cabonne	Muswellbrook	
Clarence Valley	Carrathool	Nambucca	
Coffs Harbour	Central Darling	Narrabri	
Dubbo	Cobar	Narrandera	
Eurobodalla	Coolamon	Narromine	
Goulburn Mulwaree	Coonamble	Oberon	
Griffith	Cootamundra-Gundagai	Parkes	
Hawkesbury	Cowra	Snowy Valleys	
Kempsey	Dungog	Temora	
Kiama	Edward River	Tenterfield	
Lismore	Federation	Upper Hunter	
Lithgow	Forbes	Upper Lachlan	
Maitland	Gilgandra	Uralla	
Mid-Coast	Glen Innes Severn	Walcha	
Mid-Western	Greater Hume	Walgett	
Orange	Gunnedah	Warren	
Port Macquarie-Hastings	Gwydir	Warrumbungle	
Port Stephens	Hay	Weddin	
Queanbeyan-Palerang	Hilltops	Wentworth	
Richmond Valley	Inverell	Yass	
Shellharbour	Junee		
Shoalhaven			
Singleton			
Snowy Monaro			
Tamworth			
Tweed			
Wagga Wagga			
Wingecarribee			
Wollondilly			

## Local Government Remuneration Tribunal

Table 3: County Councils

Water (4)	Other (6)
Central Tablelands	Castlereagh-Macquarie
Goldenfields Water	Central Murray
Riverina Water	Hawkesbury River
Rous	New England Tablelands
	Upper Hunter
	Upper Macquarie

## Local Government Remuneration Tribunal

### Determination No. 2- Determination Pursuant to Section 241 of Fees for Councillors and Mayors

Pursuant to s.241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2019 are determined as follows:

**Table 4: Fees for General Purpose and County Councils**

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Principal CBD	27,640	40,530	169,100	222,510
	Major CBD	18,430	34,140	39,160	110,310
	Metropolitan Large	18,430	30,410	39,160	88,600
	Metropolitan Medium	13,820	25,790	29,360	68,530
	Metropolitan Small	9,190	20,280	19,580	44,230
General Purpose Councils - Non-metropolitan	Regional City	18,430	32,040	39,160	99,800
	Regional Strategic Area	18,430	30,410	39,160	88,600
	Regional Rural	9,190	20,280	19,580	44,250
	Rural	9,190	12,160	9,780	26,530
County Councils	Water	1,820	10,140	3,920	16,660
	Other	1,820	6,060	3,920	11,060

\*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

The Local Government Remuneration Tribunal  
(Signed)

Dr Robert Lang

Dated: 15 April 2019

## Local Government Remuneration Tribunal

# Appendices

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## Appendix 1 Criteria that apply to categories

### Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

### Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety has been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

## Local Government Remuneration Tribunal

### Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum population of 200,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

### Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum population of 100,000.

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

### Metropolitan Small

Councils categorised as Metropolitan Small will typically have a population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

## Local Government Remuneration Tribunal

### Regional City

Councils categorised as Regional City will typically have a population above 150,000. These councils are metropolitan in nature with major residential, commercial and industrial areas. These Councils typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development.

These councils provide a full range of higher order services and activities along with arts, culture, recreation and entertainment facilities to service the wider community and broader region. These councils typically also contain ventures which have a broader State and national focus which impact upon the operations of the council.

Newcastle City Council and Wollongong City Councils are categorised as Regional City.

### Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Rural category on the basis of their significant population. Councils categorised as Regional Strategic Area will typically have a population above 200,000. These councils contain a mix of urban and rural settlements. They provide a range of services and activities including business, office and retail uses, along with arts, culture, recreation and entertainment facilities to service the wider community. These councils host tertiary education campuses and health facilities.

While councils categorised as Regional Strategic Area may have populations which exceed those of Regional City, they would not typically provide the same range of regional services or have an equivalent sphere of economic influence.

Central Coast Council and Lake Macquarie Council are categorised as Regional Strategic Area.

### Regional Rural

Councils categorised as Regional Rural will typically have a minimum population of 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- a major town or towns with the largest commercial component of any location in the surrounding area
- a significant urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages or may be located on or close to the coast with high levels of population and tourist facilities
- provide a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- regional services to the wider community through principal referral hospitals, tertiary education services and major regional airports
- these councils may also attract large visitor numbers to established tourism ventures.

## Local Government Remuneration Tribunal

### **Rural**

Councils categorised as Rural will typically have a population below 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

### **County Councils - Water**

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

### **County Councils - Other**

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Noxious Weeds Act 1993*.





