



ORDINARY COUNCIL MEETING

Wednesday 18 October, 2023

at 9:15am

Council Chambers, 56 Chanter Street, Berrigan



Appendices



Table of Contents

6.3	Mayoral Minute - Private Members Bill - Rural Fire Service Assets	
	Appendix 1 Private Member's Bill - Rural Fire Service Vehicles - Letter to Helen Dalton.....	4
	Appendix 2 Private Members Bill - Rural Fire Service Assets - Media Release.....	6
8.11	Council Seal and Execution of Legal Documents Policy	
	Appendix 1 Council Seal and Execution of Legal Documents Policy	7
8.12	Media Policy	
	Appendix 1 Policy No. 52 - Media Policy - WORKING DOCUMENT	14
8.13	Public Interest Disclosures Policy	
	Appendix 1 DRAFT - Public Interest Disclosures Policy - October 2023	20
8.14	Gifts and Benefits Policy	
	Appendix 1 Gifts and Benefits Policy - October 2023	45
8.18	Council Action List Report	
	Appendix 2 Completed Council Actions from 20.09.2023 - 13.10.2023	52
8.29	Local Government Remuneration Tribunal 2024 Annual Review	
	Appendix 1 LGRT - Invitation letter to Councils seeking submissions	56
8.32	Southern Riverina Country Universities Centres	
	Appendix 1 Board skills matrix	58
	Appendix 3 2023 Dashboard - Tocumwal - Finley - Jerilderie	61



Office of the Mayor

Ref: JMC: 2324: 04

9 October 2023

Ms Helen Dalton
Member for Murray
228 Cressey Street
Deniliquin NSW 2710

Via email: murray@parliament.nsw.gov.au

Dear Ms Dalton

Private Members Bill to Transfer Rural Fire Service Fleet to the Ownership of the State Government

I write to you as the new Mayor for Berrigan Shire Council. As you are aware, Berrigan Shire Council has written to you and a number of other Ministers regarding our concerns over the Rural Fire Service (RFS) Fleet and the requirement for Councils to account for a fleet they neither control nor own.

Berrigan Shire Council has continued to refuse to account for these RFS Assets (commonly known as “the Red Fleet”). Council do not purchase the equipment in question, we do not insure it, we do not maintain it, we do not deploy it, we do not have any say as to when and how the fleet is used, and we do not receive the proceeds of any sale of these assets. Under the relevant accounting standards, despite the stance of the Attorney-General, it is clear Councils do not own the Red Fleet, despite the term “vesting” which is used once in the *Rural Fires Act 1997*.

Council strongly believes, the way in which we are currently expected to account for the Red Fleet is subterfuge and misleading our communities. Berrigan Shire Council will again risk a qualified audit, rather than support the charade that is the current situation.

Accounting for these assets would significantly and severely impact Council’s long term financial sustainability as accounting for these assets in any way artificially increases our asset holdings and therefore increases our depreciation schedules unnecessarily. Diverting that money away from the delivery of services to our community is an outcome this Council cannot support.

Berrigan Shire Council

📍 56 Chanter Street, Berrigan NSW 2172
☎ (03) 5888 5100 🌐 www.berriganshire.nsw.gov.au



Berrigan Shire Council strongly urges you to vote for the Private Members Bill which is to be voted on this week. This Council and all Councils current forced to account for these assets feel this vote is extremely important for the financial sustainability of Councils in the long term, and for transparency and accountability to the people of NSW.

Please contact our CEO, Karina Ewer on 03 5888 1000 or email karinae@berriganshire.nsw.gov.au should you require further information or to book a meeting.

Yours faithfully

Dr Julia Cornwell McKean GAICD
MAYOR

Berrigan Shire Council

56 Chanter Street, Berrigan NSW 2172
 (03) 5888 5100 www.berriganshire.nsw.gov.au



Berrigan Shire Council
56 Chanter Street, Berrigan NSW 2712
P 03 5888 5100
www.berriganshire.nsw.gov.au

For immediate release

9 October 2023

PRIVATE MEMBER'S BILL – RURAL FIRE SERVICE ASSETS

The Berrigan Shire Council continues to fight to ensure the community are made aware of the cost and management status of Rural Fire Services Equipment. Currently the Auditor-General is insisting Council's account for State owned and management fleet, effectively hiding the cost and management practices on Council's books.

Mayor Julia Cornwell McKean said, "Council wants to make it clear to the community that we are grateful and strongly support the work of the volunteers in the Rural Fire Service. Their continued service is an example of the commitment to service we have in our community."

"The insistence of the State Government that Councils account for the Red Fleet does not support, nor value the work of RFS," Mayor Julia said.

The Auditor-General has continued to threaten Councils with qualified audits if they do not account for RFS Assets. RFS assets are not owned, nor managed by Councils and accounting for them in anyway is a clear breach of not only the Australia Accounting Standards, but would make Council complicit in perpetuating a myth that buries an estimated \$2B worth of mobile assets.

Rural firefighting equipment is too important for the NSW Government to continue to play accounting games. It is not in the best interests of NSW that responsibility for accounting for the assets of the world's largest volunteer fire service should be split and outsourced to over 100 councils.

"Our Council strongly supports the Private Members Bill that will be voted on by parliament this week," said Mayor Julia. "Support for that vote is critical in ensuring the Rural Fire Service is able to account for and manage their own fleet in a transparent and accountable way."

ENDS

Further information:

Keelan McDonald

Executive Assistant

Berrigan Shire Council



Policy

117

COUNCIL SEAL AND EXECUTION OF LEGAL DOCUMENTS

Strategic Outcome:	Good government	
Policy type	Statutory	
Date of Adoption:	18 October 2023	Minute Number:
Date for Review:	20 October 2027	
Responsible Officer:	Deputy Chief Executive Officer	
Document Control:	New policy	
Delivery Program Link:	2.1.2 Meet legislative requirements for Council elections, local government and integrated planning and reporting.	

1. POLICY STATEMENT

It is important that legal documents entered into by Council are validly executed and that the Council seal is used in line with Council's legal obligations.

2. PURPOSE

The purpose of this Policy is to provide guidance to Council Officers on the execution of legal documents. This Policy aims to provide the conditions under which the Council Seal (Seal) must be affixed to documents and the steps associated with affixing the Seal.

3. SCOPE

This procedure applies to all Council Officers (see definitions below).

4. OBJECTIVE

This policy is developed to assist the Council with Delivery Program Objective 2.1.2:

Meet legislative requirements for Council elections, local government and integrated planning and reporting.

5. DEFINITIONS

Conveyancing document: A document executed as part of a Conveyancing Transaction;



Policy

Conveyancing transaction:	The transfer of legal title from one person to another or the granting of an encumbrance such as a mortgage or easement.
Councillor:	An elected official of Berrigan Shire Council
Council officer:	<p>(Also known as Public Official) includes Councillors; full-time, part-time and casual staff members whether they are permanent or temporary employees; volunteers; contractors; and external members of Council committees.</p> <p>An Authorised Council Officer is a Council Officer delegated by the CEO to act on behalf of Council.</p> <p>A Responsible Council Officer is responsible for the management of a specific legal document(s).</p>
Council seal:	The official stamp of Berrigan Shire Council, indicating Council's formal acceptance of the contractual document(s) and/or obligations.;
Legal documents:	<p>Written documents that create legal relations between parties and can be used to uphold an agreement in a court of law. Legal documents consist of all written transactions entered into with an external entity on behalf of Council, including but not limited to:</p> <ul style="list-style-type: none">• agreements – including funding agreements, development agreements and Memorandums of Understanding,• contracts and• property leases and licence agreements.

6. POLICY IMPLEMENTATION

6.1 Documents requiring the Council seal

6.1.1 Holder of the seal

The Seal must be kept by the Chief Executive Officer.

6.1.2 Documents that must have the seal attached.

The Seal must be affixed in relation to the following:

- a) the execution of documents for the disposal of land,
- b) the execution of documents for the acquisition of land,



Policy

- c) if a funding agreement or contract between Council and the NSW Government or Commonwealth Government expressly requires the affixing of the Seal, and
- d) as otherwise required by law.

The Seal must not be affixed to a document unless the document relates to the business of Council and Council has resolved (by resolution specifically referring to the document) that the Seal be affixed.

6.1.3 Obtaining endorsement of the fixing of the seal

The Seal shall not be affixed to any document unless:

- a) the document has been listed under the 'Documents for Signing and Sealing' section of the Ordinary Council Meeting Agenda and Council has resolved to affix the Seal, **or**
- b) Council has resolved with a specific resolution to affix the Seal to a specific document.

6.1.4 Documents listed under the "Documents for Sealing" section of the Ordinary Council meeting agenda.

Council Officers are responsible for notifying the Governance unit of any document(s) requiring sealing for listing on the Ordinary Council Meeting Agenda. In addition to forwarding a copy of the document(s) for sealing to the Governance unit, Council Officers must notify the Governance Unit of the following:

- a) the purpose of the legal document,
- b) the contact details of the Council Officer responsible for the document(s),
- c) the date of the Council Meeting when sealing of the document is to be considered and
- d) the Magiq document number where the document is stored.

