

# AGENDA

## FINANCE AND POLICY COMMITTEE

### 17 OCTOBER 2016

MEMBERSHIP:

Mr M Kneipp (Administrator).

The meeting is scheduled to commence at      pm.

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<p><b>FPC16/11      REPORT OF THE FINANCE AND POLICY COMMITTEE - MEETING 19 SEPTEMBER 2016 (ID16/1878)</b></p> <p>The Committee had before it the report of the Finance and Policy Committee meeting held 19 September 2016.</p>	3
<p><b>FPC16/12      2016/2017 OPERATIONAL PLAN - SEPTEMBER QUARTERLY REVIEW (ID16/1866)</b></p> <p>The Committee had before it the report dated 6 October 2016 from the Acting Interim General Manager regarding 2016/2017 Operational Plan - September Quarterly Review. <i>Please note, the 2016/2017 September Operational Plan – Quarterly Review has been provided under separate cover.</i></p>	9
<p><b>FPC16/13      LEASE TO DUBBO AND DISTRICT PRESCHOOL KINDERGARTEN INC. (ID16/1856)</b></p> <p>The Committee had before it the report dated 3 October 2016 from the Acting Interim General Manager regarding Lease to Dubbo and District Preschool Kindergarten Inc.</p>	14
<p><b>FPC16/14      INVESTMENTS UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT (ID16/1875)</b></p> <p>The Committee had before it the report dated 7 October 2016 from the Director Organisational Services regarding Investments Under Section 625 of the Local Government Act.</p>	16

**FPC16/15 PUBLIC INTEREST DISCLOSURES AND INTERNAL REPORTING POLICY (ID16/1887) 20**

The Committee had before it the report dated 10 October 2016 from the Manager Governance and Risk Services regarding Public Interest Disclosures and Internal Reporting Policy.

**FPC16/16 SALE OF LAND FOR UNPAID RATES AND CHARGES (ID16/1886)**  
The Committee had before it the report dated 10 October 2016 from the Revenue Accountant regarding Sale of Land for Unpaid Rates and Charges.

*In accordance with the provisions of Section 9 (2A) of the Local Government Act 1993 the General Manager is of the opinion that consideration of this item is likely to take place when the meeting is closed to the public for the following reason: the personal hardship of any resident or ratepayer (Section 10A(2)(b)).*



## **Report of the Finance and Policy Committee - meeting 19 September 2016**

**AUTHOR: Supervisor Governance**

**REPORT DATE: 10 October 2016**

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The Committee had before it the report of the Finance and Policy Committee meeting held 19 September 2016.

### **MOTION**

**That the report of the Finance and Policy Committee meeting held on 19 September 2016, be adopted.**



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## REPORT

### FINANCE AND POLICY COMMITTEE

### 19 SEPTEMBER 2016

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**PRESENT:**

Councillors Mr M Kneipp (Administrator).

**ALSO IN ATTENDANCE:**

The Acting Interim General Manager (D Dwyer), the Director Organisational Services, the Manager Governance and Risk, the Supervisor Governance, the Director Corporate Development, the Corporate Communications Supervisor, the Director Technical Services, the Manager Technical Support, the Manager Civil Infrastructure and Solid Waste, the Manager Fleet Management Services, the Director Environmental Services, the Manager City Strategy Services, the Director Community Services (J Watts), the Director Parks and Landcare Services and the Transition Project Leader.

Mr M Kneipp (Administrator) assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.30pm with an acknowledgement of country being read by the Administrator, Mr Kneipp.

Clause FPC16/4 was brought forward for consideration and was dealt with at this juncture.

**FPC16/4      DUBBO NEIGHBOURHOOD CENTRE BIENNIAL ACTIVITIES REPORT  
(ID16/1713)**

The Committee had before it the report dated 13 September 2016 from the Director Community Services regarding Dubbo Neighbourhood Centre Biennial Activities Report. The Committee reports having met with Mrs Tina Reynolds, member of the Dubbo Neighbourhood Centre Management Committee regarding this matter.

Moved by Mr M Kneipp (Administrator)

**MOTION**

**The Committee recommends that the information contained within the report of the Director Community Services, dated 13 September 2016 be noted.**

CARRIED

At this juncture the meeting adjourned, the time being 5.38 pm.

The meeting recommenced at 5.47pm.

**FPC16/1 2015/2016 OPERATIONAL PLAN - JUNE 2016 QUARTERLY REVIEW (ID16/1698)**

The Committee had before it the report dated 12 September 2016 from the Acting Interim General Manager regarding 2015/2016 Operational Plan - June 2016 Quarterly Review.

Moved by Mr M Kneipp (Administrator)

**MOTION**

The Committee recommends:

1. That the Budget Review Statements and the Quarterly Financial Statements as at 30 June 2016, as attached to this report, be adopted and such sums voted for such purpose.
2. That the performance review details for each function for the quarter ended 30 June 2016, be noted.
3. That the Statement of the Responsible Accounting Officers that Council will be in a satisfactory financial position at the end of the financial year, having regard to the changes herewith to the original budget, be noted.
4. That the contracts, consultants, legal expenses and cash and investments information for the Dubbo Branch be noted.

CARRIED

**FPC16/2 DISCLOSURE OF INTEREST RETURNS (ID16/1712)**

The Committee had before it the report dated 13 September 2016 from the Acting Interim General Manager regarding Disclosure of Interest Returns.

Moved by Mr M Kneipp (Administrator)

**MOTION**

The Committee recommends that the tabling of the Disclosure of Interest Returns as detailed in the report be noted and the Office of Local Government be advised accordingly.

CARRIED

**FPC16/3 INVESTMENTS UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT (ID16/1714)**

The Committee had before it the report dated 13 September 2016 from the Director Organisational Services regarding Investments Under Section 625 of the Local Government Act.

Moved by Mr M Kneipp (Administrator)

**MOTION**

The Committee recommends that the information contained within the report of the Director Organisational Services, dated 13 September 2016 be noted.

**CARRIED**

**FPC16/5 QUARTERLY REVIEW OF THE 2016/2017 DUBBO SOCIAL PLAN (ID16/1679)**

The Committee had before it the report dated 7 September 2016 from the Director Community Services regarding Quarterly Review of the 2016/2017 Dubbo Social Plan.

Moved by Mr M Kneipp (Administrator)

**MOTION**

The Committee recommends that the information contained within the report of the Director Community Services, dated 7 September 2016 be noted.

**CARRIED**

**FPC16/6 QUARTERLY REVIEW OF THE DUBBO DISABILITY INCLUSION PLAN (ID16/1680)**

The Committee had before it the report dated 7 September 2016 from the Director Community Services regarding Quarterly Review of the Dubbo Disability Inclusion Plan.