EXHIBITED MASTERPLAN

Landscape Concept Master Plan - Stage 1 Layout

Fergusons Land Premier Cricket Facility



PROJECT DIRG NO 02718-019-00\_DA-101 REV 05 DRAWN JR CHKD AL APPROV AL DATE 18.06.2018



Attachment 1



SCALE 1:1000 (A)



**Landscape Concept Master Plan - Ultimate Layout**

Fergusons Land Premier Cricket Facility

**EXHIBITED MASTER PLAN**

PROJECT DRG NO 0218-0119-00\_DA-102 REV 05 DRWN JR CHKD AL APPROV AL DATE 18.06.2018

Tract

## FERGUSONS LAND MASTERPLAN - REGISTER OF ISSUES

Name	Issue	Council Response
Cricket NSW	Support for the project	Noted
	General support for the project and requested Council consider the matters below	Noted
Camden Cricket Club	Delivery of 2 synthetic and 1 turf wicket in place of the proposed 1 synthetic and 2 turf wickets	Not supported. A turf wicket will be delivered as part of stage 1 works as part of Council's commitment to a premier cricket facility.
	Delivery of 5 synthetic training nets in place of the turf training nets as part of Stage 1	Supported. Delivery of synthetic training nets will be included in the detailed design for Stage 1 works.
	Inclusion of a clubhouse facility	A cricket pavilion is included in Stage 1 works including changerooms, amenities, an umpire room and storage. The ultimate facility includes the provision of a second storey to the pavilion to provide additional amenity and facilities.
	Clarity around the maintenance and operation of the facility	Management of the facility requires further analysis and discussion.
Pony Club Association NSW	Questions whether other sports are being given priority over an equestrian sport on an equestrian park	Delivery of a separate vehicle access will significantly reduce the impacts on the equestrian park with no loss of grounds or need to relocate the Cobbitty Pony Club clubhouse.
	Concerns with the relocation of the Cobbitty Pony Club clubhouse	Delivery of a separate vehicle entry will remove the need to relocate the Cobbitty Pony Club clubhouse.
Camden Show Society Inc.	No direct contact made to advise of exhibition	Council consulted with the BEP Committee regarding the Masterplan. Camden Show Society Inc. has a representative on the Committee
	The staged development does not consider impacts on existing users and will lead to reduced security, safety issues and possible biosecurity issues.	Delivery of a separate vehicle entry will result in access to the BEP will remain unchanged.
	Changes to access for the site are needed with an access point off Ferguson Lane supported	Delivery of a separate vehicle access point is supported, however this will be located on Exeter Street in line with the location identified in the ultimate Masterplan.

Name	Issue	Council Response
Camden Residents Action Group	<p>Previous commitments were made by Council to investigate multi-use facilities for the site</p> <p>Request that the community be informed of potential impacts of existing uses of the Park and be given an opportunity to respond</p>	<p>Noted.</p> <p>All organisations and individuals that provided a submission will be provided with a copy of the Council report and provided with details of the Council meeting.</p>
County of Cumberland Campaign	<p>A less disruptive access point for the proposed facility be located</p> <p>Feasibility study into a purpose built bridge and road spanning Matahil Creek to provide a dedicated access</p> <p>Concerned with the need to relocate the Cobbitty Pony Club clubhouse and construct a road through their grounds.</p>	<p>Delivery of a separate vehicle access point is supported.</p> <p>Delivery of a dedicated vehicle access point is supported and a feasibility study has been completed.</p> <p>Delivery of a dedicated vehicle access point will remove the need to relocate the Cobbitty Pony Club clubhouse.</p>
	<p>Loss of the large turning circle on Exeter Street will create safety issues if access to the equestrian facility is not available</p> <p>Increased need for parking around Exeter Street and the BEP grounds will create issues with access for larger vehicles</p>	<p>Noted. This will be considered as part of the detailed design stage.</p> <p>Parking will be provided in accordance with DCP requirements and Council's Sportsground Strategy. Special event considerations with overflow parking will be employed as needed.</p>
	<p>Modifications requested through the consultation process have not been incorporated into the Masterplan</p>	<p>Significant changes have been made to the draft Masterplan based on submissions from the community.</p>
BEP Management Committee	<p>Demolition of the Pony Club is unreasonable and significant disruption</p> <p>Causeway will become a bottleneck due to the new access gate. Additional traffic from the cricket facility and reduced roadway access will be unable to be managed.</p>	<p>Delivery of a dedicated vehicle access point is supported and will remove the need to relocate Cobbitty Pony Club clubhouse.</p> <p>Delivery of a dedicated vehicle access point will remove the need for people accessing the cricket facility to travel over the existing causeway. Additional traffic will be managed and addressed through the detailed design stage.</p>