The Governance unit responsible for listing the relevant documents under the 'Documents for Sealing' section of the Ordinary Council Meeting Agenda.

6.1.5 Documents resolved to have the Seal affixed by specific resolution.

Where it is necessary for Council to affix the Seal to specific document(s) by a specific resolution, the resolution of Council is to appear as follows:

"Council authorises its Seal to be affixed to [identify the document(s), and the value including GST if it is a contract] in the presence of two signatories authorised to affix the Seal pursuant to Regulation 400 of the Local Government (General) Regulation 2021."

Council Officers are responsible for ensuring the wording of the resolution to affix the Seal complies with this procedure.

Once a Council resolution has been made to affix the Seal, the Governance unit is responsible for coordinating the execution of the documents.



Policy

6.1.6 Affixing the Seal to documents following Council resolution.

Council Officers are responsible for ensuring the wording of the resolution to affix the Seal complies with this procedure.

The Seal must not be affixed to any document without a resolution of Council.

Documents requiring the Seal to be affixed must be witnessed and done only in the presence of:

- a) the Mayor and the CEO, or
- b) at least one Councillor (other than the Mayor) and the CEO or
- c) the Mayor and at least one other Councillor, or
- d) at least two Councillors other than the Mayor.

The Mayor and CEO (or such other Councillor(s) as detailed above) are responsible for ensuring the Seal is not affixed to any document for which a resolution has not been adopted relating to the affixing of the Seal.

The persons who witnessed the sealing (for example, the Mayor and CEO) must attest that the Seal was affixed in their presence and was done so in accordance with a resolution of Council. The attestation should read as follows (unless otherwise required in a prescribed form by legislation or other obligation):

THE SEAL of BERRIGAN SHIRE COUNCIL ABN 53 900 833 102 was affixed in accordance with Reg 400 Local Government (General) Regulation 2021 pursuant to a resolution made on *[insert date]* and attested to by:

..... [print name and position of signatory one] [print name and position of signatory one]
---	---

Details of the witnesses to the sealing, the date the document was signed and sealed, and the date Council resolved to affix the Seal are entered into the Documents for Sealing Register.

The Governance unit are responsible for entering the details into the Documents for Sealing Register.

The Governance unit is responsible for scanning all executed documents and ensuring they are correctly recorded in Magiq. The Records unit is responsible for retaining the documents in accordance with the *NSW State Records Act 1998*.



Policy

6.2 Documents not requiring the Council seal

Some legal documents executed by Council do not require the Council Seal to be affixed, such as funding agreements from third parties, licence agreements and delegated contracts.

This section applies to all legal documents that do not require the Council Seal to be affixed. These documents are to be signed by the third party and then signed by the Authorised Council Officer as provided under the Delegations of Authority from CEO to Staff.

EXECUTED for and on behalf of BERRIGAN SHIRE COUNCIL ABN 53 900 833 102 under delegated authority and in the presence of:	
..... Signature of Witness Signature of delegated Council Officer
..... Name of Witness Name of delegated Council Officer

The Governance unit is responsible for scanning all executed documents and ensuring they are correctly recorded in Magiq.

Retention of documents may include forwarding the original executed document(s) (excluding employment agreements) to Council's contracted legal services provider.

The responsible Council Officer is responsible for including the details of the legal documents on the relevant internal register.

6.3 Conveyancing documents

Conveyancing documents may or may not require the Council seal to be affixed. Council's legal service provider can provide further guidance, if required.

Verification of identity is required for all Council Officers who execute documents in a conveyancing transaction. 100 points of identification is to be provided to Council's legal services provider on commencement of Council term or as required.

6.4 Obtaining legal advice

To ensure the efficient management of Council's resources, appropriate approval must be sought before Council Officers seek to obtain legal advice from Council's legal services provider.



Policy

Council Officers are responsible for seeking approval from the CEO or Deputy CEO (or other Council Officer) nominated in the Delegations of Authority from CEO to Staff, as provided from time to time). Requests must detail why the legal advice is required and the proposed scope of the legal advice.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 2000*
- *State Records Act 1998*
- *Local Government (General) Regulation 2021*

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Code of Meeting Practice
- Records Management Policy

8. RECORDS MANAGEMENT

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>



Policy

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	18/10/2023	New Policy document	Deputy Chief Executive Officer



Policy

52

MEDIA POLICY

Strategic Outcome:	Good government	
Policy type	Strategic	
Date of Adoption:	18 October 2023	Minute Number:
Date for Review:	18 October 2027	
Responsible Officer:	Deputy Chief Executive Officer	
Document Control:	Update Media Policy adopted on 15 March 2017	
Delivery Program Link:	2.2.2 Council operations support ethical, transparent and accountable corporate governance.	

1. POLICY STATEMENT

The Council has an important relationship with the media. This relationship provides an opportunity to:

- Keep the community informed about Council activities, services and programs,
- Involve the community in dialogue about the provision of services and planning for the future, and,
- Involve the community in activities which support the aims and objectives of the Council and the wider community as detailed in the Community Strategic Plan – *Berrigan Shire 2023*.

Berrigan Shire Council has a responsibility to the community to ensure that when it provides public information – in particular to the media – that then information is accurate and accurately reflects the Council's position in relation to activities and issues.

It is unreasonable to expect that the community can readily differentiate either inaccurate information or personal views or opinions.

Where inaccurate information or personal views or opinions are provided it portrays the Council as unprofessional at best and incompetent or secretive at worse.

2. PURPOSE

The purpose of this Policy is to:



Policy

- Provide for effective communication of Council affairs to the public through the media
- Promote positive coverage of Council affairs that is fair, accurate and reliable
- Establish a process that clarifies which person or persons provides public information in relation to Council activities or issues.
- Clarify if information provided is the official Council position or a personal expression of opinion.

3. SCOPE

This policy applies to Council officials as defined in Council's Code of Conduct (see Definition section below).

This policy applies to situations where Council officials:

- Communicate with the media about Council affairs and related matters,
- Attend public speaking engagements, or,
- Make comments on Council affairs where it is reasonably foreseeable that their comments will be published in the media.

This policy acknowledges the rights and responsibilities of Councillors as elected representatives as outlined in the *Local Government Act 1993*.

4. OBJECTIVE

This policy is developed to assist the Council with the following Delivery Plan Objectives:

2.2.2 Council operations support ethical, transparent and accountable corporate governance.

5. DEFINITIONS

Council affairs: includes matters before the Council or other Council affairs and business, Council policy, interpretation of policy, management of Council business, management of Council staff or actions or matters that may commit the Council's resources to any purpose.

Council officials: as defined in Council's Code of Conduct, Council officials includes Councillors, members of staff of Council and delegates of Council including volunteers.

Council staff: means Council officials who are not Councillors. This includes consultants, contractors and other delegates of Council, including volunteers.



Policy

Media: includes print media such as national or local newspapers, magazines, newsletters, brochures and other documents and the broadcast media including radio and television broadcasters and internet publishers.

Public comment: includes interviews with the media (including comments to or interviews with the press, radio or television), public speaking engagements, expressing views in letters to the press, in books, notices, articles, social media or in any medium where it is reasonably foreseeable that the publication or circulation will enter the public domain.

Publication: the distribution of information via print or electronic media including but not being limited to newspapers, radio and television broadcasting and the internet.

6. POLICY IMPLEMENTATION

6.1 General spokespersons

The Mayor and Chief Executive Officer are the official spokespersons regarding Council affairs and it is expected that in most cases this will remain the most appropriate situation.

The Director Infrastructure, Director Strategic Building and Planning and Director Corporate Services are delegated authority to speak to the Media on areas under their jurisdiction. The Chief Executive Officer must be informed either before, or directly after, the comments made.

The Marketing, Communications and Engagement Coordinator is delegated authority to speak to the Media to provide information on Council affairs as per the Council's Community Engagement Framework.

6.2 Specific spokespersons

In some cases it would be more appropriate to designate specific Councillors or staff to act the Council spokesperson on specific issues.

The Council will from time to time designate a Councillor or staff member to be its official spokesperson in relation to specific issues or activities. Such designation will be by Council resolution.

If this designation is to occur it should be at the inception of an issue or activity as this will create certainty and consistency.

Where no such designation exists, the Mayor and Chief Executive Officer will continue to be the Council's official spokespersons. The Mayor and Chief Executive Officer may also express the Council's position in relation to activities or issues even if there is a designation.



Policy

The Chief Executive Officer may nominate specialist members of staff to respond to technical questions on operational matters only. The Mayor and/or the Chief Executive Officer must approve of other information before it is issued or distributed to the media.

6.3 Unauthorised comment

Where Council officials are asked to respond to media or public enquires regarding activities of the Council, they should:

- clarify that they are not the best person to speak to, and
- refer the enquiry to the Mayor, Chief Executive Officer or other authorised delegate.

Council officials should support Council decisions and should refrain from using the media to make negative personal reflections on each other or comments that could be interpreted as such and which are reasonably likely to undermine public confidence in the Council or local government generally.

