

Richmond
Valley
Council



ATTACHMENTS

Tuesday, 19 September 2023

UNDER SEPARATE COVER

Ordinary Council Meeting

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Richmond
Valley
Council



MINUTES

Ordinary Council Meeting 15 August 2023

ORDINARY COUNCIL MEETING MINUTES

15 AUGUST 2023

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15 AUGUST 2023

**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 15 AUGUST 2023 AT 6PM**

Please note: these minutes are subject to confirmation at the next Council Meeting. Decisions recorded in the draft minutes are subject to the Council's Code of Meeting Practice in relation to rescinding decisions.

PRESENT: Cr Robert Mustow (Mayor), Cr Stephen Morrissey (Deputy Mayor), Cr Robert Hayes, Cr Sandra Humphrys, Cr Patrick Deegan, Cr Debra McGillan

IN ATTENDANCE: Vaughan Macdonald (General Manager), Angela Jones (Director Community Service Delivery), Ryan Gaiter (Director Organisational Services), Ben Zeller (Director Projects & Business Development), Jenna Hazelwood (Chief of Staff), Julie Clark (Personal Assistant to the General Manager and Mayor), and Simon Breeze (IT Support Coordinator).

1 ACKNOWLEDGEMENT OF COUNTRY

The Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

"Richmond Valley Council recognises the people of the Bundjalung Nations as Custodians and Traditional Owners of this land and we value and appreciate the continuing cultural connection to lands, their living culture and their unique role in the life of this region in the past, present and future."

2 PRAYER

The meeting opened with a prayer by the General Manager.

3 PUBLIC ACCESS

Nil

4 APOLOGIES

RESOLUTION 150823/1

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That the apology received from Cr Sam Cornish be accepted and leave of absence granted.

CARRIED

ORDINARY COUNCIL MEETING MINUTES

15 AUGUST 2023

5 MAYORAL MINUTES**5.1 MAYORAL MINUTE - LOCAL GOVERNMENT WEEK AWARDS 2023****RESOLUTION 150823/2**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council:

- 1 Acknowledges receipt of the RH Dougherty Award for its Rebuilding the Richmond Valley recovery plan
- 2 Extends its congratulations to all Council staff involved in preparing and delivering the plan to support our community's continued flood recovery.

CARRIED**5.2 MAYORAL MINUTE - CASINO TRUCK SHOW****RESOLUTION 150823/3**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council:

- 1 Notes the outstanding success of the 2023 North Coast Petroleum Casino Truck Show and its well-deserved title as the biggest truck show in the southern hemisphere.
- 2 Extends its congratulations to the Organising Committee, volunteers and council staff led by our Community Connection team for delivering a high quality event for our community.

CARRIED**RESOLUTION 150823/4**

Moved: Cr Robert Mustow

Seconded: Cr Sandra Humphrys

That Council accepts the Mayoral Minute – Casino Showground Precinct Funding Boost as a late item to the business paper.

CARRIED

ORDINARY COUNCIL MEETING MINUTES

15 AUGUST 2023

5.3 MAYORAL MINUTE - CASINO SHOWGROUND PROJECT FUNDING BOOST**RESOLUTION 150823/5**

Moved: Cr Robert Mustow

Seconded: Cr Sandra Humphrys

That Council:

1. Acknowledges the receipt of an additional \$4.6m for the Casino Showground and Racecourse upgrade, under the Bushfire Local Economic Recovery Fund.
2. Notes the significant investment by the Australian and NSW Governments in supporting Council's development of this precinct as a leading regional equestrian centre.
3. Writes to the Minister for Regional NSW, the Minister for the North Coast, the Member for Page and the Member for Clarence to thank them for their continued support for the showground project.

CARRIED**6 CONFIRMATION OF MINUTES****6.1 MINUTES ORDINARY MEETING HELD 18 JULY 2023****RESOLUTION 150823/6**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Hayes

That Council confirms the Minutes of the Ordinary Meeting held on 18 July 2023.

CARRIED**7 MATTERS ARISING OUT OF THE MINUTES**

Nil

8 DECLARATION OF INTERESTS

Nil

9 PETITIONS

Nil

ORDINARY COUNCIL MEETING MINUTES

15 AUGUST 2023

10 NOTICE OF MOTION**10.1 NOTICE OF MOTION - RATE REBATE EXTENSION****RESOLUTION 150823/7**

Moved: Cr Robert Hayes
Seconded: Cr Patrick Deegan

That Council writes to the Premier of NSW, the Hon. Chris Minns MP, seeking further rate relief for flood-affected residents across the Richmond Valley area for the 2023/24 financial year.

CARRIED**11 MAYOR'S REPORT****11.1 MAYORAL ATTENDANCE REPORT 12 JULY - 8 AUGUST 2023****RESOLUTION 150823/8**

Moved: Cr Robert Mustow
Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayoral Attendance Report for the period 12 July – 8 August 2023.

CARRIED**12 DELEGATES' REPORTS****12.1 DELEGATES REPORT - NATIONAL SALEYARDS EXPO JULY 2023****RESOLUTION 150823/9**

Moved: Cr Stephen Morrissey
Seconded: Cr Sandra Humphrys

That Council receives and notes the Delegates' Report for the month of July 2023.

CARRIED

13 MATTERS DETERMINED WITHOUT DEBATE**13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 150823/10**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That items 17.1 and 17.2 identified be determined without debate.

CARRIED

ORDINARY COUNCIL MEETING MINUTES

15 AUGUST 2023

14 GENERAL MANAGER**14.1 REBUILDING THE RICHMOND VALLEY DELIVERY PROGRAM PROGRESS REPORT****EXECUTIVE SUMMARY**

Richmond Valley Council has completed the first 12 months of its Rebuilding the Richmond Valley interim Delivery Program, with substantial progress in all areas of flood recovery.

The recovery journey from the catastrophic 2022 floods is expected to take at least three years, with activity during the first year focused on:

- Understanding the scale of the damage and how long it will take to fix
- Completing emergency repairs to essential infrastructure, such as water supply, sewerage services and road networks
- Getting people back into their homes wherever possible
- Fixing essential facilities, such as halls and sports grounds, so that communities can come together again
- Supporting the long-term recovery of our environment
- Advocating for support and funding from state and federal governments to complete the recovery process.

At the end of Year One, we have seen positive progress in these areas. Council has now completed its emergency infrastructure repairs and the majority of restoration works for community buildings and sporting facilities. More than \$36m has been secured in government funding to support recovery works. However, continued delays with regional buy-backs, relocation and house resilience programs remain a major concern for the community and Council will continue to advocate strongly for further assistance.

Actions for the remaining two years of the program have been incorporated into Council's 2023-25 Delivery Program. This will concentrate on continued repairs and reconstruction of flood damaged roads and bridges, major infrastructure upgrades, improving preparedness for natural disasters and supporting long-term economic growth and prosperity for the Valley.

RESOLUTION 150823/11

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That Council:

1. Receives and notes the progress report for the January-July 2023 period of the Rebuilding the Richmond Valley Delivery Program;
2. Acknowledges the outstanding efforts of the community in its continued journey towards recovery from the 2022 floods;
3. Continues to advocate strongly for:
 - a) urgent progress in implementing regional housing solutions, and
 - b) accelerated approvals for Disaster Recovery Funding Arrangements (DRFA) claims for essential infrastructure repairs.

CARRIED

ORDINARY COUNCIL MEETING MINUTES

15 AUGUST 2023

15 COMMUNITY SERVICE DELIVERY

Nil

16 PROJECTS & BUSINESS DEVELOPMENT

Nil

17 ORGANISATIONAL SERVICES**17.1 FINANCIAL ANALYSIS REPORT - JULY 2023****EXECUTIVE SUMMARY**

The purpose of this report is to inform Council of the status and performance of its cash and investment portfolio in accordance with the *Local Government Act 1993* s.625, Local Government (General) Regulation 2021 cl.212, Australian Accounting Standard (AASB9) and Council's Investment Policy.

The value of Council's cash and investments at 31 July 2023 is shown below:

Bank Accounts	Term Deposits	Floating Rate Notes	Fixed Rate Bonds	TCorp IM Funds	Total
\$15,405,218	\$47,000,000	\$5,750,390	\$2,000,000	\$15,506,502	\$85,662,110

The weighted average rate of return on Council's cash and investments as at 31 July 2023 was 6.28% which was above the Bloomberg AusBond Bank Bill Index for July of 0.37%, which is Council's benchmark.

RESOLUTION 150823/12

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council adopts the Financial Analysis Report detailing the performance of its cash and investments for the month of July 2023.

CARRIED

ORDINARY COUNCIL MEETING MINUTES

15 AUGUST 2023

17.2 MONTHLY BUDGET ADJUSTMENTS REPORT - JULY 2023**EXECUTIVE SUMMARY**

This report details proposed budgeted "Carry Forwards" and "Revotes" for the 2023 Financial Year.

Carry forwards represent the unspent portion of budgeted projects that were either started or contracted to be started in the 2022/2023 year. Revotes represent the unspent portion of budgeted projects that were not underway in the 2022/2023 year.

Both carry forwards and revotes are an annual occurrence and can be due to several factors including, savings in completion of projects, where those funds can then be utilised on new or additional projects, weather events, contractor availability, material availability, timing of grant funding and the associated expenditure of those funds.

The proposed carry forwards total \$7,331,606 comprising \$170,342 in operating expenditure and \$7,161,264 in capital expenditure. This represents only 0.21% of budgeted operating expenditure and 13.56% of budgeted capital expenditure for 2022/2023.

The proposed revotes total \$852,140 comprising \$624,386 in operating expenditure and \$227,754 in capital expenditure. This represents only 0.77% of budgeted operating expenditure and 0.43% of budgeted capital expenditure for 2022/2023.

Council's annual Financial Statements are currently being prepared for audit and as such, the final carry forward and revote budgets are still subject to change. At this stage the proposed changes will have no impact on the projected budget surplus of \$212,574 for 2023/2024 as the carry over works are fully funded from unexpended grants and contributions or previously budgeted from other reserves.

RESOLUTION 150823/13

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council:

1. Notes carry forwards for the financial year ended 30 June 2023
2. Approves revotes for the financial year ended 30 June 2023
3. Notes the revised budget for 2023/2024, including carry forward and revotes.

CARRIED**18 GENERAL BUSINESS**

Nil

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15 AUGUST 2023

19 MATTERS FOR INFORMATION**RESOLUTION 150823/14**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

Recommended that the following reports submitted for information be received and noted.

CARRIED**19.1 NORTHERN RIVERS LIVESTOCK EXCHANGE STATISTICS AS AT 30 JUNE 2023****RESOLUTION 150823/15**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council receives and notes the Northern Rivers Livestock Exchange Statistics as at 30 June 2023.

CARRIED**19.2 RICHMOND-UPPER CLARENCE REGIONAL LIBRARY ANNUAL REPORT 2022/2023****RESOLUTION 150823/16**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council receives and notes the Richmond-Upper Clarence Regional Library Annual Report 2022/2023.

CARRIED**19.3 GRANT APPLICATION INFORMATION REPORT - JULY 2023****RESOLUTION 150823/17**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council receives and notes the Grant Application Information Report for the month of July 2023.

CARRIED

ORDINARY COUNCIL MEETING MINUTES

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19.4 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 JULY 2023 - 31 JULY 2023**RESOLUTION 150823/18**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council receives and notes the Development Application report for the period 1 July 2023 to 31 July 2023.

CARRIED**19.5 NSW WATER CONFERENCE 26-28 JUNE 2023****RESOLUTION 150823/19**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council receives and notes the summary of the LGNSW Water Management Conference held 26-28 June 2023.

CARRIED**19.6 CORRESPONDENCE: RICHMOND VALLEY FLOOD RECOVERY PRIORITIES****RESOLUTION 150823/20**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council receives and notes the correspondence provided to:

- The Hon. Chris John Minns, MP Premier of New South Wales
- The Hon. Jihad Dib MP, Minister for Customer Service and Digital Government, Minister for Emergency Services, and Minister for Youth Justice, and
- The Hon. Paul Scully MP, Minister for Planning and Public Spaces

CARRIED**19.7 TENDER VP333465 - COLLEY PARK FACILITY BUILDING****RESOLUTION 150823/21**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council receives and notes the report Tender VP333465 – Colley Park Facility Building.

CARRIED

ORDINARY COUNCIL MEETING MINUTES

15 AUGUST 2023

20 QUESTIONS ON NOTICE**20.1 QUESTIONS ON NOTICE - NORTHERN RIVERS LIVESTOCK EXCHANGE**

The following questions on notice were received from Councillor Robert Hayes.

Questions**Background**

We are now nearly 7 weeks into no sales at the Northern Rivers Livestock Exchange (NRLX) due to agents refusing to sign the licence agreements to operate at the facility, leaving doubt over the future of the NRLX as a livestock selling facility. To inform our future decision making around our ongoing involvement in the management of the complex, can the General Manager answer the following questions:

1. What is the current value of the complex?
2. Is Council able to lease the complex and what would that entail?
3. What other business uses could the complex be suited for?
4. If, prior to 30th June 2023 with the previous selling permit and fees in place, a special rate levy was applied across all ratepayers within the Richmond Valley Local Government Area to bring the NRLX business to a break-even operating result, allowing for all expenditure including maintenance, borrowing costs and depreciation, what would that levy amount be?
5. What are the potential impacts for Council if serious Work Health & Safety issues occur at the facility?

Responses

The General Manager advised;

1. The current written down value of the asset is \$28.5m. To get an indication of the market value of the asset we would need to procure an independent market valuation.
2. Councils do have the authority to lease their assets. To lease the facility to operate as a saleyard, a draft contract could be drawn up and Council could go to Public Tender. A panel would assess the submissions and if a successful tender was resolved by Council a contract would be signed granting an operating lease as a saleyard to the successful tenderer.
3. The NRLX Business Plan did not assess other uses, however some options that could be considered include:
 - Private enterprise saleyard
 - Boutique livestock or other animal sales e.g. horse sales
 - Parts of the premises could potentially be utilised as a small volume feedlot subject to licensing amendments with the EPA
 - Covered green waste organics processing facility
4. The 2022/23 NRLX Program Deficit was \$647,000. With 10,828 rateable properties, a flat rate special levy across all properties would require a levy of \$60 per property to fund the

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NRLX program deficit so it breaks even.

5. Section 19 of the WHS Act sets out our Primary Duty of Care and specifies that the Person Conducting a Business or Undertaking PCBU must ensure, so far as is reasonably practicable the health and safety of all workers.

Section 20 of the WHS Act sets out the Duty of persons conducting businesses or undertakings involving management or control of workplaces which includes:

"The person with management or control of a workplace must ensure, so far as is reasonably practicable, that the workplace, the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person".

Penalties - If found guilty of recklessly exposing a person to risk of death or injury and not upholding these primary duties, penalties may include a personal fine for an employee of up to \$381,000 and up to 5 years imprisonment, the officer (PCBU) up to \$761,000 and up to 5 years imprisonment, and for a body corporate, which includes a Council, it is \$3.8m.

RESOLUTION 150823/22

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That the responses received in relation to the Questions on Notice - Northern Rivers Livestock Exchange be received and noted.

CARRIED

21 QUESTIONS FOR NEXT MEETING (IN WRITING)

Nil.

22 MATTERS REFERRED TO CLOSED COUNCIL

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

22.1 Tender VP359745 - Design and Construct Package - Reynolds Road Bridge and Lollback Creek Bridge Replacement

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

This matter is considered to be confidential under Section 10A(2) - (a) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

22.2 Tender VP367264 - South Casino Sewage Transfer Station (Pumping Station)

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

This matter is considered to be confidential under Section 10A(2) - (d)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on

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15 AUGUST 2023

balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

22.3 Write-off of Monies Under Delegation

This matter relates to

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) discussion in relation to the personal hardship of a resident or ratepayer.

This matter is considered to be confidential under Section 10A(2) - (a) and (b) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors) and discussion in relation to the personal hardship of a resident or ratepayer.

22.4 Northern Rivers Livestock Exchange Agent Licence Procurement Process Update

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

This matter is considered to be confidential under Section 10A(2) - (d)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

RESOLUTION 150823/23

Moved: Cr Stephen Morrissey

Seconded: Cr Debra McGillan

That:

1. Council enters Closed Council to consider the business identified in Item 22, together with any late reported tabled at the meeting.
2. Pursuant to section 10A(2) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis the business to be discussed is classified confidential under the provisions of section 10(2) as outlined above.
3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) *Local Government Act 1993*.

CARRIED

Council closed its meeting at 7.18 pm.

The Open Council meeting resumed at 8.05 pm.

The resolutions of the Closed Council meeting were read by the Director Projects & Business Development, Director Community Service Delivery, Director Organisational Services and the General Manager.

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23 RESOLUTIONS OF CLOSED COUNCIL**22.1 Tender VP359745 - Design and Construct Package - Reynolds Road Bridge and Lollback Creek Bridge Replacement**

That

1. Council accepts the tender from Ozwide Bridge Rail and Civil Pty Ltd which represents the best value for council at \$1,358,250 (exclusive of GST); and
2. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement, in line with the content of this report and the available budget and affixing the seal of Council where necessary.

22.2 Tender VP367264 - South Casino Sewage Transfer Station (Pumping Station)

That Council:

1. Declines the submissions received for Tender VP367264 – South Casino Sewage Transfer Station (Pumping Station) due to the single submission prices being higher than the budget allocated for the works.
2. Applies Clause 178 (3)(e) of the Local Government (General) Regulation 2021 to authorise the General Manager to enter direct negotiations with suitably qualified contractors with a view to procure works that provide Council with the best outcome both from a financial and delivery perspective, and to finalise the terms of the contract or agreement and affixing the seal of Council where necessary.
3. Notes that the outcome of the negotiations will be reported to Council for information at a future meeting.

22.3 Write-off of Monies Under Delegation

That Council receives and notes the Write-off of monies totalling \$7,765.11 under the General Manager's delegation.

22.4 Northern Rivers Livestock Exchange Agent Licence Procurement Process Update

That Council receives and notes the Northern Rivers Livestock Exchange Agent Licence Procurement Process update and the interest shown in operating at the facility.

The Meeting closed at 8.10pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 19 September 2023.

.....
CHAIRPERSON



BMT OFFICIAL

BMT Commercial Australia Pty Ltd
Level 5, 348 Edward Street,
Brisbane, Qld, 4000
Australia

ABN: 54 010 830 421

Project Memorandum

Project	A10749 Richmond Valley Flood Study		
From:	BMT		
Date:	06/09/2023	To:	Richmond Valley Council
Doc Ref:	M.A10749.005.00_Community_Consultation		
Subject:	Public Exhibition of Draft Richmond Valley Flood Study 2023		

Background

The draft 'Richmond Valley Flood Study (June 2023)' was placed on public exhibition in the Richmond Valley LGA between 3 July 2023 and 13 August 2023. This provided the community and key stakeholders with an opportunity to review the draft study and provide feedback that would be considered in finalising the report.

