



murray river
council

ATTACHMENTS

UNDER SEPARATE COVER

Ordinary Council Meeting

Tuesday, 23 September 2025

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Kyalite Hall & Recreation Reserve Asset Decommissioning



Murray River Council acknowledges Aboriginal people as the traditional custodians of the land on which our offices and services are located.

We pay our respects to Elders past, present and future. We acknowledge the stories, traditions and living cultures of Aboriginal and Torres Strait Islander peoples on this land and commit to building a brighter future together.



Background:

The community of Kyalite sits in two LGAs, Murray River Council & Balranald Council and is located on the Wakool River. People come to visit Kyalite for the renowned camping and fishing. Kyalite is also known for its famous pub / general store which has a nearby caravan park. As per the 2021 Census, the population of this area is 87 with around 27 private dwellings.

The Kyalite Hall, associated toilets and the existing Recreation Reserve Assets (excluding the NSW RFS Shed) have been assessed as end-of-life. This determination has been confirmed by CT Management Group's Asset Condition Assessment (June 2021) and reaffirmed in the APV Comprehensive Valuation (31/12/2024).

The section 355 Committee of Management for the Hall and Recreation Reserve was officially dissolved on 26 November 2024. Unfortunately, these facilities have been left vacant and unused for many years.

The Kyalite community have a number of alternate facilities which they can utilise in lieu of the hall. The closest alternative facility is the Kyalite Pub which has a function room. Other alternative facilities include Tooleybuc Recreation Reserve Hall / Pavilion and the Goodnight Hall.

Kyalite 2021 Census QuickStats:

	People	87
	Male	64.4%
	Female	35.6%
	Median age	34
	Families	21
	Average number of children per family	
	for families with children	2.6
	for all households (a)	1.2
	All private dwellings	27
	Average number of people per household	3.3
	Median weekly household income	\$1,562
	Median monthly mortgage repayments	\$1,018
	Median weekly rent (b)	\$0
	Average number of motor vehicles per dwelling	2.2

Site Details:

Crown Reserve:	46004 (Kyalite Hall)	46006 (Kyalite Sports Ground)
Purpose:	Public Hall	Public Recreation
Reserve Type:	Reserve	Reserve
Lot & Plan:	Lot 16 DP 756554	Lot 7302 DP 1162551
Address:	River Road, Kyalite	River Road, Kyalite
Land Size:	2024 m ²	5.9 hectares
Land Zoning:	RU1 – Primary Production	RU1 – Primary Production
Ownership:	Crown Land	Crown Land
Crown Land Manager:	Murray River Council	Murray River Council
Draft Plan of Management	General Community Use, Public Recreation	General Community Use, Public Recreation
Heritage Items Present	No	No





Assets:

Asset Summary:

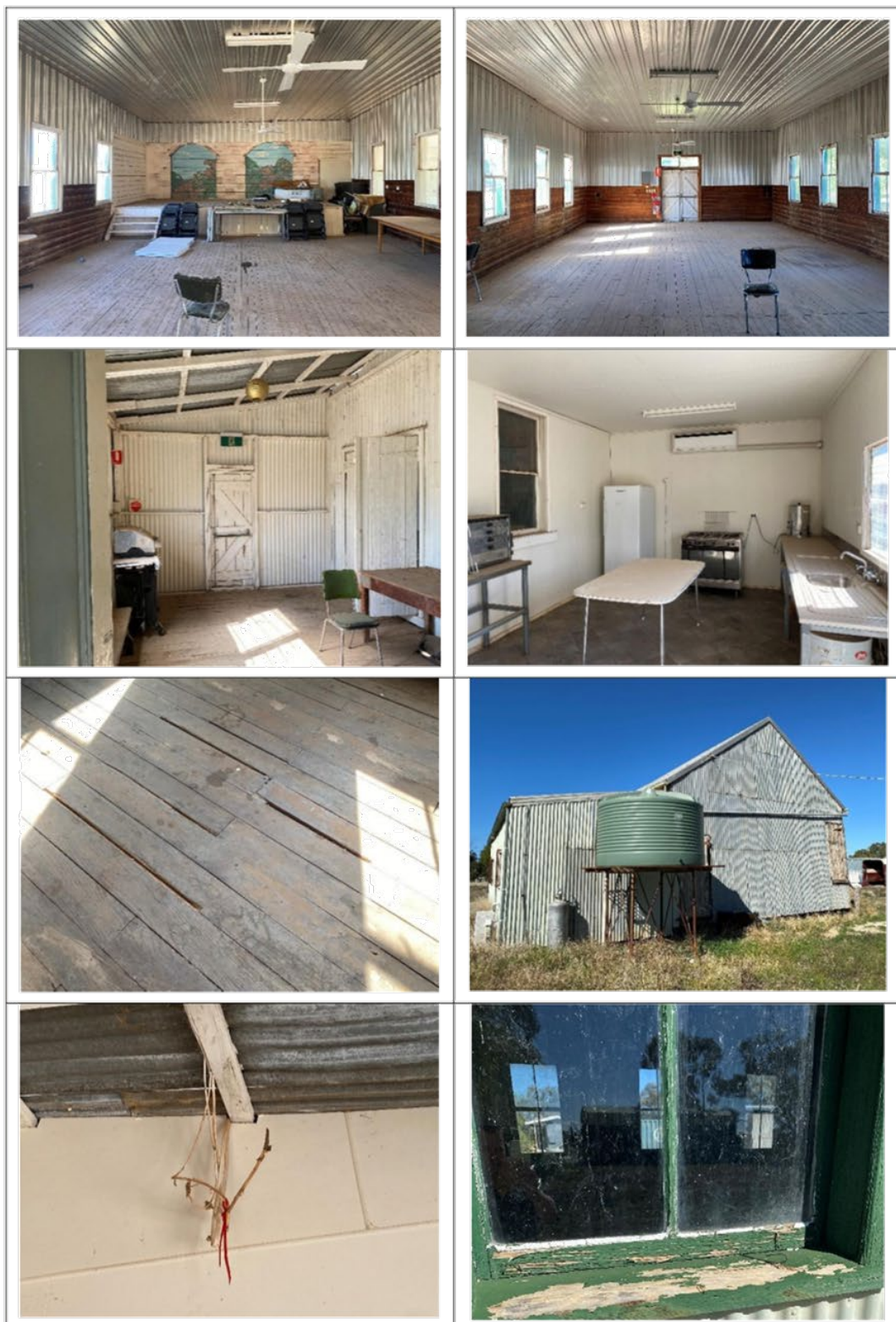
The following assets have been identified as requiring decommissioning:

Asset:	Overall Condition Score (1 – 5)
Kyalite Public Hall	5 (Asset Requires Replacement)
Kyalite Hall / Rec Res Toilet Block	5 (Asset Requires Replacement)
Kyalite Recreation Reserve - Clubhouse (Tennis) and Associated Shelter	5 (Asset Requires Replacement)
Kyalite Recreation Reserve - Cricket Nets	5 (Asset Requires Replacement)
Kyalite Recreation Reserve - Clubhouse Tennis Court Fencing	5 (Asset Requires Replacement)

Asset Details:

Asset:	Kyalite Public Hall
TechOne Asset ID	6000090
Building Asset ID	BUILD290
Asset Class	Buildings
Asset Type	Public Hall
Overall Condition Score (1 – 5)	5 (Asset Requires Replacement)
Fair Value	\$99,466 (APV Comprehensive - 31/12/2024)
Depreciation Expense	\$11,172 (APV Comprehensive - 31/12/2024)





Asset:	Kyalite Recreation Reserve - Toilet Block
TechOne Asset ID	6000092
Building Asset ID	BUILD TBA89
Asset Class	Buildings
Asset Type	Toilet
Overall Condition Score (1 – 5)	5 (Asset Requires Replacement)
Fair Value	\$2,832 (APV Comprehensive - 31/12/2024)
Depreciation Expense	\$1,377 (APV Comprehensive - 31/12/2024)
Comment	Asset already scheduled for demolition. Asset contains asbestos.