Name	Issue	Council Response
	Location of the roadway alongside the equestrian arenas presents a safety risk for horses and riders	Safety issues have been minimised by the provision of a dedicated access road. Other opportunities to minimise sight and noise issues, e.g. screening with vegetation, will be addressed through the detailed design stage.
	Feasibility of closing the facility during Camden Show and other large events is questioned	The cricket facility will be closed in line with existing arrangements for BEP and Onslow Oval for Camden Show and other large events on an as needs basis.
	Safety of recreational riders and pedestrian users will be put at risk	Safety issues have been minimised by the provision of a dedicated access road. Other opportunities to minimise sight and noise issues, e.g. screening with vegetation, will be addressed through the detailed design stage.
	Request a new causeway or bridge across Matahil Creek downstream from the existing causeway	Delivery of a dedicated vehicle access point over Matahil Creek is supported.
Multiple residents	Relocation of Cobbitty Pony Club clubhouse not supported	Delivery of a dedicated vehicle access point will remove the need to relocate the Cobbitty Pony Club clubhouse.
Multiple residents	Loss of BEP grounds and Cobbitty Pony Club grounds not supported including loss of float parking and unloading area	Delivery of a dedicated vehicle access point will result in no loss of grounds for BEP and the Cobbitty Pony Club.
Multiple residents	Security issues for the site through unmanaged vehicular access	Delivery of a dedicated vehicle access point will mean that access to BEP remains unchanged.
Multiple residents	Safety issues for horses, riders and pedestrians due to being in close proximity	Safety issues have been minimised by the provision of a dedicated access road. Other opportunities to minimise sight and noise issues, e.g. screening with vegetation, will be addressed through the detailed design stage.
Multiple residents	Construction of an alternate permanent and separate access point for the cricket facility	Delivery of a dedicated vehicle access point is supported and will be included in the detailed design stage.
Multiple residents	Proposed cricket facility is incompatible with existing uses	Noted.

Name	Issue	Council Response
Multiple residents	Excessive capital expenditure for single season sport with limited weekly usage	Noted.
Multiple residents	Negative impact of temporary road and construction activities on existing operations	Impacts will be managed as part of the operational delivery of the project
Multiple residents	Negative impact of project on existing and future operations - loss of events	Delivery of a dedicated vehicle access point will mean that usage of the BEP remains unchanged with no loss of grounds.
Multiple residents	Economic loss for Camden associated with a decrease in usage of the BEP	Delivery of a dedicated vehicle access point will mean that usage of the BEP remains unchanged with no loss of grounds.
Multiple residents	Equestrian use of the site should be protected and preserved	Delivery of a dedicated vehicle access point will mean that usage of the BEP remains unchanged with no loss of grounds.
Multiple residents	Cricket should go elsewhere	Noted.
Multiple residents	Facility will generate increased traffic	A dedicated entry and access to the cricket facility will reduce traffic impacts for BEP
Multiple residents	Noise during construction	Impacts will be managed as part of the operational delivery of the project
Multiple residents	No respect for pony club investment	A dedicated entry and access to the cricket facility will remove the need to relocate the Cobbitty Pony Club clubhouse.
Multiple residents	Equestrian facilities should be expanded	Noted.
Multiple residents	Dust during construction	Impacts will be managed as part of the operational delivery of the project
Resident	No shade in the float area	Alternate entry and access will result in float area remaining unchanged
Resident	No timelines for the work have been provided	Timelines for the delivery of the project will be communicated following adoption of the Masterplan and confirmation of the scope of Stage 1 works



Legend

- 1 STAGE 1 CRICKET PAVILION TO INCLUDE CHANGE ROOMS, AMENITIES AND STORAGE AREA
- 2 BUS PARKING (2 X 12.5M SPACES)
- 3 VISITOR PARKING (64 STANDARD SPACES)
- 4 ACCESSIBLE MOBILITY PARKING (8 SPACES)
- 5 UNDERGROUND RAINWATER HARVESTING TANKS
- 6 MAINTENANCE AND EMERGENCY FIELD ACCESS POINTS
- 7 ELECTRICAL SUBSTATION (Proposed pole-mounted 200kVA substation with architecturally designed enclosure elevated above 100 yr flood level)
- 8 CRICKET TRAINING NETS (5 No. synthetic pitches)

- SITE BOUNDARY
- TOP OF BANK LINE
- CAT B. NEPEAN RIVER STATE PROTECTION BOUNDARY 20M SETBACK LINE
- DPI RIPARIAN ZONE 40M SETBACK LINE
- PROPOSED POST AND WIRE RIPARIAN AND BOUNDARY FENCE
- 3M HIGH CYCLONE FENCING TO PROTECT VEHICLES IN CARPARK
- PROPOSED SEWER LINE (REFER TO ARCADIS DOCUMENTATION)
- RELOCATED POTABLE WATER MAIN SUPPLY (REFER TO ARCADIS DOCUMENTATION)
- STORMWATER DRAINAGE PIPES (REFER TO ARCADIS DOCUMENTATION)
- EXISTING TWO-WAY VEHICLE ACCESS CONTROL GATE
- INDICATIVE LOCATION ONLY NEW PROPOSED TWO-WAY VEHICLE BRIDGE WITH 2.5M WIDE FOOTPATH
- NEW SCREENING VEGETATION TO BOUNDARY WITH BELP.