Council staff must not make political or controversial statements in or to the media relating to Council affairs, decisions and/or events, or about Council officials which are likely to generate negative publicity for Council.

Breaches of this policy will be dealt with in accordance with the Code of Conduct i.e. staff will be disciplined while allegations against Councillors, the Mayor or Chief Executive Officer will be referred to the Conduct Committee.

6.4 Councillors and public debate

As members of the community, Councillors are entitled to enter into public debate in their private capacity and make comment on Council affairs provided they clearly state that such public comment reflects their personal opinion and not that of the Council or a committee of Council.

6.5 Media releases

All media releases must be approved by the Chief Executive Officer or Mayor prior to release.

6.6 Incorrect information

In the event of incorrect information or information that has a personal or corporate reputational risk being published, the Director Corporate Services will investigate and report to the Chief Executive Officer on how the information came to be published.

If necessary, the Chief Executive Officer issue or will authorise a media release to be issued clarifying the incorrect information.



Policy

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Privacy and Personal Information Protection Act 1998*
- *Defamation Act 2005*

7.2 Council policies and guidelines

- Berrigan Shire 2023 (Community Strategic Plan)
- Code of Conduct
- Community Engagement Framework
- Privacy Management Plan
- Internal Reporting Policy
- Access to Information Policy
- Policy for volunteering in Berrigan Shire
- Social Media Policy

8. RECORDS MANAGEMENT

Recording of all information relating to this policy ...

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.



Policy

Access to the policy in digital format is free and is available on Council's website
<https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	15.03.2017	New Policy document	Director Corporate Services
1.1	TBC	Minor review (detail)	Deputy CEO

APPENDICES



Policy

10

PUBLIC INTEREST DISCLOSURES

Strategic Outcome:	Sustainable natural and built landscapes		
Policy type	Statutory		
Date of Adoption:	18 October 2023	Minute Number:	
Date for Review:	20 October 2027		
Responsible Officer:	Deputy Chief Executive Officer		
Document Control:	Replaces the Internal Reporting and Protected Disclosures Policy adopted on 19 October 2022.		
Delivery Program Link:	2.1.2: Council operations support ethical, transparent and accountable corporate governance		

1. POLICY STATEMENT

All agencies in NSW are required to have a Public Interest Disclosure (PID) Policy under section 42 of the *Public Interest Disclosures Act 2022* (PID Act).

Berrigan Shire Council takes reports of serious wrongdoing seriously. Council is committed to building a 'speak up' culture where public officials are encouraged to report any conduct they reasonably believe involves wrongdoing.

The integrity of Berrigan Shire Council relies upon its staff, volunteers, contractors, and subcontractors speaking up when they become aware of wrongdoing.

2. PURPOSE

This policy sets out:

- how Berrigan Shire Council will support and protect you if you come forward with a report of serious wrongdoing,
- how we will deal with the report and our other responsibilities under the PID Act,
- who to contact if you want to make a report,
- how to make a report, and
- the protections which are available to you under the PID Act.



Policy

This policy also documents our commitment to building a speak up culture. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- protecting those who speak up from detrimental action, and
- imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

In NSW, that framework is the PID Act.

3. SCOPE

This policy applies to, and for the benefit of, all public officials in NSW.

You are a public official if you are:

- a Councillor,
- a Council employee,
- a Council volunteer,
- a person employed in or by an agency or otherwise in the service of an agency,
- a person having public official functions, or acting in a public official capacity, whose conduct or activities an integrity agency is authorised by another Act or law, to investigate,
- an individual in the service of the Crown,
- a statutory officer,
- a person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer,
- an employee, partner or officer of an entity that provides services, under contract, subcontract or other arrangement, on behalf of an agency or exercises functions of an agency and are involved in providing those services or exercising those functions,
- a judicial officer,
- a Member of Parliament (MP), including a Minister and / or
- a person employed under the [Members of Parliament Staff Act 2013](#).

The Chief Executive Officer, other nominated disclosure officers, and managers within Berrigan Shire Council have specific responsibilities under the PID Act. This policy also provides information on how people in these roles will fulfil their responsibilities. Other public officials who work in and for the public sector, but do not work for Council may use this policy if they want information on who they can report wrongdoing to within Council.

This policy does not apply to:

- people who have received services from Council and want to make a complaint about those services, or



Policy

- people, such as contractors, who provide services to Council. For example, employees of a company that sold computer software to Council.

This policy therefore does not apply to complaints not made by public officials. There are, however, some circumstances where a complaint can be deemed to be a voluntary PID (see section 6.1.9 of this policy for more information).

However, you can still make a complaint to Berrigan Shire Council. This can be done by providing the complaint in writing to the Chief Executive Officer.

4. OBJECTIVE

This policy is developed to assist the Council with the Delivery Program Objective:

2.1.2: Council operations support ethical, transparent and accountable corporate governance.

5. DEFINITIONS

Council: Berrigan Shire Council

Council official: a Councillor, employee, committee member, volunteer, contractor or subcontractor of Berrigan Shire Council;

Manager: As defined in section 15 of the PID Act. Your manager is a person who directly or indirectly supervises you;

Public official: As defined in section 14 of the PID Act and in Section 4 of this Policy.

6. POLICY IMPLEMENTATION

6.1 How to make a report of serious wrongdoing

6.1.1 Reports, complaints, and grievances

When a public official reports suspected or possible wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the PID Act.

Some internal complaints or internal grievances may also be PIDs, if they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, we will consider whether it is a PID. If it is a PID, we will deal with it as set out in this policy, but we will also make sure we follow our Code of Conduct or other relevant policies.

It is important we quickly recognise when we have received a PID. This is because once a PID is received, the person who has made the report is entitled to certain protections and we have certain decisions



Policy

we must make on how we will deal with the PID and how we will protect and support the person who has made the report.

6.1.2 When will a report be a PID?

There are three types of PIDs in the PID Act. These are:

1. **Voluntary PID:** This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.
2. **Mandatory PID:** This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
3. **Witness PID:** This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

This policy mostly relates to making a voluntary PID and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in section 6.2 of this policy.

You can find more information about mandatory and witness PIDs in the Ombudsman's guidelines 'Dealing with mandatory PIDs' and 'Dealing with witness PIDs'.

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and 'whistleblowing'.

They involve a public official making a report because they have information they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has the following five features, which are set out in sections 24 to 27 of the PID Act:

1. A report is made by a public official

2. It is made to a person who can receive voluntary PIDs

3. The public official *honestly and reasonably believes* that the information they are providing *shows (or tends to show) serious wrongdoing*

4. The report was made orally or in writing

5. The report is voluntary (meaning it is not a mandatory or witness PID)



Policy

If the report has all five features, it is a voluntary PID.

You will not be expected to prove that what you reported happened or is serious wrongdoing. You *do* have to honestly believe, on reasonable grounds, the information you are reporting shows, or tends to show, serious wrongdoing.

Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

If we make an error and do not identify that you have made a voluntary PID, you will still be entitled to the protections under the PID Act.

If you make a report and believe we have made an error by not identifying that you have made a voluntary PID, you should raise this with a nominated disclosure officer or your contact officer for the report. If you are still not satisfied with this outcome, you can seek an internal review, or we make seek to conciliate the matter. You may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found in section 6.7 of this policy.

6.1.3 Who can make a voluntary PID?

Any public official can make a voluntary PID — see Section 3 – “Scope”.

You are a public official if:

- you are a Councillor,
- you are employed by Council,
- you are a member of a Council committee,
- you are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of Council, or
- you work for an entity (such as a non-government organisation) who is contracted by Council to provide services or exercise functions on behalf of [agency name] — if you are involved in undertaking that contracted work.

A public official can make a PID about serious wrongdoing relating to any agency, not just the agency they are working for. This means we may receive PIDs from public officials outside Council. It also means you can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman. Annexure B of this policy has a list of integrity agencies.

6.1.4 What is serious wrongdoing?



Policy

Reports must be of one or more of the following categories of serious wrongdoing to be a voluntary PID (in addition to having the other features set out here). Serious wrongdoing is defined in the PID Act as:

- corrupt conduct — such as a public official accepting a bribe,
- serious maladministration — such as an agency systemically failing to comply with proper recruitment processes when hiring staff,
- a government information contravention — such as destroying, concealing, or altering records to prevent them from being released under a Government Information Public Access application,
- a local government pecuniary interest contravention — such as a senior council staff member recommending a family member for a council contract and not declaring the relationship,
- a privacy contravention — such as unlawfully accessing a person's personal information on an agency's database, or
- a serious and substantial waste of public money — such as an agency not following a competitive tendering process when contracting with entities to undertake government work.

When you make your report, you do not need to state to Council what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

6.1.5 Who can I make a voluntary PID to?

For a report to be a voluntary PID, it must be made to certain public officials.

Making a report to a public official who works for Berrigan Shire Council

You can make a report inside Council to:

- **the Chief Executive Officer**
- **a disclosure officer for Council** — a list of disclosure officers for Council and their contact details can be found at Annexure A of this policy.
- **your manager** — this is the person who directly, or indirectly, supervises you. It can also be the person who you directly, or indirectly, report to. You may have more than one manager. Your manager will make sure the report is communicated to a disclosure officer on your behalf or may accompany you while you make the report to a disclosure officer.