The Public Exhibition period included:

- Online exhibition of a digital copy of Volumes 1 and 2 of the draft 'Richmond Valley Flood Study' (June 2023) on Council's website.
- Hard copies of Volumes 1 and 2 of the draft 'Richmond Valley Flood Study' (June 2023) available for review at Council's Customer Service Desk.
- Online access via Intramaps on the Richmond Valley Council website to peak flood depth, velocity and hazard mapping for each of the modelled design floods. This included functionality to undertake a property search to obtain minimum and maximum flood levels.
- In person drop-in community information sessions to provide the community with an opportunity to discuss the project, ask any specific questions and provide feedback. These were held at:
 - Casino Community and Cultural Centre, Walker Street Casino—Wednesday, 26 July 2023 from 1pm to 6pm
 - Evans Head Library Meeting Room, Woodburn Street Evans Head—Thursday, 27 July 2023 from 12 noon to 4pm
- Richmond Valley Council further engaged with the community via the following:
 - The July 2023 edition of the "Valley New" letterbox drop newsletter
 - The July 2023 eNewsletter
 - Council's Facebook page

Written feedback was invited via an online submission form, email or post. Richmond Valley Council also wrote to key stakeholders including:

- NSW SES
- NSW Resilience
- NSW Reconstruction Authority
- DPE-Biodiversity Conservation Division (incorporating Floodplain Management)
- DPE-Planning & Assessment
- Rous Water
- Lismore City Council
- Kyogle Council
- Ballina Shire Council
- Transport for NSW

This memorandum provides a summary of responses received on the draft Richmond Valley Flood Study 2023. This includes both formal submissions and a summary of enquiries from the community drop in sessions.

Formal Submissions

Four formal submissions were received; one from Transport for NSW (TfNSW), one from the NSW State Emergency Service (SES) and two from members of the public. A resident also provided a series of queries via email. Other agencies/organisations provided brief responses as follows:

- Northern Rivers Reconstruction Corporation (NSW Reconstruction Authority) thanked Council for referring the Draft Study.
- Rous Water congratulated Council on getting the Flood Study to its present position.
- Lismore City Council congratulated Council on getting the Flood Study to its present position and has asked for access to flood data for the lower Wilsons River (within Lismore City Council's LGA) once the project had been finalised.

With regards to the formal submissions, the submission from TfNSW acknowledged the opportunity to review the study and made no recommendations.

The submission from the SES was primarily with regards to whether the study meets the key aspects of the guideline 'Support for Emergency Management Planning Flood Risk Mitigation Guideline' (EM01) and whether it meets the key principles of the Floodplain Development Manual. The main point summarised was "*Review of the NSWSES Flood Plan contents is of significant importance to the community and the flood study review needs to include this in its process*".

BMT notes that the Flood Study forms part of the floodplain management process as defined in the NSW Floodplain Development Manual. The flood study defines the nature and extent of the flood problem and will underpin a subsequent flood risk management study and plan which will quantify and weigh the relevant risks to communities, including looking at emergency management planning. It is expected that the NSW SES Flood Plan will be reviewed against the flood study outputs during this subsequent flood risk management study. In addition to the design flood mapping, the Richmond Valley Flood Study includes a number of post processed outputs that will facilitate this future analysis including information on affected populations, locations and lengths of roads inundated and areas that become high or low flood islands. No updates to the Flood Study are proposed as a result of this submission.

Of the two submissions from the community, one relates to a property specific query for a large rural property to the east of Casino. The submission commented that the 2022 flood event was between a 1 in 500 and 1 in 1000 year flood event (greater than a 0.2% AEP flood event). A further comment then compared the mapped 0.2% AEP flood depth on that property with observations of the flood depth during the 2022 event. It was implied that the modelled 0.2% AEP flood depth is too great as it is notably higher than the observed flood depth during the 2022 event.

BMT does not dispute any of the stated observations of the 2022 flood event. However, the 2022 event differed in its assigned rarity across different parts of the catchment. The most extreme rainfall fell in the Wilsons catchment above Lismore whereas rainfall intensities were more modest, but still significant, upstream of Casino. Based on the flood study findings, the 2022 event was close to a 1% AEP flood in Casino but rarer than a 0.2% flood in lower parts of the catchment. Historical floods will always have characteristics that differ from hypothetical design floods used in flood studies. A design flood can match the level of a historic flood at one location but be quite different at another location due to the variability in rainfall intensities and durations across the catchment. When the stated observations of the 2022 event flood depths were compared against the modelled 2022 event flood depths it was seen that the model results matched reasonably well with the observed depths provided in the submission.

The second submission relates primarily to the Bungawalbin Creek catchment with concern raised that the lack of available gauges (in the Bungawalbin Creek catchment) means that a proper study has not been undertaken for this catchment. The submission also notes that the road raising (specifically Coraki-Woodburn Road) surrounding the Bungawalbin catchment has not been taken into consideration.

The flood study recognises that it remains challenging to calibrate to floods within the Bungawalbin Creek catchment due to the sparse coverage of gauges (both rainfall and water level). Furthermore, the significant magnitude of the February/March 2022 event caused a number of gauges to fail. Following the February/March 2022 flood, a data collection exercise was undertaken by Public Works Department in a separate exercise to the flood study. BMT was passed a copy of the surveyed peak flood levels to use in the flood study model calibration. Whilst useful, the survey only indirectly captures the peak of the flood and remains fairly sparse in coverage. The February/March 2022 event calibration within the Bungawalbin Creek catchment achieved a good level of calibration in the area around Rappville and near the confluence with the Richmond River. The calibration is poorer for parts of the catchment in between, although this is based on the sparse number of surveyed flood marks available. Notwithstanding the above, the Draft Richmond Valley Flood Study 2023 has significantly extended the model coverage upstream into the Bungawalbin Creek catchment compared to the previous 2010 flood study. This allows for an improved understanding of flood behaviour to assist with future floodplain risk management. BMT also understands that there is a program of works in place to address the lack of gauges within the Bungawalbin Creek catchment.

With regards to the specific point about Coraki-Woodburn Road not being included in the model, this was included. The road upgrade occurred after the capture of the LiDAR data used to form the model

base topography. Therefore, survey data of the road upgrade was read into the model as an additional dataset.

A council employee who works at the Coraki Depot contacted Council with a query on the reported gauge levels at Coraki. The query related to the observed differences in flood depth between the 2017 and 2022 floods being significant at the depot (2m or more difference) but the reported Coraki Gauge levels only showing a 0.8m difference.

This difference is explained by the 2017 flood level in the river being notably higher than that in land to the west of Coraki. In the 2017 event, water spilled out of bank and flowed west through parts of Coraki into low points but did not fill those low points to the same level as that in the river. The gauge records the level in the river and so reported a higher 2017 flood level than that in western parts of Coraki. The reported observations of the 2017 flood extents and depths generally agree with the 2017 modelled flood extents and depths.

The council employee followed up by referring to a 2022 flood depth of 1.5m over Richmond Terrace and that this would equate to a depth of around 0.6m over Richmond Terrace in the 2017 event (based on the height difference between these events at the Coraki Gauge). It was maintained that water did not cross Richmond Terrace in the 2017 event and so this discrepancy is not satisfactorily explained.

BMT notes that the difference in flood heights between the 2022 and 2017 event changes with distance from the gauge. The ground levels along Richmond Terrace also change. The 2017 modelled flood extent shows parts of Richmond Terrace overtopping and other parts remaining dry. Without additional survey data to confirm locations and flood levels it is difficult to provide further comment on the perceived discrepancy.

The model showed a good match to the recorded 2017 and 2022 flood levels at the Coraki Gauge and a reasonable match to surveyed peak flood level marks for the 2022 event (none were available for the 2017 event at Coraki). Localised discrepancies will always remain between results from a regional scale flood model and observations of a flood but, based on available data, the model shows a reasonable to good calibration at Coraki.

Community Information Sessions

Six people attended the community information session at Casino and six attended the session at Evans Head. The majority of feedback related to individual property queries such as what the updated flood levels are at respective properties. Other specific queries or points mentioned were as follows:

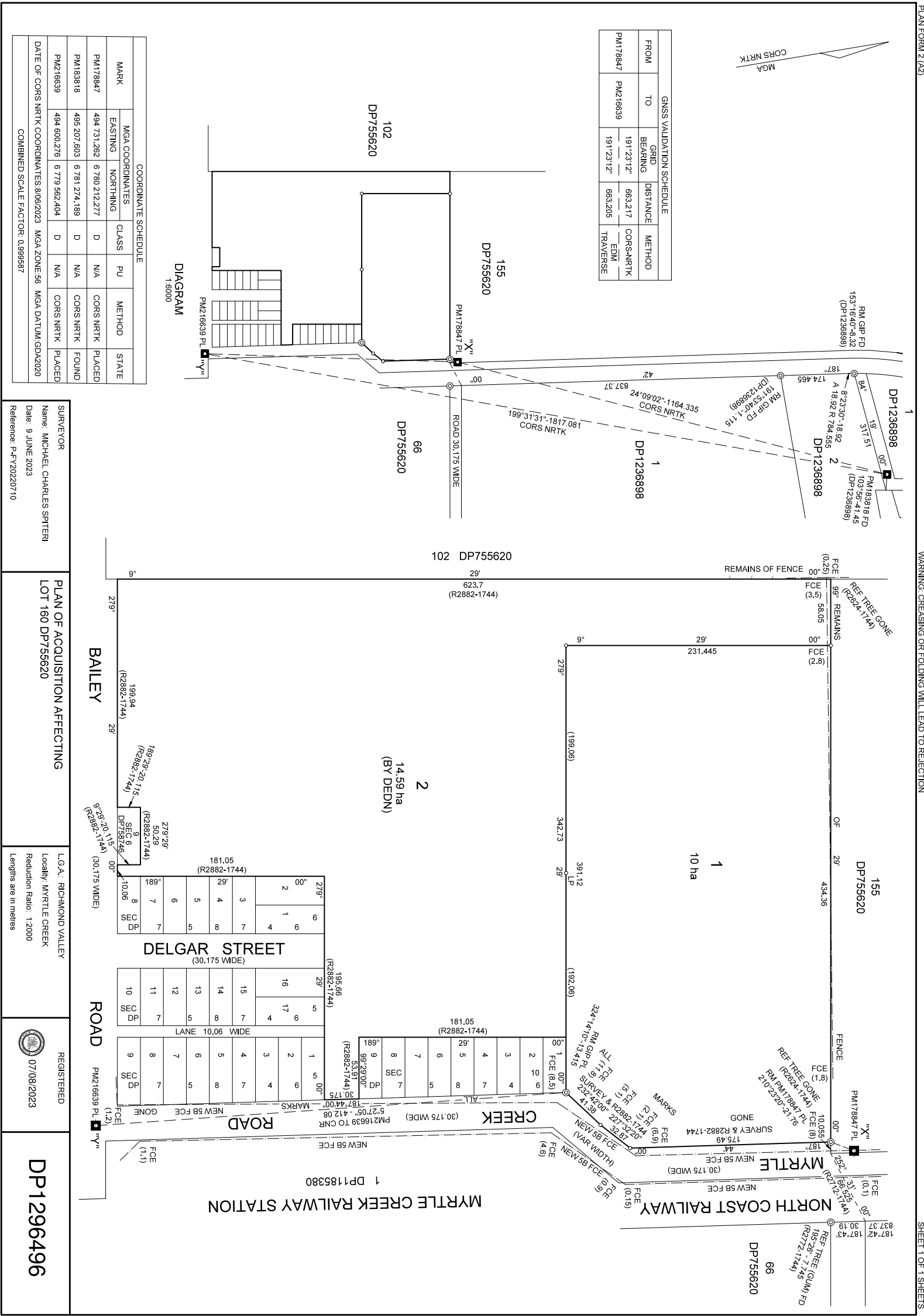
- Queries seeking information on the flood study and its purpose.
- Providing anecdotal accounts of the 1954 flood.
- Wanting to discuss the flood study findings in the Mid-Richmond and Bungawalbin parts of the catchment, including anecdotal information on the flood water flowing backwards into the Bungawalbin catchment when it becomes a large flood storage area during Richmond/Wilsons dominated floods.
- Wanting to discuss observations of the 2022 flood event including observations of flowpaths and estimated velocities in the Swan Bay and Woodburn area.
- Queries on the rainfall inputs, for example how can we know what a 1 in 500 AEP (0.2% AEP) rainfall is when we only have 100 years of data.



- Queries on the climate change allowances applied in the study and concern that these allowances are not enough.

Conclusions


Overall, the submissions and feedback received did not raise any significant concerns regarding the Draft Richmond Valley Flood Study 2023 except for concern regarding the calibration in the Bungawalbin Creek catchment. These concerns are driven by lack of calibration data for historic flood events which is a limitation that cannot be overcome for past events. BMT understands that there is a program of works in place to address the lack of gauges within the Bungawalbin Creek catchment.

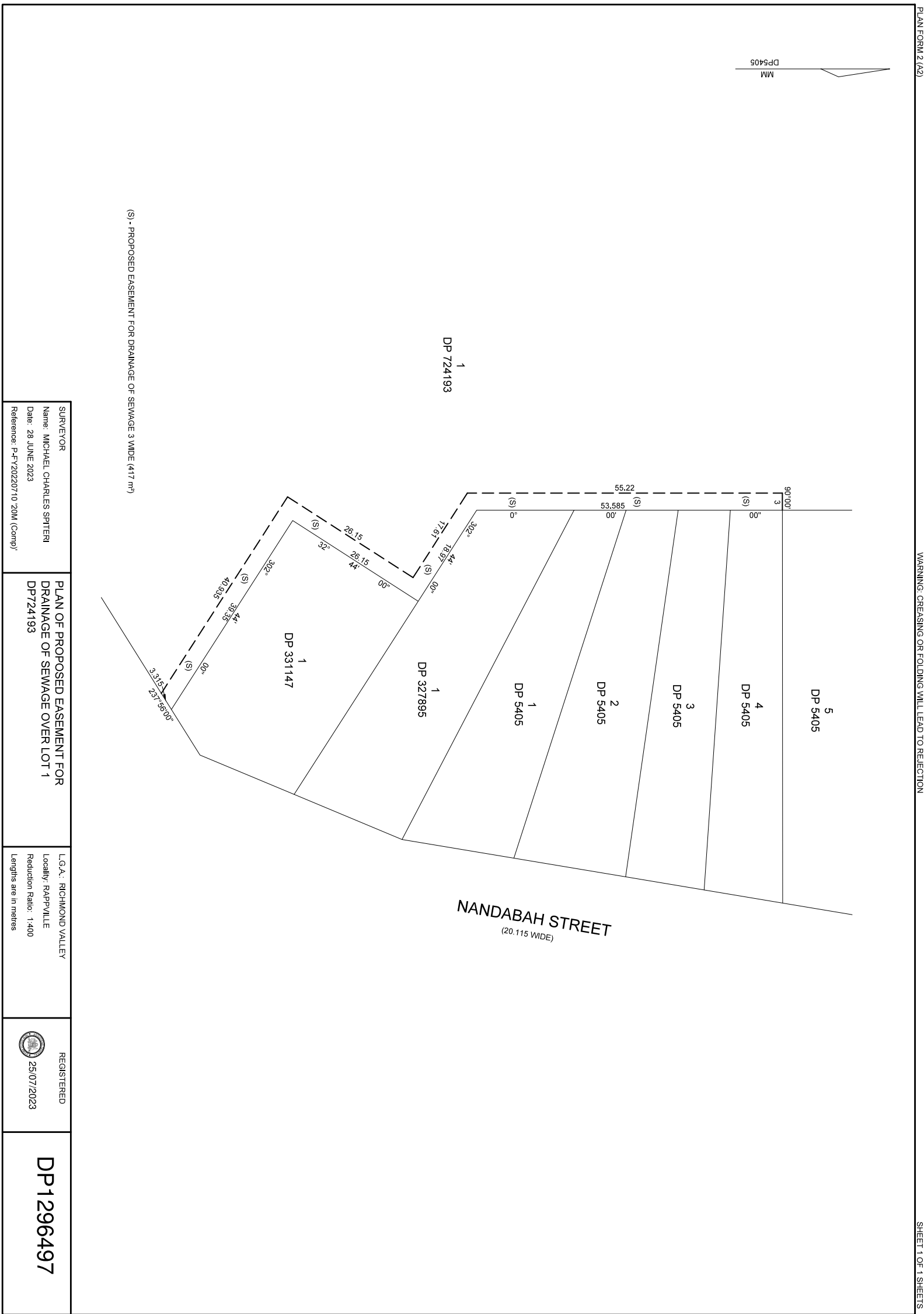
No updates to the draft report are proposed as a result of the submission received during the Public Exhibition of the Draft Richmond Valley Flood Study 2023. Some requests for further information relating to property specific queries have been responded to separately.