Moved by Mr M Kneipp (Administrator)

**MOTION**

The Committee recommends that the information contained in the report of the Director Community Services, dated 7 September 2016 be noted.

**CARRIED**

**FPC16/7 QUARTERLY REVIEW OF THE DUBBO AGEING STRATEGY (ID16/1681)**

The Committee had before it the report dated 7 September 2016 from the Director Community Services regarding Quarterly Review of the Dubbo Ageing Strategy.

Moved by Mr M Kneipp (Administrator)

**MOTION**

The Committee recommends that the information contained in the report of the Director Community Services, dated 7 September 2016 be noted.

**CARRIED**

**FPC16/8 AGRICULTURAL TRAILS PROGRAM (ID16/1699)**

The Committee had before it the report dated 12 September 2016 from the Economic Development Officer regarding Agricultural Trails Program.

Moved by Mr M Kneipp (Administrator)

**MOTION**

**The Committee recommends that the information contained in the report of the Economic Development Officer, dated 12 September 2016 be noted.**

**CARRIED**

**FPC16/9 ASSIGNMENT OF LEASE FOR HANGAR 11 AT DUBBO CITY REGIONAL AIRPORT (ID16/1703)**

The Committee had before it the report dated 12 September 2016 from the Airport Operations Manager regarding Assignment of Lease for Hangar 11 at Dubbo City Regional Airport.

Moved by Mr M Kneipp (Administrator)

**MOTION**

**The Committee recommends:**

- 1. That Council approve the request to assign the lease of land for Hangar 11 from Smythes Structural Steel to B & G Pettiford with the existing terms applying to the assigned lease until its expiry on 31 March 2017.**
- 2. That Council agree to enter into 2 consecutive 5 year leases to be executed on 1 April 2017 with the second lease commencing upon the expiry of the first lease, with both leases signed at the commencement of the first lease.**
- 3. That the new lease fee commence at \$1,628.30 and increase by 3% p.a. for the term of the 2 consecutive leases.**
- 4. That the legal fees associated with the preparation of the lease be borne by the lessee.**
- 5. That all necessary documentation in relation to this matter be executed under the Common Seal of the Council.**

**CARRIED**

**FPC16/10 KESWICK ESTATE STAGE 4 RELEASE 3A (ID16/1709)**

The Committee had before it the report dated 13 September 2016 from the Manager Commercial Facilities regarding Keswick Estate Stage 4 Release 3A.

Moved by Mr M Kneipp (Administrator)

**MOTION**

The Committee recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council (Section 10A(2)(d)(ii)).

**CARRIED**

Moved by Mr M Kneipp (Administrator)

**MOTION**

The Committee recommends:

1. That the 30 single dwelling residential allotments that form Keswick Estate Stage 4 Release 3A be marketed for sale effective 9.00 am Monday 17 October 2016 at the prices as detailed in Table 1 in this report and further, that the Interim General Manager be authorised to take the necessary action in respect of such sales as also detailed in this report.
2. That the minimum floor space building requirement as detailed in the restrictive covenant for Keswick Estate Stage 4 remain at 150 m<sup>2</sup> (excluding dual occupancy dwellings).
3. That the Interim General Manager be requested and authorised to take the necessary action in respect of the auction sale of Lots 1, 10, 16, 17, 23 and 76 , being dual occupancy lots in the Release, by way of a single auction with such auction not occurring until after registration of the subdivision plan in early 2017.
4. That local real estate agencies be invited to submit proposals to Council to undertake the auctioning of the six dual occupancy lots in a single tranche on behalf of Council, and from these proposals an agent be selected to conduct the auction.
5. Each licensed builder be permitted to buy a maximum of six (6) single residential allotments in the release with no more than two of these allotments, with the same street frontage, adjoining each other.
6. Builders be permitted options to set aside up to six allotments for a period of 3 months to promote and market house land packages, noting that on successful completion, the builder's client for the house land package settle the purchase of the land transaction directly themselves with Dubbo Regional Council and at the end of the three month period of the builder option, notice be given to the builder to settle the purchase of the allotment set aside.
7. That any necessary documents be executed under the Common Seal of the Council.
8. That the documents and considerations in regard to this matter remain confidential to Council.

**CARRIED**

The meeting closed at 6.08pm.

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CHAIRMAN





**REPORT: 2016/2017 Operational Plan - September  
Quarterly Review**

**AUTHOR: Acting Interim General Manager**

**REPORT DATE: 6 October 2016**

**TRIM REFERENCE: ID16/1866**

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**EXECUTIVE SUMMARY**

The review for the period ending 30 September 2016 of Council's 2016/2017 Operational Plan (including budget) shows satisfactory implementation with the current financial position estimated to be a balanced budget.

The September 2016 Quarterly Budget Review Statements (QBRs) are presented as the consolidated Dubbo Regional Council (not as Part A Dubbo and Part B Wellington as presented in the 2016/2017 Operational Plan including Budget).

**FINANCIAL IMPLICATIONS**

In accordance with the requirements of Clause 203(2) of the Local Government (General) Regulations 2005, I now advise that the Director Organisational Services, as the Responsible Accounting Officer of Council, has reported that he considers the attached Quarterly Budget Review Statement indicates that the financial position of the Council is satisfactory. This is on the basis that the **"result"** for the year is estimated to be a balanced budget.

**POLICY IMPLICATIONS**

There are no policy implications arising from this report.

**RECOMMENDATION**

- 1. That the Budget Review Statement and the Quarterly Financial Statements as at 30 September 2016, as attached to this report, be adopted and such sums voted for such purpose.**
- 2. That the performance review details for each function for the quarter ended 30 September 2016, be noted.**
- 3. That the Statement of the Responsible Accounting Officer that Council will be in a satisfactory financial position at the end of the financial year, having regard to the changes herewith to the original budget, be noted.**
- 4. That the contracts, consultants, legal expenses and cash and investments information be noted.**

*David Dwyer*  
Acting Interim General Manager

## BACKGROUND

Clause 203 of the Local Government (General) Regulation 2005 requires the Responsible Accounting Officer to submit on a quarterly basis to Council a budget review statement that shows a revised estimate of the income and expenditure for the year.