Making a report to a recipient outside of Berrigan Shire Council

You can also make your report to a public official in another agency (meaning an agency you do not work for) or an integrity agency. These include:

- **the head of another agency** — this means the head of any public service agency,



Policy

- an **integrity agency** — a list of integrity agencies is located at Annexure B of this policy,
- a **disclosure officer for another agency** — ways to contact disclosure officers for other agencies is located in an agency's PID policy which can be found on their public website, or
- a **Minister or a member of a Minister's staff** but the report *must be made in writing*.

If you choose to make a disclosure outside of Council, it is possible that your disclosure will be referred back to Berrigan Shire Council so appropriate action can be taken.

Making a report to a Member of Parliament or journalist

Disclosures to MPs or journalists are different to other reports. You can only disclose a report of wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:

- You must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures.
- The previous disclosure must be substantially true.
- You did not make the previous disclosure anonymously.
- You did not give a written waiver of your right to receive information relating to your previous disclosure.
- You did not receive the following from Council:
 - notification Council will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or
 - the following information at the end of the investigation period:
 - notice of the Council decision to investigate the serious wrongdoing,
 - a description of the results of an investigation into the serious wrongdoing, or
 - details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

Investigation period means:

- after six months from the previous disclosure being made, or
- after 12 months if you applied for an internal review of the agency's decision within six months of making the disclosure, or

If all the above requirements are met, your disclosure to an MP or journalist may be a voluntary PID.

6.1.6 What form should a voluntary PID take?

You can make a voluntary PID:

- in writing — this could be an email or letter to a person who can receive voluntary PIDs.



Policy

- orally — have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually.
- anonymously — write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the PID Act. It may be difficult, however, for Council officers to investigate the matter(s) you have disclosed if we cannot contact you for further information.

6.1.7 What should I include in my report?

You should provide as much information as possible so we can deal with the report effectively. The type of information you should include is:

- date, time, and location of key events,
- names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved,
- your relationship with the person(s) involved, such as whether you work closely with them,
- your explanation of the matter you are reporting,
- how you became aware of the matter you are reporting,
- possible witnesses, and
- other information you have that supports your report.

6.1.8 What if I am not sure my report is a PID?

You should report all wrongdoing you become aware of regardless of whether you think it is serious wrongdoing. It is important for Council to understand what is or may be occurring.

We are then responsible for making sure your report is handled appropriately under the PID Act, or if it is not a PID, in line with our other procedures. Even if your report is not a PID, it may fall within another one of the agency's policies for dealing with reports, allegations, or complaints.

6.1.9 Deeming that a report is a PID?

The Chief Executive Officer or Deputy Chief Executive Officer can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the 'deeming power'.

By deeming that a report is a voluntary PID, it ensures reporters are provided with protections under the PID Act.



Policy

If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to Chief Executive Officer or Deputy Chief Executive Officer to request they consider deeming your report to be a voluntary PID.

A decision to deem a report to be a voluntary PID is at the discretion of the Chief Executive Officer or Deputy Chief Executive Officer. For more information about the deeming power, see the Ombudsman's guideline 'Deeming that a disclosure is a voluntary PID'.

6.1.10 Who can I talk to if I have further questions or concerns?

If you have any questions about making a PID, Council's disclosure officers can assist. Disclosure officers are aware of the requirements and protections in the Act and this policy and can provide advice on how to make a PID and assistance with making a PID.

Disclosure officers are available to talk to you outside work hours and/or away from your work site if required to maintain confidentiality. You are encouraged to make an appointment to meet with a disclosure officer before making contact outside hours.

A list of disclosure officers for Council and their contact details can be found at Annexure A of this policy.

6.2 Protections

6.2.1 How is the maker of a voluntary PID protected?

When you make a voluntary PID you receive special protections under the PID Act.

We are committed to taking all reasonable steps to protect you from detriment as a result of having made a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.

We will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report, or are believed to have made a report.

The maker of a voluntary PID is protected in the following ways:

- *Protection from detrimental action*
 - A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation, or dismissal.
 - Once we become aware a voluntary PID by a person employed or otherwise associated with the Berrigan Shire Council, concerns serious wrongdoing relating to Council has been made, Council will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.



Policy

- It is a criminal offence for someone to take detrimental action against a person because they have made, or may make, a voluntary PID. It is punishable by a maximum penalty of 200 penalty units, or imprisonment for five years, or both.
- A person may seek compensation where unlawful detrimental action has been taken against them.
- A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.

- *Immunity from civil and criminal liability*

Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information they obtain or become aware of at work. Sometimes, in order to make a PID, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued, or criminally charged for breaching confidentiality.

- *Confidentiality*

Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.

- *Protection from liability for own past conduct*

The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

6.2.2 Protections for people who make mandatory and witness PIDs.

Apart from PIDs that are made voluntarily by public officials, there are other types of reports that are recognised as PIDs under the PID Act:

- **A mandatory PID:** This is a PID where the public official has made the report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
- **A witness PID:** This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.



Policy

Protections for makers of mandatory and witness PIDs are detailed in the table below.

Protection	Mandatory PD	Witness PD
Detrimental action — It is an offence to take detrimental action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a PID.	✓	✓
Right to compensation — A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.	✓	✓
Ability to seek injunction — An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.	✓	✓
Immunity from civil and criminal liability — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for: <ul style="list-style-type: none">breaching a duty of secrecy or confidentiality, orbreaching another restriction on disclosure.	✓	✓

6.3 Reporting detrimental action

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately.

You can report any experience of adverse treatment or detrimental action directly to Council, or to an integrity agency. A list of integrity agencies is located at Annexure B of this policy.

6.4 General support

- Key contact person
- EAP



Policy

6.5 Roles and responsibilities of Council employees

6.5.1 Chief Executive Officer

The Chief Executive Officer is responsible for:

- fostering a workplace culture where reporting is encouraged,
- receiving disclosures from public officials,
- ensuring there is a system in place for assessing disclosures,
- ensuring the Council complies with this policy and the PID Act,
- ensuring the Council has appropriate systems for:
 - overseeing internal compliance with the PID Act,
 - supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action,
 - implementing corrective action if serious wrongdoing is found to have occurred,
 - complying with reporting obligations regarding allegations or findings of detrimental action and
 - complying with yearly reporting obligations to the NSW Ombudsman.

6.5.2 Disclosure Coordinator

The Disclosures Coordinator has a central role in the Council's PID system. The Disclosures Coordinator may receive and assess reports and is the primary point of contact in the Berrigan Shire Council for the reporter.

The Disclosures Coordinator has a responsibility to:

- assess reports to determine whether a report should be treated as a PID, and to decide how each report will be dealt with (either under delegation or in consultation with the Chief Executive Officer),
- deal with reports made under the council's Code of Conduct in accordance with the Council's adopted code of conduct procedures,
- coordinate the 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 detrimental action 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 and



Policy

- ensure Council complies with the PID Act; and provide reports to the NSW Ombudsman in accordance with the PID Act

6.5.3 Disclosure Officers

Disclosure officers are responsible for:

- receiving reports from public officials,
- receiving reports when they are passed on to them by managers,
- ensuring reports are dealt with appropriately, including by referring the matter to the appropriate complaint unit (if relevant) and
- ensuring any oral reports that have been received are recorded in writing.

6.5.4 Managers

The responsibilities of managers include:

- receiving reports from persons that report to them or that they supervise and
- passing on reports they receive to a Disclosure Officer.

6.5.5 All Council officials

All Councillors, employees, volunteers, and other officials must:

- report suspected serious wrongdoing or other misconduct,
- use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of Council and
- treat any person dealing with or investigating reports of serious wrongdoing with respect.

All employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

6.6 **How we will deal with Voluntary PIDs**

6.6.1 How we will acknowledge reports and keep the reporter informed

When a disclosure officer in Council receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information:

- You will receive an acknowledgment the report has been received. This acknowledgement will:
 - state that the report will be assessed to identify whether it is a PID,
 - state that the PID Act applies to how Berrigan Shire Council deals with PID reports,
 - provide clear information on how you can access this PID policy and
 - provide you with details of a contact person and available supports.



Policy

- If the report is a voluntary PID, we will inform you as soon as possible how we intend to deal with the report. This may include:
 - that we are investigating the serious wrongdoing,
 - that we will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If we do this, we will provide you with details of this referral or
 - if we decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell you the reasons for this decision. We will also notify the NSW Ombudsman of this decision.
- If we decide to investigate the serious wrongdoing, we will provide you with updates on the investigation at least every three months. During this time, if you would like more frequent updates, you should contact the contact person who was nominated when you made the report.
 - If we investigate the serious wrongdoing, we will provide you with the following information once the investigation is complete:
 - a description of the results of the investigation — that is, we will tell you whether we found that serious wrongdoing took place,
 - information about any corrective action taken as a result of the investigation/s — this means we will tell you what action we took in relation to the person who engaged in the serious wrongdoing or, if the serious wrongdoing was by our agency, what we have put in place to address that serious wrongdoing and
 - include any corrective action – including disciplinary action – taken against someone or changing the practices, policies and procedures we have in place which led to the serious wrongdoing.
- There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed to you. We will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations we have.
- If you have made an anonymous report, in many cases we may not be able to provide this information to you.