Asset:	Kyalite Recreation Reserve - Clubhouse (Tennis) and Associated Shelter
TechOne Asset ID	6000091
Building Asset ID	BUILD293
Asset Class	Buildings
Asset Type	Shed – Fully Enclosed
Overall Condition Score (1 – 5)	5 (Asset Requires Replacement)
Fair Value	\$1,558 (APV Comprehensive - 31/12/2024)
Depreciation Expense	\$1,042 (APV Comprehensive - 31/12/2024)
Comment	Asset already scheduled for demolition



Asset:	Kyalite Recreation Reserve - Cricket Nets
TechOne Asset ID	6000895
Asset Class	Other Structures
Asset Type	General Fixture
Overall Condition Score (1 – 5)	5 (Asset Requires Replacement)
	

Asset:	Kyalite Recreation Reserve - Clubhouse Tennis Court Fencing
TechOne Asset ID	6000858
Asset Class	Other Structures
Asset Type	Fence-Barrier Continuous
Overall Condition Score (1 – 5)	5 (Asset Requires Replacement)
	

Section 355 Committee of Management:

Over the past couple of years, the Kyalite Progress and Recreational Reserve Association (355 committee) has developed into more than that of a s355 committee managing the Kyalite Hall and Recreation Reserve. The community hub has now gravitated to the hotel side of the river (Balranald Council) where they have developed in conjunction with Balranald Council the ANZAC memorial park, boat ramp and now new public amenities block. The Hall & Recreation Reserve which sits on the MRC side of the community is no longer used. Discussions were held by those in attendance regarding the purpose of the committee and it was identified that all the committees' function is carried out on the Balranald side of the community. The committee has started proceeding to be registered as an independent incorporated entity – Kyalite Community Inc. **Note:** Kyalite Inc is an independent group and is not associated with MRC or Balranald Councils.

The committee has sourced considerable grant funding to undertake a water study for the Kyalite community (Balranald side). This study has commenced.

The Committees main concerns are losing the funding they hold sourced outside of the Murray River Council; however, the group agree that the best way forward would be to cease the 355 committee and operate under the Kyalite Community Inc.

• Motion: John Standen Moved and Andrew Bowring 2nd the dissolution of the 355 committee with the requirement that all funding that has been outsourced and not spent be given over to the Kyalite Community Inc. Carried.

Council currently undertakes all maintenance of the facility; the electricity account is held by MRC.

On the 26 November 2024, Council resolved to dissolve the committee.

9.5.10 DISSOLVE SECTION 355 COMMITTEE - KYALITE HALL & RECREATION RESERVE MANAGEMENT COMMITTEE.

RESOLUTION 391124

Moved: Cr Geoff Wise

Seconded: Cr Gary Pappin

That Council

1. Dissolve the Kyalite Hall & Recreation Reserve Committee of Management pursuant to Section 355 of the Local Government Act 1993; and
2. Allow the balance of funds in the Section 355 Committee Account to remain with the committee for their intended use.

CARRIED

Strategic Justification:

Asset Management Strategy Version 3 (Adopted by Council 13 May 2025)

3.6 Strategy outlook

Council is unable to fund long-term infrastructure life cycle cost at current levels of service and available revenue. This is based on technical asset register data and lifecycle funding data as set out in section 3.2 of this Strategy and in Council's Long Term Financial Plan (LTFP). There is currently a significant life cycle gap for the bulk of Council's infrastructure assets, which increases significantly over the 10-year finding term captured in the LTFP. This represents a significant risk for Council. As set out in section 3.2, the current lifecycle gap represents a substantial renewal backlog, combined with continued underspending on asset renewals in future years. This will require Council to act via increased renewal spending, asset rationalisation or a reduction in service levels in the immediate future. Council is not sustainable for the 10-year period of the Asset Management Strategy, the LTFP and the Asset Management Plans, and is not able to fund the maintenance of current levels of service for most assets. Note that to achieve a sustainable position Council should aim for life cycle indicator scores between 0.9 and 1. The supporting data for these calculations will be continually reviewed as part of annual budgeting cycles.

For land, buildings and recreational assets, a prioritised program is needed that rationalises nominated buildings and allows lower-level buildings and recreational assets to deteriorate, whilst maintaining (and possibly upgrading) higher priority assets as per Council's adopted Buildings Strategy and Open Space Strategy. As the condition of public buildings and recreational facilities represent a substantial risk to Council, this targeted rationalisation and service level reduction must be an immediate priority.

6. Asset Management Improvement Plan

The tasks required to achieve a 'core' financial and asset management maturity are shown in priority order in Table 8.

Table 8: Asset Management Improvement Plan

Ref.	Task	Responsibility	Target Date	Delivery Program #
1	External comprehensive revaluation of Other Structure, Swimming Pool and Land Improvement (Flood Protection) assets	Strategic Assets / Finance / Works / Parks, Open Spaces & Bio Security	31 December 2025	2.1.10 / 2.9.4
2	Standardised infrastructure renewal planning and project management/delivery (utilising Technology One Project Lifecycle Management module/including automation/AI)	PMO / Whole of Council	30 June 2026	7.3.2
3	Data and system upgrade – all asset data to be loaded into Technology One Asset Management module.	Business Intelligence / Strategic Assets	30 June 2026	2.9.4
4	Condition assessment of Road, Bridge and Footpath Assets – collection of current meaningful data to enable forward planning for Council's infrastructure and minimise risk	Works / Strategic Assets	30 June 2026	6.3.2 / 6.3.11 / 6.3.13
5	External comprehensive revaluation of Transport (Road, Bridge and Footpath) assets	Strategic Assets / Finance / Works	31 December 2026	2.1.10 / 2.9.4
6	Review and update of the Building Strategy and action plan, including service level determination and rationalisation plan	Buildings & Facilities / Strategic Assets	30 June 2027	3.3.1 / 3.11.1

Council is unable to fund long-term infrastructure life cycle costs at current levels of service and available revenue. As such, the Strategy suggests that as the condition of public buildings represents a substantial risk to Council, a targeted rationalisation must be an immediate priority.

Buildings Strategy 2024 – 2034 (adopted 23 July 2024)*Public Halls – Analysis and Redevelopment, Disposal and Replacement*

The Buildings Strategy identified that the Kyalite Hall has not been used for a significant period of time. It was also determined that there are alternative facilities that can and are being used by the community. The main alternative is the Kyalite pub which is a community run facility that has a suitably sized function room. Other alternative facilities include the Tooleybuc Recreation Reserve Hall / Pavilion (approximately 12-minute drive) and the Goodnight Hall (approximately 13-minute drive).