## REPORT

The Director Organisational Services has reported in respect of the September 2016 Quarterly Review of Council's Operational Plan as follows:

*"Clause 203 of the Local Government (General) Regulation 2005 provides as follows:*

- (1) Not later than two months after the end of each quarter, the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy including in the Operational Plan for the relevant year, a revised estimate of the income and expenditure for that year.*
- (2) A budget review statement must include or be accompanied by:
  - (a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure; and*
  - (b) if that position is unsatisfactory, recommendations for remedial action.**
- (3) A budget review statement must also include any information required by the Code to be included in such a statement."*

The September 2016 Quarterly Budget Review Statements (QBRS) are presented as the consolidated Dubbo Regional Council (not as Part A Dubbo and Part B Wellington as presented in the 2016/2017 Operational Plan including Budget). This has been undertaken through consolidation of the former Wellington Council Budget based on the Interim Organisational Structure into the appropriate former Dubbo City Council Functions. The inclusion of the Wellington budget is shown in the Financial Summaries as quarterly adjustments to highlight the process undertaken. The inclusion of the new Wellington Function represents the previous Wellington Council Original Budget with this function forecasts figures as zero to highlight that these budget items have now been successfully transferred into the Dubbo Regional Council budget functions.

The Operational Plans have been developed based on the former Dubbo Council, therefore the Operational Plans content remains Dubbo focused until sufficient information is gathered to incorporate the Wellington 2025 Delivery Program actions and data. This has been made clear on each Operational Plan with the following note being added "This Operational Plans Activity, Actions and Performance Targets, along with the KPIs, generally relate to the former Dubbo City Council's Delivery Programme. The Financial Statements have been consolidated to include both former Dubbo and Wellington Councils."

The method for the allocation of overheads is unchanged and remains based on the previous Council's methodologies, which will remain in place until a new budget is developed for

2017/2018 Financial Year. It is acknowledged that the September 2016 Quarterly Budget Review Statements are at the first stage of the consolidation process and will be further improved for the December 2016 QBRS requirements.

Three new functions have been included this quarter and are as follows:

- Wellington Caves and Caravan Park (5.09)
- Transition Project Management (10.17) which has been funded from the \$5 million New Council Fund, this Function will assist Council in tracking the expenditure of the grant funds.
- Wellington Branch (12.01) which represents the Original Budgets of the Ex Wellington Council.

Provision has also been made for an additional six positions within the Environmental Services Division at an estimated total annual cost of \$566,071.

- Wellington Rangers x 2
- Building and Development Officer
- Senior Planner
- Wellington Support Officer
- Compliance Officer

In respect of the September 2016 Quarterly Review document, I note that various works carried over from 2015/2016 financial year have been included in this review. The major carryover works are as follows:

<b>Project</b>	<b>Project Status</b>	<b>Carryover</b>
<i>Urban Roads - Cobra Street / Capstan Drive Roundabout</i>	<i>Project commenced in July 2016 and due to be complete by April 2017.</i>	<i>866,776</i>
<i>Urban Roads - Gipps Street Shoulders</i>	<i>Project to commence in November 2016.</i>	<i>156,244</i>
<i>Rural Roads - Boundary Road Extension</i>	<i>Project to commence in January 2017.</i>	<i>901,004</i>
<i>Stormwater - Erskine Street Sewerage Pump Station Upgrade</i>	<i>Project to commence and due to be complete by April 2017</i>	<i>919,183</i>
<i>Stormwater - Devil's Hole</i>	<i>Project to commence in November 2016</i>	<i>112,311</i>
<i>Water Supply – South Dubbo Weir</i>	<i>Work has stopped due to repeated minor flooding in the river since June. It is now likely that work will be suspended until after the peak</i>	<i>1,586,680</i>

	<i>irrigation flows during the summer period. Construction is most likely to not recommence until March 2017.</i>	
<i>Water Supply - Eumungerie Water Supply Scheme</i>	<i>Work to be complete by end of December 2016.</i>	<i>1,245,166</i>
<i>Livestock Markets - Saleyards Upgrade</i>	<i>Work due to be complete by March 2017.</i>	<i>2,062,512</i>
<i>Wellington Caves Caravan Park Refurbishment</i>	<i>Work due to be complete by February 2017.</i>	<i>402,000</i>
<i>Library - Building Refurbishment</i>	<i>Work complete in September 2016.</i>	<i>437,822</i>
<i>Sporting Facilities - Rygate Park (lighting &amp; playing surface refurbishment)</i>	<i>Work due to be complete by October 2016.</i>	<i>570,000</i>
<i>DALC - Heater &amp; Pool Joints</i>	<i>Works were complete prior to the Pool opening in September.</i>	<i>202,708</i>

Following advice from the NSW Local Government Grants Commission, Council's Financial Assistance Grant for the 2016/2017 financial year was \$251,187 in excess of original Budget. This has been allocated to the Employee Leave Entitlement restricted asset.

The identification of savings at 30 June 2016 have allowed for the following additional projects to now be included within the September, 2016 Quarterly Review:

Indoor Sports Stadium Master Plan	\$60,000
Zoo Economic Impact Study	\$50,000
Street Tree Replacement	\$59,000
Depot Road Fuel Tank investigation	\$20,000
Contribution to Dubbo Turf Club Road Works	\$60,000

In regard to the Quarterly Review the following documents are **submitted under separate cover**:

**Appendix 1** - Quarterly Budget Review Statements (QBRS).

**Appendix 2** - Quarterly Consultants Report.

**Appendix 3** - Vandalism Report to 30 September 2016

**Appendix 4** - Budget Summary for the quarter ended 30 September 2016 reflecting the quarterly adjustments to the Original adopted Budget by Principal Activity and Function.



**REPORT: Lease to Dubbo and District Preschool Kindergarten Inc.**

**AUTHOR: Acting Interim General Manager**

**REPORT DATE: 3 October 2016**

**TRIM REFERENCE: ID16/1856**

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**EXECUTIVE SUMMARY**

Dubbo and District Preschool Kindergarten is located on the corner of Bultje and Hampden Streets, Dubbo and is built over two (2) parcels of land – one parcel being owned by Council and one being Crown Land for which Council is Trust Manager. A lease is required between Council and the Preschool for the Council owned land being Lot 1 Section 53 DP758361. This lease, once executed, will allow the NSW Department of Education to take out a mortgage over the lease as security for a grant to the Preschool to construct extensions to the Preschool.

**FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

**POLICY IMPLICATIONS**

There are no policy implications arising from this report.

**RECOMMENDATION**

- 1. That Lot 1 Section 53 DP 758361 be leased to Dubbo and District Preschool Kindergarten Inc. for a term of ten (10) years with an option to renew for a further ten (10) years at a rental of \$1 per annum.**
- 2. That the lease term commence upon the execution of the lease and the lease be on the terms and conditions detailed in this report.**
- 3. That any necessary documents be executed under the Common Seal of Council.**

*David Dwyer*  
Acting Interim General Manager

**BACKGROUND**

Dubbo and District Preschool Kindergarten on the corner of Bultje and Hampden Streets, Dubbo is built over two (2) parcels of land being Lot 1 DP 758361 which is owned by Council and Lot 4 DP 758361 which is Crown Land for which Council is Trust Manager. The Preschool has been successfully operating from the premises for over thirty (30) years.