6.6.2 How we will deal with voluntary PIDs.

Once a report that may be a voluntary PID is received Council will look at the information contained in the report to see if it has the features of a voluntary PID.

This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure the right steps are followed. If it is a voluntary PID, we will ensure we comply with the requirements in the PID Act.

Report not a voluntary PID



Policy

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with our Grievance Policy or through an alternate process.

If the report is not a voluntary PID, we will let you know that the PID Act does not apply to the report and how we will deal with the concerns raised in the report.

If you are not happy with this assessment or otherwise disagree with it, you can raise it with the person who has communicated the outcome with you, or a disclosure officer, request an internal review, or request the matter be conciliated. Council can, but do not have to, request the NSW Ombudsman to conciliate the matter.

Cease dealing with report as voluntary PID.

Council may stop dealing with a voluntary PID because it is not actually a voluntary PID (meaning it does not have all the features of a PID).

Where the report is a voluntary PID

If the report is a voluntary PID:

- In most cases we will investigate to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or the agency engaged, in serious wrongdoing. There may be circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been investigated.
- There may also be circumstances where we decide the report should be referred to another agency, such as an integrity agency. For example, reports concerning possible corrupt conduct may be required to be reported to the ICAC in accordance with section 11 of the *Independent Commission Against Corruption Act 1988*.
- Before referring a matter, we will discuss the referral with the other agency, and we will provide you with details of the referral and a contact person within the other agency.
- If we decide not to investigate a report and to not refer the matter to another agency, we must let you know the reasons for this and notify the NSW Ombudsman.

6.6.3 How we will protect the confidentiality of the maker of a voluntary PID.

We understand people who make voluntary PIDs may want their identity and the fact that they have made a report, to be confidential.

Under the PID Act, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or an agency.

There are certain circumstances under the PID Act that allow for the disclosure of identifying information. These include:



Policy

- where the person consents in writing to the disclosure,
- where it is generally known the person is the maker of the voluntary PID because of their voluntary self-identification as the maker,
- when the public official or Council reasonably considers it necessary to disclose the information to protect a person from detriment,
- where it is necessary the information be disclosed to a person whose interests are affected by the disclosure,
- where the information has previously been lawfully published,
- when the information is disclosed to a medical practitioner or psychologist, for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information,
- when the information is disclosed for the purposes of proceedings before a court or tribunal,
- when the disclosure of the information is necessary to deal with the disclosure effectively and
- if it is otherwise in the public interest to disclose the identifying information.

We will not disclose identifying information unless it is necessary and authorised under the PID Act.

We will put in place steps to keep the identifying information of the maker and the fact a report has been made confidential. It may not be possible for us to maintain complete confidentiality while we progress the investigation, but we will do all we practically can to not unnecessarily disclose information from which the maker of the report can be identified. We will do this by:

- limiting the number of people who are aware of the maker's identity or information that could identify them,
- if we must disclose information that may identify the maker of the PID, we will still not disclose the actual identity of the maker of the PID, unless we have their consent to do so,
- ensuring any person who does know the identity of the maker of a PID is reminded they have a legal obligation to keep their identity confidential,
- ensuring only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker,
- undertaking an assessment to determine if anyone is aware of the maker's identity and if those persons have a motive to cause detrimental action to be taken against the maker, or impede the progress of the investigation and
- providing information to the maker of the PID about the importance of maintaining confidentiality and advising them how best to protect their identity, for example, by telling them not to discuss their report with other staff.

If confidentiality cannot be maintained or is unlikely to be maintained, Council will:

- advise the person whose identity may become known,
- update the agency's risk assessment and risk management plan,



Policy

- implement strategies to minimise the risk of detrimental action,
- provide additional supports to the person who has made the PID and
- remind persons who become aware of the identifying information, of the consequences for failing to maintain confidentiality and that engaging in detrimental action is a criminal offence and may constitute a disciplinary matter.

6.6.4 How we assess and minimise the risk of detrimental action.

Council will not tolerate any detrimental action being taken by any person against a person who has made a PID, investigators, witnesses, or the person the report is about.

Council will assess and take steps to mitigate detrimental action from being taken against the maker of a voluntary PID, the person whose conduct is the subject of a PID, investigators and witnesses.

Council will take steps to assess and minimise the risk of detrimental action by:

- undertaking a risk assessment and creating a risk management plan (including reassessing the risk throughout the entirety of the matter),
- providing details of the unit/role responsible for undertaking a risk assessment,
- explaining the approvals for risk assessment and the risk management plan, that is, identifying the person who has final approval,
- explaining how the agency will communicate with the maker to identify risks,
- listing the protections offered, that is, the agency will discuss protection options with the maker, which may include remote working or approved leave for the duration of the investigation and
- outlining what supports will be provided.

Detrimental action against a person is an act or omission that causes, comprises, involves, or encourages detriment to a person, or a threat of detriment to a person (whether express or implied).

Detriment to a person includes:

- injury, damage, or loss,
- property damage,
- reputational damage,
- intimidation, bullying or harassment,
- unfavourable treatment in relation to another person's job,
- discrimination, prejudice, or adverse treatment,
- disciplinary proceedings or disciplinary action, or
- any other type of disadvantage.

Detrimental action does not include:



Policy

- lawful action taken by a person or body to investigate serious wrongdoing or other misconduct,
- the lawful reporting or publication of a finding of serious wrongdoing or other misconduct,
- the lawful making of adverse comment, resulting from investigative action, or
- the prosecution of a person for a criminal offence

6.6.5 How we will deal with allegations of detrimental action.

If Council become(s) aware of an allegation that a detrimental action offence has occurred or may occur, Council will:

- take all steps possible to stop the action and protect the person(s),
- take appropriate disciplinary action against anyone who has taken detrimental action,
- refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC and
- notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

6.6.6 What we will do if an investigation finds serious wrongdoing

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, Council will take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.

Corrective action can include:

- a formal apology,
- improving internal policies to adequately prevent and respond to similar instances of wrongdoing,
- providing additional education and training to staff where required,
- taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution, or reprimand) and
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

6.7 **Review and dispute resolution**

6.7.1 Internal review

People who make voluntary PIDs can seek internal review of the following decisions made by Council:

- That Council is not required to deal with the report as a voluntary PID.
- That Council has decided to stop dealing with the report because Council decided it was not a voluntary PID.



Policy

- That Council has decided not to investigate the serious wrongdoing and not referred the report to another agency.
- That Council has decided to cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

Council will ensure internal reviews are conducted in compliance with the PID Act.

If you would like to make an application for an internal review, you must apply in writing within 28 days of being informed of Council's decision. The application should state the reasons why you consider Council's decision should not have been made. You may also submit any other relevant material with your application.

6.7.2 Voluntary dispute resolution

If a dispute arises between Council and a person who has made a report which is, or may be, a voluntary PID, we may request the NSW Ombudsman to conciliate the dispute.

Conciliation is a voluntary process and will only be suitable for disputes where Council and the maker of the report are willing to resolve the dispute.

6.8 Reporting and compliance

6.8.1 Reporting of voluntary PIDs and Council annual return to the Ombudsman

Each year Council provides an annual return to the NSW Ombudsman which includes:

- information about voluntary PIDs received by Council during each return period (yearly with the start date being 1 July),
- action taken by Council to deal with voluntary PIDs during the return period and
- how Council has promoted a culture in the workplace where PIDs are encouraged.

This information is collated by the Disclosures Coordinator. The Disclosures Coordinator is also responsible for ensuring the data is stored correctly and for preparing the annual return.

6.8.2 Ensuring compliance

We will ensure compliance and monitor effectiveness of this policy through oversight and regular reviews.

The Disclosures Coordinator is the person responsible for ensuring Council complies with the Act and this policy, including:

- Training and education
- Managing and investigating complaints



Policy

- Protecting makers of PIDs
- Reporting to internal bodies and external agencies – including the Council's Audit, Risk, and Improvement Committee (ARIC) and the NSW Ombudsman's office.

The Chief Executive Officer will have oversight and retains overall responsibility for ensuring that Council complies with its obligations under the Act and this policy.

The ARIC also has the authority to commission an internal audit on Council's compliance with the Act and this policy – in general or in relation to a specific disclosure.