The Strategy identified that the hall is at end-of-life and suggested the following actions:

1. Committee to consider managing directly with Crown (Committee of Management has been dissolved thus unlikely option),
2. Consider hand back to the Crown (unlikely option),
3. **Consider demolition without replacement.**

MRC Buildings – End of Life Assets

Murray River Council has previously engaged an external consultant (CT Management Group) to undertake a comprehensive assessment of Council's Buildings and Structures.

As a result of this body of work, a list of buildings / structures have been identified for disposal (decommissioning) based on assessment of condition, function, capacity and utilisation. These buildings / structures have been earmarked for demolition within a two (2) year period. A number of these buildings / structures have already been decommissioned due to safety concerns / condition or have been replaced by new assets.

As a part of the decommissioning process, consultation took place internally (completed 17 November 2022) and in some cases externally (e.g. recreation reserve user groups) to ensure all identified buildings / structures are suitable for decommissioning / disposal. Note: Extensive consultation with external stakeholders has already occurred for some of the assets (e.g. Barham Recreation Reserve Old Clubhouse and Toilet block).

Council Resolved on 22 November 2022 to support the decommissioning of a number of end-of-life assets which included:

- ✓ Kyalite Recreation Reserve Clubhouse (Tennis), and
- ✓ Kyalite Hall / Recreation Reserve Toilets.

The following assets have been included in the decommissioning scope as they are also at end of life:

- ✓ Kyalite Hall
- ✓ Kyalite Recreation Reserve – Cricket Nets
- ✓ Kyalite Recreation Reserve – Tennis Court Fencing

Parks and Open Spaces Strategy 2024 – 2034 (adopted 23 July 2024)

Other Sportsgrounds

These facilities often represent spaces where population levels have declined, and the sites are no longer required to be maintained and serviced at high or medium levels. The facilities provide important community connections or meeting spaces such as a hall, with limited opportunities for recreation activities in generally smaller villages or communities.

LOCATION	AREA
Moulamein Centennial Reserve	Race Track & Polocrosse, Amenities
Mallan Recreation Reserve	Synthetic Tennis Courts, Amenities
Goodnight Recreation Reserve	Tennis courts, Playground, Amenities
Kyalite Recreation Reserve	General surrounds
Koraleigh Recreation Reserve	Synthetic Tennis Courts

In some locations it is beneficial for the local sportsground to also contain informal or passive recreation opportunities as part of their setting. This approach can produce efficiency of provision without duplication and provide suitable amenity for locals and visitors alike.

The co-location of sportsgrounds and passive open spaces will provide Council the opportunity to rationalise the provision of some parks which are located around dual-purpose reserves.

Revenue Taskforce

Council resolved at the 28 March 2023 meeting of Council –

9.1.1 REVENUE TASKFORCE REPORT - DRAFT

RESOLUTION 070323

Moved: Cr Neil Gorey

Seconded: Cr Dennis Gleeson

That Council consider, as an initial step in relation to Land Assets, to commence the development of a detailed project management plan for land conversion with a view for change of use, lease, or sale, the public consultation process, which, when finalised, would then be reported for further consideration of Council.

CARRIED

Council also resolved at the 23 May 2023 meeting of Council –

9.1.3 REVENUE TASKFORCE ASSET RATIONALISATION PROJECT - COMMENCEMENT OF STAGE 2

RESOLUTION 140523

Moved: Cr Neil Gorey

Seconded: Cr Ann Crowe

That Council note the commencement of stage 2 (two) of the Asset Rationalisation Project (land conversion), as derived by the Revenue Task Force, considered in resolution 070323 at the 28 March 2023 Ordinary Meeting of Council.

CARRIED

As per the table of Recommendations for Building Assets, the identified action was to consider if the Committee of Management were interested / able to manage the asset directly with the Crown. As the Committee of Management has been dissolved this is no longer a viable option.

CT Management Group – Asset Assessment and associated Maintenance / Renewal Plan (dated June 2021)

CT Management Group identified back in June 2021 that the Kyalite Hall is at end-of-life and the associated renewal plan scheduled demolition and replacement in 2023. The current costs to demolish and replace this asset (including the associated toilets) is considered to be substantially north of the estimated cost in the 2021 report.



Building Summary						
1712202081812						
Maintenance Register						
Kyalite Public Hall						
Maint Id	Item	Problem	Action	Freq(yrs)	Next Due	Est_Cost
6119	Other	Hall structure is deteriorating	Demolish entire structure and replace it with a new matching type of hall. Price does not account for any asbestos that may be present.		2023	\$765,000

APV Comprehensive Valuation (31/12/2024):

The data below pertains to the components of the Kyalite Hall but excludes the associated water tank.

Building Component	Condition	Current Value	Remaining Useful Life
61 Serv - Mechanical	4	13,140.00	2.40
62 Serv - Fire	4	2,190.00	2.40
02 Structure	5	19,267.79	5.40
64 Serv - Hydr	4	14,848.44	9.20
03 Floor Coverings	5	1,095.00	1.60
04 Fit-Out	5	6,799.03	3.20
63 Serv - Elect	4	12,835.17	9.20
05 Roof	5	7,989.29	4.30
01 Sub-Structure	5	18,099.19	5.35
Total / Average	5	96,263.91	4.8

Planning:

As per the *State Environmental Planning Policy (Transport and Infrastructure) 2021*:

Division 12 Parks and other public reserves

2.73 Development permitted without consent

3) Any of the following development may be carried out by or on behalf of a public authority without consent on land owned or controlled by the public authority—

- a) development for any of the following purposes—
 - i) roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges,
 - ii) recreation areas and recreation facilities (outdoor), but not including grandstands,
 - iii) visitor information centres, information boards and other information facilities,
 - iv) lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard,
 - v) landscaping, including landscape structures or features (such as artwork) and irrigation systems,
 - vi) amenities for people using the reserve, including toilets and change rooms,
 - vii) food preparation and related facilities for people using the reserve,
 - viii) maintenance depots,
 - ix) portable lifeguard towers,
- b) environmental management works,
- c) demolition of buildings (other than any building that is, or is part of, a State or local heritage item or is within a heritage conservation area).

Note. The term building is defined in the *Environmental Planning and Assessment Act 1979* as including any structure.

Both Crown Reserves are Public Reserves where Murray River Council is the Crown Land Manager. As such the demolition of these assets is development permitted without consent in accordance with 2.73(3)(c) of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*. A Division 5.1 Environmental Impact Assessment is required to be completed prior to demolition commencing.

Budget and Costs:

Council has obtained a budget quotation to demolish the buildings and structures identified in this report. This includes the removal of asbestos which has been identified in the toilets. The received budget quotation is approx. \$25,000 (Ex GST).

The Buildings and Facilities Team have submitted an FY26 Operational Budget Bid of **\$40,000 (Ex GST)** to demolish the following list of buildings / structures that have been identified for possible disposal (decommissioning) based on assessment of condition, function, capacity and utilisation.