- STAGE 1 CRICKET PAVILION TO INCLUDE CHANGE ROOMS, AMENITIES AND STORAGE AREA
- BUS PARKING (2 X 12.5M SPACES)
- VISITOR PARKING (64 STANDARD SPACES)
- ACCESSIBLE MOBILITY PARKING (8 SPACES)
- UNDERGROUND RAINWATER HARVESTING TANKS
- MAINTENANCE AND EMERGENCY FIELD ACCESS POINTS
- ELECTRICAL SUBSTATION (Proposed pole-mounted 200kVA substation with architecturally designed enclosure elevated above 100 yr flood level)
- CRICKET TRAINING NETS (5 No. synthetic pitches)
- EXISTING POST AND WIRE RIPARIAN FENCE RETAINED
- PROPOSED 1.5M HIGH POST AND WIRE RIPARIAN FENCE
- PROPOSED 1M HIGH ALUM. PICKET FENCE SURROUNDING OVAL
- 40M MAINTENANCE SHED FOOTPATH COVERS AND ROLLERS

- EXISTING TWO-WAY VEHICLE ACCESS CONTROL GATE
- INDICATIVE LOCATION ONLY NEW PROPOSED TWO-WAY VEHICLE BRIDGE WITH 2.5M WIDE FOOTPATH
- NEW SCREENING VEGETATION TO BOUNDARY WITH BELP.
- NEPEAN RIVER
- MATAHIL CREEK
- LOWER RIPARIAN ZONE
- TOP OF BANK LINE
- 20M RIPARIAN SETBACK
- DPI RIPARIAN 40M SETBACK
- WORKS BOUNDARY
- 75M OVAL 6 X PITCH NATURAL TURF
- PROPOSED 1.5M HIGH ALUM. PICKET FENCE SURROUNDING OVAL
- SIGHT SCREENS
- EXISTING BOUNDARY FENCE
- PROPOSED 1.5M WIDE GRASS SWALE ALONG BOUNDARY
- PROPOSED SECONDARY EMERGENCY EGRESS AND VEHICLE CONTROL GATES
- BICENTENNIAL EQUESTRIAN PARK

- ADJACENT PRIVATE PROPERTY
- REMAINING UNDEVELOPED AREA
- EXISTING POST AND WIRE RIPARIAN FENCE RETAINED
- PROPOSED 3M WIDE GRASS SWALE TO BOUNDARY
- PROPOSED 1.5M HIGH POST AND WIRE FENCE (62.00)
- EXISTING POST AND WIRE BOUNDARY FENCE RETAINED
- PROPOSED SEWER LINE (REFER TO ARCADIS DOCUMENTATION)
- RELOCATED POTABLE WATER MAIN SUPPLY (REFER TO ARCADIS DOCUMENTATION)
- STORMWATER DRAINAGE PIPES (REFER TO ARCADIS DOCUMENTATION)
- EXISTING TWO-WAY VEHICLE ACCESS CONTROL GATE
- INDICATIVE LOCATION ONLY NEW PROPOSED TWO-WAY VEHICLE BRIDGE WITH 2.5M WIDE FOOTPATH
- NEW SCREENING VEGETATION TO BOUNDARY WITH BELP.



REVISSED MASTER PLAN  
Landscape Concept Master Plan - Stage 1 Layout

Fergusons Land Premier Cricket Facility

PROJECT DIRG NO 0218-0119-00\_DA-101 REV 07 DRAWN JR CHKD AL APPROV AL DATE 17/05/2019





**Legend**

- 1 TWO-STOREY CRICKET PAVILION WITH IRRIGATION CONTROL, KIOSK AND PUBLIC AMENITIES
- 2 BUS PARKING (2 X 12.5M SPACES)
- 3 VISITOR PARKING (128 STANDARD SPACES)
- 4 ACCESSIBLE MOBILITY PARKING (12 SPACES)
- 5 UNDERGROUND RAINWATER HARVESTING TANKS
- 6 MAINTENANCE AND EMERGENCY FIELD ACCESS POINTS