**REPORT**

A lease between Council and Dubbo and District Preschool Kindergarten Inc. is required for Lot 1 DP 758361 on the corner of Bultje and Hampden Streets, Dubbo. This lease, once executed, will allow the NSW Department of Education to take out a mortgage over the lease as security for a grant to the Preschool to construct extensions to the Preschool.

The land is classified as Operational Land and the lease is proposed for a period of ten (10) years with an option to renew for a further period of ten (10) years. Other conditions of the lease include a rental of \$1 per annum; the Preschool to pay for all outgoings including electricity, gas, telephone, water consumption, waste removal, grounds maintenance, fire equipment inspection and maintenance charges; Council to insure the building and to recoup the annual expense of the insurance premium from the Preschool; the Council and Preschool to agree upon a ten (10) year asset management plan for the property and the Preschool to be responsible for the expenditure on the works identified in the Plan; the Preschool to maintain the property in a structurally sound condition; the Preschool to take out public liability and contents insurance policies.

It is recommended that Council agree to a lease of Lot 1 DP 758361 to Dubbo and District Preschool on the terms and conditions detailed in this report.



**REPORT: Investments Under Section 625 of the  
Local Government Act**

**AUTHOR: Director Organisational Services**

**REPORT DATE: 7 October 2016**

**TRIM REFERENCE: ID16/1875**

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**EXECUTIVE SUMMARY**

As required by Clause 212 of the Local Government (General) Regulation 2005, set out below are the details of all monies that Council has invested under Section 625 of the Local Government Act as at 30 September 2016.

This report is presented in a format which consolidates the previous Dubbo City and Wellington Council investment portfolios.

Investments when placed were in accordance with the Local Government Act, Local Government Regulations and Council's Investment Policy and Strategy.

Interest on investments for the month of September 2016 has been accounted for on an accrual basis for the previous Dubbo and a cash basis for the previous Wellington Councils.

This report details investments and annualised returns for the month of September 2016.

**FINANCIAL IMPLICATIONS**

Interest earned on investments has been included within Council's 2016/2017 Operational Plan.

**POLICY IMPLICATIONS**

There are no policy implications arising from this report.