TechOne Asset ID	Asset Name
6000071	Goodnight Tip Shed and Toilet
6000075	Kiely Road Detention Basin - Moama Pound (Old)
6000076	Kiely Road Detention Basin - Old Moama Depot Tractor Shed
6000091	Kyalite Recreation Reserve - Clubhouse (Tennis)
6000092	Kyalite Recreation Reserve - Toilet Block
6000249	Moulamein Racecourse - Gun Club Amenities Building
6000311	Tooleybuc Recreation Reserve - Tennis Clubrooms
6000312	Tooleybuc Recreation Reserve - Tennis Kiosk
6000740	Goodnight Tip Shed and Toilet - Amenities
6001909	Wakool Recreation Reserve - Tennis Court Shelters

Staff have prioritised the demolition of the Kyalite Hall and identified Recreation Reserve assets based on elevated risk compared to other assets identified.

Engagement Plan:

Objectives:

- Inform the community and key stakeholders about the demolition timeline, impact, and safety measures.
- Mitigate concerns regarding noise, dust, traffic disruption, and heritage value.
- Ensure regulatory and reputational compliance with council policies and legislation.
- Provide channels for feedback and inquiries.

Stakeholders:

Prior to demolition of these assets, Murray River Council intends to engage with the following:

- ✓ Murray River Council Executive Leadership Team (ELT) - **Completed**
- ✓ NSW Crown Lands - **Completed**
- ✓ Kyalite Community Inc (formerly Kyalite Progress and Recreational Reserve Association) - **Completed**

12/08/2025 – Glenn Bulmer called a representative of the Kyalite Progress and Recreational Reserve Association (transitioning to Kyalite Community Inc.).

The representative advised that the 355 Committee dissolved, inter alia, due to the lack of demand for the Hall. He also advised that there were numerous discussions with Karen Buckley (MRC) to explore options relating to the future of the Hall and the Committee, however the decision was made for the Committee to dissolve. Glenn advised that the Hall was at end of life and as it was no longer being used. As such MRC were planning to decommission it in line with the adopted Buildings Strategy. The representative understood the reasons why the Hall was going to be decommissioned. Glenn advised that if we found any memorabilia in the hall prior to demolition we would give the former Committee a chance to see if the memorabilia could be relocated to the Kyalite community pub. The representative would table this discussion at the next meeting due at the end of August 2025.

28/08/2025 – Council received a call from the representative. The demolition of the Hall was discussed at the meeting on 26/08/2025. No objection was raised in relation to the demolition. Meetings are now held at the Kyalite pub.

- ✓ Community: Erect signage at the site and at the Kyalite Pub - **Signage erected on 07/08/2025**



Key Messages:

- The demolition is necessary as these assets are at end-of-life,
- All work will comply with safety, environmental and council regulations,
- Disruptions will be minimised and communicated in advance,
- Community feedback is welcome.

Stakeholder Responses:*Murray River Council Executive Leadership Team (ELT)*

Below is an extract of the Minutes of Murray River Council's ELT meeting held 26/05/2025:

- **Kyalite Hall and Recreation Reserve Asset Decommissioning** - Once the engagement plan has been executed and any feedback assessed and Crown Lands consent has been obtained, Council will seek quotes in accordance with our procurement policy to demolish all identified assets. A Council report will be drafted to advise Councillors of the impending demolition - **Action DH**

NSW Crown Lands

RE: Kyalite Hall & Recreation Reserve - Proposed Asset Decommissioning

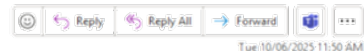


Shaun Flood <shaun.flood@crowland.nsw.gov.au>

To: Glenn Bulmer

Cc: Luke Keogh, David Dundee

You replied to this message on 10/06/2025 12:10 PM.



Tue 10/06/2025 11:50 AM

Thanks Glenn. Council has identified a planning pathway under T&I SEPP which Crown Lands consent is not required as Murray River Council is the Crown Land Manager.

Further, there has been an amendment to the CLM Regulation – refer clause 69A Exemption from operation of the Act, section 2.23—the Act, s 13.5(2)(n), has now occurred to remove requirements for landowner's consent for development on Crown land by public authorities or for State significant development.

Regards,

Shaun Flood

Group Leader Property Management, Griffith & Hay

Crown Lands

Department of Planning, Housing and Infrastructure

T (02) 6960 1341 M 0418 732 480 E shaun.flood@crowland.nsw.gov.au

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200 Murray Road
Griffith NSW 2680

Working days Monday to Friday



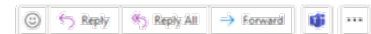
RE: Kyalite Hall & Recreation Reserve - Proposed Asset Decommissioning



Shaun Flood <shaun.flood@crowmland.nsw.gov.au>

To: Glenn Bulmer

Cc: Luke Keogh; David Dundee



Tue 10/06/2025 12:30 PM

Hi Glenn,

No comment required from Crown Lands. Council as Crown Land Manager has the care, control, and management for these reserves.

I will note that a Plan of Management could be completed to guide future use and management of the land.

Regards,

Shaun Flood

Group Leader Property Management, Griffith & Hay

Crown Lands

Department of Planning, Housing and Infrastructure

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Working days Monday to Friday



Conclusion:

The engagement plan has been executed and completed. Council did not receive any objections in relation to the demolition of the Hall and identified Recreation Reserve Assets. Crown Lands consent is not required as Murray River Council is the Crown Land Manager (refer to the emails from Crown Lands).

Demolition of the assets is development permitted without consent in accordance with 2.73(3)(c) of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*. A Division 5.1 Environmental Impact Assessment is required to be completed prior to demolition commencing. As such, Council will proceed with the demolition and notify Councillors by way of an Information report at the September Council meeting. Council will seek quotes in accordance with our procurement policy to demolish all identified assets.

The demolition of these assets is scheduled for December 2025.



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Newtown, Victoria 3222
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W: www.ehsolutions.com.au

Asbestos Identification Report

Client Name:	Swan Hill Demolition	Steve Thomson
Client Address:	135 Murlong Street, Swan Hill	Approved Identifier
Site Name:	Murray River Council	
Site Address:	Kyalite Hall, River Road, Kyalite	
Laboratory Address:	26 Rutland Street, Newtown, Vic 3220	
Project Number:	42849	Analysis date: 19/05/2025
Report Issue Date:	19/05/2025	Sample Received: 19/05/2025
Report Number:	42849 - v1.1	Sampled by: Client
		Steve Thomson
		Approved Signatory

Client Ref	Sample No.	Sample Location	Description & Mass of Sample (g)	Results of Examination
Sample 1	I301075	Walls in kitchen inside hall	White painted fibro-cement (18 g)	Organic Fibres Detected No Asbestos Detected
Sample 2	I301076	Walls in male & female toilets	Unpainted fibro-cement (47 g)	Crocidolite Asbestos Detected Amosite Asbestos Detected Chrysotile Asbestos Detected

Results refer only to condition of sample as received in the Laboratory

Analysis Note:

All results within this report relate only to those samples as analysed.

Restrictions:

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NATA Accredited Laboratory No: 16765

Accredited for compliance with ISO/IEC 17025 – Testing

NATA is a signatory to the ILAC Mutual Recognition Arrangement for the mutual recognition of the equivalence of testing, medical testing, calibration, inspection, proficiency testing scheme providers and reference materials producers reports and certificates

Analysis Information:

Examination by polarised light microscopy including dispersion staining by EHS Method Number 1 (based on AS4964-2004).