PLAN FORM 6_E (2020)	DEPOSITED PLAN ADMINISTRATION SHEET	Sheet 1 of 2 sheet(s)
Registered:  07/08/2023 Title System: TORRENS	Office Use Only <div style="font-size: 2em; font-weight: bold;">DP1296496</div>	
PLAN OF ACQUISITION AFFECTING LOT 160 DP755620	LGA: RICHMOND VALLEY Locality: MYRTLE CREEK Parish: MYRTLE County: RICHMOND	
<p style="text-align: center;">Survey Certificate</p> <p>I, MICHAEL CHARLES SPITERI of NSW PUBLIC WORKS</p> <p>a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>(a) Survey</p> <p>(b) The part of the land shown in the plan being (lot 1 and connections) was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, the part surveyed is accurate and the survey was completed on 09-Jun-2023 the part not surveyed was compiled in accordance with that Regulation.</p> <p>(c) Compilation</p> <p>Datum Line: "X" - "Y" Type: Urban <input type="checkbox"/> Rural <input checked="" type="checkbox"/> The terrain is Level-Undulating <input checked="" type="checkbox"/> Steep-Mountainous <input type="checkbox"/></p> <p>Signature:  Dated: 27/06/2023 Surveyor Identification No: SU000243 Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i></p>	<p style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</p> <p>I, ----- (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature: ----- Date: ----- File Number: ----- Office: -----</p> <hr/> <p style="text-align: center;">Subdivision Certificate</p> <p>I, ----- ----- certify that the provisions of section 6.15 of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature: ----- Registration number: ----- Consent Authority: ----- Date of endorsement: ----- Subdivision Certificate number: ----- File number: -----</p>	
Plans used in the preparation of survey/compilation. M1-2944, M2-2944, M4-2944, M5-2944, MS813-3050, R1171-1744, R2624-1744, R2712-1744, R2772-1744, R2839-1744, R2882-1744, DP1236898	Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land. IT IS INTENDED TO ACQUIRE LOT 1 FOR SEWERAGE PURPOSES UNDER THE LOCAL GOVERNMENT ACT 1993	
Surveyor's Reference: P-FY20220710		

Signatures, Seals and Section 88B Statements should appear on the following sheet(s)

PLAN FORM 6_E (2020) DEPOSITED PLAN ADMINISTRATION SHEET			Sheet 2 of 2 sheet(s)																				
Registered:  07/08/2023		Office Use Only		Office Use Only																			
PLAN OF ACQUISITION AFFECTING LOT 160 DP755620			<h1 style="margin: 0;">DP1296496</h1>																				
Subdivision Certificate number: Date of Endorsement:			This sheet is for the provision of the following information as required: <ul style="list-style-type: none"> A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2017</i> Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i> Signatures and seals- see 195D <i>Conveyancing Act 1919</i> Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets. 																				
<table border="1" style="width: 100%; border-collapse: collapse; margin: 0 auto;"> <thead> <tr> <th style="width: 10%;">Lot Number</th> <th style="width: 10%;">Sub-Address Number</th> <th style="width: 10%;">Address Number</th> <th style="width: 25%;">Road Name</th> <th style="width: 10%;">Road Type</th> <th style="width: 35%;">Locality Name</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td></td> <td style="text-align: center;">5</td> <td style="text-align: center;">BAILEY</td> <td style="text-align: center;">ROAD</td> <td style="text-align: center;">MYRTLE CREEK</td> </tr> <tr> <td style="text-align: center;">2</td> <td></td> <td style="text-align: center;">5</td> <td style="text-align: center;">BAILEY</td> <td style="text-align: center;">ROAD</td> <td style="text-align: center;">MYRTLE CREEK</td> </tr> </tbody> </table>						Lot Number	Sub-Address Number	Address Number	Road Name	Road Type	Locality Name	1		5	BAILEY	ROAD	MYRTLE CREEK	2		5	BAILEY	ROAD	MYRTLE CREEK
Lot Number	Sub-Address Number	Address Number	Road Name	Road Type	Locality Name																		
1		5	BAILEY	ROAD	MYRTLE CREEK																		
2		5	BAILEY	ROAD	MYRTLE CREEK																		
If space is insufficient use additional annexure sheet																							
Surveyor's Reference: P-FY20220710																							



PLAN FORM 6 (2020)

WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 1 sheet(s)
<p>Registered:  25/07/2023</p> <p>Title System: TORRENS</p>	<p>Office Use Only</p> <p>DP1296497</p> <p>Office Use Only</p>	
<p>PLAN OF PROPOSED EASEMENT FOR DRAINAGE OF SEWAGE OVER LOT 1 DP724193</p>	<p>LGA: RICHMOND VALLEY</p> <p>Locality: RAPPVILLE</p> <p>Parish: NANDABAH</p> <p>County: RICHMOND</p>	
<p>Survey Certificate</p> <p>I, MICHAEL CHARLES SPITERI of NSW PUBLIC WORKS a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>*(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, is accurate and the survey was completed on, or</p> <p>*(b) The part of the land shown in the plan (*being/*excluding **) was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, the part surveyed is accurate and the survey was completed on..... the part not surveyed was compiled in accordance with that Regulation, or</p> <p>*(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>.</p> <p>Datum Line:</p> <p>Type: *Urban/*Rural</p> <p>The terrain is *Level Undulating/*Steep Mountainous.</p> <p>Signature:  Dated: 28/06/2023</p> <p>Surveyor Identification No: SU000243</p> <p>Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i></p> <p>*Strike out inappropriate words.</p> <p>**Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</p>	<p>Crown Lands NSW/Western Lands Office Approval</p> <p>I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature:</p> <p>Date:</p> <p>File Number:</p> <p>Office:</p>	
<p>Subdivision Certificate</p> <p>I, *Authorised Person/*General Manager/*Registered Certifier, certify that the provisions of s.6.15 of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature:</p> <p>Registration number:</p> <p>Consent Authority:</p> <p>Date of endorsement:</p> <p>Subdivision Certificate number:</p> <p>File number:</p> <p>*Strike through if inapplicable.</p>		
<p>Plans used in the preparation of survey/compilation. DP5405, DP327895, DP331147, DP724193</p>	<p>Statements of intention to dedicate public roads create public reserves and drainage reserves, acquire/resume land.</p>	
<p>Surveyor's Reference: P-FY20220710 '20M (Comp)'</p>	<p>Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p>	

Melaleuca Road

Woodburn

ROCKY MOUTH CREEK RD

COILMAGER ST

CREEK ST

SHORT ST

PACIFIC HWY

DONALDSON ST

URALBA ST

WHYARATTA ST

WATSON ST

WATSON RD

TUCKOMORE RD

C HWY

Joan Street

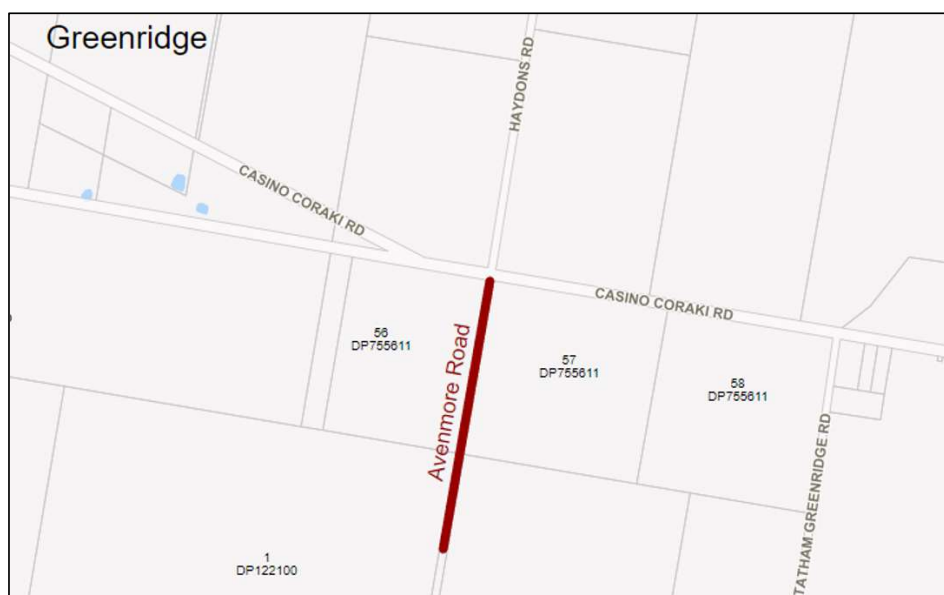
Hull Lane

The unnamed road located off The Gap Road and runs south for approximately 1.4km, The Hull family have lived in the New Italy/Woodburn area since World War 1 were members of the family fought in the war. Identified on the Parish of Evans, Country of Richmond, edition 6 from 1932. Avis Mary Hull was one of the first owners of the property located near the unnamed road, Avis Hull passed away in 1977.



Avenmore Road

Avenmore Lane, located off the Casino Coraki Road, and south of Haydons Road, measuring approximately 694m in length, providing access to surrounding rural properties. The origin of the road name is derived from 'Avenmore Farm' being the historical name of the farm connecting to the road.

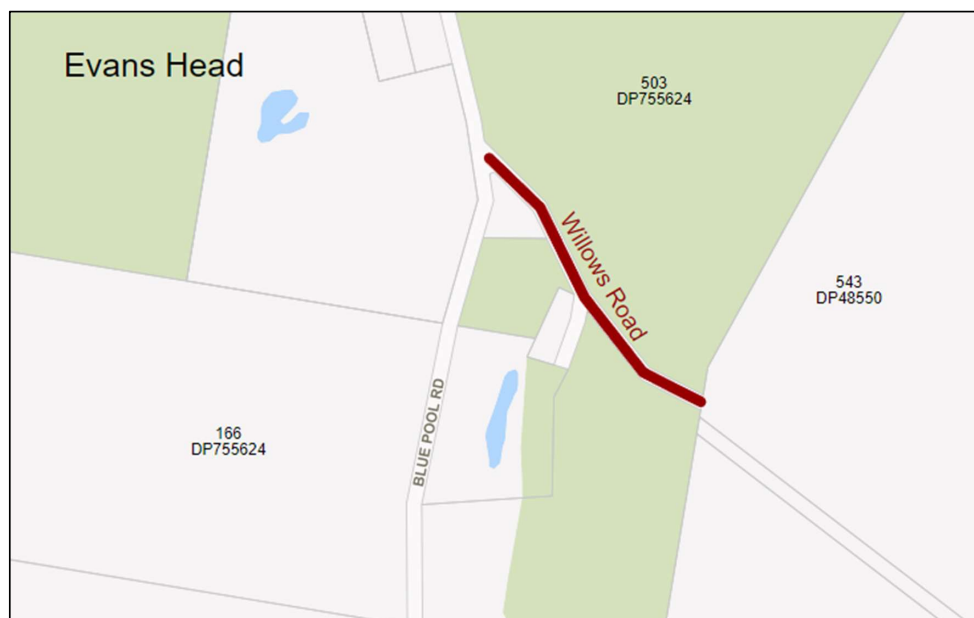


Tomkinsons Road

In the early 1990's there was a cattle dip located along the unnamed road known as "Tomkinsons Dip." This dip site was the only one located in the Backmede area, residents located in the area would use the dip site for tick eradication. The dip site was decommissioned late 1998. The origin of the name is also a historical name from the old Kyogle Parish maps.

**Willows Road**

Willows Road is located off Blue Pool Road, travelling in a south easterly direction for approximately 445m. The origin of the road name is derived from past historical land owner 'Mr Harry Willows' as identified on historical parish maps.

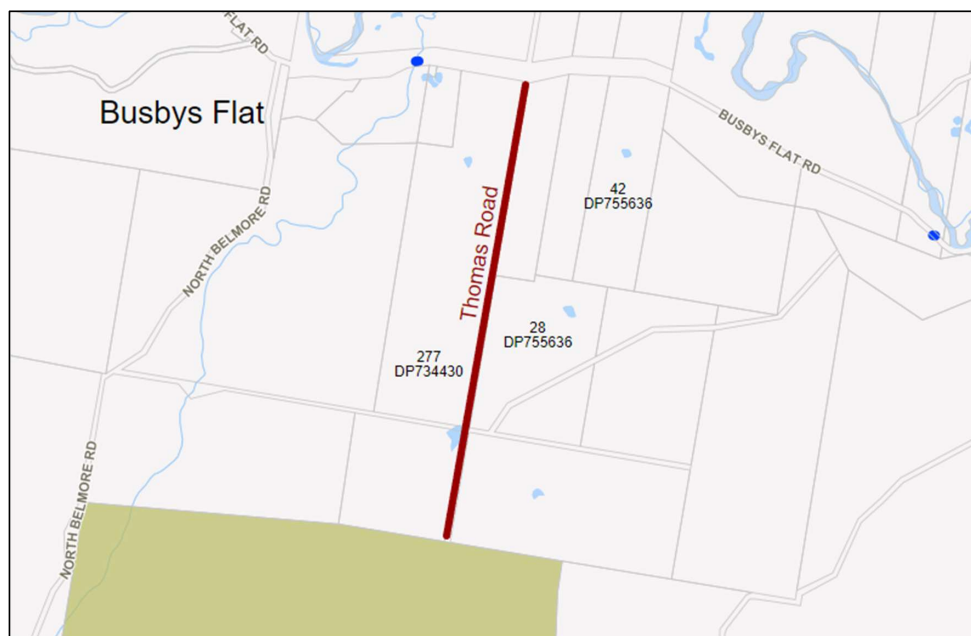


Patrica Street

Patrica Street is located off Johnston Street, just before the Bruxner Highway, the road travels north for approximately 485m. The origin of the road name is derived from past historical land owner 'Patrica Muriel Gill' as identified within historical property information and landowners.

**Thomas Road**

Thomas Road is located off Busbys Flat Road travelling south and ends at the Mount Belmore State Forest, measuring approximately 1.6km in length. The origin of the road name is derived from past historical land owner 'Mr Thomas S Cole' as identified on historical parish maps.

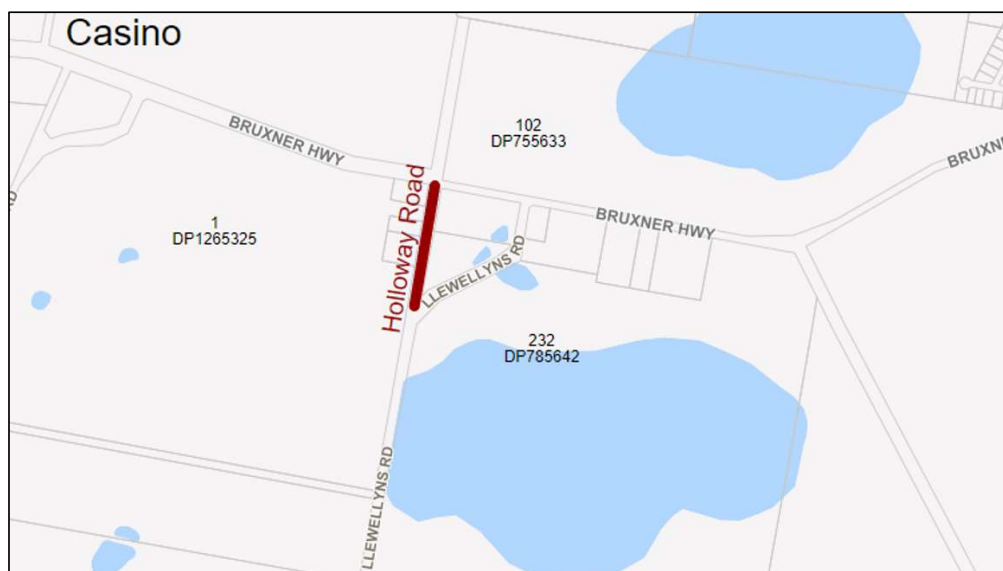


Seller Lane

Seller Lane is a non-through road located off Horseshoe Lagoon Road, travelling south for approximately 181m. The origin of the road name is derived from past historical land owner 'Mr T. T. Seller' as identified on historical parish maps.

**Holloway Road**

Holloway is a historical name from the old parish maps of Wooroowoolgan, County of Richmond, edition 4, dated 1916. T. L Holloway was an historical owner of one of the lots within the vicinity of the unnamed road. Holloway Road is located off the Bruxner Highway and ends at the intersection of Llewellyns Road, the stretch of road measures approximately 300m in length.



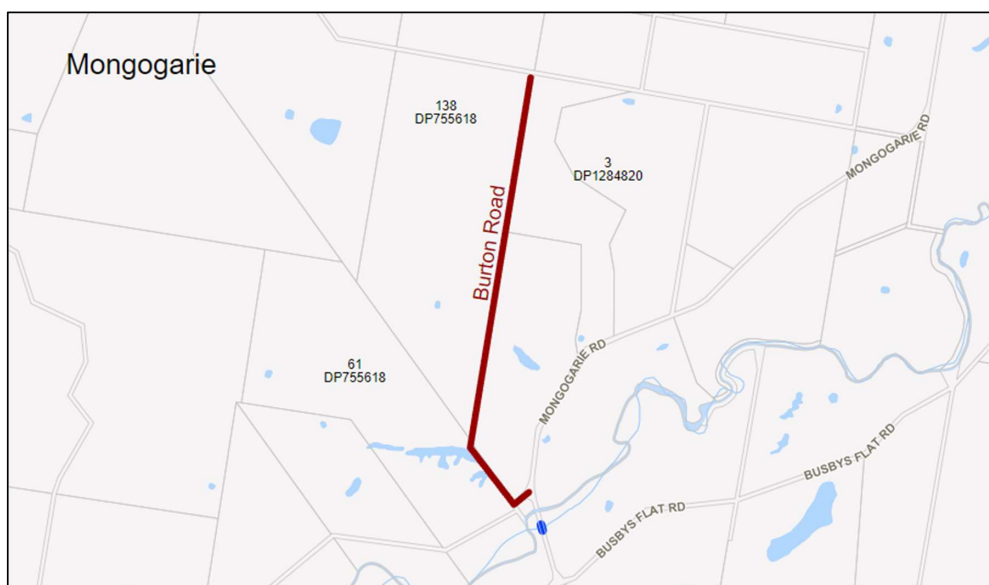
Candido Rise

Candido Rise commences at Redgate Road New Italy. This road has undertaken several public consultation to resolve adding confusion. Following past exhibition "Plantation Rise" was considered however rejected on exhibition from residents. The preferred recommendation is the adoption of Candido Rise to finalise the road naming and property addressing confusion.



Burton Road

Burton Road is named after one of the historical owners Yvonne Burton, who with her husband bought in 1965 Lot 61 DP 755618, the property which the unnamed road provides access to, the property was passed down to their son who is the current owner of the property. Yvonne Burton passed away in 2017.



Josephs Gully Bridge - Bridge ID 10121 – Pedestrian Bridge Wharf Street

[illegible]

Rosolen Bridge is the proposed name for the unnamed bridge located along Swan Bay New Italy Road. The Rosolen family are direct descendants of the Italian pioneers located in the New Italy area in the late 1800's. The Rosolen name is located on the Old Parish maps of Donaldson, County Richmond. Due to the extensive Italian history in the New Italy area, it would be appropriate to name the bridge after the original Italian pioneers.



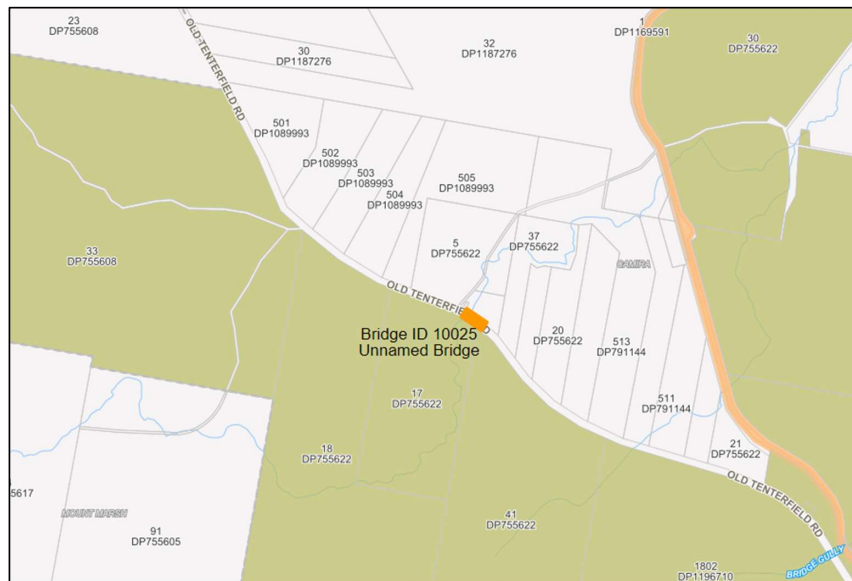
The proposed bridge name Fred Rose Bridge is named after one of the property owners located next to the bridge along Mount Marsh Road. Fred Rose owned the property approximately 100 years ago and lived at the property majority of his life with his family working as a dairy farmer.