— SITE BOUNDARY  
 - - - TOP OF BANK LINE  
 - - - CAT B. NEPEAN RIVER STATE PROTECTION BOUNDARY 20M SETBACK LINE  
 - - - DPI RIPARIAN ZONE 40M SETBACK LINE  
 - - - PROPOSED POST AND WIRE RIPARIAN AND BOUNDARY FENCE  
 - - - 3M HIGH CYCLONE FENCING TO PROTECT VEHICLES IN CARPARK  
 - - - PROPOSED RIPARIAN WALKWAY INDICATIVE ROUTE

— PROPOSED 1.5M HIGH POST AND WIRE RIPARIAN FENCE  
 - - - PROPOSED 1M HIGH ALUM. PICKET FENCE SURROUNDING OVAL  
 - - - 11 NO. 30M HIGH FLOOD-LIGHTING TOWERS.  
 - - - 30X10M MAINTENANCE SHED / COMPOUND INCORPORATING PUBLIC AMENITIES  
 - - - PROPOSED CONNECTION TO BIM TRAIL

— RELOCATED POTABLE WATER MAIN SUPPLY (REFER TO ARCADIS DOCUMENTATION)  
 - - - STORMWATER DRAINAGE PIPES (REFER TO ARCADIS DOCUMENTATION)  
 - - - EXISTING POST AND WIRE RIPARIAN FENCE  
 - - - PROPOSED 1.5M HIGH POST AND WIRE RIPARIAN FENCE  
 - - - PROPOSED 1M HIGH ALUM. PICKET FENCE SURROUNDING OVAL  
 - - - 11 NO. 30M HIGH FLOOD-LIGHTING TOWERS.  
 - - - 30X10M MAINTENANCE SHED / COMPOUND INCORPORATING PUBLIC AMENITIES  
 - - - PROPOSED CONNECTION TO BIM TRAIL

— PROPOSED 200KVA SUBSTATION WITH ARCHITECTURALLY DESIGNED ENCLOSURE ELEVATED ABOVE 100 YR FLOOD LEVEL. HEAVY VEHICLE ACCESS VIA CARPARK.

— G.P.T. AND DISCHARGE INTO MATAHIL CREEK  
 Gross Pollutant Trap receiving stormwater from carpark areas. Proposed sump and pump location for Irrigation Option 2 (refer to Arcadis Catchment and Stormwater Concept Plan)

— 20M SHED FOR PITCH COVERS

— PROPOSED 1.5M HIGH ALUM. PICKET FENCE SURROUNDING OVAL  
 - - - SIGHT SCREEN  
 - - - 3M HIGH CYCLONE FENCE TO PROTECT PARKED VEHICLES  
 - - - EXISTING BOUNDARY FENCE  
 - - - PROPOSED 1.5M WIDE GRASS SWALE ALONG BOUNDARY  
 - - - PROPOSED SECONDARY EMERGENCY EGRESS AND VEHICLE CONTROL GATES

— ELECTRICAL SUBSTATION  
 Proposed pole-mounted 200kVA substation with architecturally designed enclosure elevated above 100 yr flood level. Heavy vehicle access via carpark.

— BICENTENNIAL EQUESTRIAN PARK

— PICNIC SHELTERS IN OPEN RECREATION AREA  
 Timber shade structure and picnic table on in-situ concrete slab. Approx 5 x 5m footprint. Seating for approx. 12 people.

— CRICKET TRAINING NETS  
 4 x synthetic turf surface pitches, 10 x natural turf surface pitches, 6 x overhead cantilevered lighting columns.

— SPECTATOR SEATING STEPS AND SHADE STRUCTURES  
 In-situ concrete seating steps set in turf embankment with powdercoat galvanneal steel and timber shade structures. 9 x seating steps approx. 10m2 each. 9 x shade structures approx. 15m2 each.

— INDICATIVE LOCATION ONLY NEW PROPOSED TWO-WAY VEHICLE BRIDGE WITH 2.5M WIDE FOOTPATH

— NEW SCREENING VEGETATION TO BOUNDARY WITH B.E.P.

**Legend**

SCALE 1:1000 (A1)

0 10 20 50

**Revised Master Plan**

**Landscape Concept Master Plan - Ultimate Layout**

Fergusons Land Premier Cricket Facility

PROJECT DRG NO 0218-0119-00\_DA-102 REV 06 DRWN JR CHKD AL APPROV AL DATE 17/05/2019

Tract





# Camden Council Minutes

**Business Assurance and Risk Committee  
Meeting**  
**6 March 2019**

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**Executive Boardroom  
Camden Council  
Administration Building  
70 Central Avenue  
Oran Park  
5:00PM**



## **BUSINESS ASSURANCE AND RISK COMMITTEE**

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**Voting Members present:**

John Gordon                    Independent Member (Chair)  
Elizabeth Gavey                Independent Member  
Cr Michael Morrison          Camden Council Councillor