Division: Committee: Officer: Date From: Date To: Action Sheets Report Printed: 11 September 2025 2:30 PM						
Item	Recommendation	Comments	Tasked to:	% Complete	Due Date	Progress:
9.4.4	RESOLUTION 150825 Moved: Cr Gary Pappin Seconded: Cr Geoff Wise That Council receive and note the July Section 355 Committee Report CARRIED		Carne, Bernie		9/09/2025	
9.4.1	RESOLUTION 120825 Moved: Cr Gary Pappin Seconded: Cr Bianca Hurn That Council resolve to place the Draft Companion Animals Policy (P410-003) on public exhibition for a period of 28 days. CARRIED		Baker, Luke		9/09/2025	
9.4.5	RESOLUTION 160825 Moved: Cr Geoff Wise Seconded: Cr Gen Campbell 1. That Council notes the information outlined in this report and the officer's recommendation. 2. Approves the Section 82 objection to contravene the requirements of Sections 9, 41, 51, 65, 66 and 68 of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds</i>		McFarlane, Jessica		9/09/2025	

Division:

Committee:

Officer:

Date From:

Date To:

Action Sheets Report

Printed: 11 September 2025 2:30 PM

	and Moveable Dwellings) Regulation 2021 to allow the manufactured homes within the estate to be constructed entirely on-site and on concrete slabs and; 3. Authorises the relevant Council officer to forward this report and decision to the Chief Executive of the Office of Local Government for concurrence approval as per Section 82 (Subsection 3) of the Local Government Act 1993 CARRIED					
9.5.3	RESOLUTION 190825 Moved: Cr Bianca Hurn Seconded: Cr Gary Pappin That Council 1. Revoke existing members of the Barham School of Arts Committee of Management and (a) Pursuant to Section 355 of the Local Government Act 1993 appoint new committee members nominated at the July 2025 AGM. CARRIED		Carne, Bernie		9/09/2025	
9.5.2	RESOLUTION 180825 Moved: Cr Neil Gorey		Carne, Bernie		9/09/2025	

Division: Committee: Officer: Date From: Date To: Action Sheets Report Printed: 11 September 2025 2:30 PM						
	Seconded: Cr Geoff Wise That Council 1. Revoke existing members of the Mallan Hall & Recreation Reserve Committee of Management and (a) Pursuant to Section 355 of the Local Government Act 1993 appoint new committee members nominated at the July 2025 AGM. CARRIED					
9.3.1	RESOLUTION 180725 <u>In Favour:</u> Crs John Harvie, Neil Gorey, Joy Allan, Dennis Gleeson and Geoff Wise <u>Against:</u> Crs Kylie Berryman, Gen Campbell and Bianca Hurn CARRIED 5/3 Moved: Cr Dennis Gleeson Seconded: Cr Neil Gorey That Murray River Council (Council): 1. receive and notes the information contained in this report and its supporting attachments in relation to the reviews of the Echuca Moama Flood Study that has already taken place, including the persons and organisations that have contributed to such peer reviews, and 2. adopt and publish the Moama Flood Risk Management Study and Plan. CARRIED		Sherman, Matthew		5/08/2025	21 Aug 2025 No update. 28 Aug 2025 Please update all of your action items by COB 8th September 2025.

Division: Committee: Officer: Date From: Date To: Action Sheets Report Printed: 11 September 2025 2:30 PM						
9.3.3	RESOLUTION 200725 Moved: Cr Geoff Wise Seconded: Cr Bianca Hurn That Murray River Council (Council) resolve to approve a budget of \$900,000 for the Barham Sewage Treatment Plant Renewal Project for 2025/26 to be funded by deferring all or parts of other projects from the existing approved sewer capital works budget as outlined in the report. CARRIED		Hughes, Daniel		5/08/2025	21 Aug 2025 Contractor appointed and works have commenced. 28 Aug 2025 Please update all of your action items by COB 8th September 2025.
9.4.2	RESOLUTION 210725 Moved: Cr Neil Gorey Seconded: Cr Bianca Hurn 1. That Council approves the Section 82 objection to contravene the requirements of Clause 41 of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i> to allow the manufactured home to be built on-site at Lot 3 DP 286903 within 'Tangula Estate', 4 Tangula Place, Murray Downs. and; 2. Council authorises the relevant Council officer to forward this report and decision to the Chief Executive of the Office of Local Government for concurrence as per Section 82 (Subsection 3) of the <i>Local Government Act 1993</i> and carry out follow-up		McFarlane, Jessica		5/08/2025	28 Aug 2025 Please update all of your action items by COB 8th September 2025.

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	processes including the final determination of the application. CARRIED					
9.2.5	MOTION That Council fund and undertake a feasibility assessment to develop an assess options for a stock and saleyards at Murray Downs for the purpose of providing certainty to rural constituents in Murray River Council and surrounds. LAPSED		Williams, Stacy		7/07/2025	28 Aug 2025 Please update all of your action items by COB 8th September 2025.
9.3.3	MOTION Moved: Cr Dennis Gleeson Seconded: Cr Neil Gorey That Council having considered the Draft Moama Flood Risk Management Study and Plan and submissions received during its exhibition: 1. Adopt the recommended responses to the issues raised in those submissions as summarised in the Moama Flood Risk Management Study and Plan, and 2. Adopt and publish the Moama Flood Risk Management Study and Plan. LOST <i>This motion was lost and the Foreshadowed Motion become the resolution of Council.</i>		Sherman, Matthew		7/07/2025	21 Aug 2025 No update. 28 Aug 2025 Please update all of your action items by COB 8th September 2025.

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9.1.1	RESOLUTION 060625 Moved: Cr Bianca Hurn Seconded: Cr Neil Gorey That Cr. Gen Campbell be authorised as the Murray River Council voting delegate at the Australian Local Government Association National General Assembly for 2025. CARRIED		Williams, Stacy		7/07/2025	28 Aug 2025 Please update all of your action items by COB 8th September 2025.
9.1.2	RESOLUTION 070625 Moved: Cr Neil Gorey Seconded: Cr Dennis Gleeson That Council authorises the CEO to write a letter to Edward River Council in support their efforts to advocate for funding a new Deniliquin Hospital. CARRIED		Williams, Stacy		7/07/2025	28 Aug 2025 Please update all of your action items by COB 8th September 2025.
9.5.3	RESOLUTION 210625 Moved: Cr Neil Gorey Seconded: Cr Geoff Wise That Council revoke existing members of the Management and pursuant to Section 355 of the members nominated at the May 2025 AGM as li CARRIED		Carne, Bernie		7/07/2025	28 Aug 2025 Please update all of your action items by COB 8th September 2025. 04 Sep 2025 Action reassigned to Carne, Bernie by Donald, Jan - Karen Buckley no longer with MRC.
9.5.4	RESOLUTION 220625 Moved: Cr Geoff Wise Seconded: Cr Dennis Gleeson		Carne, Bernie		7/07/2025	28 Aug 2025 Please update all of your action items by COB 8th September 2025.