Where we identify serious and/or systemic non-compliance with the Act or this policy, we will report this to Council's ARIC. Depending on the nature of the non-compliance we may also refer these incidents to other integrity agencies such as the Independent Commission against Corruption and the NSW Ombudsman.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Public Interest Disclosures Act 2002*
- *Government Information (Public Access) Act 2009*
- *Privacy and Personal Information Protection Act 1998*
- *Work Health and Safety Act 2001*
- *Independent Commission Against Corruption Act 1988*
- *Ombudsman Act 1974*

7.2 Council policies and guidelines

- Governance Policy (under development)
 - Code of Conduct
 - Workforce Development Plan
 - Statement of Business Ethics
 - Privacy Management Plan
 - Grievance Policy (under development)
 - Customer Request Policy
 - Right to Information Policy
 - Staff and Councillors Interaction Policy
 - Employee Assistance Program Policy
 - Discrimination, Workplace Bullying and Harassment Policy
 - Fraud Control Policy
-



Policy

- Work Health and Safety Policy

8. RECORDS MANAGEMENT

Council must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that [agency name] complies with its obligations under the *State Records Act 1998*.

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
----------------	------	---------	---------------------



Policy

1.0	17/05/2017	New Policy document	Director Corporate Services
2.0	19/10/2022	New model policy issued	Deputy CEO
3.0	18/10/2023	New PID Act in force, complete rewrite	Deputy CEO

APPENDICES

- **Appendix A** – Names and Contact Details for Disclosure Officers at Berrigan Shire Council
- **Appendix B** – List of integrity agencies

DRAFT



Policy

APPENDIX A

Names and Contact Details for Disclosure Officers at Berrigan Shire Council

Chief Executive Officer

Karina Ewer

Email: karinae@berriganshire.nsw.gov.au

Phone: 0456 802 006

Disclosures Coordinator

Matt Hansen – Deputy Chief Executive Officer

Email: matthew.hansen@berriganshire.nsw.gov.au

Phone: 0427 635 396

Disclosures Officers

Sam Armer – Human Resources Coordinator

Email: sama@berriganshire.nsw.gov.au

Phone: 0407 571 302

Michelle Koopman – Enterprise Risk Manager

Email: michellek@berriganshire.nsw.gov.au

Phone: 0418 466 720



Policy

APPENDIX B

List of integrity agencies

Integrity agency	What they investigate	Contact information
The NSW Ombudsman	Most kinds of serious maladministration by most agencies and public officials (but not NSW Police, judicial officers, or MPs)	Telephone: 1800 451 524 between 9am to 3pm Monday to Friday Writing: Level 24, 580 George Street, Sydney NSW 2000 Email: info@ombo.nsw.gov.au
The Auditor-General	Serious and substantial waste of public money by auditable agencies	Telephone: 02 9275 7100 Writing: GPO Box 12, Sydney NSW 2001 Email: governance@audit.nsw.gov.au
Independent Commission Against Corruption	Corrupt conduct	Telephone: 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday Writing: GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 Email: icac@icac.nsw.gov.au
The Inspector of the Independent Commission Against Corruption	Serious maladministration by the ICAC or the ICAC officers	Telephone: 02 9228 3023 Writing: PO Box 5341, Sydney NSW 2001 Email: oiicac_executive@oiicac.nsw.gov.au
The Law Enforcement Conduct Commission	Serious maladministration by the NSW Police Force or the NSW Crime Commission	Telephone: 02 9321 6700 or 1800 657 079 Writing: GPO Box 3880, Sydney NSW 2001 Email: contactus@lecc.nsw.gov.au
The Inspector of the Law Enforcement Conduct Commission	Serious maladministration by the LECC and LECC officers	Telephone: 02 9228 3023 Writing: GPO Box 5341, Sydney NSW 2001 Email: olecc_executive@olecc.nsw.gov.au
Office of Local Government	Local government pecuniary interest contraventions	Email: olg@olg.nsw.gov.au
The Privacy Commissioner	Privacy contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au
The Information Commissioner	Government information contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au



Policy

DRAFT



Policy

118

GIFTS AND BENEFITS

Strategic Outcome:	Good government	
Policy type	Strategic	
Date of Adoption:	18 October 2023	Minute Number:
Date for Review:	13 October 2027	
Responsible Officer:	Deputy Chief Executive Officer	
Document Control:	New document	
Delivery Program Link:	2.1.3 Council operations and financial management support ethical, transparent, and accountable corporate governance	

1. POLICY STATEMENT

The Berrigan Shire Council's Code of Conduct makes a clear statement that the actions of Council officials must not be improper or unethical and must not bring the Council into disrepute.

Receiving gifts and benefits can be seen to influence the decision making of Council, Councillors, employees, or other Council officials. This perception may bring the Council into disrepute, impact the good governance of the Council and may in some cases, be a criminal offence.

Council officials should not accept gifts, benefits, or hospitality in undertaking their Council duties, nor should their immediate family receive gifts or benefits that may give rise to the appearance of being an attempt to secure favourable treatment.

2. PURPOSE

The purpose of this policy is to outline Council's commitment to ensuring all Council officials conduct themselves in a manner to which the community expects and provides direction for managing the Gifts and Benefits disclosure process.

It also outlines appropriate actions in relation to any offers of gifts or benefits, and ensures the appropriate mechanisms are in place to protect the integrity, security, and reputation of Council.



Policy

3. SCOPE

This policy applies to:

- all Council staff members,
- Councillors,
- volunteers,
- volunteer committees established under s355 of the *Local Government Act 1993*,
- key stakeholders such as suppliers, contractors and consultants,
- customers,
- members of the Berrigan Shire community and
- relevant third parties regarding functions and operations undertaken for or on behalf of Council.

4. OBJECTIVE

This policy is developed to assist the Council with the Delivery Program Objective 2.1.3:

Council operations and financial management support ethical, transparent, and accountable corporate governance

5. DEFINITIONS

Benefits:	may include, but are not limited to, hospitality, preferential treatment, access to confidential information, free access to services which are normally charged at a fee, or access to a private spectator box at a sporting or entertainment event
Bribes:	gifts or benefits given specifically for the purpose of winning favours or to influence the decision or behaviour of a Council official to benefit someone or something
Cash-like:	may include a gift voucher or card (e.g., iTunes, Spotify, Bunnings or similar), credit card, debit card with credit on it, prepayment such as phone or internet credit, membership, or an entitlement to discounted or free services.
Donor:	may be an individual or an organisation
Gifts:	may include, but are not limited to, items such as cash or cash-like gift, alcohol, travel, accommodation, clothes, products or tickets to a sporting or entertainment event



Policy

Gift of value:	A gift or benefit other than a gift of token value. For example, free tickets and corporate hospitality to a major sporting event, mobile devices, electronic equipment, conference tickets, subscriptions, memberships, vacation stays, artworks etc. are gifts of value.
Hospitality:	the provision of meals, refreshments, or other forms of entertainment
Non-civic function:	a function or event where the Council official does not have any formal role at the function or event to represent Council and the Council official is invited to attend at no cost, or a discounted cost to Council. Examples include: sporting events; Christmas parties; conferences; or openings.
One year period:	the financial year from 1 July of one year to 30 June of the next.
Register:	the Gifts and Benefits register
Token value:	the monetary limit of the value of gifts or benefits that may be accepted and do not require declaration in the Gifts and Benefits Register. This value is set at one or more gifts or benefits received from a person over a 12-month period that do not exceed a cumulative value of \$100, in accordance with the Code of Conduct.

6. POLICY IMPLEMENTATION

6.1 Responsibility of Council officials

6.1.1 Receipt of gifts.

A Council official must not seek nor accept any bribe or improper inducement. Improper inducements are not just limited to money but can include any gift or benefit, offered directly or indirectly.

A gift of value including cash and other benefits should be declined and should not be accepted.

If it is not possible to decline, then a gift or benefit must be declared using the Gifts and Benefits Declaration Form and reviewed by the Chief Executive Officer. Once reviewed, the Gifts and Benefits Declaration Form must be submitted to the Governance unit to be recorded in the Gifts Register.

All gifts of value should be disclosed and surrendered to Council.

Acceptance of gifts and benefits of a nominal or *token value* that do not create a sense of obligation on yours or Council's part may be accepted.



Policy

6.1.2 Reporting.

You must declare all gifts you are offered. This includes gifts of value, gifts of token value and gifts declined. Section 6.7 sets out how to declare a gift or the offer of a gift.

If a Council official becomes aware of another Council official soliciting gifts or benefits, they should report the circumstances immediately to their manager, a disclosure officer as identified in the Public Interest Disclosures Policy, or the Chief Executive Officer. On receipt of a report, The Chief Executive Officer must consider their reporting obligations under the *Independent Commission Against Corruption Act 1998*.

6.2 **Cash or cash-like gifts**

A Council official must never seek a gift of cash (or a cash-like gift) for the performance of their official duties. Any gift of cash or a cash-like item offered to you as a Council official must not, under any circumstances, be accepted. In this case, the amount of cash is irrelevant.

6.3 **Token value gifts**

You may be able to accept a gift with a token value. The intent of the donor, however, must also be considered when deciding whether to accept a token value gift or benefit.

Token gifts and moderate acts of hospitality could include:

1. Gifts of single bottles of reasonably priced alcohol to Council officials at end of year functions.
2. Free or subsidised meals of a modest nature and/or beverages provided infrequently arranged primarily for or in connection with discussion of official business.
3. Free meals of modest nature and/or beverages provided to Councillors or staff who formally represent their Council at work related events such as training, education sessions, workshops.
4. Refreshments of a modest nature provided at conferences where the Councillor or staff may be a speaker.
5. Ties, scarves, caps, coasters, pins, tiepins, diaries, chocolates, flowers and small amounts of beverages.
6. Other items with a monetary value of \$100 or less.