**Attendees:**

General Manager  
Internal Audit Coordinator  
Risk Management Officer  
Senior Governance Officer  
Chief Financial Officer

**Invitees:**

Director Planning and Environment  
Acting Director Customer and Corporate Strategy  
Director Community Assets  
Manager Governance and Risk  
Caroline Karakatsanis        Audit Office of NSW (External Auditor)  
Farisha Ali                      Audit Office of NSW (External Auditor)  
Internal Audit Analyst  
Project Portfolio Management Coordinator

**Apologies:**

Bruce Hanrahan                Independent Member  
Cr Theresa Fedeli              Camden Council Councillor  
Director Sport, Community and Recreation

Meeting opened 5:03PM

**BUS01    Apologies****RECOMMENDED**

That leave of absence be granted to Councillor Fedeli and Mr Hanrahan from the Business Assurance and Risk Committee meeting.

**DECISION**

Leave of absence was granted to Councillor Fedeli and Mr Hanrahan from the Business Assurance and Risk Committee meeting.

**BUS02    Declaration Of Interest****RECOMMENDED**

That the Business Assurance and Risk Committee declarations be noted.

**DISCUSSION**

Cr Morrison made a declaration that he is on both the Camden Town Farm and Bicentennial Equestrian Park Management Committees.

Ms Gavey and Mr Gordon advised they had provided their annual written declarations listing the Committees they are on.

There were no further declarations made.

#### DECISION

The Business Assurance and Risk Committee declarations were noted.

#### **BUS03 Minutes To The 11 February 2019 Business Assurance And Risk Committee Meeting**

#### RECOMMENDED

That the Business Assurance and Risk Committee:

- i. approve the minutes to the 11 February 2019 Business Assurance and Risk Committee meeting;
- ii. note the status of actions included in the actions list.

#### DISCUSSION

The Committee discussed the reporting of the minutes to Council as revised wording for this process is being considered as part of the Business Assurance and Risk Committee Charter review at BUS08.

Mr Gordon advised that where the minutes go to Council prior to the next Committee meeting, although they have been confirmed out of session by the Committee, they may technically still be considered 'draft'. It was agreed that Council would prefer to see 'final' minutes, however concern was raised that this would mean the Council would not receive the minutes until approximately four months after the meeting.

Cr Morrison suggested draft minutes be circulated to Councillors via the Councillor Weekly Update with the final minutes formally going to Council for noting after approval at the next meeting. The Committee agreed this was the best way of managing the minutes going forward and to include such wording in the revised Charter recommended to Council for adoption.

The Internal Audit Coordinator provided an update on the actions listing.

#### DECISION

The Business Assurance and Risk Committee:

- i. approved the minutes to the 11 February 2019 Business Assurance and Risk Committee meeting;
- ii. noted the status of actions included in the actions list

Moved: Ms Gavey  
Seconded: Mr Gordon

**BUS04 Presentation - Project Management**RECOMMENDED

That the Business Assurance and Risk Committee note the presentation provided to the Committee.

DISCUSSION

The Acting Director Customer and Corporate Strategy and Project Portfolio Management Coordinator provided a presentation on the Project Management Office progress and the audit recommendations implemented to date.

Mr Gordon asked if we had project management software in place. The Acting Director Customer and Corporate Strategy advised they were in the process of sourcing software now and that spreadsheets were currently used. Mr Gordon asked how the data ties in with the financial system. The Chief Financial Officer advised we are continually refining the process however was comfortable with how they currently link.

Mr Gordon asked about the current process for monitoring supplier performance and this process was explained. Ms Gavey asked if we are checking the accuracy and consistency of reporting under the framework. It was advised that the Governance Committee reviews the reporting and there was also extensive training on the reporting keys and the ePMO has commenced health checks on status reporting.

Ms Gavey asked what percentage of staff undertaking project management have had the training. It was advised that all staff undertaking project management in the Community Assets Division had been trained in Council's Project Management Framework as well as a number of interested staff from other Divisions.

The Committee commended the work undertaken on the Project Management Framework and the short time frame it was being delivered in.

DECISION

The Business Assurance and Risk Committee noted the presentation provided to the Committee.

The Project Portfolio Management Coordinator left the meeting at the conclusion of this item.

**BUS05 Enterprise Risk Management**RECOMMENDED

That the Business Assurance and Risk Committee note the status update on Council's Enterprise Risk Management Framework.

DISCUSSION

The Risk Management Officer provided a presentation on Council's current Enterprise Risk Management status. Mr Gordon asked about the top risks and how this was progressing. The Risk Management Officer advised all risks where in the register and that a consultant was being engaged to workshop with the Executive and the Senior Management Team to ensure consistency and consensus in relation to the top risks.