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	That Council endorse the delegation of authority document signed by the Bunnaloo Recreation Reserve Committee, formalising the delegation from Council to the Committee to manage the Reserve on Council's behalf. This delegation is made in accordance with sections 355 and 377 of the Local Government Act 1993 and will remain in effect until such time as it is amended or revoked by Council. CARRIED					04 Sep 2025 Action reassigned to Carne, Bernie by Donald, Jan - Karen Buckley no longer with MRC.
9.5.1	RESOLUTION 190625 Moved: Cr Kylie Berryman Seconded: Cr Dennis Gleeson That Council receive and note the May Section 355 Committee Report CARRIED		Carne, Bernie		7/07/2025	28 Aug 2025 Please update all of your action items by COB 8th September 2025. 04 Sep 2025 Action reassigned to Carne, Bernie by Donald, Jan - Karen Buckley no longer with MRC.
9.5.2	RESOLUTION 200625 Moved: Cr Kylie Berryman Seconded: Cr Joy Allan That Council; 1. Agree to the formation of the old Moulamein Courthouse Management Committee 2. Request council officers to seek nominations from community members to become members of the committee. 3. Provide a further report to council with a list of nominated persons for		Carne, Bernie		7/07/2025	28 Aug 2025 Please update all of your action items by COB 8th September 2025. 04 Sep 2025 Action reassigned to Carne, Bernie by Donald, Jan - Karen Buckley no longer with MRC.

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	Councils endorsement. 4. Elect Councillor Gleeson as delegate and Councillor Wise alternate delegate to the committee CARRIED					
9.3.1	RESOLUTION 120425 Moved: Cr Geoff Wise Seconded: Cr Kylie Berryman That Council: 1. Receive the information contained in this report regarding the Meninya Street Precinct Project; and 2. Adopt Option 1 to prioritise parking provided at the Echuca Street Intersection. CARRIED		Sherman, Matthew		6/05/2025	21 Aug 2025 No update. 28 Aug 2025 Please update all of your action items by COB 8th September 2025.
10.1	RESOLUTION 170425 Moved: Cr Dennis Gleeson Seconded: Cr Neil Gorey That a report on the current condition and status of any proposed upgrade works for Caldwell Line Road, between the intersection of the Barham/Deniliquin and Wakool/Deniliquin Roads, be prepared by the responsible officer and submitted to the April Ordinary Meeting of Council. CARRIED		Gleeson, Dennis		6/05/2025	28 Aug 2025 Please update all of your action items by COB 8th September 2025.

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9.2.1	RESOLUTION 080425 Moved: Cr Kylie Berryman Seconded: Cr Bianca Hurn That Murray River Council (Council) resolve to endorse the road names Alexander Street, Britannia Street, Canally Street, Industry Lane, Ranger Lane, and Success Street, within the Discovery Parks Moama West (Lot 2 DP 577744), at 80 Merool Road, MOAMA NSW 2731. CARRIED		Ward, Rebecca		6/05/2025	28 Aug 2025 Please update all of your action items by COB 8th September 2025.
5	RESOLUTION 020425 Moved: Cr Geoff Wise Seconded: Cr Dennis Gleeson That Council approve the presented Disclosure of Interest as listed above. CARRIED		Administrator, Infocouncil		6/05/2025	28 Aug 2025 Please update all of your action items by COB 8th September 2025.
9.1.1	RESOLUTION 040325 Moved: Cr Gary Pappin Seconded: Cr Gen Campbell That Council endorse the Community Engagement Strategy 2024 for finalisation and publication, subject to minor wording amendments being incorporated to improve the clarity, noting that these amendments will not alter the intent or substance of the		Croft, Zoe		8/04/2025	28 Aug 2025 Please update all of your action items by COB 8th September 2025.

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	strategy.	CARRIED				
9.2.1	RECOMMENDATION That Murray River Council resolve to adopt the Corporate Credit Card Policy V#3, update the Policy Register and rescind any previous policies.		Gordon, Sandra		30/06/2025	03 Apr 2025 Target date changed by Gordon, Sandra from 08 April 2025 to 30 June 2025 - Deferred by Councillors 28 Aug 2025 Please update all of your action items by COB 8th September 2025.
7.1	RESOLUTION 030225 Moved: Cr Gen Campbell Seconded: Cr Dennis Gleeson That Council 1. Consider appointing representatives to each of the RAMJO sub-committees and working groups identified in this Mayoral Minute. 2. Council inform the RAMJO executive of its nominees. CARRIED		Harvie, John		11/03/2025	28 Aug 2025 Please update all of your action items by COB 8th September 2025.
9.4.1	MOTION Moved: Cr Geoff Wise Seconded: Cr Bianca Hurn That Council apply the total <i>Section 7.11 Development Contributions and Section 64 Water and Sewer Headworks Charges for Development Application (DA) 10.2024.294.1</i> of \$15,660.68.		Chandra, Vishal		11/03/2025	28 Aug 2025 Please update all of your action items by COB 8th September 2025.

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	Note: This report and decision by Council is for the review of developer contributions only. The DA has been determined by Council staff as acceptable under Delegated Authority. MOTION WAS LOST					
11.3	RESOLUTION 260225 Moved: Cr Kylie Berryman Seconded: Cr Geoff Wise That Council resolve to: 1. Negotiate a sale of the land identified as: Lot 3 of Deposited Plan 853861; Lot 2 of Deposited Plan 853862, and Lot 2 of Deposited Plan 853863 including the building (the Property), using an Alternative Method of Disposal as outlined in Council Policy No. POL-602 V#1 (Land Acquisition and Disposal Policy) to achieve a specific strategic policy objective—namely, to support the availability of affordable retirement housing within Council's jurisdiction, as outlined in the Community Strategic Plan 2022-2032. 2. Acknowledge that the existing independent valuation is more than six months old and that the offer received from the proponent is considerably below this valuation. Authorise the Chief Executive Officer (CEO) to negotiate with the proponent to sell the Property at the best negotiated price for the intended		Arnold, Gary		30/06/2025	11 Apr 2025 SR - Probity officer appointed, engagement terms agreed to. Meeting scheduled to proceed. 11 Apr 2025 Target date changed by Ryan, Sarah from 11 March 2025 to 30 June 2025 - SR - probity officer engaged, progressing with HOA 28 Aug 2025 Please update all of your action items by COB 8th September 2025. 04 Sep 2025 Action reassigned to Arnold, Gary by Donald, Jan - Reassigned to Gary Arnold.

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	purpose that was outlined to Council at the recent Council meeting and necessary due diligence is undertaken in accordance with Council's Land Acquisition and Disposal Policy. 3. Appoint an independent probity officer, as required under the Policy, to oversee the negotiation and disposal process (as applicable) and provide a report for final consideration by Council; Noting that the final terms of the negotiated arrangement will be put to Council for endorsement and delegation of authority to enter any formal agreement and carry out its terms. CARRIED					
7.2	RESOLUTION 060125 Moved: Cr John Harvie That Council authorise the Mayor and CEO to collaborate with regional councils to advocate for increased local government funding, including a minimum allocation of 1% of Commonwealth taxation revenue. CARRIED		Harvie, John		11/02/2025	28 Aug 2025 Please update all of your action items by COB 8th September 2025.
10.4	RESOLUTION 330125 Moved: Cr Geoff Wise Seconded: Cr Kylie Berryman That Council:		Sherman, Matthew		11/02/2025	03 Apr 2025 Action reassigned to Hughes, Daniel by Carne, Bernie - Reassigning to Director of Infrastructure to complete action.