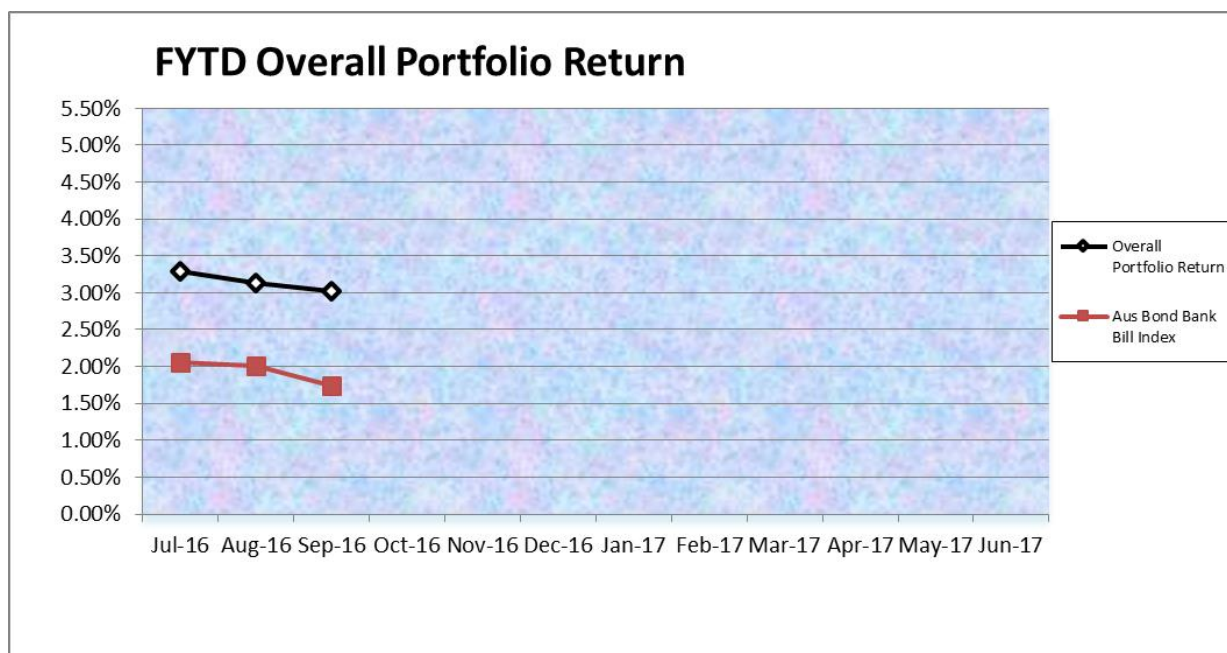
**RECOMMENDATION**

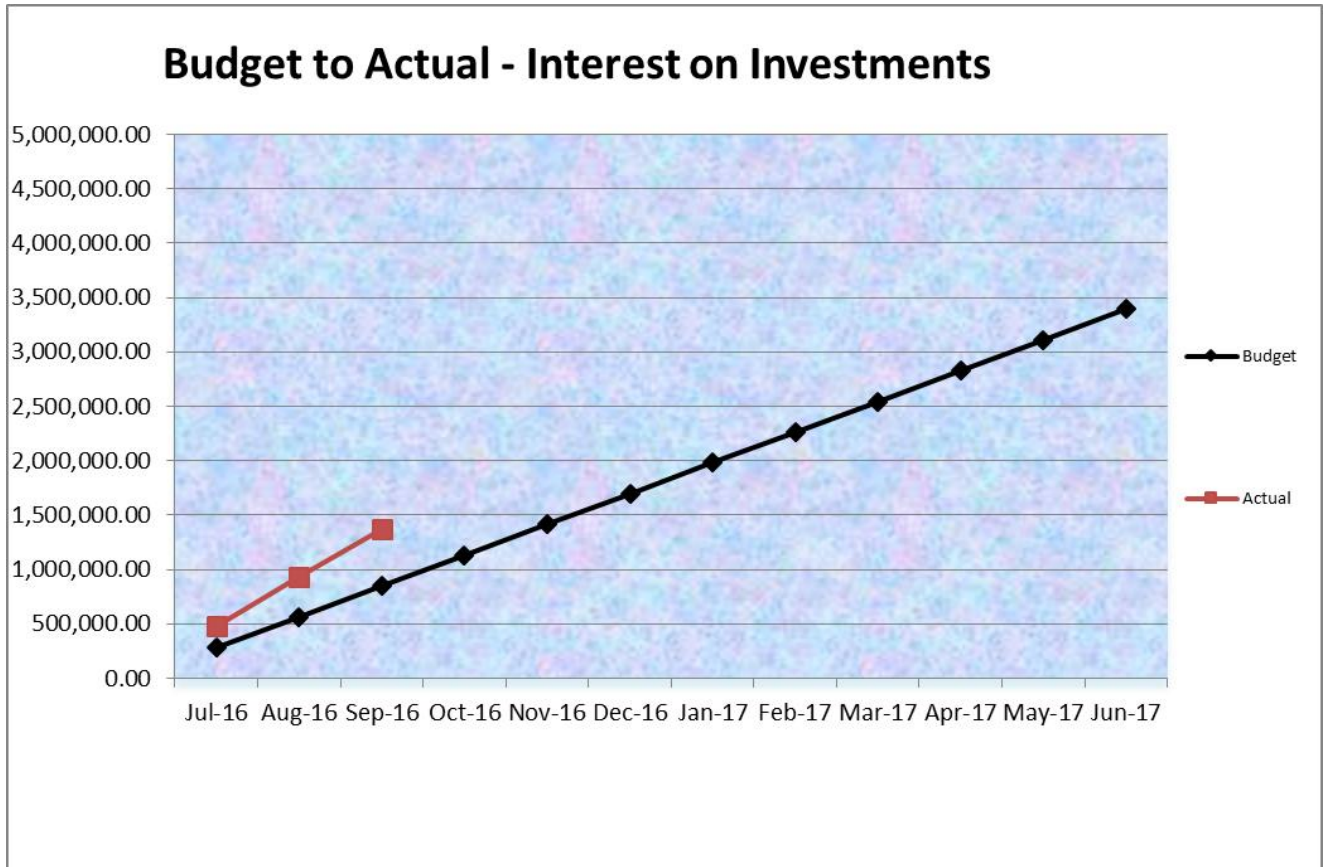
**That the information contained within this report be noted.**

*Craig Giffin*  
Director Organisational Services



<b>Dubbo Regional Council</b>					
<b>SEPTEMBER 2016 REPORT</b>					
	Notes	<b>2017 Total</b>	<b>2017 Current</b>	<b>2017 Non-Current</b>	<b>2017 Total</b>
		As at 31/08/2016	Maturity By 30/06/2018	Maturity After 30/06/2018	As at 30/09/2016
<b>Cash &amp; Cash Equivalents (Note 6a)</b>					
Cash on Hand and at Bank		\$1,275,043.72	\$425,359.02	\$0.00	\$425,359.02
Cash-Equivalent Assets (1)					
- Deposits At Call		\$25,885,724.94	\$18,789,157.80	\$0.00	\$18,789,157.80
<b>Total Cash &amp; Cash Equivalents</b>	6(a)	<b>\$27,160,768.66</b>	<b>\$19,214,516.82</b>	<b>\$0.00</b>	<b>\$19,214,516.82</b>
<b>Investments (Note 6b)</b>					
- Long Term Deposits > 3 Months		\$125,293,468.96	\$82,890,061.85	\$46,983,269.98	\$129,873,331.83
- NCD's and FRN's > 3 Months		\$21,251,932.91	\$9,500,000.00	\$14,751,856.44	\$24,251,856.44
- CDO's		\$111,677.00	\$111,677.00	\$0.00	\$111,677.00
<b>Total Investments</b>	6(b)	<b>\$146,657,078.87</b>	<b>\$92,501,738.85</b>	<b>\$61,735,126.42</b>	<b>\$154,236,865.27</b>
<b>TOTAL CASH ASSETS, CASH EQUIVALENTS &amp; INVESTMENTS</b>					
		<b>\$173,817,847.53</b>	<b>\$111,716,255.67</b>	<b>\$61,735,126.42</b>	<b>\$173,451,382.09</b>
(1) Those Investments where time to maturity (from date of purchase) is < 3 months					





Performance Benchmark as per Council Policy		Investment % Held as per Council Policy				
		Institution	Amount Invested	% Invested	% Allowable as per Policy	\$ Allowable as per Policy
Sep 2016 Interest Rate 	Aus Bond Bank Bill Index, 1.74% Council's Weighted Average Rate, 3.03%	<b>Cash on Hand and at Bank</b>				
		CASH ON HAND AND AT BANK 426,368.02 0.26%				
		<b>Direct / Other Investments</b>				
		AMP BANK	11,518,377.51	6.64%	20%	34,680,905
		ANZ BANK	8,452,926.10	4.87%	30%	52,034,858
		BANK OF QUEENSLAND	30,073,331.83	17.34%	20%	34,680,905
		BANKWEST	3,500,000.00	2.02%	30%	52,034,858
		BENDIGO ADELAIDE BANK LIMITED	6,000,000.00	3.48%	20%	34,680,905
		COMMONWEALTH BANK	16,450,000.00	9.48%	30%	52,034,858
		GREATER BANK	1,000,000.00	0.58%	10%	17,344,953
		HERITAGE BANK	2,000,000.00	1.15%	10%	17,344,953
		IMB LIMITED	2,500,000.00	1.44%	10%	17,344,953
		MACQUARIE BANK	1,000,000.00	0.58%	20%	34,680,905
		MAQUARIE CREDIT UNION	1,000,000.00	0.58%	1%	1,734,495
		MEMBERS EQUITY BANK	1,000,000.00	0.58%	10%	17,344,953
		NATIONAL AUSTRALIA BANK	37,667,854.19	21.72%	30%	52,034,858
		NEWCASTLE PERMANENT BUILDING SOCIETY	2,000,000.00	1.15%	10%	17,344,953
		ST GEORGE BANK	29,500,000.00	17.01%	30%	52,034,858
		SUNCORP METWAY	17,001,856.44	9.80%	20%	34,680,905
		WESTPAC BANK	1,000,000.00	0.58%	30%	52,034,858
		<b>TOTAL AT CALL, TERM DEPOSITS AND FRN'S</b>	<b>171,884,348.07</b>	<b>88.87%</b>		
		<b>Grandfathered Investments</b>				
		<b>Term Deposits</b>				
		WAW CREDIT UNION	250,000.00	0.14%		
		<b>FRN's</b>				
		QLD TEACHERS MUTUAL BANK LTD	500,000.00	0.29%		
		TEACHERS MUTUAL BANK LTD	500,000.00	0.29%		
		<b>CDO's</b>				
		Lehman Brothers CDO	111,677.00	0.06%		
		<b>TOTAL GRANDFATHERED INVESTMENTS</b>	<b>1,981,677.00</b>	<b>0.79%</b>		
		<b>TOTAL CASH ASSETS, CASH EQUIVALENTS &amp; INVESTMENTS</b>	<b>173,461,382.08</b>	<b>100.00%</b>		

**SUMMARY**

Dubbo Regional Council outperformed the 11am Official Cash Rate market benchmark of 1.50%, with an average annualised return of 1.90% for its At Call investments for the month of September 2016. Council also outperformed the Bloomberg AusBond Bank Bill Index of 1.74%, with an average annualised return of 3.03% for its overall portfolio return and an average annualised return on its Term Deposits and Floating Rate Notes of 3.17% for the month of September 2016.