6.4 **Preferential treatment and personal dealings**

As a Council official you must never seek, nor be given, preferential treatment in your personal dealings with Council. This also applies to immediate family members including parents, spouses or de facto partners, children and siblings as well as friends.

Preferential treatment may include but not be limited to:



Policy

- A competition being run by Council or its volunteers in which a family member or close friend is a prize recipient and where the draw is not conducted in a public forum.
- A supplier whose wife teaches your son at school is engaged regularly without adherence to Council procurement practices.
- A business operated by your brother's spouse is selected to appear in a Council tourism guide.

6.5 Improper and undue influence

A Council official must not take advantage of their position to improperly influence another Council official in the carrying out of their duties. The influence does not have to confer a benefit directly on the person seeking to exercise the influence. It can be for the benefit of a third party; for example a relative or close friend. Examples of improper and undue influence may include but not be limited to:

- Rangers are expressly requested not to enforce camping prohibition laws at a particular recreation spot over a weekend when the Mayor's family will be visiting.
- A development application is determined to be complying despite incomplete paperwork being provided. The development happens to be for a hairdressing salon in a friend's garage.

6.6 Disclosures

Councillors must also consider their disclosure obligations when completing their Disclosures by Councillors and Designated Persons Return required under the Berrigan Shire Council's Code of Conduct.

If the value or cumulative value of gifts or benefits from one donor exceeds the amount of \$500 in the return year, the Gifts Section of the Disclosures Return Form must be completed by the recipient, in addition to the recipient making the declaration of such gifts or benefits in Council's Gifts and Benefits Register.

6.7 Register

Council is required to maintain a public Gift and Benefits Register.

If a gift is accepted of more than token value in circumstances where it cannot be refused or returned, it should be accepted and disclosed promptly in writing using the Gifts and Benefits Declaration Form.

Once approved the form must be submitted to the Governance unit and the gift or benefit recorded in the Gifts Register.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES



Policy

7.1 Legislation

- *Local Government Act 1993*
- *Independent Commission Against Corruption Act 1998*
- *Crimes Act 1900*
- *Public Interest Disclosures Act 2022*
- *Government Information (Public Access) Act 2009*
- *Local Government (General) Regulation 2021*

7.2 Council policies and guidelines

- Governance Policy (under development)
- Code of Conduct
- Fraud Control Policy
- Procurement and Disposal Policy
- Public Interest Disclosures Policy
- Statement of Business Ethics

8. RECORDS MANAGEMENT

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>



Policy

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0		New Policy document	Deputy Chief Executive Officer



Division: Committee: Officer:	Council	Date From: Date To:	20/09/2023 13/10/2023
Action Sheets Report		Printed: 13 October 2023 9:33 AM	

Meeting	Officer/Director	Section	Subject
Council 20/09/2023	Hansen, Matthew Fry, Tahlia	Reports to Council	Outdoor Dining and Footpath Trading Policy
Resolved OCM 241/23			
Moved: Cr Edward (Ted) Hatty			
Seconded: Cr Sarah McNaught			
That Council			
<ol style="list-style-type: none">1. revoke the Outdoor Dining and Footpath Trading Policy adopted on 15 May 2019, and2. adopt the Outdoor Dining and Footpath Trading Policy attached as Appendix 1 to this report.			
CARRIED			
03 Oct 2023 5:45pm Hansen, Matthew - Completion			
Completed by Hansen, Matthew (action officer) on 03 October 2023 at 5:45:33 PM - Policy adopted and updated in policy register and website.			

Meeting	Officer/Director	Section	Subject
Council 20/09/2023	Ewer, Karina Ewer, Karina	Reports to Council	Cultural Review and Compliance Audit
Resolved OCM 250/23			
Moved: Cr Matthew Hannan			
Seconded: Cr Sarah McNaught			
That Council:			
<ol style="list-style-type: none">1. Hold an extraordinary meeting on 6 October 2023 to discuss the strategy relating to values and workplace behaviour.2. Note the Cultural Review and Compliance Audit Report prepared by Morrison Low attached as Appendix 1.3. Endorse the associated Action Plan – attached as Appendix 2 – to address the recommendations made in the report.4. Direct the Chief Executive Officer to provide the Council with a monthly report on progress against the Action Plan.5. Direct the CEO to develop a Strategy in relation to values and workplace behaviour.			



Division: Committee: Officer:	Council	Date From: Date To:	20/09/2023 13/10/2023
Action Sheets Report		Printed: 13 October 2023 9:33 AM	

			CARRIED
04 Oct 2023 7:51am Ewer, Karina Report regarding the Cultural Audit and strategy to implement recommendations provided to the October Extra Ordinary Meeting on 4 October 2023.			
05 Oct 2023 11:36am Ewer, Karina - Completion Completed by Ewer, Karina (action officer) on 05 October 2023 at 11:36:23 AM - Superseded by Record 90974			

Meeting	Officer/Director	Section	Subject
Council 20/09/2023	Hansen, Matthew Fry, Tahlia	Confidential Matters	Lewis Crescent subdivision
Resolved OCM 256/23			
Moved: Deputy Mayor Carly Marriott			
Seconded: Cr Renee Paine			
Council direct staff to hold Lot 38 of the Lewis Crescent subdivision and put Lot 30 on the market for sale.			
			CARRIED
10 Oct 2023 1:20pm Hansen, Matthew - Completion Completed by Hansen, Matthew (action officer) on 10 October 2023 at 1:19:59 PM - Lot 30 has been placed on the market. Council will consider a plan for Lot 38 at the October Council meeting			

Meeting	Officer/Director	Section	Subject
Council 20/09/2023	Ewer, Karina Ewer, Karina	Confidential Matters	Request to waive tipping fees
Resolved OCM 258/23			
Moved: Cr Renee Paine			
Seconded: Cr John Taylor			
That Council			



Division: Committee: Officer:	Council	Date From: Date To:	20/09/2023 13/10/2023
Action Sheets Report		Printed: 13 October 2023 9:33 AM	

1. endorse the Chief Executive Officer's decision to waive tipping fees as requested by Don Young on behalf of his client in Tocumwal in his letter attached as Appendix 1.
2. Fund these fees from the Council's Community Works budget.

CARRIED

04 Oct 2023 7:50am Ewer, Karina

Work completed prior to Council meeting. This action was an acknowledgement of the actions taken.

04 Oct 2023 7:50am Ewer, Karina - Completion

Completed by Ewer, Karina (action officer) on 04 October 2023 at 7:50:52 AM - completed

Meeting	Officer/Director	Section	Subject
Council 20/09/2023	Hansen, Matthew Fry, Tahlia	New Item	Update on Finley Saleyards
Resolved OCM 262/23			
Moved: Deputy Mayor Carly Marriott			
Seconded: Cr John Taylor			
Cr Carly Marriott requested an update on the Finley Saleyards at the Extraordinary meeting to be held on Wednesday 6 October 2023.			
CARRIED			
03 Oct 2023 5:44pm Hansen, Matthew - Completion			
Completed by Hansen, Matthew (action officer) on 03 October 2023 at 5:44:08 PM - Report with proposed lease presented to the extraordinary meeting			

Meeting	Officer/Director	Section	Subject
Council 20/09/2023	Ewer, Karina Ewer, Karina	Reports to Council	Local Government Remuneration Framework
Resolved OCM 246/23			
Moved: Cr Edward (Ted) Hatty			
Seconded: Cr John Taylor			
Council authorise the CEO to write a letter in response.			



Division:		Date From:	20/09/2023
Committee:	Council	Date To:	13/10/2023
Officer:		Printed:	13 October 2023 9:33 AM
Action Sheets Report			

CARRIED

04 Oct 2023 7:49am Ewer, Karina

Letter sent 26 Spetmber 2023 under Mayoral signature. Letter is attached to the Outgoing Correspondence report presented to the October Ordinary Council meeting (18 October 2023)

04 Oct 2023 7:50am Ewer, Karina - Completion

Completed by Ewer, Karina (action officer) on 04 October 2023 at 7:50:14 AM - Letter sent



Local Government Remuneration Tribunal

Ref: A7503044

To Mayors/General Managers

via email to Councils

Dear Mayors/General Managers,

I write to advise that the Local Government Remuneration Tribunal has commenced its review for the 2024 annual determination.

As outlined in section 241 of the Local Government Act 1993 (LG Act), the Tribunal is required to make an annual determination, on the fees payable to Councillors and Mayors. The determination is to take effect from 1 July 2024.

The minimum and maximum fee levels for each category will be assessed by the Tribunal as part of the 2024 review process.

Submissions

The Tribunal invites submissions from individual councils as part of this review. **It is expected that submissions are endorsed by their respective council.**

Any submission that Council may wish to make should be received no later than 21 December 2023 and should be emailed to remunerationtribunals@psc.nsw.gov.au attention Joanne Nava.