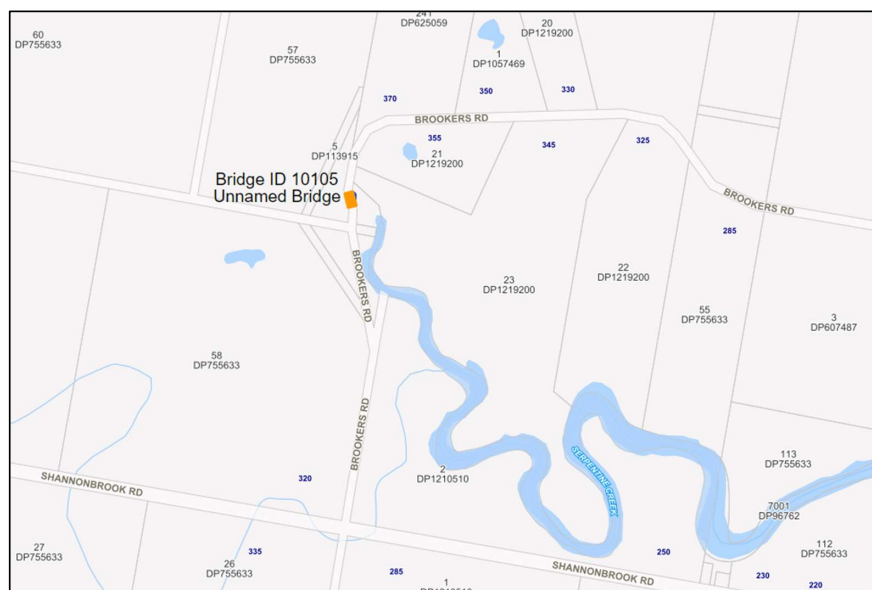
Five generations of Hannas continue to use the road between Whiporie and Bungawablin, making use of the unnamed bridge regularly. Edward Thomas Hanna supplied timber to construct the school at the junction of Myrtle and Myall Creeks in the early days. Edward and Edith Hanna were active members of the community, they built a tennis court on their property and the community gathered there for tennis every Sunday. The son of Edward, Rex Hanna, returned to the area and brought property under the bridge supplying timber. Rex was instrumental in making submissions to Council to have this unnamed bridge built. Rex was the president of the Whiporie Public School P&C, and members of the Whiporie Progress Association. Rex supplied North Coast Box Timber from Whiporie to Canberra when the New Parliament House was under construction and it was used to furnish the lift wells in the building, a plaque was placed to acknowledge the timber supply.



Roy Steen lived in the Whiporie area where he was born and raised in 1911. Roy attended Whiporie Public School, he lived and worked in the Camira Creek and Whiporie area for many years. Roy Steen had his own bullock team and hauled timber to Camira Creek Railway Station, planted pines at Banyabba for the Forestry Commission and worked as a tick inspector for the Agriculture Department in the Camira Creek and Coaldale area. He also serviced the dip yard which is located 100m from the bridge. Roy was a regular at community events including dances at the Whiporie Hall and picnic sport days. Mr Steen passed away in 1997.

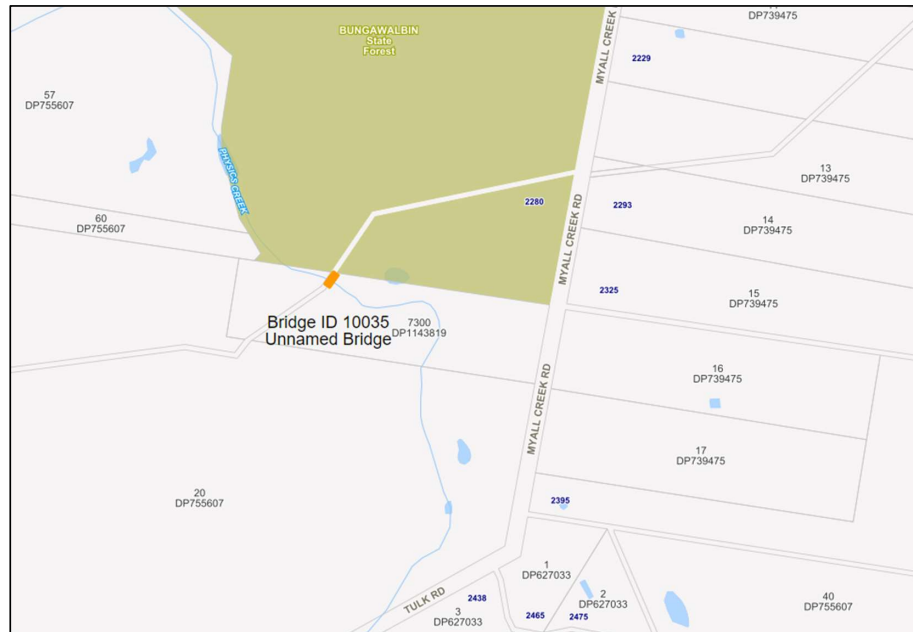


The name proposal for the unnamed bridge located along Brookers Road is in honour of Richard Joseph Campbell who owned the property next to the bridge for over 40 years. Mr Campbell passed away on the farm. Richard farmed the land with milking cows, pigs and beef cattle, he was also a horse breaker and a farrier. Richard was also known as the local vet.



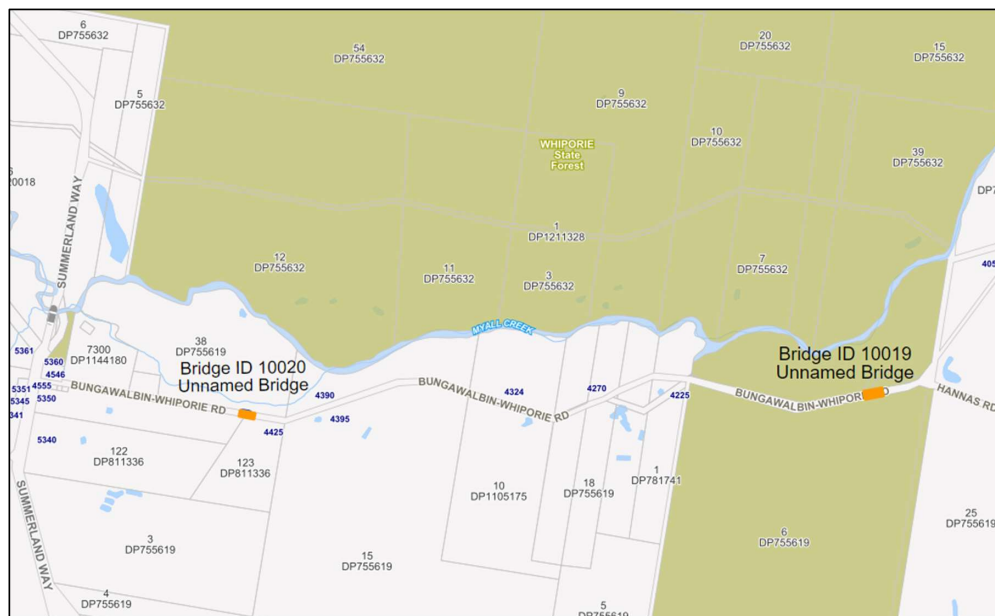
Physics Creek Bridge - Bridge ID 10035 – Main Camp Road

The proposed bridge name Physics Creek Bridge is located along Main Camp Road, the proposed name comes from the name of the creek the bridge is providing access over. The original bridge was constructed in 1966. In 2015 the bridge timber deck was replaced with thick hardwood.

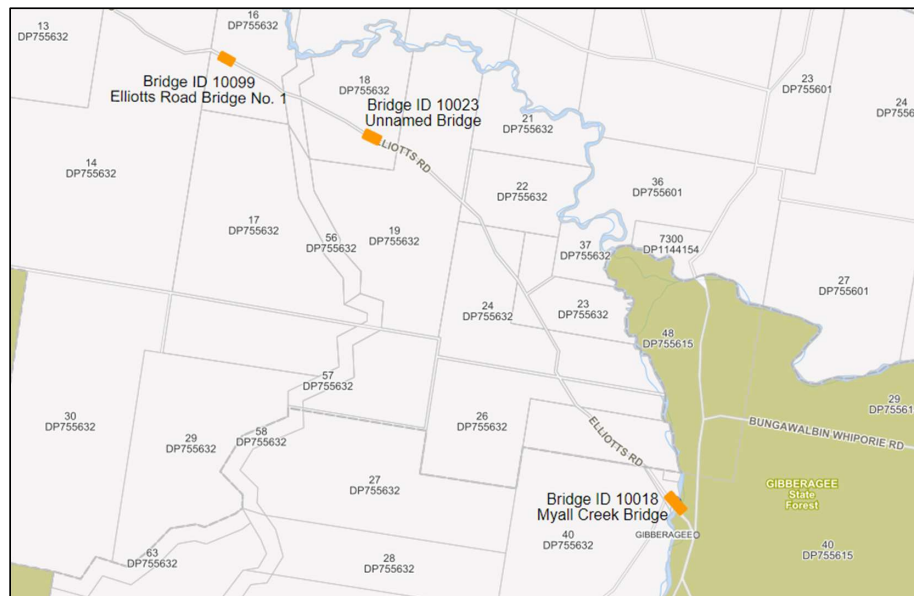


Cordato Bridge – Bridge ID 10019 – Bungawalbin-Whiporie Road

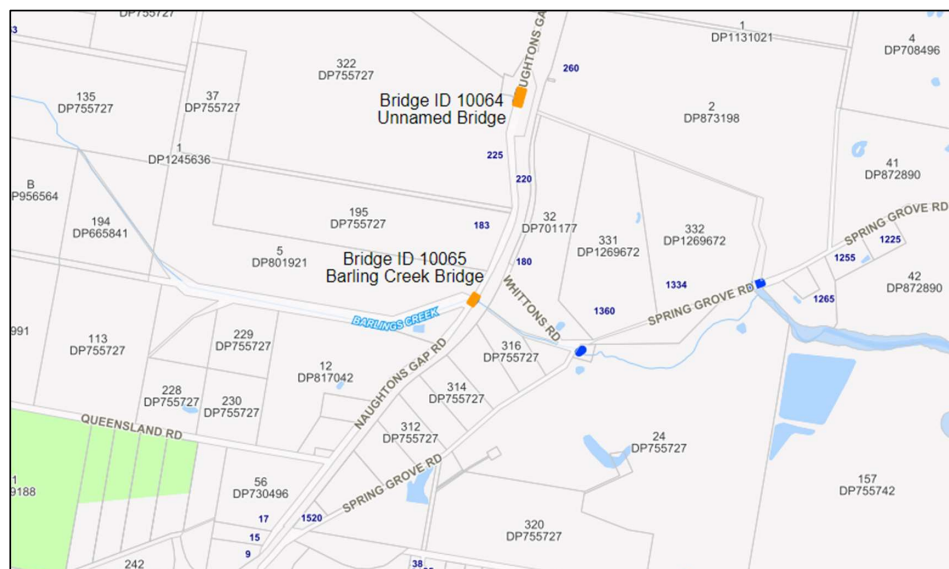
The bridge name proposal Cordato Bridge is named after one of the historical property owners of one of the properties that was located next to the unnamed bridge, as shown on the Parish of Myall, County of Richmond edition 2,3 and 4.



The bridge name proposal, Partridges Bridge, for bridge ID 10023 comes from the historical parish map of Whiporie, County of Richmond, edition 3, dated 1908. The bridge name proposal is named after Walter Partridge, who was the historical owner of the property next to the unnamed bridge.

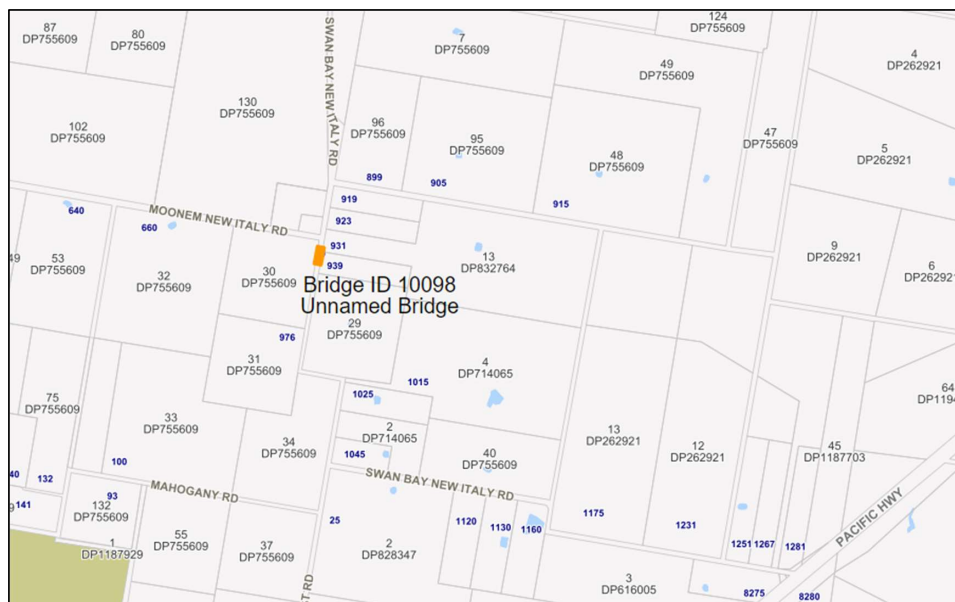


The bridge name proposal, John Whites Bridge, for the unnamed bridge located along Naughtons Gap Road, is named after John Whites, who was a historical property owner next to the bridge as indicated on the historical parish of North Casino, County of Rous, Edition 6, dated 1910.



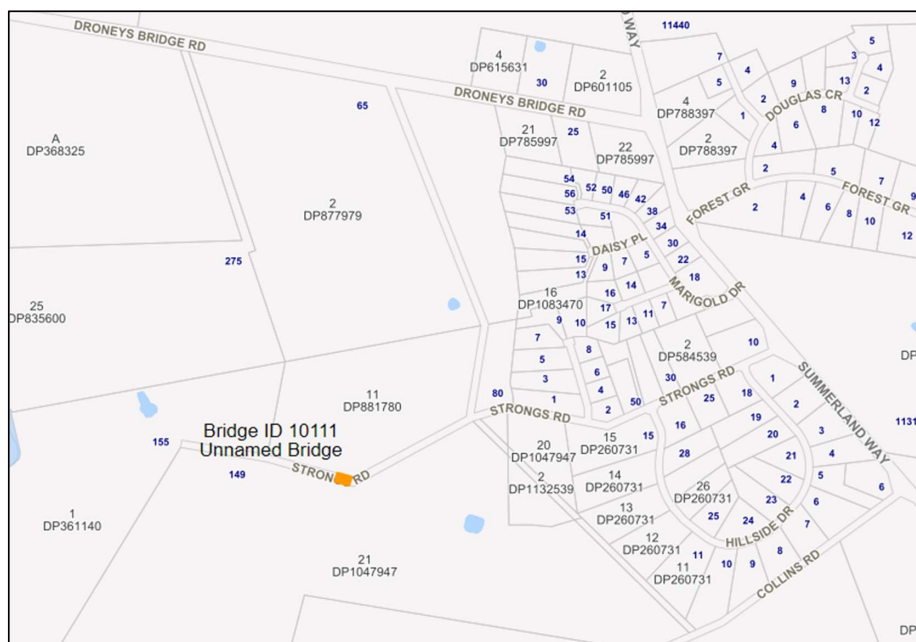
Caminitti Bridge – Bridge ID 10098 – Swan Bay New Italy Road, New Italy

The bridge name proposal, Caminitti Bridge, is named after Rocco Caminitti, who was a historical property owner next to the unnamed bridge as shown on the historical parish map of Donaldson, County of Richmond, edition 3, dated 1902.



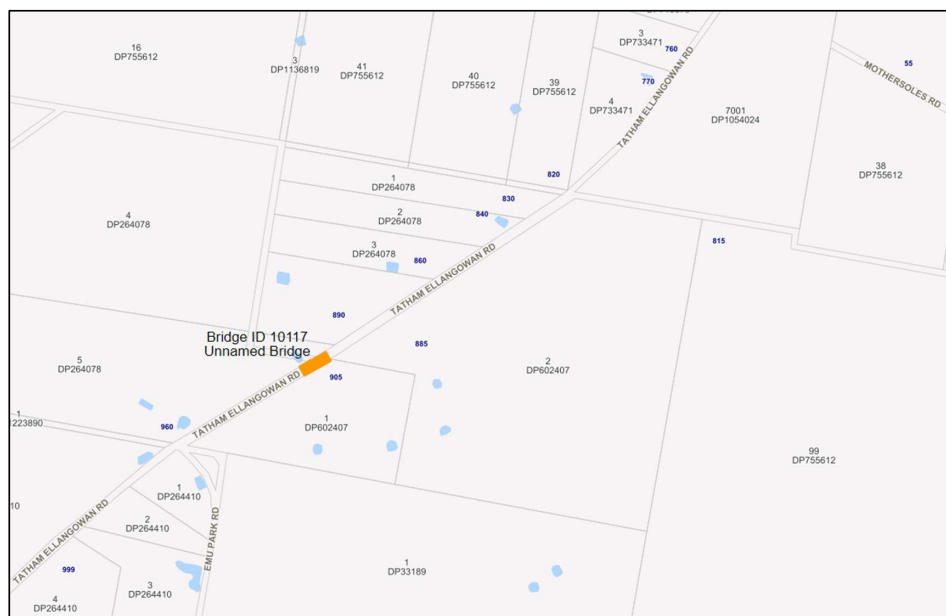
Atkinson Bridge – Bridge ID10111 – Strongs Road, Fairy Hill

The bridge name proposal, Atkinsons Bridge, is named after Emily Atkinsons, who was a historical property owner next to the unnamed bridge as shown on the historical parish map of Kyogle, County of Rous, edition 4, dated 1903.