**REPORT: Public Interest Disclosures and Internal Reporting Policy**

**AUTHOR: Manager Governance and Risk Services**

**REPORT DATE: 10 October 2016**

**TRIM REFERENCE: ID16/1887**

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**EXECUTIVE SUMMARY**

Under section 6D of the Public Interest Disclosures Act 1994 (PID Act), public authorities are required to have a policy and procedures for receiving, assessing and dealing with public interest disclosures. In accordance with the recommendation of Ombudsman NSW, this draft policy is based on the model policy, and guidelines, as provided by the Office of Ombudsman NSW.

**FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

**POLICY IMPLICATIONS**

Following adoption of this policy by Council, it will become a Council Policy.

**RECOMMENDATION**

**That the draft Public Interest Disclosures and Internal Reporting Policy be adopted.**

*Michael Ferguson*  
Manager Governance and Risk Services

## REPORT

Under section 6D of the *Public Interest Disclosures Act 1994* (PID Act), public authorities are required to have a policy and procedures for receiving, assessing and dealing with public interest disclosures. Both the former Dubbo City and Wellington councils had adopted Public Interest Disclosures policies however they differed significantly. It was decided to develop a new Public Interest Disclosures Policy in accordance with the recommendation of Ombudsman NSW, which is based on the model policy, and guidelines, as provided by the Office of Ombudsman NSW.

The Office of Ombudsman NSW has stated that the policy should:

- be strongly endorsed by the Mayor (Administrator) and General Manager
- show Council's commitment to high standards of ethical and accountable conduct and confirm that it will not tolerate any form of wrongdoing
- conform with the Council's Code of Conduct and/or other relevant ethical codes
- address the relevant provisions of the Public Interest Disclosures Act
- state that staff who come forward and report wrongdoing are helping to promote integrity, accountability and good management within Council
- outline Council's broader responsibilities under the Public Interest Disclosures Act, such as reporting on public interest disclosures
- state that it is supported by procedures based on the Ombudsman's guidelines
- refer to any other relevant policies or procedures, such as Council's Code of Conduct and Grievance Policy, and provide information about how staff can access that information
- be publicly available on Council's website
- be implemented by Council through staff awareness training.

Accordingly, it is now recommended that this draft Public Interest Disclosures and Internal Reporting Policy be adopted.

Appendices:

- 1 Draft Public Interest Disclosures and Internal Reporting Policy



# COUNCIL POLICY

## Public Interest Disclosures and Internal Reporting Policy

**Date** 6 October 2016

**Council Resolution Date**

**Clause Number**

**Responsible Position** Director Organisational Services  
**Branch** Organisational Services  
**Division** Organisational Services  
**Version** 1.0  
**TRIM Reference Number**  
**Review Period** 2 years  
**Review Date** November 2016  
**Consultation** Not applicable

Document Revision History	
Description	Date
This draft policy has been based on the Model Policy as provided by Ombudsman New South Wales	October 2016
<b>Notes</b>	

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## 1. Purpose and context of the policy

The purpose of this policy is to establish an internal reporting system for staff and councillors to report wrongdoing without fear of reprisal. The policy sets out who you can report wrongdoing to in Dubbo Regional Council, what can be reported and how reports of wrongdoing will be dealt with by Dubbo Regional Council.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this policy and the *Public Interest Disclosures Act 1994* (PID Act).

The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through the Grievance Resolution Management Procedure. If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to Council's Human Resources Branch to be dealt with in accordance with the Grievance Resolution Management Procedure.

**It should be noted that in the event Council is under Administration, Council's Administrator, has the same role and responsibilities of that of a Councillor or the Mayor.**

## 2. Organisational commitment

*For a council to be able to deal effectively with reports of wrongdoing, it must have the right culture. The policy must start with to:*

- *create a climate of trust, where people are comfortable and confident about reporting wrongdoing*
- *encourage individuals to come forward if they are aware of wrongdoing within the council*
- *keep the identity of the person disclosing wrongdoing confidential, where this is possible and appropriate*
- *protect the person from any adverse action resulting from them making a report*
- *deal with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it*
- *keep the individual who makes a report informed of their progress and the outcome*
- *encourage the reporting of wrongdoing within the council, but respect any decision to disclose wrongdoing outside the council that is made in accordance with the provisions of the PID Act*
- *ensure managers and supervisors at all levels in the council understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing*
- *review the policy periodically to ensure it is relevant and effective*
- *provide adequate resources, to:*



- *encourage reports of wrongdoing*
- *protect and support those who make them*
- *provide training about how to make reports and the benefits of internal reports to the council and the public interest generally*
- *properly assess and investigate or otherwise deal with allegations*
- *properly manage any workplace issues that the allegations identify or that result from a report*
- *appropriately address any identified problems.*

*The policy needs to be signed by both the Mayor and the General Manager.*

*Under the PID Act, the General Manager as the head of the public authority is responsible for ensuring that:*

- *the council has an internal reporting policy*
- *the staff of the Council and councillors are aware of the contents of the policy and the protection under the PID Act for people who make public interest disclosures*
- *the council complies with the policy and the council's obligations under the PID Act*
- *the policy delegates at least one staff member as being responsible for receiving public interest disclosures. Clause 3.15 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW requires the complaints coordinator to be a disclosures coordinator. The Ombudsman recommends councils nominate more than one person as being responsible for receiving public interest disclosures.*

### **3. Who does this policy apply to?**

This policy will apply to:

- both council staff and councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- individual contractors working for Dubbo Regional Council
- employees of contractors providing services to Dubbo Regional Council
- other people who perform council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.

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

## 4. Roles and responsibilities

### a. The role of council staff and councillors

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

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

Staff and councillors must not:

- make false or misleading reports of wrongdoing
- victimise or harass anyone who has made a report

Additionally, the behaviour of all council staff and councillors involved in the internal reporting process must adhere to the Dubbo Regional Council's Code of Conduct. A breach of the Code could result in disciplinary action.