DECISION

The Business Assurance and Risk Committee noted the status update on Council's Enterprise Risk Management Framework.

**BUS06 External Audit Update**

RECOMMENDED

That the Business Assurance and Risk Committee note the external audit update.

DISCUSSION

Ms Karakatsanis introduced Ms Ali and reminded the Committee the Audit Office has direct oversight of the 2018/2019 external audit for Camden Council. Ms Karakatsanis advised the Committee of the Local Government sector report to Parliament released on the financial audit results of NSW Councils.

Mr Gordon asked if the Audit Office could provide a comparison of how Camden Council is tracking against the findings across the sector when the audit plan is tabled at the next meeting.

Ms Karakatsanis provided an outline of the management letter for the year ended 30 June 2018 and advised the Audit Office was satisfied with management's response to the findings and recommendations.

Ms Karakatsanis advised the audit plan for the year ended 30 June 2019 will be provided to the next meeting and highlighted the areas of focus being fair value valuations, IT controls, development contributions and the growth risks of Camden Council. It was also advised that a credit card performance audit is being undertaken by the Audit Office.

Ms Gavey mentioned a recent ICAC investigation *Operation Yarrow* that relates to and IT service provider. The Internal Audit Coordinator advised she will circulate the slides from a recent presentation on Operation Yarrow to the Committee.

DECISION

The Business Assurance and Risk Committee noted the external audit update.

**BUS07 Audit Report Recommendations - Implementation Status Update - January 2019**

RECOMMENDED

That the Business Assurance and Risk Committee note the Implementation Status Update for January 2019.

DISCUSSION

The Internal Audit Coordinator advised that the 30 January 2019 percentage of recommendations on track is quite good, however highlighted that the percentage would decline as a number of recommendations due at the end of February were not complete. It was advised that we are now also reporting to the Executive on recommendations due within two months of reporting.

Mr Gordon highlighted the significant number of audit recommendations raised to date and how that demonstrates questions are being asked of Management. Mr Gordon requested future reports to highlight those audit recommendations 'not yet due' that are unlikely to meet their due date. The Internal Audit Coordinator advised this information will be provided.

Ms Gavey asked what detail Executive sees regarding the recommendations updates. The Internal Audit Coordinator noted what information is given and the robustness in the current processes.

#### DECISION

The Business Assurance and Risk Committee noted the Implementation Status Update for January 2019.

#### **BUS08 Business Assurance And Risk Committee Charter And Internal Audit Charter**

##### RECOMMENDED

That the Business Assurance and Risk Committee:

- i. endorse the revised Business Assurance and Risk Committee Charter for recommendation to Council for adoption;
- ii. approve the revised Internal Audit Charter.

#### DISCUSSION

Mr Gordon provided background on the Charter updates in relation to the Office of Local Government model guidance not yet finalised. Mr Gordon and Ms Gavey advised they had provided the Internal Audit Coordinator some minor cosmetic changes today and requested they be made and circulated out of session.

Ms Karakatsanis requested the name of their report be changed to not include the 'title' of the report as these can often change.

#### DECISION

That the Business Assurance and Risk Committee:

- i. endorsed the revised Business Assurance and Risk Committee Charter for recommendation to Council for adoption, subject to the minor cosmetic changes being made;
- ii. approved the revised Internal Audit Charter, subject to the minor cosmetic changes being made.

#### **BUS09 Internal Audit Plan Status Update**

##### RECOMMENDED

That the Business Assurance and Risk Committee note the current internal audit plan

status update.

#### DISCUSSION

The Internal Audit Coordinator advised that the recruitment audit is nearing completion with fieldwork complete and the exit meeting intended to take place in the next couple of weeks. It was advised that provided the request for quotations for outsourced audits are sent out shortly the remainder of the audit plan should stay on track.

Mr Gordon requested the key in the pie chart graphs be increased in size for future reports.

Ms Gavey asked if the time spent on training referred to training of Council staff or professional development of audit staff. It was confirmed that this refers to professional development time for audit staff.

#### DECISION

The Business Assurance and Risk Committee noted the current internal audit plan status update.

### **BUS10 Work Health And Safety Update**

#### RECOMMENDED

That the Business Assurance and Risk Committee note the WHS Update.

#### DISCUSSION

The Acting Director of Customer and Corporate Strategy outlined the WHS report.

Mr Gordon advised that the Committee's main focus is to look for trends in the data presented and confirmed that the previously requested additions have been added into the report. Mr Gordon asked if the Employee Assistance Program figure provided can be broken down between new clients and repeats.

The General Manager informed the Committee of the initiatives Council has taken around wellbeing and mental health including the introduction of mental health first aiders.