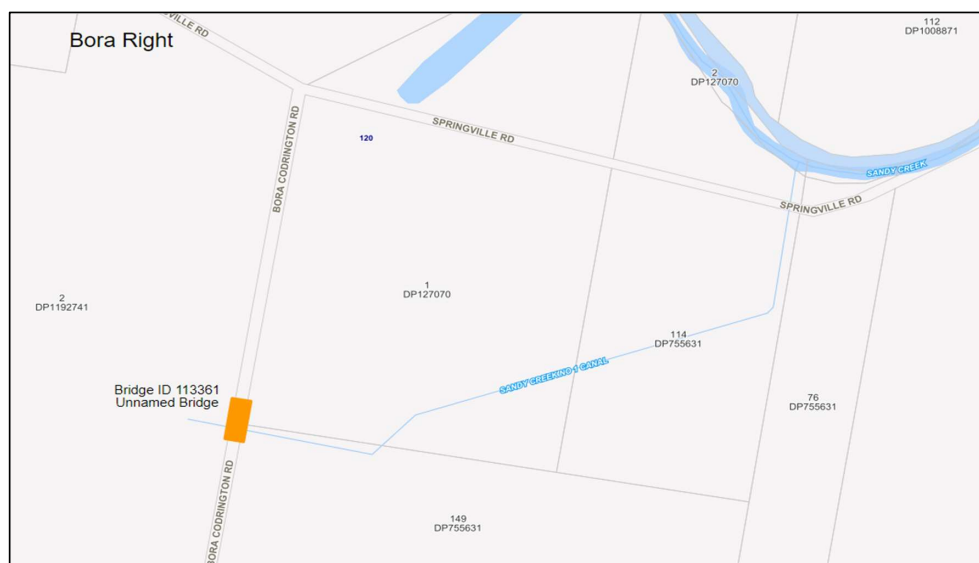
Pyers Bridge – Bridge ID 10117 – Tatham Ellangowan Road, Ellangowan

The bridge name proposal, Pyers Bridge, is named after Abel Pyers, who was a historical property owner next to the unnamed bridge as shown on the historical parish map of Ellangowan, County of Richmond, edition 5, dated 1911.



Yabsley Bridge – Bridge ID 113361 – Bora Codrington Road, Bora Ridge

The bridge name proposal, Yabsley Bridge, is named after Charles Yabsley, who owned land where the road was originally constructed. As shown on the historical parish map of West Coraki, County of Richmond, edition 4, dated 1910.



Council Policy

Richmond
Valley
Council



Policy Title:	Internal Reporting (Public Interest Disclosures)
Policy Number:	1.09
Focus Area:	Lead and advocate for our community
Responsibility:	Governance
Meeting Adopted:	Day Month Year [Resolution XXXXXX/XX]

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Richmond Valley Council – 1.09 Internal Reporting (Public Interest Disclosures)

Adopted: [Insert date]

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PURPOSE

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).

At Richmond Valley Council we take reports of serious wrongdoing seriously. We are committed to building a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing.

The integrity of our agency relies upon our staff, volunteers, contractors and subcontractors speaking up when they become aware of wrongdoing.

This policy sets out:

- How we 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.

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. Council is committed to maintaining the highest level of community accountability, community stewardship and leadership whilst maintaining respect for individuals and the rule of law.

This policy should be read in conjunction with the following Richmond Valley Council policies and procedures, and relevant legislation:

- Bullying, Harassment and Sexual Harassment Policy
- Business Ethics Policy
- Code of Conduct
- Complaints Management and Mandatory Reporting Policy
- Councillor Access to Information Policy
- Equal Employment Opportunity Policy & Management Plan
- Fraud and Corruption Control Plan
- Fraud Prevention Policy
- Issue Resolution Guidelines Procedure
- *Government Information (Public Access) Act 2009*
- *Local Government Act 1993*
- Local Government (State) Award 2023
- *Public Interest Disclosures Act 2022*.

ACCESSIBILITY OF THIS POLICY

This policy is available on Richmond Valley Council's publicly available website www.richmondvalley.nsw.gov.au as well as on Council's Policy Register (accessible via a link on Council's Intranet).

A copy of the policy is also issued to all staff of Richmond Valley Council upon their commencement. A hard copy of the policy can be requested from Council's Governance or People and Culture departments.

WHO DOES THIS POLICY APPLY TO?

This policy applies to, and for the benefit of, all public officials in NSW. You are a public official if you are a:

- Person employed in or by an agency or otherwise in the service of an agency,
- 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,
- Person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer, and/or
- 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.

The General Manager, other nominated Disclosure Officers and managers within Richmond Valley 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 Richmond Valley Council may use this policy if they want information on who they can report wrongdoing to within Richmond Valley Council.

Complaints that do not fall under the PID Act, should be dealt with via Council's existing policies and procedures, such as the Complaints Management and Mandatory Reporting Policy, Issue Resolution Guidelines or Local Government (State) Award.

WHO DOES THIS POLICY NOT APPLY TO?

This policy does not apply to:

- People who have received services from an agency and want to make a complaint about those services, or
- People, such as contractors, who provide services to an agency. For example, employees of a company that sold a product to an agency.

Consultants, although engaged by Richmond Valley Council to assist in their exercise of functions, are not considered public officials under the PID Act.

If you are not a public official, this policy does not apply to your complaint (however, there are some circumstances where a complaint can be deemed to be a voluntary PID, see section 1(i) of this policy for more information).

You can still make a complaint to Richmond Valley Council. This can be done by writing to:

General Manager
Richmond Valley Council
Locked Bag 10
CASINO NSW 2470

COMPLIANCE WITH THE PID ACT

Refer to section 8(c) at page 19-20 of this policy for an outline of the policy review schedule and approval process.

WHAT IS CONTAINED IN THIS POLICY?

This policy will provide you with information on the following:

- Ways you can make a voluntary PID to Richmond Valley Council under the PID Act,
- Names and contact details for the nominated Disclosure Officers in Richmond Valley Council,
- Roles and responsibilities of people who hold particular roles under the PID Act and who are employees of Richmond Valley Council,
- What information you will receive once you have made a voluntary PID,
- Protections available to people who make a report of serious wrongdoing under the PID Act and what we will do to protect you,
- Richmond Valley Council procedures for dealing with disclosures and for managing the risk of detrimental action and reporting detrimental action,
- Richmond Valley Council record-keeping and reporting requirements, and
- How we will ensure compliance with the PID Act and this policy.

If you require further information about this policy, how public interest disclosures will be handled and the PID Act you can:

- Confidentially contact a nominated Disclosure Officer within Richmond Valley Council,
- Contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: pidadvice@ombo.nsw.gov.au, or
- Access the NSW Ombudsman's PID guidelines which are available on their website.

If you require legal advice with respect to the PID Act or your obligations under the PID Act, you may need to seek independent legal advice.

1. HOW TO MAKE A REPORT OF SERIOUS WRONGDOING

(a) 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, as long as 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 other relevant Council policies and procedures.

It is important that we quickly recognise that 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 that we have to make on how we will deal with the PID and how we will protect and support the person who has made the report.

The General Manager is responsible for overseeing complaints management and for ensuring complaints are managed in accordance with Council policies and procedures.

Staff should report all wrongdoing and misconduct, not only reports of serious wrongdoing as defined under the PID Act. Council will deal with these complaints appropriately, even if they are not a PID. It is important to note that a complaint or grievance may also be classified as a PID.

Reporting avenues for all types of wrongdoing and misconduct with Council are outlined in this policy.

(b) 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 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 that 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 <i>honestly and reasonably believes</i> that the information they are providing <i>shows (or tends to show) serious wrongdoing</i>
4. The report was made orally or in writing
5. The report is voluntary (meaning it is not a mandatory or witness PID)

If the report has all five features, it is a voluntary PID. You will not be expected to prove that what you reported actually happened or is serious wrongdoing. You do have to honestly believe, on reasonable grounds, that 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 7 of this policy.

(c) Who can make a voluntary PID?

Any public official can make a voluntary PID – see ‘Who this policy applies to’. You are a public official if:

- You are employed by Richmond Valley Council, or
- You are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of Richmond Valley Council, or
- You work for an entity (such as a non-government organisation) who is contracted by Richmond Valley Council to provide services or exercise functions on behalf of Richmond Valley Council – 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 that we may receive PIDs from public officials outside our agency. It also means that 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.

Please note that although consultants may be engaged to assist Council in undertaking of the exercise of functions, consultants are not considered public officials under the PID Act.

(d) What is serious wrongdoing?

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.
- Government information contravention — such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access application.
- 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.
- Privacy contravention — such as unlawfully accessing a person's personal information on an agency's database.
- 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 us what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

(e) 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 Richmond Valley Council

You can make a report inside Richmond Valley Council to:

- General Manager.
- Disclosure Coordinator or Disclosure Officer for Richmond Valley 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 that the report is communicated to a Disclosure Officer on your behalf or may accompany you while you make the report to a Disclosure Officer.
- Mayor – the Mayor may receive reports from any member of staff of Richmond Valley Council or any Councillor of Richmond Valley Council, where the report concerns the General Manager or a Councillor.

There are different meanings of manager for different types of public officials under section 15 of the PID Act. The following are considered managers for Richmond Valley Council:

- For a public official who is a person providing services or exercising functions on behalf of an agency (including a contractor, subcontractor or volunteer) or an employee, partner or officer of an entity that provides services on behalf of an agency or exercises functions of an agency — their manager is taken to be the public official in that agency who oversees those services or functions, or who manages the relevant contract or volunteering arrangement.
- For all other public officials — this is the person to whom the public official reports directly or indirectly, or who supervises them directly or indirectly.

Making a report to a recipient outside of Richmond Valley 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:

- Head of another agency — this means the head of any public service agency
- Integrity agency — a list of integrity agencies is located at Annexure B of this policy
- 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
- Minister or a member of a Minister's staff — however, the report must be made in writing.

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

Making a report to a Member of Parliament or journalist

Disclosures to a Member of Parliament (MP) or journalist 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 Richmond Valley Council:
 - notification that Richmond Valley 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 Richmond Valley Council's decision to investigate the serious wrongdoing
 - a description of the results of an investigation into the serious wrongdoing
 - 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.

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

(f) 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.
- 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 us to investigate the matter(s) you have disclosed if we cannot contact you for further information.

(g) 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
- other information you have that supports your report.

(h) What if I am not sure if 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 us 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.

(i) Deeming that a report is a voluntary PID

The General Manager 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 that reporters are provided with protections under the PID Act.

If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to the General Manager to request that 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 General Manager. For more information about the deeming power, see the Ombudsman's guideline 'Deeming that a disclosure is a voluntary PID'.

(j) Who can I talk to if I have questions or concerns?

Please speak with one of Council's Disclosure Officers, listed at Appendix A.

2. PROTECTIONS

(a) 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 that a voluntary PID by a person employed or otherwise associated with Richmond Valley Council that concerns serious wrongdoing relating to Richmond Valley Council has been made, we will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.

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 that 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.

(b) 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.

Protections for makers of mandatory and witness PIDs are outlined below:

- **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:
 - breaching a duty of secrecy or confidentiality, or
 - breaching another restriction on disclosure.

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 Richmond Valley Council via a Disclosure Officer (refer Annexure A). Reports can also be made to an integrity agency. A list of integrity agencies is located at Annexure B of this policy.

4. GENERAL SUPPORT

Once you have made a report, a key contact person will be appointed to assist you through this process. Support is also available via Council's Employee Assistance Program (EAP) – further information can be obtained on Council's Intranet or via our People & Culture (P&C) team.

Questions pertaining to the PID Act and reporting generally, should be referred to the NSW Ombudsman.

5. ROLES AND RESPONSIBILITIES OF RICHMOND VALLEY COUNCIL EMPLOYEES

Certain people within Council have responsibilities under the PID Act.

(a) General Manager

The General Manager 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 that Richmond Valley Council comply with this policy and the PID Act
- ensuring that Richmond Valley 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
 - complying with yearly reporting obligations to the NSW Ombudsman.

(b) Disclosure Coordinator and Disclosure Officers

The Disclosure Coordinator and 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
- ensuring that any oral reports that have been received are recorded in writing.

The Disclosure Coordinator has the added responsibility of overseeing the actions of Disclosure Officers and acting as the primary contact for PID matters.

(c) Managers

The responsibilities of managers include:

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

Note that the term 'manager' within the PID Act is more broadly interpreted to mean any employee who directly, or indirectly, supervises staff. Or a staff member who oversees a contractor, subcontractor or volunteer. Note that 'manager' is not restricted to members of Council's management team.

(d) All employees

All employees 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 Richmond Valley Council
- 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. HOW WE WILL DEAL WITH VOLUNTARY PIDs

(a) How we will acknowledge that we have received a report and keep the person who made it informed

When a Disclosure Officer in Richmond Valley 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 that 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 we will deal with the report
 - provide clear information on how you can access this PID policy
 - provide you with details of a contact person and available supports.
- 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
 - 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 about 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. Updates will take a format (i.e. phone conversation or correspondence) as agreed upon with you. 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 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.
 - Corrective action could include taking disciplinary action against someone or changing the practices, policies and procedures that 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.

(b) How Richmond Valley Council will deal with voluntary PIDs

Once a report that may be a voluntary PID is received we 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 that the right steps are followed. If it is a voluntary PID, we will ensure that we comply with the requirements in the PID Act.

Once a Disclosure Officer receives a PID, it will be reported to the Disclosure Coordinator for action in accordance with the PID Act and this policy. An assessment will be made with regard to whether the matter will be dealt with by the Disclosure Coordinator or whether an internal or external referral may need to be made.

Report not a voluntary PID

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with our Complaints Management and Mandatory Reporting Policy.

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 that the matter be conciliated. We can, but are not obligated to, request the NSW Ombudsman to conciliate the matter.

Cease dealing with report as voluntary PID

We 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). In this case it will be dealt with in accordance with our Complaints Management and Mandatory Reporting Policy, and you will be advised of the reasons for this decision.

Where the report is a voluntary PID

If the report is a voluntary PID:

- In most cases we will conduct an investigation 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 that 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 will let you know the reasons for this and notify the NSW Ombudsman of our decision.

(c) How Richmond Valley Council will protect the confidentiality of the maker of a voluntary PID

We understand that 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:

- where the person consents in writing to the disclosure
- where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker
- when the public official or we 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
- 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 that 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 that we practically can to not unnecessarily disclose information from which the maker of the report can be identified. We will do this by:

- We will limit 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.
- We will ensure that any person who does know the identity of the maker of a PID is reminded that they have a legal obligation to keep their identity confidential.
- We will ensure that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker.
- We will undertake 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.
- We will provide 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, we will:

- advise the person whose identity may become known, at the earliest opportunity
- update the agency's risk assessment and risk management plan
- implement strategies to minimise the risk of detrimental action
- provide additional supports to the person who has made the PID
- 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 also be a disciplinary matter.

(d) How Richmond Valley Council will assess and minimise the risk of detrimental action

Richmond Valley 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.

We 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.

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

- explaining that a risk assessment will be undertaken, and a risk management plan will be created (including reassessing the risk throughout the entirety of the matter)
- providing details of the unit that will be responsible for undertaking a risk assessment
- explaining how the agency will communicate with the maker to identify risks
- listing the protections that will be 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
- 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:

- 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
- the prosecution of a person for a criminal offence
- reasonable management action taken by someone in relation to a person who made or may make a PID, for example, a reasonable appraisal of a PID maker's work performance.

(e) How Richmond Valley Council will deal with allegations of a detrimental action offence

If we become aware of an allegation that a detrimental action offence has occurred or may occur, we will:

- take all steps possible to stop the action and protect the person
- take appropriate disciplinary action against anyone that has taken detrimental action
- refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (whichever is applicable)
- notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

Referrals about alleged detrimental offence action will be undertaken by the Disclosure Coordinator.

(f) What Richmond Valley Council will do if an investigation finds that serious wrongdoing has occurred

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, we 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)
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

Oversight of implementation of recommended actions will be the responsibility of the Disclosure Coordinator. A formal, written plan of proposed or recommended corrective actions will be provided to the PID maker by the Disclosure Coordinator.

7. REVIEW AND DISPUTE RESOLUTION**(a) Internal review**

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

- that Richmond Valley Council is not required to deal with the report as a voluntary PID
- to stop dealing with the report because Richmond Valley Council decided it was not a voluntary PID
- to not investigate the serious wrongdoing and not refer the report to another agency
- to cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

We 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 our decision. The application should state the reasons why you consider Richmond Valley Council's decision should not have been made. You may also submit any other relevant material with your application.

A request for an internal review can be made in writing to:

General Manager
Richmond Valley Council
Locked Bag 10
CASINO NSW 2470

Upon receipt of an internal review, the applicant will be advised which person or department will conduct the review and the proposed timeframes for completion of the review.

(b) Voluntary dispute resolution

If a dispute arises between Richmond Valley 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 we and the maker of the report are willing to resolve the dispute.

8. OTHER AGENCY OBLIGATIONS

(a) Record-keeping requirements

Richmond Valley Council must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that we comply with our obligations under the *State Records Act 1998*. Records will be maintained in line with Council's Records Management Operational Policy.

(b) Reporting of voluntary PIDs and Richmond Valley Council annual return to the Ombudsman

Each year we provide an annual return to the NSW Ombudsman which includes:

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

The collation of data for the annual return will be managed by Council's Governance Department.

(c) How Richmond Valley Council will ensure compliance with the PID Act and this policy

This policy will be reviewed by Council's Governance Department at the time of any relevant legislative changes, compliance requirements or at least every four years. The reviewed policy will be presented to Council for formal adoption.

Version Number	Date	Reason / Comments
1	02/2006	New policy
2	10/2011	Review
3	12/2015	Review
4	05/2020	Review & rename
5	09/2023	Rewrite of policy in line with new requirements under the <i>Public Interest Disclosures Act 2022</i> .