### b. The role of the Dubbo Regional Council

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

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

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

To ensure the Dubbo Regional Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

### c. Roles of key positions

#### **General Manager**

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

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

#### **Disclosures Coordinator (Director Organisational Services)**

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

- assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager)
- deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures
- coordinate the Dubbo Regional Council's response to a report
- acknowledge reports and provide updates and feedback to the reporter
- assess whether it is possible and appropriate to keep the reporter's identity confidential
- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified
- where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report
- ensure the Dubbo Regional Council complies with the PID Act

- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

**Disclosures Officers (Manager Human Resource Services and Manager Governance and Risk Services)**

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

Disclosures Officers have a responsibility to:

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

**Mayor (Or Administrator)**

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

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

**Supervisors and Managers**

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

- encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do

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

## 5. What should be reported?

You should report any suspected wrongdoing within the Dubbo Regional Council, or any activities or incidents you see within the Dubbo Regional Council that you believe are wrong.

Reports about five categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, and local government pecuniary interest contravention – which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act and according to this policy. See below for details about these types of conduct. More information about what can be reported under the PID Act can be found in the [NSW Ombudsman's Guideline B2: What should be reported?](#).

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

- harassment or unlawful discrimination
- practices that endanger the health or safety of staff or the public.

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

### a. Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a council official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust.

### b. Maladministration

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

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant an approval for reasons that are not related to the merits of their application.

**c. Serious and substantial waste of public money**

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.

For example, this could include:

- not following a competitive tendering process for a large scale contract
- having bad or no processes in place for a system involving large amounts of public funds.

**d. Breach of the GIPA Act**

A breach of the *Government Information (Public Access) Act 2009* (GIPA Act) is a failure to properly fulfil functions under that Act.

For example, this could include:

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

**e. Local government pecuniary interest contravention**

A local government pecuniary interest contravention is a failure to comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, disclose pecuniary interests at council and council committee meetings and leave the meeting while the matter is being discussed. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

- a senior council staff member recommending a family member for a council contract and not declaring the relationship
- a councillor participating in consideration of a DA for a property they or their family have an interest in.

## **6. Assessment of reports**

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

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

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

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

- the report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention
- the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing
- the report has to be made to either the General Manager or, for reports about the General Manager the Mayor, a position nominated in this policy (see section 8).

Reports by staff are not public interest disclosures if they:

- mostly question the merits of government policy (see section 17)
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action (see section 18).

## 8. Who can receive a report within the Dubbo Regional Council

Staff are encouraged to report general wrongdoing to their supervisor. However the PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this policy.

The following positions are the only people within the Dubbo Regional Council who are authorised to receive a public interest disclosure. Any supervisor who receives a report that they believe may be a public interest disclosure is obliged to assist the staff member to make the report to one of the positions listed below. The broader responsibilities of these positions are outlined under Roles and Responsibilities (section 4).

If your report involves a councillor, you should make it to the General Manager. If your report relates to the General Manager, you should make it to the Mayor.

### General Manager

- Mark Riley  
[mark.riley@dubbo.nsw.gov.au](mailto:mark.riley@dubbo.nsw.gov.au) – (02) 6801 4110

### Mayor (for reports about the General Manager only)

- Currently Council's Administrator Michael Kneipp  
[administrator@dubbo.nsw.gov.au](mailto:administrator@dubbo.nsw.gov.au) – (02) 68014 100

### Disclosures Coordinator

- Director Organisational Services – Craig Giffin  
[craig.giffin@dubbo.nsw.gov.au](mailto:craig.giffin@dubbo.nsw.gov.au) – (02) 6801 4200



**Disclosures Officers**

- Manager Human Resource Services – Maria Crisante  
[maria.crisante@dubbo.nsw.gov.au](mailto:maria.crisante@dubbo.nsw.gov.au) – (02) 6801 4260
- Manager Governance and Risk Services – Michael Ferguson  
[michael.ferguson@dubbo.nsw.gov.au](mailto:michael.ferguson@dubbo.nsw.gov.au) – (02) 6801 4240

**9. Who can receive a report outside of the Dubbo Regional Council**

Staff and councillors are encouraged to report wrongdoing within the Dubbo Regional Council, but internal reporting is not your only option. You can also make a public interest disclosure to an investigating authority.

**a. Investigating authorities**

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

The relevant investigating authorities for the Dubbo Regional Council are:

- the Independent Commission Against Corruption (ICAC) — for reports about corrupt conduct
- the Ombudsman — for reports about maladministration
- the Information Commissioner — for disclosures about a breach of the GIPA Act
- the Office of Local Government— for disclosures about local councils including pecuniary interest breaches.

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

You should be aware that the investigating authority may well discuss any such reports with the Dubbo Regional Council. Council will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. Council will also provide appropriate support and assistance to staff or councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

**b. Other external reporting**

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

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



## **10. How to make a report**

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation. Dubbo Regional Council's Internal Reporting Form which is included within this policy is also available for staff or councillors to use to make a report.

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

## **11. Can a report be anonymous?**

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

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

## **12. Feedback to staff who report wrongdoing**

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

### **a. Acknowledgement**

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

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

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

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

Council will provide this information to you within ten (10) working days from the date you make your report. Council will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the PID Act.

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

**b. Progress updates**

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

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

**c. Feedback**

Once the matter has been finalised you will be given:

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

### **13. Maintaining confidentiality**

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

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

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

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

Any staff or councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

### **14. Managing the risk of reprisal and workplace conflict**

When a staff member or councillor reports wrongdoing, the Dubbo Regional Council will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting,

as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, the Dubbo Regional Council may:

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

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

## 15. Protection against reprisals

The Dubbo Regional Council will not tolerate any reprisal against staff or councillors who report wrongdoing or are believed to have reported wrongdoing.

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

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

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

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

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

**a. Responding to allegations of reprisal**

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

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

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

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

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

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

**b. Protection against legal action**

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

**16. Support for those reporting wrongdoing**

The Dubbo Regional Council will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or counselling services.

Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the Disclosures Coordinator.

Council currently offers an Employee Assistance Program and details can be sourced from Council's Human Resource Management Services branch or on Councilpedia.