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	1. Retain the current angle parking at the three existing sites on Meninya Street to preserve their integrity. 2. Direct Council staff to obtain an updated streetscape plan that incorporates and retains all existing angle parking spaces. CARRIED					08 Apr 2025 Action reassigned to Sherman, Matthew by Donald, Jan - Reassigned to Matt Sherman as requested by Daniel Hughes. 21 Aug 2025 No update. 28 Aug 2025 Please update all of your action items by COB 8th September 2025.
9.3.1	RESOLUTION 261124 Moved: Cr Geoff Wise Seconded: Cr Kylie Berryman That Council give approval to update the Moama Levee Owner's Manual to include the temporary construction of an earthen levee at Tindarra Resort to remove flood impact on lower land in Lignum Road area. That upon inclusion into the Moama Levee Owner's Manual, Council no longer considers the affected land as 'flood prone land' for Planning purposes. CARRIED		Hughes, Daniel		10/12/2024	28 Jan 2025 Action reassigned to Hughes, Daniel by Donald, Jan - Jack Bond has ceased employment with MRC. 11 Feb 2025 Inclusion in the levee owners manual is in progress and has included discussion with DCCEEW. 11 Mar 2025 Inclusion in the levee owners manual is in progress and a grant funding application is being considered for investigation and design costs for a permanent levee. 07 Apr 2025 Levee owners manual update expected to be completed in May 2025. Grant application for investigation and design currently being prepared, 21 Aug 2025 In process.

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	WHICH WAS BOUGHT FORWARD HERE.					
9.4.3	RESOLUTION 351024 Moved: Cr Geoff Wise Seconded: Cr Kylie Berryman That: 1. Council notes the submission made by Transport for New South Wales on 14th October 2024 (received by Council 14 days after the submission closing date). 2. Council allows the submission to be considered, managed and responded to under delegation of the CEO. 3. Council endorse the Planning Proposal prepared by Habitat Planning Pty to amend the Murray Local Environmental Plan 2011 (LEP) to vary the zoning of the site on Lots 2 and 3 in DP1213161 and 15 in DP1273625 from RU1 Primary Production Zone to R1 General Residential Zone and to vary the minimum lot sizes for subject allotments from 120 hectares to a minimum lot size of 500m². 4. The Planning proposal be sent to NSW Department of Planning and Environment (DPE) for final endorsement in accordance with the <i>Environmental Planning and Assessment Act 1979</i>. 5. Council staff complete all actions outlined in the Gateway Determination under delegation and send the planning		McFarlane, Jessica		5/11/2024	28 Aug 2025 Please update all of your action items by COB 8th September 2025.

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	proposal to the NSW Parliamentary Counsels Office (PCO) requesting Parliamentary Counsel's Opinion and drafting of a new/amended Murray Local Environmental Plan 2011 (LEP) <i>At 3:52 pm, Cr Kylie Berryman left the meeting prior to the final vote being taken.</i> <u>In Favour:</u> Crs Joy Allan, Dennis Gleeson, Neil Gorey, John Harvie, Gary Pappin and Geoff Wise <u>Against:</u> Cr Gen Campbell CARRIED 6/1					
9.4.1	RESOLUTION 150624 Moved: Cr Ann Crowe Seconded: Cr Neil Gorey That 1. The Council to endorse the Planning Proposal prepared by Stimson Urban & Regional Planning to amend the <i>Murray Local Environmental Plan 2011</i> (LEP) to override the Land Use Table for the RU1 Primary Production zone to enable the land use definition of 'Caravan Park' on Lot 49 in DP751159 and to vary the minimum lot size provisions subject to the following: A Plan of subdivision is provided to detail the minimum lot size proposed to facilitate the proposed development and how the infrastructure associated with the MHE is to be wholly contained		McFarlane, Jessica		9/07/2024	19 Aug 2024 With Consultant to amend PP. 28 Aug 2025 Please update all of your action items by COB 8th September 2025.

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	within the proposed lot before the gateway determination has been finalised. 2. The Planning Proposal is to be sent to the NSW Department of Planning, Housing and Infrastructure (DPHI) for a 'Gateway Determination' in accordance with Section 3.34 of the <i>Environmental Planning and Assessment Act 1979</i> following the consideration of the additional material. 3. Council's staff to complete actions, as outlined in the Gateway Determination and send the Planning Proposal to the NSW Parliamentary Counsel's Office (PCO) requesting the Parliamentary Counsel's Opinion and drafting of a new/amended Murray Local Environmental Plan (LEP) subject to items 1 and 2. CARRIED <u>In Favour:</u> Crs Frank Crawley, Neil Gorey, Ann Crowe, Dennis Gleeson, Kron Nicholas, Thomas Weyrich and Geoff Wise <u>Against:</u> Nil CARRIED 7/0					
9.1.3	RESOLUTION 150524 Moved: Cr Thomas Weyrich Seconded: Cr Nikki Cohen That council notes and condones the endeavours of the Administration to commence investigating shared services.		Williams, Stacy		31/12/2025	09 Jul 2024 Target date changed by Leyonhjelm, Lindy from 11 June 2024 to 01 October 2024 - Discussion with neighbouring councils to commence after LG

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	CARRIED					NSW elections 12 Nov 2024 Action reassigned to Ryan, Sarah by Leyonhjelm, Lindy - Acting CEO 08 Jan 2025 Target date changed by Ryan, Sarah from 01 October 2024 to 30 August 2025 - New CEO at MRC and ERC 11 Apr 2025 Target date changed by Ryan, Sarah from 30 August 2025 to 31 December 2025 - SR - for consideration by new CEO 28 Apr 2025 Action reassigned to Williams, Stacy by Ryan, Sarah - For CEO investigation 28 Aug 2025 Please update all of your action items by COB 8th September 2025.
10.2	RESOLUTION 270424 Moved: Cr Neil Gorey Seconded: Cr Geoff Wise That Murray River Council gives an update on the delivery of the Moulamein Main Street Redevelopment Project, including the timelines involved and community engagement. Following the meeting, a media release to be issued, updating the community on this project. CARRIED		McFarlane, Jessica		7/05/2024	25 Jul 2024 Mitch McKenzie & Leeyana Thokala now working on a Moulamein Masterplan in collaboration with Eco Dev. A brief of the scoping report is in draft format for community engagement for the scope of the project. 19 Aug 2024 John Guilfoyle is working with Consultants to establish some quotes and scope of works for

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						Moulamein & Mathoura 28 Aug 2025 Please update all of your action items by COB 8th September 2025.
9.4.5	RESOLUTION 190324 Moved: Cr Thomas Weyrich Seconded: Cr Geoff Wise That: 1. Council re-endorse the Planning Proposal prepared by Habitat Planning Pty to change zoning from R5 large lot to RU5 Village and vary the minimum lots size from 4000m2 to 450m2 for Lot 611 in DP806704 located at 6 Clifton Street, Mathoura NSW 2710. 2. The Planning Proposal be sent to NSW Department of Planning and Environment (DPE) for final endorsement. 3. Council's staff complete all actions, as outlined in the Gateway Determination and send the Planning Proposal to the NSW Parliamentary Counsel's Office (PCO) requesting Parliamentary Counsel's Opinion and drafting of a new/amended Murray Local Environmental Plan (LEP). 4. Council notes that this recommendation assumes that no valid objections are received prior to the public exhibition closing date of 3 April 2024. If valid		McFarlane, Jessica		9/04/2024	06 Jun 2024 Final mapping stages under completion for rezoning. 19 Aug 2024 This PP is now with Habitat PLanning for further amendments 28 Aug 2025 Please update all of your action items by COB 8th September 2025.