2023 Annual Determination

In 2023 the Tribunal undertook a review of the categories and the allocation of councils into each of these categories as required under the LG Act. The Tribunal is only required to determine categories at least once every three years and will next consider the model, the criteria applicable to each category and the allocation of councils in detail in the 2026 review.

A copy of the Tribunal's 2023 Annual Determination can be found [here](#).

Please note that any material provided to the Tribunal may be made available under the Government Information (Public Access) Act 2009.

As part of the annual review the Tribunal will seek to meet with Local Government NSW, as it does each year, to receive a sector wide view for local government in NSW.

Level 4, 255 George Street, Sydney NSW 2000 ■ GPO Box 3988, Sydney NSW 2001
Tel: (02) 9272 6006 ■ www.remtribunals.nsw.gov.au



If you require any further information, please email or joanne.nava@psc.nsw.gov.au telephone on 02 8226 0250.

Yours sincerely

Viv May PSM
Local Government Remuneration Tribunal
3 October 2023



Country Universities Centre Southern Riverina

Board Skills Matrix Tool

Country Universities Centre Southern Riverina
Board Skills Matrix Tool
Date: 6 October 2023



Industry, knowledge / experience	Director #	Director #	Director #	Director #	Director #	Director #	Director #
Knowledge of education sector							
Knowledge of higher education public policy direction							
Knowledge of, or experience working with, the local community							
Experience working with government, Commonwealth, State, Local							
Technical skills / experience							
Accounting / Finance							
Law							
Marketing							
Information Technology							
Human Resource Management							
Senior Management							
Strategy development / implementation							
WHS							
Corporate governance							

Country Universities Centre Southern Riverina
Board Skills Matrix Tool
Date: 6 October 2023



Auditing / compliance							
Risk management							
Policy development							
Relevant Qualifications or other experience							

Country Universities Centre Southern Riverina
Board Skills Matrix Tool
Date: 6 October 2023



REGIONAL NEEDS DASHBOARD

study to inform future locations for Regional University Centres delivered to the Australian Government Department of Education, Skills and Employment on November 2021. Department of Education Integrated Data Analytics team has updated data inputs, delivered to Regional Policy team August 2023.

Tocumwal - Finley - Jerilderie NSW

CONTEXTUAL INFORMATION

Demographic and other key contextual information related to the region, including the broader SA3 region.

Regional information

Population	9,800
Indigenous population	3%
Region size (sqkm)	5,011
Postcode (with largest population)	2712
Region type ¹	SA2
ARIA measure	Inner regional
Distance to nearest campus (km)	104

Education enrolments

Higher education (all)	150
Higher education (online only)	61
VET (Cert IV and above, all)	550
VET (Cert IV and above, online only)	46



Broader region information (SA3)

Upper Murray exc. Albury

Population ⁸	43,400
Region size (sqkm)	28,232
HE enrolments (all) (2021)	944
HE enrolments (online only) (2021)	445

SA2 regions within broader SA3

SA2 regions within broader SA3	In-scope? ⁹
Corowa	No
Corowa Surrounds	No
Deniliquin	No
Deniliquin Surrounds	No
Moama	No
Tocumwal - Finley - Jerilderie	Yes

Additional notes:

1. Region types are either 'SA2', 'Custom SA2' or 'SA3'. The different groupings are required to better reflect economic regions and compare geographic locations.
2. Threshold - the level set for each readiness threshold measure that a region must pass in order to be considered in-scope for a Centre.
3. Met? - Whether or not a region meets a readiness threshold.
4. Campus - an existing campus is defined as either being an existing RUC campus or a higher education institution that offers over 5 subjects and has more than 100 full time students.
5. Minimum distance - defined as the minimum distance in km between the region and an SA2 region with an existing university campus or RUC.
6. Relative needs weightings - the weighting that is applied to the combined score of relative needs measures corresponding to their relevant indicator.
7. Overall needs weightings - the weighting that is applied to all volume measures and all relative needs measures when calculating the overall needs score.
8. SA3 population - the population of the broader SA3 region, excluding any metropolitan sub-areas.
9. This table captures all the regions within the broader SA3 region (excluding any metropolitan sub-areas). 'In-scope' indicates whether a location is included in the dashboard analysis.

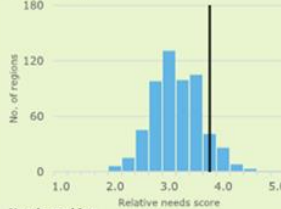
REGIONAL NEEDS RESULTS

Summary of the key needs results, including the relative scoring of this region to all assessed regions. The overall score is a function of the 'relative needs' and 'needs volume' of a region. All regions receive an overall needs score, however, regions with an identified readiness threshold issue do not receive a ranking.

Relative needs score

3.6

An assessment to determine the relative extent of a community's underrepresentation in access to and achievement of positive tertiary outcomes. Regions are assessed from largest relative need (5) to smallest relative need (1).



Needs ranking

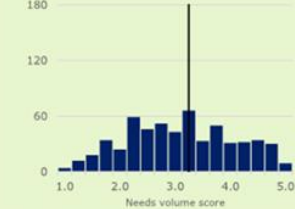
Regions that do not have any readiness issues identified are then ranked by the overall needs score.

Ranked 18 of 277 regions with no readiness issues identified. Total number of regions is 597.

Needs volume score

3.2

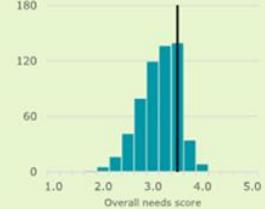
An assessment of total need or demand (i.e. volume) for Centre services within the region. Regions are assessed from largest volume (5) to smallest volume (1).



Overall needs score

3.5

A weighted average of relative needs and needs volume to determine the overall needs score and ranking of region. Regions are scored between highest need (5) and lowest need (1).



READINESS THRESHOLD

These factors inform the initial threshold considerations for the level of readiness for a community to establish a RUC, and the likelihood of success if a RUC is established.

No initial readiness issues identified

Measure	Value	Threshold ²	Met? ³
Population growth above minimum threshold	-0.2%	-1.0%	Yes
Population size above minimum threshold	9,800	3,000	Yes
Population size below maximum threshold	9,800	50,000	Yes
Year 10 completions above minimum threshold	80.8%	75.0%	Yes
Existing RUC or university campus in region ⁴	No	No	Yes
Nearest campus above minimum distance threshold (km) ⁵	104	40	Yes

NEEDS MEASURES

The specific measures used to determine the overall needs score and ranking. Values for each measure are normalised between 1 (lower need) to 5 (higher need) to support comparisons between regions and aggregating multiple measures. The radar charts (right) present the normalised values for each measure: scores below average (inside the black circle) represent lower levels of needs, whereas scores above average (outside the black circle) represent higher levels of needs.

Relative needs measure	Theme	Value
Proportion of population enrolled in HE (2021)		1.5%
Proportion of population enrolled in VET (2021)		5%
Average growth in HE enrolments (2017-21)		5%
Average growth in VET enrolments (2017-21)	Access and participation	0%
Proportion of Indigenous population enrolled in HE (2021)		2%
Proportion of Indigenous population enrolled in VET (2021)		15%
Proportion of population with a tertiary qualification (2021)		15%
Level of disadvantage (SEIFA deciles, where 1 = most disadvantaged) (2021)		3
Proportion of HE students that complete within 3 years (2018 cohort)	Retention and experience	56%
Proportion of HE students that unenrol within 4 years (2018 cohort)		33%
Average VET completion rate (2017-19)		58%
Average VET completion rate for Indigenous learners (2017-21)		77%
Proportion of HE graduates satisfied with overall experience (2017-21)		75%
Proportion of HE graduates gaining employment (2018-21)	Transition and outcomes	77%
Proportion of HE graduates continuing further study (2018-21)		82%
Proportion of HE graduating into relevant employment (2018-2021)		70%
Average growth in higher skilled labour demand (2015-22)		6%

Needs volume measures	Theme	Value
Total HE enrolments (online) (2021)	Direct current demand	61
Total VET enrolments (Cert IV above and online) (2021)		46
Population (aged 15-64) (2021)	Direct latent demand	5,132
Population growth (2017-2022)		-0.2%
Broader SA3 HE enrolments (online) (2021)	Indirect current demand	445
Broader SA3 VET enrolments (Cert IV above and online) (2021)		204
Broader SA3 population (aged 15-64) (2021)	Indirect latent demand	23,613
Broader SA3 population growth (2017-22)		0.4%

WEIGHTINGS

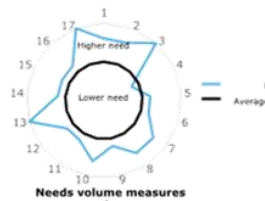
Weightings have been applied to the relative needs measures and overall needs scores.

Relative needs weightings ⁶	
Access and participation	4
Retention and experience	4
Transition and outcomes	2
Overall needs weightings ⁷	
Relative needs	2
Needs volume	3

Normalised values

Values are normalised between 1 (lower need) and 5 (higher need) to better compare regions.

Relative needs measures



Needs volume measures