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Annexure A — Names and contact details of Disclosure Officers for Richmond Valley Council

Position under PID Act	Position holder
Head of Agency	General Manager Vaughan Macdonald Phone 02 6660 0300
Disclosure Coordinator	Director Organisational Services Ryan Gaiter Phone 02 6660 0368
Disclosure Officer	Director Community Service Delivery Angela Jones Phone 02 6660 0262
Disclosure Officer	Manager People and Culture Luke Fleming Phone 02 6660 0241
Mayor For reports about the General Manager or Councillors only	Mayor Cr Robert Mustow Phone 0407 624 224
<i>Disclosure Officers nominated by location:</i>	
Evans Head Administration Office	Development Assessment Planner Cherie Smith Phone 02 6660 0222
Richmond Upper Clarence Regional Library	Manager Regional Library Gary Ellem Phone 02 6660 0359
Northern Rivers Livestock Exchange	NRLX Redevelopment & Operations Manager Bradley Willis Phone 0408 203 654
Water Treatment Plant	Operations Coordinator Water & Sewer Sandeep Chugh Phone 02 6660 0224
Sewerage Treatment Plant	Operations Officer – Water & Sewer Services David Cash Phone 02 6660 0343
Depot (Casino)	Senior Mechanic Luke Barber Phone 02 6662 6811
Depot (Evans Head)	Senior Mechanic Gordon King Phone 02 6682 5522
Depot (Coraki)	Workshop Supervisor Scott Robinson Phone 02 6683 2763
Landfill	Overseer Waste Management Malcolm Massey Phone 0436 609 412
Visitor Information Centres	Manager Community Connection Sharon Davidson Phone 02 6660 0257

*Note: In addition to the above nominated officers, a report can be made to 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 that the report is communicated to a Disclosure Officer on your behalf or may accompany you while you make the report to a Disclosure Officer.*

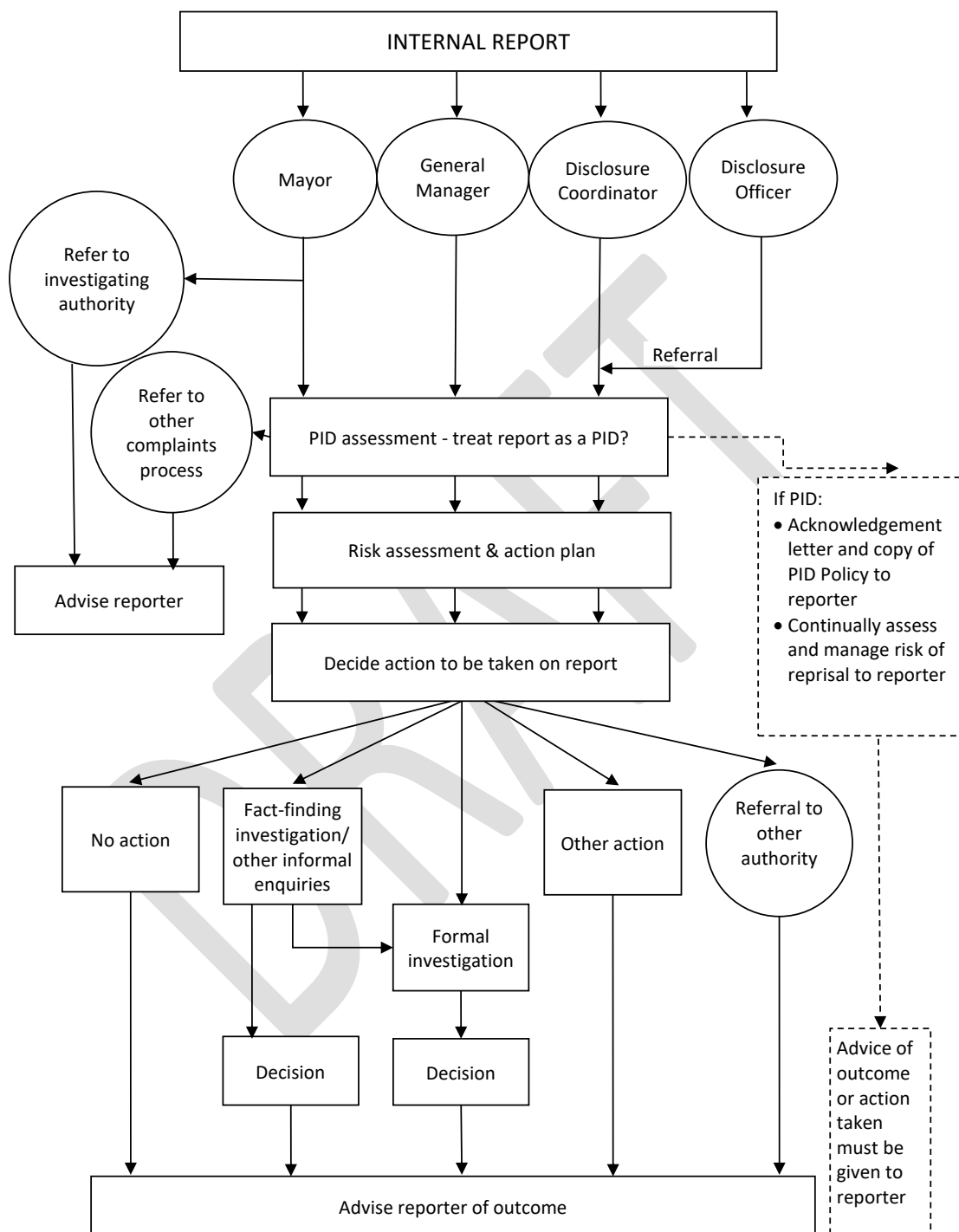
Notification can be made via telephone or via correspondence in a sealed envelope marked “Disclosure Coordinator/ Disclosure Officer – Confidential”.

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Annexure 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 the 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

Annexure C: Flowchart of Internal Reporting Process



Annexure D: Record of Public Interest Disclosure

**RICHMOND VALLEY COUNCIL
RECORD OF PUBLIC INTEREST DISCLOSURE**

Date: _____

Details of Disclosure:

Signature of reporter: _____

Signature of receiver: _____

Action taken:

Result of action:

Notice/knowledge of any detrimental action:

Signature of Mayor / General Manager / Disclosure Coordinator / Disclosure Officer (select one):

Date: _____

Richmond Valley Council – 1.09 Internal Reporting (Public Interest Disclosures)

Adopted: [Insert date]

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Procedure

Procedure Title:	Disclosure of Interest
Procedure Number:	PRO 1.15
Focus Area:	Lead and advocate for our community
Responsibility:	Governance
Date Adopted:	[Date] [Resolution Number]

Richmond
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Council



Purpose

To outline how councillors, designated persons and other persons make annual disclosures of interest, how they make disclosures at or before meetings and how councillors make disclosures to the Electoral Funding Authority.

Scope

Councillors, Council staff, Council delegates and advisors to Council.

Definitions

See definitions in Code of Conduct – Councillors & Personnel (CPOL 1.01) (Part 2).

References

- Code of Conduct – Councillors & Personnel (CPOL 1.01)
- Disclosure of Interest form
- *Election Funding Act 2018*
- Gifts and Benefits Policy (CPOL 1.05) including Councillors and Staff Personal Benefit Disclosure form
- *Privacy and Personal Information Protection Act 1998*

Procedure

Councillors, Council staff, delegates (e.g. community members who are members of Council committees) and advisors to Council are required to be scrupulously honest in all of their dealings with council business. They are bound by a Code of Conduct and must from time to time make disclosure of pecuniary and non-pecuniary interests.

Councillors

Councillors must lodge initial, annual and incidental disclosures of interests on the form provided. Councillors must make disclosures of pecuniary and non-pecuniary interests at council meetings, and they must also make disclosures to the Electoral Funding Authority.

Designated Persons

The General Manager, senior staff and other staff who are “designated persons” must also lodge initial, annual and incidental disclosures of interest and disclose pecuniary and non-pecuniary interests at meetings and prior to making decisions relating to council business.

Council staff with a financial delegation of \$50,000 or more, and those who make significant regulatory and contractual decisions (e.g. planning decisions, decisions about access to information or decisions about large contracts) are required to be included on the list of “designated persons”. A list of Designated Persons is provided at Annexure A.

Committee members and advisors (other than councillors and Council staff) may also be required to make disclosures of interest prior to meetings or the exercise of functions that could give rise to a conflict between the person’s duty in relation to Council and the person’s private interests.

Designated persons must prepare and submit written returns of interest in accordance with Clause 4.21 and must disclose pecuniary interests in accordance with Part 4 of the Code of Conduct.

A designated person must also disclose in writing to the General Manager the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest. Disclosure is made by completing the Disclosure of pecuniary interests and other matters form.

Disclosure of Interests – Initial, Annual & Incidental

A councillor or designated person must make and lodge with the General Manager a return in the form set out in the Code of Conduct, disclosing the councillor or designated person’s interests as specified in Schedule 1 to the Code of Conduct within 3 months after becoming a councillor or designated person, and 30 June each year.

Return forms will be issued by Council’s Governance Coordinator on an annual basis and in situations where individuals are appointed to a position that Council nominates as a designated person.

In addition to initial and annual returns, there is an obligation under the Code of Conduct to ensure information in a return is kept up to date. If a designated person becomes aware of a new interest that must be disclosed in this return, or an interest that has not previously been disclosed, an updated return must be submitted within 3 months of becoming aware of the previously undisclosed interest.

In the event that a designated person needs to submit an updated return, they are advised to contact Council’s Governance Coordinator as soon as possible, so that the completion and upload of the return can be facilitated.

Consideration of Personal Information

When considering the appropriateness of making public the information contained within a designated person return, the public interest test shall be applied. There is a requirement to establish by clear, logical and probative evidence that the personal and privacy considerations arising under sections 57 and 58 of the *Privacy and Personal Information Protection Act 1998* (PPIP Act) provide a relevant public interest consideration and not a mere personal or private consideration to operate against disclosure.

Section 57 of the PPIP Act prohibits a public sector agency from disclosing personal information kept in a public register unless the agency is satisfied that the information is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept (s 57(1)). Therefore, an agency may require any person who applies to inspect personal information contained in the public register, to provide particulars, in the form of a statutory declaration, as to the intended use of the information to be obtained (s 57(2)).

Section 58 of the PPIP Act provides that a person whose personal information is contained within a public register may request that the public sector agency remove the personal information from the register and not disclose it to the public (s 58(1)). If the public sector agency is satisfied that the safety or wellbeing of any person would be affected by not suppressing the information as requested, the agency must suppress the information in accordance with the request unless the agency is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information (s 58(2)).

Redactions or information to be withheld are considered on a case-by-case basis through the application of the public interest test to each individual return, with redactions being made in order to facilitate release of information.

Disclosure of Interests at Meetings

A councillor or a council committee member who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable and must not be present at, or in sight of, the meeting of the council or committee during the matter being considered or discussed or during voting on any question in relation to the matter. Disclosures may be made by using the Disclosure of Interest at Ordinary Council Meeting or Council Committee Meetings form (Annexure B).

Disclosure of Receipt of Gifts and Benefits

Councillors and Council staff are required to make disclosures of personal benefits in accordance with Council's Gifts and Benefits Policy (POL 1.05). Disclosures are made by completing the Councillors and Staff Personal Benefits Disclosure form (Annexure C).

Councillors and Election Candidates Disclosure of Election Funding

Councillors and candidates for election as councillors are required to make disclosures of election funding in accordance with the *Election Funding Act 2018*.

Disclosures of this nature are administered by the Election Funding Authority. Councillors are required to make Election Funding Disclosures every six months and are solely responsible for their compliance with the legislation.

Review

This procedure is to be reviewed as required and at least annually.

Date	Reason / Comments
July 2019	New procedure
September 2019	Update Annexure A
March 2020	Update formatting and Annexure A
April 2021	Annual review of Annexure A, together with minor adjustments to Annexure B & C and Schedules 1 – 3 (updates to match Model Code of Conduct adopted in 2020).
September 2021	Update to Annexure A to add in newly created & renamed manager positions. Inclusion of 'Consideration of Personal Information'. Update to 'References' to include PPIP Act. Update to 'Disclosure of Interests – Initial, Annual & Incidental' to highlight the need to make incidental returns as required.
September 2022	Review of designated positions (Annexure A). Update to Disclosure of Interest Return form.
September 2023	Review of designated positions (Annexure A).

ANNEXURE A**LIST OF DESIGNATED PERSONS**

At this time, Council designates Councillors, Executive, Managers and staff with a financial delegation of \$50,000 or above. This is subject to change.

Position Title
Mayor
Deputy Mayor
Councillors (5)
General Manager
Chief of Staff
Director Community Service Delivery
Director Organisational Services
Director Projects and Business Development
Manager Development and Certification
Manager Asset Systems and Planning
Manager Water Sewer and Projects
Manager Sustainable Communities and Environment
Manager Customer Experience
Manager Community Connection
Manager People and Culture
Manager Information and Technology Services
Manager Regional Library
Manager Property and Economic Projects
Manager Northern Rivers Livestock Exchange (NRLX) Operations
Waste and Resource Recovery Manager
Manager Asset Delivery and Projects
Coordinator Roads and Drainage
Coordinator Infrastructure Recovery

ANNEXURE B**DECLARATION OF INTEREST COUNCIL AND COMMITTEE MEETINGS****DISCLOSURE OF INTEREST**

BY
(full name of person declaring interest)

IN THE MATTER OF *(insert Agenda Item No and Report Subject)*

to be considered at the Meeting / Committee Meeting
(Ordinary / Extraordinary) *(Name of Committee)*

to be held on the day of 20.....

.....
(Declarant's Signature)

.....
(Date)

PECUNIARY INTEREST *(insert the reason for declaring an interest)*

.....
[Tick or cross one box]

☐ **Pecuniary – interest in a principal environmental planning instrument**

☐ **Pecuniary – other**

☐ **Non-pecuniary – significant conflict**

☐ **Non-pecuniary – insignificant conflict**

IMPORTANT INFORMATION

- (1) **Pecuniary – interest in a principal environmental planning instrument** - You do not need to leave chamber/meeting and can participate in the discussion of and vote on the instrument, provided that you make a special disclosure in the prescribed form (Schedule 3 Model Code of Conduct).
- (2) **Pecuniary – other interest** - You must leave chamber/meeting and take no part in the discussion and voting (Part 4 Model Code of Conduct)
- (3) **Non-Pecuniary – significant Conflict** - Recommended that Councillor/committee member leaves chamber/meeting (Part 5 Model Code of Conduct)
- (4) **Non-Pecuniary – insignificant Conflict** - Councillor/committee member may choose to remain in chamber/meeting and participate in discussion and voting (Part 5 Model Code of Conduct)

ANNEXURE C

Richmond
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Council



The Model Code of Conduct for Local Councils in NSW

Councillors and Staff Personal Benefit Disclosure

GIFTS OR BENEFITS

1. You must not:
 - seek or accept a bribe or other improper inducement
 - seek gifts or benefits of any kind
 - accept any gift or benefit of more than a token value (for the purpose of this policy, token value is regarded as being a value of \$100.00 or less.)
 - accept an offer of cash or a cash-like gift, regardless of the amount, including but not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.
2. You must not seek or accept any payment, gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty to:
 - act in a particular way (including making a particular decision)
 - fail to act in a particular circumstance
 - otherwise deviate from the proper exercise of your official duties.
3. You may accept gifts or benefits of a nominal or token value that do not create a sense of obligation on your part.

TOKEN GIFTS AND BENEFITS

Generally speaking, token gifts and benefits may include:

- gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address).
- free or subsidised meals, of a modest nature, and/or beverages provided infrequently (and/or reciprocally) that have been arranged primarily for, or in connection with the discussion of official business
- council work related events such as:
 - training, education sessions, workshops
 - conferences
 - council functions or events
 - social functions organised by groups, such as council committees and community organisations
- invitations to and attendance at local social, cultural or sporting events
- ties, scarves, coasters, tie pins, diaries, chocolates or flowers
- prizes of token value

GIFTS OF VALUE

- You must never accept an offer of money, regardless of the amount.
- In general, you must not accept gifts and benefits that have more than a nominal or token value. These include, but are not limited to, tickets to major sporting events, corporate hospitality at a corporate facility at a sporting venue, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.
- If you receive a gift of more than token value in circumstances where it cannot reasonably be refused or returned, you should accept the gift and disclose this promptly to your supervisor, the Mayor or the General Manager. The supervisor, Mayor or General Manager will ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.
- You must avoid situations in which the appearance may be created that any person or body, through the provision of hospitality or benefits of any kind, is securing or attempting to influence or secure a favour from you or the council.
- You must also take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that could appear to an impartial observer to be an attempt to influence or secure a favour. Immediate family members ordinarily include parents, spouses, children and siblings.
- Councillors and designated persons must by law disclose a description of any gift or gifts totalling a value exceeding \$500 made by the same person during a period of 12 months or less. *Required to be included in the disclosure of interests returns – section 449.*

Personal Benefit Disclosure by:
(Full Name)

Description of Gift or Benefit:

Value of Gift or Benefit: \$ Date Received:

Signature: Date:

To be forwarded to the General Manager for notation and recording in Council's Corporate Information System

Model Code of Conduct for Local Councils in NSW

Schedule 1:**Disclosures of Interests and Other Matters in Written Returns Submitted Under Clause 4.21****Part 1: Preliminary****Definitions**

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child

- d) the spouse or de factor partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real Property

5. A person making a return under clause 4.21 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation

not related to their duties as the holder of a position required to make a return.

7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
 - a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from

- travel in government or council vehicles), or
- b) was made by a relative of the traveller, or
- c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
- d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
- e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
- f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
- g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.

14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and

Model Code of Conduct for Local Councils in NSW

- b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule:
close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.
property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to

hold the position prior to becoming a councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
 - a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
 - a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or

Model Code of Conduct for Local Councils in NSW

- b) in relation to income from a trust, the name and address of the settlor and the trustee, or
- c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
 - a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
 - a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
 - b) the person was liable to pay the debt to a relative, or

Model Code of Conduct for Local Councils in NSW

- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary Disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

Schedule 2:

Form of Written Return of Interests Submitted Under Clause 4.21

'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.