Ms Gavey asked who Council uses to facilitate the mental health first aid courses. The General Manager advised he can find out and advise.

The General Manager also advised that the rebates received for Council's proactive WHS work is being used to fund further work in this area.

#### DECISION

The Business Assurance and Risk Committee noted the WHS Update.

### **BUS11 Governance Information Report - 31 December 2018**



### RECOMMENDED

That the Business Assurance and Risk Committee note the Governance Information Report.

### DISCUSSION

Mr Gordon noted the positive work Council is doing regarding complaints. It was highlighted that formal GIPA requests are low compared to some other Councils.

Mr Gordon asked about the independent review mentioned in the report and the Director of Planning and Environment outlined the matter.

The Manager of Governance and Risk mentioned the review of the Public Interest Disclosure (PID) policy and that Council is expanding the number of contact officers for PID's which may encourage increased reporting.

### DECISION

The Business Assurance and Risk Committee noted the Governance Information Report.

## **BUS12 Update On The Status Of Policies And Procedures And Legislative Compliance**

### RECOMMENDED

That the Business Assurance and Risk Committee note the update on the status of policies and procedures and legislative compliance.

### DISCUSSION

Mr Gordon asked how legislative compliance is ensured. The Manager of Governance and Risk outlined the workflow process for acknowledgement by responsible Managers of new legislative changes. Mr Gordon advised some Councils are using software to manage legislative compliance.

Ms Gavey queried whether notification to Managers of legislative changes are actually followed up to determine if the Managers have acted on them. The Manager Governance and Risk advised the legislative changes are work flowed so staff must acknowledge them. The Manager Governance and Risk also outlined the Policy review reminder process. Ms Gavey also asked about a holistic review of compliance and policies and if Staff often approach the Manager of Governance and Risk for advice on legislation. It was advised that this does occur regularly.

Mr Gordon highlighted experience with other clients which underscored the importance of being able to prove an organisation is aware of legislation and has proof of compliance. He stressed the importance of ensuring the critical risks are identified and robustly addressed.

### DECISION

The Business Assurance and Risk Committee noted the update on the status of policies and procedures and legislative compliance.

**BUS13 Data Breach Policy**RECOMMENDED

That the Business Assurance and Risk Committee:

- i. note the Data Breaches Policy;
- ii. provide any comments on the draft Data Breach Policy

DISCUSSION

Mr Gordon commented on the robustness of the Policy and highlighted what an excellent policy it is. Mr Gordon suggested checking the use of the words 'personal' breaches as it may be intended to cover other breaches (eg corporate breaches). The Manager Governance and Risk advised he would check this before finalising.

Ms Gavey suggested a flowchart for determining how a breach is deemed as serious may be useful at point 6.1 of the policy.

Mr Gordon asked if 24 hours was too generous for critical data breach notification in point 5.2 of the policy. It was advised that the timeframe to notify is 'as soon as practicable' with 24 hours the worst case timeframe.

DECISION

The Business Assurance and Risk Committee:

- i. noted the Data Breaches Policy;
- ii. provided feedback comments on the draft Data Breach Policy in the discussion above.

**BUS14 Checklist Of Compliance With Committee Requirements**RECOMMENDED

That the Business Assurance and Risk Committee note the checklist of compliance with the Business Assurance and Risk Committee Charter and TPP 15-03 for the 2019 calendar year.

DISCUSSION

Mr Gordon believed that the checklist demonstrated the Committee was covering everything and appears to be on track.

DECISION

The Business Assurance and Risk Committee noted the checklist of compliance with the Business Assurance and Risk Committee Charter and TPP 15-03 for the 2019 calendar year.

**BUS15 General Business**RECOMMENDED

That the Business Assurance and Risk Committee note any General Business items discussed.

DISCUSSION

Mr Gordon reiterated completing a gap analysis for Camden Council against the Audit Office report outlined in BUS06.

Mr Gordon raised that another Council Committee he is on had reported that the organisation had over 800,000 spreadsheets within their servers. The question was asked if we could ask IT how many spreadsheets are stored on Camden's servers and report back.

DECISION

The Business Assurance and Risk Committee:

- i. noted the General Business items discussed;
- ii. requested a gap analysis be undertaken against the Audit Office Report on Local Government 2018;
- iii. requested the number of spreadsheets stored on Council's services be provided.

The Committee held an 'in-camera' session with Council's Internal Audit Coordinator post meeting which was finished by 7.40pm

**Next Meeting:**

The next meeting of the Business Assurance and Risk Committee is scheduled for 22 May 2019 Oran Park Executive Board Room, commencing at 5.00pm.

Confirmed as a complete and accurate record of the meeting.

John A. Gordon  
BARC Chair