## 17. Sanctions for making false or misleading statements

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

## 18. The rights of persons the subject of a report

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

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

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

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

## 19. Review

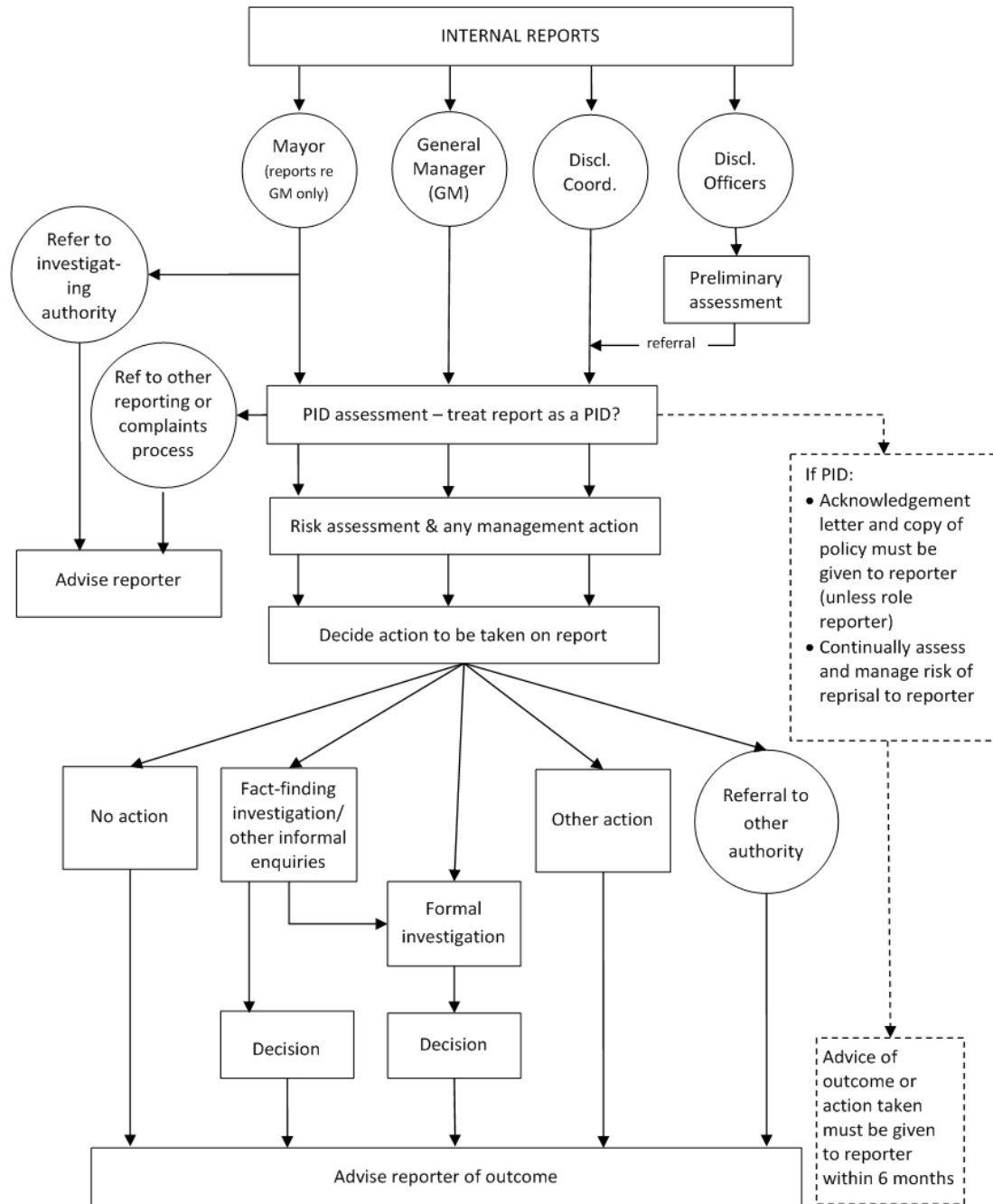
This policy will be reviewed by the Dubbo Regional Council every two years.

## 20. More information

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



21. Flow chart of internal reporting process



## 22. Resources

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

**For disclosures about corrupt conduct:**

Independent Commission Against Corruption (ICAC)  
Phone: 02 8281 5999  
Toll free: 1800 463 909  
Tel. typewriter (TTY): 02 8281 5773  
Facsimile: 02 9264 5364  
Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)  
Web: [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)  
Address: Level 21, 133 Castlereagh Street,  
Sydney NSW 2000

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

Information Commissioner  
Toll free: 1800 472 679  
Facsimile: 02 8114 3756  
Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
Web: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)  
Address: Level 11, 1 Castlereagh Street, Sydney  
NSW 2000

**For disclosures about maladministration:**

NSW Ombudsman  
Phone: 02 9286 1000  
Toll free (outside Sydney metro): 1800 451 524  
Tel. typewriter (TTY): 02 9264 8050  
Facsimile: 02 9283 2911  
Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)  
Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)  
Address: Level 24, 580 George Street, Sydney NSW  
2000

**For disclosures about local councils:**

Office of Local Government  
Phone: 02 4428 4100  
Tel. typewriter (TTY): 02 4428 4209  
Facsimile: 02 4428 4199  
Email: [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au)  
Web: [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au)  
Address: 5 O'Keefe Avenue, Nowra, NSW 2541



## Internal Report Form

To be completed and submitted to a nominated Disclosures Officer

*(Refer to Council's Internal Reporting Policy for further details)*

Details of reporter <i>(You can make an anonymous report by leaving this section blank)</i>		
Name:		
Position:		
Division/Branch/Section:		Preferred method of contact
Telephone:		<input type="checkbox"/> Telephone
Email:		<input type="checkbox"/> Email
Postal address:		<input type="checkbox"/> Post
Details of the wrongdoing being reported		
Please indicate what category of serious misconduct you are reporting		
<input type="checkbox"/> Corrupt Conduct <input type="checkbox"/> Maladministration <input type="checkbox"/> Serious and substantial waste of public money <input type="checkbox"/> Breach of the GIPA Act <input type="checkbox"/> Local Government pecuniary interest contravention		
Description:		
<ul style="list-style-type: none"> <li>• <i>What happened?</i></li> <li>• <i>Where did this happen?</i></li> <li>• <i>When did this happen?</i></li> <li>• <i>Is it still happening?</i></li> </ul> <i>[Attach an additional page if required]</i>		
How did you become aware of this?		
Name and position of people involved in the wrongdoing:	Name	Position
Attach any additional relevant information or indicate where supporting evidence may be found:	Supporting evidence	Attached
		<input type="checkbox"/>
		<input type="checkbox"/>
Name and position of other people who may have additional information:	Name	Position
Statement		
I honestly believe that the above information shows or tends to show wrongdoing.		
_____ Signature of reporter <i>(Do not sign if you want to make an anonymous report)</i>		_____ Date report submitted <i>(Essential information)</i>