3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements

[Model Code of Conduct for Local Councils in NSW](#)

of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Model Code of Conduct for Local Councils in NSW

ANNUAL RETURN
20__ / 20__


DISCLOSURE OF INTERESTS

COMPLETE THIS FORM, SIGN AND DATE THEN RETURN TO
COUNCIL'S GOVERNANCE DEPARTMENT

Please ensure where you have nothing to declare, that you write the word 'NIL'

MY FULL NAME	GIVEN NAME:	SURNAME:
RETURN PERIOD:		

A REAL PROPERTY

 **TIP:** You must include: (i) either the postal addresses OR particulars of title, i.e. Lot and SP/DP of properties anywhere in Australia that you had an interest in at any time during the return period; (ii) the nature of your interest, i.e. owner, part owner, lessee, beneficiary, occupier or other

Address of each parcel of real property in which I had an interest at any time during the return period	Nature of my interest:
---	------------------------

MY PLACE(S) OF RESIDENCE:

No:	Street:	Lot & DP:	
Suburb:		State:	
No:	Street:	Lot & DP:	
Suburb:		State:	

OTHER REAL PROPERTY POSTAL ADDRESS DETAILS:

No:	Street:	Lot & DP:	
Suburb:		State:	
No:	Street:	Lot & DP:	
Suburb:		State:	
No:	Street:	Lot & DP:	
Suburb:		State:	
No:	Street:	Lot & DP:	
Suburb:		State:	
No:	Street:	Lot & DP:	
Suburb:		State:	
No:	Street:	Lot & DP:	
Suburb:		State:	

If insufficient space, please attach a schedule to this form. Please tick if adding an attachment ☐

Model Code of Conduct for Local Councils in NSW

ANNUAL RETURN 20__ / 20__		DISCLOSURE OF INTERESTS <small>COMPLETE THIS FORM, SIGN AND DATE THEN RETURN TO COUNCIL'S GOVERNANCE DEPARTMENT</small>	
B SOURCES OF INCOME			
TIP: Only provide information where the amount of income from an occupation, a Trust or other source, exceeded \$500.			
1 SOURCES OF MY INCOME FROM AN OCCUPATION(S) <small>(sources, <i>not amounts</i>, of income I received from my occupation(s) at any time during the return period)</small>			
Position Held <small>e.g. Labourer, Cadet, Project Officer, Manager, etc.</small>	Name and Address of Employer or Description of Office held (if applicable) If self employed include business name & business address		Name of Partnership (if applicable)
2 SOURCES OF MY INCOME FROM A TRUST <small>(sources of income, <i>not amounts</i>, I received from a Trust during the return period)</small>			
If you have nothing to declare, write 'NIL' in the adjacent Box			
NAME AND ADDRESS OF SETTLOR TIP: The 'Settlor' is the name of a person who created the Trust		NAME AND ADDRESS OF TRUSTEE	
3 OTHER SOURCES OF MY INCOME <small>(sources of other income, <i>not amounts</i>, I received at any time during the return period)</small>			
TIP: <div style="display: flex; margin-left: 20px;"> <div style="width: 15px; text-align: center;">a</div> <div>Other sources of income may include income from rental property, investments, business activities, welfare payments;</div> </div> <div style="display: flex; margin-left: 20px;"> <div style="width: 15px; text-align: center;">b</div> <div>You must include a description sufficient to identify the person, property or business activity from whom, or the circumstances in which, that income was received.</div> </div>			
If you have nothing to declare, write 'NIL' in the adjacent box			
C GIFTS			
TIP: Only include a description of a single gift or multiple gifts from the same donor, the total value of which exceeded \$100			
If you have nothing to declare, write the word 'NIL' in the adjacent box and move to Section D			
If you declare a gift then you MUST also complete a Personal Benefit Disclosure Form and return to the General Manager.			
DESCRIPTION OF EACH GIFT RECEIVED BY ME AT ANY TIME DURING THE RETURN PERIOD		NAME AND ADDRESS OF GIFT DONOR	

Model Code of Conduct for Local Councils in NSW

ANNUAL RETURN 20__ / 20__	DISCLOSURE OF INTERESTS COMPLETE THIS FORM, SIGN AND DATE THEN RETURN TO COUNCIL'S GOVERNANCE DEPARTMENT
-------------------------------------	---

D CONTRIBUTIONS TO TRAVEL			
TIP: Do not include payments by Council for your work-related travel			
If you have nothing to declare, write the word 'NIL' in the adjacent box and move to Section E		➡	
NAME AND ADDRESS OF EACH PERSON WHO MADE GREATER THAN \$250 FINANCIAL OR OTHER CONTRIBUTION TO ANY TRAVEL UNDERTAKEN BY ME DURING THE RETURN PERIOD	DATES TRAVEL WAS UNDERTAKEN	NAME OF STATES, TERRITORIES OF THE COMMONWEALTH AND OTHER COUNTRIES IN WHICH TRAVEL WAS UNDERTAKEN	

E INTERESTS AND POSITIONS IN CORPORATIONS			
TIP: (i) Declare only if your shareholding was greater than 10% of voting rights in the corporation (ii) You must declare any position (not shareholder) you held in a corporation (including not-for-profit corporation) such as Director, whether or not you held shares in the corporation or the position was a paid position			
If you have nothing to declare, write the word 'NIL' in the adjacent box and move to Section F		➡	
NAME AND ADDRESS OF EACH CORPORATION IN WHICH I HAD AN INTEREST OR HELD A POSITION AT ANY TIME DURING THE RETURN PERIOD	NATURE OF INTEREST (IF ANY) <small>EG SHAREHOLDER</small>	DESCRIPTION OF POSITION (IF ANY) <small>EG DIRECTOR, COMPANY SECRETARY</small>	PRINCIPAL OBJECTS OF CORPORATION (EXCEPT IN CASE OF LISTED COMPANY)

F PROPERTY DEVELOPER	
TIP: In this section, you must disclose if you are a 'property developer' or a close associate of an individual or corporation that is a 'property developer' for the purposes of the <i>Electorate Funding Act 2018</i> . (i) You will be a close associate of a person who is a property developer if you are (a) the spouse of the person, or (b) where the person has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the person in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out. (ii) You will be a close associate of a corporation that is a property developer if (a) you or your spouse are a director or officer of the corporation (b) you or your spouse have voting power in the corporation or a related body corporate of the corporation that is greater than 20% (c) where the corporation is a trustee, manager or responsible entity in relation to a trust, you hold more than 20% of the units in the trust (in the case of a unit trust) or you are a beneficiary of the trust (in the case of a discretionary trust), or (d) where the corporation has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the corporation in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out.	
Were you a property developer or a close associate of a property developer on the return date?	

Model Code of Conduct for Local Councils in NSW


ANNUAL RETURN

20__ / 20__

DISCLOSURE OF INTERESTS


COMPLETE THIS FORM, SIGN AND DATE THEN RETURN TO
COUNCIL'S GOVERNANCE DEPARTMENT**G POSITIONS IN TRADE UNIONS OR PROFESSIONAL/BUSINESS ASSOCIATIONS** **TIP:** Do not include general membership but include details of any positions held whether remunerated or notIf you have nothing to declare, write the word 'NIL' in the adjacent box
and move to Section HNAME OF EACH TRADE UNION AND EACH PROFESSIONAL OR BUSINESS ASSOCIATION
IN WHICH I HELD ANY POSITION (WHETHER REMUNERATED OR NOT)
AT ANY TIME DURING THE RETURN PERIOD

DESCRIPTION OF POSITION

H DEBTS **TIP:** You do not need to provide information on (i) the amounts; (ii) debts for less than \$500; (iii) debts to any relative, bank, building society, credit union or other financial institution such as for your home mortgage, credit card or department storeIf you have nothing to declare, write the word 'NIL' in the adjacent box
and move to Section INAME AND ADDRESS OF EACH PERSON OR ORGANISATION (CREDITOR) TO WHOM I WAS LIABLE TO PAY ANY DEBT AT ANY TIME
DURING THE RETURN PERIOD

NAME OF CREDITOR

ADDRESS OF CREDITOR

I DISPOSITIONS OF REAL PROPERTY **TIP:** You must disclose details:

- of each disposal of real property since your last return was made by which you wholly or partly retained the use or benefit of the property or the right to repurchase the property;
- of each disposal of real property by other persons or entities whereby you wholly or partly obtained the use of the property;
- disposal includes –
 - grant of a lease or licence for all or part of the land,
 - mortgage over your land,
 - grant of easement over land by which you retain the ability to use the land,
 - sale of land (or grant of option by you) with (i) a lease or licence granted to you or a right for you to repurchase the land, (ii) or an easement or covenant over the land in favour of you
- creation of an option to purchase land in favour of you;
- creation by you of a charge over your land;
- transfer by you of an interest in your land to a Trustee of a Trust of which you are a beneficiary;
- transfer of land to your spouse or by your spouse to a third party whereby you continue to occupy the land;
- transfer of title of your land subject to you continuing to receive a benefit, e.g. rent from the land.

If you have nothing to declare, write the word 'NIL' in the adjacent box
and move to Section J

Should you require more detailed explanation on the information to be provided in this Section, you should refer to Clauses 188(1) and 188(2) of the Local Government (General) Regulation 2021.

Model Code of Conduct for Local Councils in NSW

ANNUAL RETURN 20__ / 20__	DISCLOSURE OF INTERESTS <small>COMPLETE THIS FORM, SIGN AND DATE THEN RETURN TO COUNCIL'S GOVERNANCE DEPARTMENT</small>															
<p> 1 PARTICULARS OF EACH DISPOSITION OF REAL PROPERTY BY ME AT ANY TIME DURING THE RETURN PERIOD AS A RESULT OF WHICH I RETAINED, EITHER WHOLLY OR IN PART, THE USE AND BENEFIT OF THE PROPERTY OR THE RIGHT TO REACQUIRE THE PROPERTY AT A LATER DATE</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">No:</td> <td style="width: 30%;">Street:</td> <td style="width: 15%;">Lot & DP:</td> <td style="width: 20%;">Suburb:</td> <td style="width: 20%;">State:</td> </tr> <tr> <td>No:</td> <td>Street:</td> <td>Lot & DP:</td> <td>Suburb:</td> <td>State:</td> </tr> <tr> <td>No:</td> <td>Street:</td> <td>Lot & DP:</td> <td>Suburb:</td> <td>State:</td> </tr> </table>		No:	Street:	Lot & DP:	Suburb:	State:	No:	Street:	Lot & DP:	Suburb:	State:	No:	Street:	Lot & DP:	Suburb:	State:
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No:	Street:	Lot & DP:	Suburb:	State:												
No:	Street:	Lot & DP:	Suburb:	State:												
<p> 2 PARTICULARS OF EACH DISPOSITION OF REAL PROPERTY TO A PERSON BY ANOTHER PERSON UNDER ARRANGEMENTS MADE BY ME, BEING DISPOSITIONS MADE AT ANY TIME DURING THE RETURN PERIOD, AS A RESULT OF WHICH I OBTAINED EITHER WHOLLY OR IN PART, THE USE AND BENEFIT OF THE PROPERTY</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">No:</td> <td style="width: 30%;">Street:</td> <td style="width: 15%;">Lot & DP:</td> <td style="width: 20%;">Suburb:</td> <td style="width: 20%;">State:</td> </tr> <tr> <td>No:</td> <td>Street:</td> <td>Lot & DP:</td> <td>Suburb:</td> <td>State:</td> </tr> <tr> <td>No:</td> <td>Street:</td> <td>Lot & DP:</td> <td>Suburb:</td> <td>State:</td> </tr> </table>		No:	Street:	Lot & DP:	Suburb:	State:	No:	Street:	Lot & DP:	Suburb:	State:	No:	Street:	Lot & DP:	Suburb:	State:
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No:	Street:	Lot & DP:	Suburb:	State:												
<p>J DISCRETIONARY DISCLOSURES</p> <p> TIP: To be completed if you wish to make any additional disclosures</p> <p>If you have nothing to declare, write the word 'NIL' in the adjacent box and go to sign and date to complete this return </p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; height: 20px;"></td> <td style="width: 50%;"></td> </tr> <tr> <td style="height: 20px;"></td> <td></td> </tr> <tr> <td style="height: 20px;"></td> <td></td> </tr> </table>																
SIGNATURE:																
DATE:																

Model Code of Conduct for Local Councils in NSW**Schedule 3:****Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.37**

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

Special disclosure of pecuniary interests by [full name of councillor or designated person]

which is considered at a meeting of the [name of council or council committee (as the case requires)]

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor [Tick or cross one box.]	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² [Tick or cross one box]	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on councillor or associated person [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	

[This form is to be retained by the council's General Manager and included in full in the minutes of the meeting].

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.



Concise Investment Report Pack

Richmond Valley Council

1 August 2023 to 31 August 2023



Contents

1. Portfolio Valuation As At 31 August 2023
2. Portfolio Valuation By Categories As At 31 August 2023
3. Investment Revenue Received For 1 August 2023 to 31 August 2023
4. Comparison of Investment Revenue Earned to Original Budget and Investment Portfolio by Month 2023 - 2024 YTD
5. Environmentally Sustainable Investment Performance Report for the Period Ending 31 August 2023 Relative To 31 July 2023



1. Portfolio Valuation As At 31 August 2023

		Security Rating	Face Value Original	Face Value Current	Market Value	% Total Value	Running Yield	Weighted Running Yield
Fixed Interest Security								
At Call Deposit								
	CBA Business Online Saver Acct RVC At Call	S&P ST A1+	16,775,000.00	16,775,000.00	16,775,000.00	19.29%	4.20%	
	CBA General Fund Bk Acct RVC At Call	S&P ST A1+	1,815,270.55	1,815,270.55	1,815,270.55	2.09%	3.10%	
	CBA Trust Acct RVC At Call	S&P ST A1+	87,050.17	87,050.17	87,050.17	0.10%	2.80%	
	NAB Business Cheque Acct RVC At Call	S&P ST A1+	24.71	24.71	24.71	0.00%	0.00%	
			18,677,345.43	18,677,345.43	18,677,345.43	21.48%		0.88%
Floating Rate Note								
	Auswide 0.9 06 Nov 2023 FRN	Moodys	750,000.00	750,000.00	750,000.00	0.86%	5.03%	
	Auswide 0.6 22 Mar 2024 FRN	Moodys	1,500,000.00	1,500,000.00	1,500,000.00	1.72%	4.73%	
	Auswide 1.5 17 Mar 2026 FRN	Moodys	1,000,000.00	1,000,000.00	1,000,000.00	1.15%	5.63%	
	MACQ 0.48 09 Dec 2025 FRN	Moodys A2	1,000,390.00	1,000,390.00	1,000,390.00	1.15%	4.60%	
	MYS 0.65 16 Jun 2025 FRN	Moodys	1,500,000.00	1,500,000.00	1,500,000.00	1.72%	4.78%	
			5,750,390.00	5,750,390.00	5,750,390.00	6.61%		0.33%
Fixed Rate Bond								
	NTTC 1.1 15 Dec 2025 - Issued 10 September 2021 - Richmond Council Fixed	Moodys Aa3	2,000,000.00	2,000,000.00	2,000,000.00	2.30%	1.10%	
			2,000,000.00	2,000,000.00	2,000,000.00	2.30%		0.03%
Unit Trust								
	NSWTC Long Term Growth Fund UT		3,000,000.00	3,136,091.27	3,136,091.27	3.61%	-3.36%	
	NSWTC Medium Term Growth Fund UT		11,005,029.35	12,401,175.67	12,401,175.67	14.26%	3.84%	
			14,005,029.35	15,537,266.94	15,537,266.94	17.87%		0.43%



1. Portfolio Valuation As At 31 August 2023

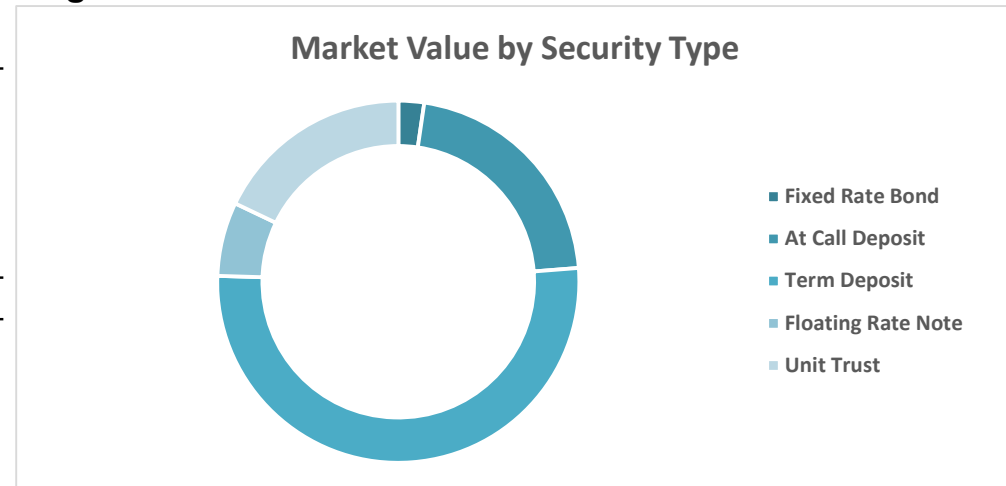
Term Deposit

AMP 4.65 12 Sep 2023 182DAY TD	S&P ST A2	1,000,000.00	1,000,000.00	1,000,000.00	1.15%	4.65%
AMP 4.95 24 Oct 2023 183DAY TD	S&P ST A2	2,000,000.00	2,000,000.00	2,000,000.00	2.30%	4.95%
AMP 5.2 27 Oct 2023 92DAY TD	S&P ST A2	2,000,000.00	2,000,000.00	2,000,000.00	2.30%	5.20%
AMP 5.15 31 Oct 2023 92DAY TD	S&P ST A2	1,000,000.00	1,000,000.00	1,000,000.00	1.15%	5.15%
AMP 5.05 22 Nov 2023 184DAY TD	S&P ST A2	1,000,000.00	1,000,000.00	1,000,000.00	1.15%	5.05%
AMP 5.15 29 Nov 2023 184DAY TD	S&P ST A2	2,000,000.00	2,000,000.00	2,000,000.00	2.30%	5.15%
AMP 5.15 30 Nov 2023 184DAY TD	S&P ST A2	2,000,000.00	2,000,000.00	2,000,000.00	2.30%	5.15%
AMP 5.3 07 Dec 2023 183DAY TD	S&P ST A2	2,000,000.00	2,000,000.00	2,000,000.00	2.30%	5.30%
Auswide 5 05 Sep 2023 90DAY TD	Moodys ST	2,000,000.00	2,000,000.00	2,000,000.00	2.30%	5.00%
Auswide 5 05 Sep 2023 90DAY TD	Moodys ST	2,000,000.00	2,000,000.00	2,000,000.00	2.30%	5.00%
Auswide 5.4 03 Oct 2023 90DAY TD	Moodys ST	2,000,000.00	2,000,000.00	2,000,000.00	2.30%	5.40%
Auswide 4.75 28 Nov 2023 92DAY TD	Moodys ST	1,000,000.00	1,000,000.00	1,000,000.00	1.15%	4.75%
BENAU 5.05 22 Jan 2024 153DAY TD	Moodys ST	2,000,000.00	2,000,000.00	2,000,000.00	2.30%	5.05%
BENAU 4.95 30 Jan 2024 154DAY TD	Moodys ST	2,000,000.00	2,000,000.00	2,000,000.00	2.30%	4.95%
BENAU 4.95 30 Jan 2024 154DAY TD	Moodys ST	2,000,000.00	2,000,000.00	2,000,000.00	2.30%	4.95%
JUDO 5.35 26 Sep 2023 90DAY TD	S&P ST A3	3,000,000.00	3,000,000.00	3,000,000.00	3.45%	5.35%
JUDO 5.35 27 Sep 2023 90DAY TD	S&P ST A3	3,000,000.00	3,000,000.00	3,000,000.00	3.45%	5.35%
JUDO 4.85 28 Sep 2023 120DAY TD	S&P ST A3	2,000,000.00	2,000,000.00	2,000,000.00	2.30%	4.85%
JUDO 5.4 28 Sep 2023 90DAY TD	S&P ST A3	3,000,000.00	3,000,000.00	3,000,000.00	3.45%	5.40%
JUDO 5.4 03 Oct 2023 90DAY TD	S&P ST A3	2,000,000.00	2,000,000.00	2,000,000.00	2.30%	5.40%
JUDO 5.4 06 Oct 2023 93DAY TD	S&P ST A3	2,000,000.00	2,000,000.00	2,000,000.00	2.30%	5.40%
Summerland 5.2 21 Sep 2023 92DAY TD	Unrated ST	1,000,000.00	1,000,000.00	1,000,000.00	1.15%	5.20%
Summerland 5.55 21 Dec 2023 183DAY TD	Unrated ST	1,000,000.00	1,000,000.00	1,000,000.00	1.15%	5.55%
TMC 4.9 23 Nov 2023 273DAY TD	Unrated ST	2,000,000.00	2,000,000.00	2,000,000.00	2.30%	4.90%
		45,000,000.00	45,000,000.00	45,000,000.00	51.74%	2.65%
Portfolio Total		85,432,764.78	86,965,002.37	86,965,002.37	100.00%	4.31%



2. Portfolio Valuation By Categories As At 31 August 2023

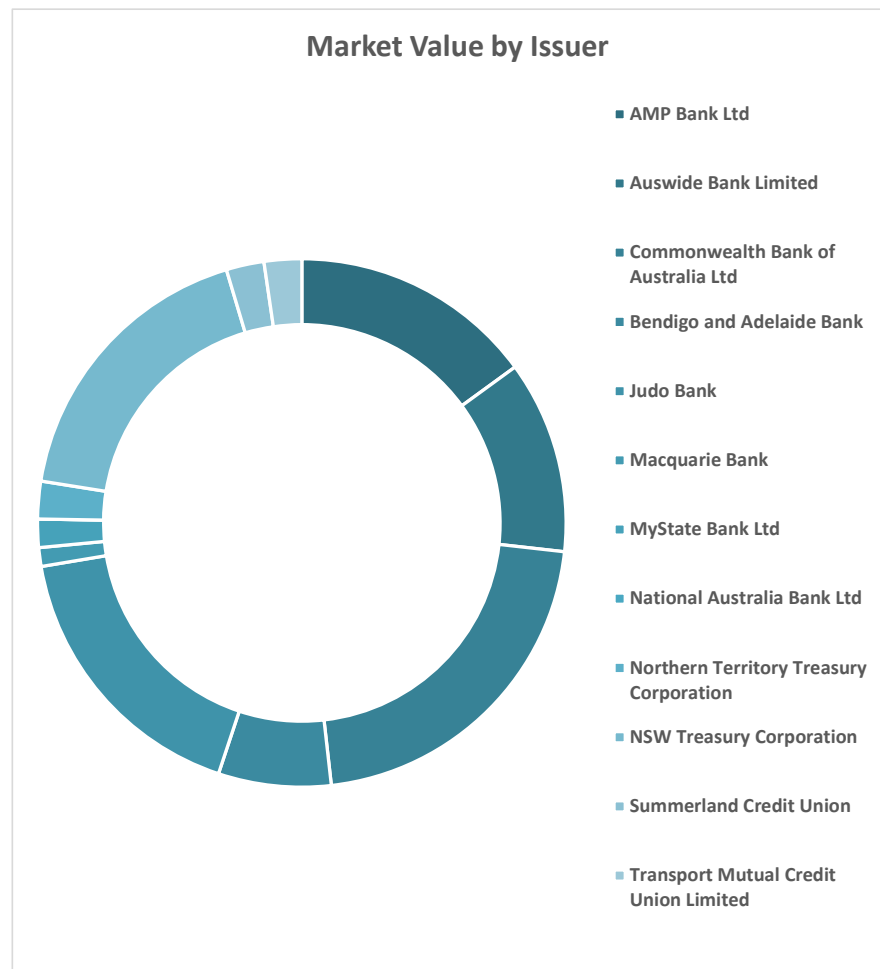
Security Type	Market Value	% Total Value
Fixed Rate Bond	2,000,000.00	2.30%
At Call Deposit	18,677,345.43	21.48%
Term Deposit	45,000,000.00	51.74%
Floating Rate Note	5,750,390.00	6.61%
Unit Trust	15,537,266.94	17.87%
Portfolio Total	86,965,002.37	100.00%





2. Portfolio Valuation By Categories As At 31 August 2023

Issuer	Market Value	% Total Value
AMP Bank Ltd	13,000,000.00	14.95%
Auswide Bank Limited	10,250,000.00	11.79%
Commonwealth Bank of Australia Ltd	18,677,320.72	21.48%
Bendigo and Adelaide Bank	6,000,000.00	6.90%
Judo Bank	15,000,000.00	17.25%
Macquarie Bank	1,000,390.00	1.15%
MyState Bank Ltd	1,500,000.00	1.72%
National Australia Bank Ltd	24.71	0.00%
Northern Territory Treasury Corporation	2,000,000.00	2.30%
NSW Treasury Corporation	15,537,266.94	17.87%
Summerland Credit Union	2,000,000.00	2.30%
Transport Mutual Credit Union Limited	2,000,000.00	2.30%
Portfolio Total	86,965,002.37	100.00%



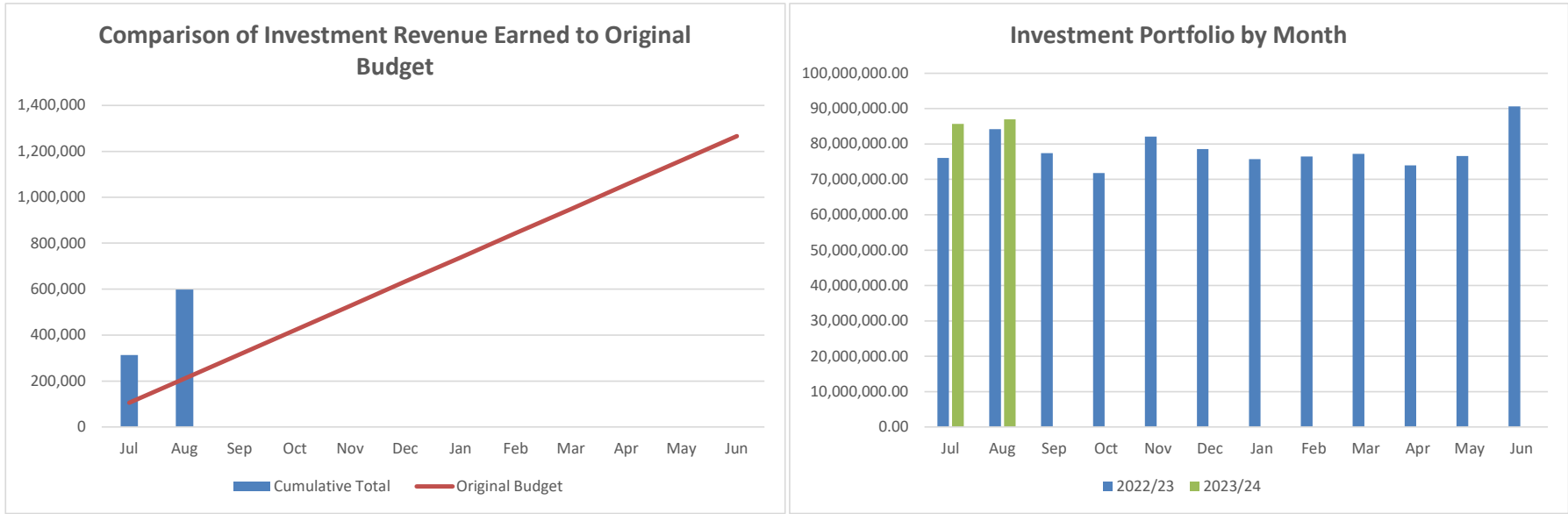


3. Investment Revenue Received For 1 August 2023 to 31 August 2023

Security	Issuer	Settlement Date	Face Value (Basis of Interest Calculation)	Consideration Notional	Income Type
Auswide 0.9 06 Nov 2023 FRN	Auswide Bank Limited	7 Aug 2023	750,000.00	8,930.65	Security Coupon Interest
AUBANK 4.55 22 Aug 2023 181DAY TD	Australian Unity Bank (BPSS20)	22 Aug 2023	2,000,000.00	45,126.03	Security Coupon Interest
BOQ 4.55 24 Aug 2023 182DAY TD	Bank of Queensland Ltd	24 Aug 2023	2,000,000.00	45,375.34	Security Coupon Interest
BOQ 4.55 24 Aug 2023 182DAY TD	Bank of Queensland Ltd	24 Aug 2023	2,000,000.00	45,375.34	Security Coupon Interest
Auswide 4.75 28 Aug 2023 182DAY TD	Auswide Bank Limited	28 Aug 2023	1,000,000.00	23,684.93	Security Coupon Interest
SCC 4.8 29 Aug 2023 92DAY TD	Southern Cross CU	29 Aug 2023	1,000,000.00	12,098.63	Security Coupon Interest
SCC 4.8 29 Aug 2023 92DAY TD	Southern Cross CU	29 Aug 2023	1,000,000.00	12,098.63	Security Coupon Interest
Other		31 Aug 2023		54,147.26	Bank Interest
Other		31 Aug 2023		3,092.37	Bank Interest
Other		31 Aug 2023		207.01	Bank Interest
				250,136.19	
Medium Term Growth Fund	NSW Treasury Corporation			39,462.57	Fair Value Gain/(Loss)
Long Term Growth Fund	NSW Treasury Corporation			(8,697.21)	Fair Value Gain/(Loss)
				30,765.36	
TOTAL				280,901.55	



4. Comparison of Investment Revenue Earned to Original Budget and Investment Portfolio by Month 2023 - 2024 YTD





5. Environmentally Sustainable Investment Performance Report for the Period Ending 31 August 2023 Relative To 31 July 2023

Portfolio Summary by Fossil Fuel Lending ADIs

ADI Lending Status	% Total	Current Period	% Total	Prior Period
Fossil Fuel Lending ADIs				
AMP Bank Ltd	14.9%	13,000,000.00	15.5%	13,000,000.00
Bank of Queensland Ltd	0.0%	0.00	4.8%	4,000,000.00
Commonwealth Bank of Australia Ltd	21.5%	18,677,320.72	18.4%	15,405,193.28
Macquarie Bank	1.2%	1,000,390.00	1.2%	1,000,390.00
National Australia Bank Ltd	0.0%	24.71	0.0%	24.71
	37.6%	32,677,735.43	39.9%	33,405,607.99
Non Fossil Fuel Lending ADIs				
Australian Unity Bank	0.0%	0.00	2.4%	2,000,000.00
Auswide Bank Limited	11.8%	10,250,000.00	12.3%	10,250,000.00
Bendigo and Adelaide Bank	6.9%	6,000,000.00	0.0%	0.00
Judo Bank	17.2%	15,000,000.00	17.9%	15,000,000.00
MyState Bank Ltd	1.7%	1,500,000.00	1.8%	1,500,000.00
Northern Territory Treasury Corporation	2.3%	2,000,000.00	2.4%	2,000,000.00
NSW Treasury Corporation	17.9%	15,537,266.94	18.5%	15,506,501.58
Summerland Credit Union	2.3%	2,000,000.00	2.4%	2,000,000.00
Transport Mutual Credit Union Limited	2.3%	2,000,000.00	2.4%	2,000,000.00
	62.4%	54,287,266.94	60.1%	50,256,501.58
Total Portfolio		86,965,002.37		83,662,109.57

All amounts shown in the table and charts are Current Face Values.

The above percentages are relative to the portfolio total and may be affected by rounding.
 A fossil fuel lending ADI appearing in the non-fossil fuel related table will indicate that the portfolio contains a "green bond" issued by that ADI.

Fossil Fuel vs Non Fossil Fuel Lending ADI





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Richmond
Valley
Council



MINUTES

Audit, Risk and Improvement Committee Meeting 31 August 2023

AUDIT, RISK & IMPROVEMENT COMMITTEE MINUTES

31 AUGUST 2023

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INTERNAL AUDIT AND RISK COMMITTEE MEETING MINUTES

31 AUGUST 2023

**MINUTES OF RICHMOND VALLEY COUNCIL
AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON THURSDAY, 31 AUGUST 2023 AT 4PM**

PRESENT: Chairperson Ron Gillard, Member Jesse Jo, Member Emma Fountain

IN ATTENDANCE: Ryan Gaiter (Director Organisational Services), Ben Zeller (Acting General Manager), Jenna Hazelwood (Chief of Staff), Hayley Martin (Principle Accountant), Angela Jones (Director Community Service Delivery) 4.06pm
Latoya Cooper (Executive Assistant)

GUESTS: Ben Rogers (Thomas, Noble & Russell)

1 WELCOME

The Chair welcomed the Committee to the first Audit, Risk and Improvement Committee Meeting.

2 APOLOGIES

COMMITTEE RESOLUTION IA310823/1

Moved: Chairperson Ron Gillard

Seconded: Member Jesse Jo

That the apology received from General Manager, Vaughan Macdonald, be accepted and leave of absence granted.

CARRIED

3 DECLARATION OF INTERESTS

Nil.

4 MATTERS FOR CONSIDERATION

4.1 MINUTES OF THE INTERNAL AUDIT AND RISK COMMITTEE MEETING HELD ON 3 MAY 2023

COMMITTEE RESOLUTION IA310823/2

Moved: Member Jesse Jo

Seconded: Member Emma Fountain

1. That the Minutes of the Internal Audit and Risk Committee Meeting, held on 3 May 2023, be taken as read and confirmed as a true record of proceedings.
2. That the Audit, Risk and Improvement Committee ratified the members' email circular resolution and endorsed the Terms of Reference and Internal Audit Charter on 7 July 2023, noting the resolution of the 18 July 2023 Ordinary Council Meeting.

Notes:

- 10.4 of the Terms of Reference – Remuneration to be dealt with out of session.
- 10.5 of the Terms of Reference - Indemnity insurance – Cover by Councils insurer has been confirmed.

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INTERNAL AUDIT AND RISK COMMITTEE MEETING MINUTES

31 AUGUST 2023

CARRIED**4.2 ICT STRATEGY - PROGRESS UPDATE****COMMITTEE RESOLUTION IA310823/3**

Moved: Member Emma Fountain

Seconded: Member Jesse Jo

That the Committee receives and notes the update provided by the Information and Technology Services Manager.

Notes: The 'Go Live' is not expected to impact the finance team in the migration to the cloud. The main change will be the way in which reports are accessed.

CARRIED**4.3 EXTERNAL AUDIT****COMMITTEE RESOLUTION IA310823/4**

Moved: Member Jesse Jo

Seconded: Member Emma Fountain

That the Committee receives and notes the Management Letter on the Interim Phase of the External Audit for the year ended 30 June 2023.

Notes: An updated of the progress was provided by Ben Rogers from TNR.

- This is the first week that the auditors have been onsite, no issues to date.
- Disaster grant funding, a 2 year program for public restoration works. Constraints to accessing contractors is expected to be ongoing.
- Draft Operating result at present; positive \$44.257 million before capital grants.
- Correction to the engagement letter referencing Clarence Valley Council (Page 9)

CARRIED**4.4 2023/2024 INTERNAL AUDIT PLAN****COMMITTEE RESOLUTION IA310823/5**

Moved: Member Emma Fountain

Seconded: Member Jesse Jo

That the Committee receives and supports the suggested approach to the Internal Audit Plan for 2023/2024, with management to provide a draft EOI for the Security Audit in due course.

Notes:

- Council to check if any mandatory audits are required in this period. i.e Drives.
- Dependant on budget utilisation of the security audit, council should consider doing the assurance mapping this financial year.

CARRIED

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INTERNAL AUDIT AND RISK COMMITTEE MEETING MINUTES31 AUGUST 2023

4.5 OUTCOME OF THE CREDIT CARD REVIEW**COMMITTEE RESOLUTION IA310823/6**

Moved: Member Jesse Jo

Seconded: Member Emma Fountain

That the Committee receives and notes the outcomes of the Corporate Credit Card review.

Notes:

- An email to be sent to card holders to acknowledge the credit card policy
- Consideration be given to reward and recognition on work related expenditure
- Consideration be given to reputational risks of where we have subscriptions.
- International charges on credit cards are for software licencing that is unable to be purchased in Australia.

CARRIED**4.6 DEVELOPMENT OF THE 2025-2028 INTERNAL AUDIT PLAN****COMMITTEE RESOLUTION IA310823/7**

Moved: Member Emma Fountain

Seconded: Member Jesse Jo

That the Committee, along with Senior Management, develop an internal audit plan in line with the next term of Council. Deferring further planning and discussion to the February 2024 meeting.

CARRIED**4.7 PROGRESS OF INTERNAL AND EXTERNAL AUDIT ACTION ITEMS****COMMITTEE RESOLUTION IA310823/8**

Moved: Member Jesse Jo

Seconded: Member Emma Fountain

That the Committee receives and notes the contents of the Progress of Internal and External Audit Action Items report.

Notes:

- IA201912.18 – To be considered completed.
- BCP Testing, Council awaiting a future date to be provided by InConsult.

CARRIED

INTERNAL AUDIT AND RISK COMMITTEE MEETING MINUTES

31 AUGUST 2023

5 GENERAL BUSINESS**5.1 ORGANISATIONAL STRUCTURE UPDATE****COMMITTEE RESOLUTION IA310823/9**

Moved: Member Emma Fountain

Seconded: Member Jesse Jo

That the Committee receives and notes the updated Organisational Structure.

CARRIED**5.2 MATTERS RAISED IN GENERAL BUSINESS****RECOMMENDATION**

That the Committee allows the opportunity for attendees to raise items for discussion in general business.

Notes:

- Removal of completed items and addition of 'responsbile officer' to the meeting action report.
- Council to consider completing a GAP analyses against the recent Mid Coast Council report on financial governance and long term financial planning.
- Committee member Emma Fountain to advise Council of the ARIC meetings she will attend in person, and the session will be moved to the Committee Room, with access via Microsoft Teams to Committee Members located remotely.

The Meeting closed at 4:57pm......
CHAIRPERSON