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	objections are received via the public exhibition process, the outcomes of this recommendation are null and void and a further report will come back to council for consideration. <u>In Favour:</u> Crs Frank Crawley, Neil Gorey, Nikki Cohen, Ann Crowe, Kron Nicholas, Thomas Weyrich and Geoff Wise <u>Against:</u> Nil CARRIED 7/0 CARRIED					
9.4.1	RESOLUTION 130224 Moved: Cr Geoff Wise Seconded: Cr Kron Nicholas That: - Council endorse the Planning Proposal prepared by Habitat Planning Pty to amend the Murray Local Environmental Plan 2011 (LEP) to vary the zoning of the site on Lots 2 and 3 in DP1213161 and 15 in DP1273625 from RU1 Primary Production Zone to R1 General Residential Zone and to vary the minimum lot sizes for subject allotments from 120 hectares to a minimum lot size of 500m². - The Planning proposal be sent to NSW Department of Planning and Environment (DPE) for 'Gateway Determination' in accordance with Section 3.34 of the <i>Environmental Planning and Assessment Act 1979</i>.		Cartlidge, Ashleigh		12/03/2024	06 May 2024 Action reassigned to Cartlidge, Ashleigh by Leyonhjelm, Lindy - Kellie Richmond has left the organisation 28 Aug 2025 Please update all of your action items by COB 8th September 2025.

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	3. Council staff complete all actions outlined in the Gateway Determination and send the planning proposal to the NSW Parliamentary Counsels Office (PCO) requesting Parliamentary Counsel's Opinion and drafting of a new/amended Murray Local Environmental Plan 2011 (LEP) 4. Council notes if valid objections are received via the public exhibition process, a further report will come back to council for consideration. <u>In Favour:</u> Crs Frank Crawley, Neil Gorey, Dennis Gleeson, Kron Nicholas, Thomas Weyrich and Geoff Wise <u>Against:</u> Nil CARRIED 6/0 CARRIED					
10.3.1	RESOLUTION 150122 Moved: Cr Thomas Weyrich Seconded: Cr Nikki Cohen That Council A) Approve a budget variation of \$130,000 to progress the survey, planning and detailed engineering design to complete detailed construction costs and budget the construction of the residential development in the 2022/23 financial year.		Hughes, Daniel		8/02/2022	08 Feb 2022 Works have commenced on the engineering design following on from meeting with the consultants. 12 Jul 2022 DA has been applied for 30 Nov 2022 Design and planning still underway. More information available in 2023. 04 Apr 2023 Design and planning nearing completion. Actively seeking funding opportunities to support the

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	OR B) That Council note that to progress the development is \$130,000 and that it be considered in the determination of the 2022/2023 Operational Budget. Amendment to (A) budget variation of \$130,000 in the 2021/2022 financial year. Option A was moved by Cr Thomas Weyrich and seconded by Cr Nikki Cohen. CARRIED <u>In Favour:</u> Crs Chris Bilkey, Nikki Cohen, Neil Gorey, Thomas Weyrich and Kron Nicholas <u>Against:</u> Crs Ann Crowe and Frank Crawley CARRIED 5/2				development. 09 May 2023 No further update at this time. 08 Jun 2023 Motion passed at May meeting to progress to detailed costing stage. 12 Jul 2023 Detailed design underway 12 Sep 2023 Future report to Council for feasibility. 17 Nov 2023 No further update at this time. 24 Nov 2023 Valuation will be sort for current land status. 08 Mar 2024 Drainage constraints required variation 07 Jun 2024 Varied design progressing well 05 Nov 2024 Future presentation to new Councillors being prepared. 28 Jan 2025 Action reassigned to Hughes, Daniel by Donald, Jan - Jack Bond has ceased employment with MRC. 11 Feb 2025 Presentation to be made to a future

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						Council briefing. 11 Mar 2025 To be discussed on Council bus tour on 20 March 2025. 07 Apr 2025 Discussed on March 2025 Council bus tour and to be a future topic for a Council briefing. 21 Aug 2025 No further update. 28 Aug 2025 Please update all of your action items by COB 8th September 2025.
12.2	RESOLUTION 290122 Moved: Cr Nikki Cohen Seconded: Cr Neil Gorey That Council resolve to: 1. Give notice of termination of a site agreement to each tenant of Liston Caravan Park in accordance with the provisions of the Residential Tenancies (Caravan Parks and Manufactured Home Estates) Amendment Act 1994. 2. Request a further report that identifies councils' options in relation to the future of the Liston Caravan Park Mathoura, including: a) Cost to upgrade the park to a		McFarlane, Jessica		8/02/2022	08 Feb 2022 Legal advice on termination of annual leases has been sought. Letters to annual tenants will be sent once legal advice is received. 07 Mar 2022 Letters of termination have been sent. Two onsite meetings held with tenants. A further onsite meeting to be held on Monday 14 March. 04 Apr 2022 Further report to council in April. 11 May 2022 Action reassigned to Ryan, Sarah by Leyonhjelm, Lindy - Change of personnel 12 Jul 2022 JH/SR - GB will prepare a report to

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	compliant standard. b) Management and operating models. c) Cost to decommission the site and develop the Caravan Park area into a passive recreation park. CARRIED				Council. 12 Jul 2022 Action reassigned to Bulmer, Glenn by Leyonhjelm, Lindy - GB is currently actioning the steps required for the upgrade of Liston Caravan Park to adhere to current regulations 14 Jul 2022 G Bulmer progressing with closure and preparation of options 04 Oct 2022 Liston CP temporary closure effective 19/09/2022. Minor demolition works to remove old toilet blocks now scheduled for mid October 22. Redevelopment options currently being prepared. 29 Nov 2022 Demolition of delatidated toilets / shower blocks completed. Site cleanup to be fininsh end November 2022. Options paper due Jan 2023. 10 Jan 2023 Awaiting completion of the Options Report by Scope Project Consulting 14 Feb 2023 Options Report by Scope Project Consulting on target for completion 28/02/2023 04 Apr 2023 Staff currently reviewing the Options Paper submitted by Scope

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					Consulting. 09 May 2023 Staff have finalised review of the Options Paper and are working with the Consultant to finalise the report. Crown Lands are due to provide options / advice to MRC by 12/05/2023 05 Jun 2023 Hi Glenn - could you please update your actions on the above item in InfoCouncil. If there hasn't been any change since last month, just put that in there., Thanks, Jan. 07 Jun 2023 The consultant is currently amending the options paper as a result of the staff review and recent advice from Crown Lands. 11 Jul 2023 The consultant has completed the report and staff are currently reviewing. 11 Sep 2023 Councillor Workshop set for 12/09/2023 to discuss the report and options. 14 Nov 2023 Council report to be drafted for consideration of options at December 2023 meeting. 24 Sep 2024 Action reassigned to Bond, Jack by Bulmer, Glenn - Reassigned to Jack

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						Bond as requested. 05 Nov 2024 Future presentation to new Councillors being prepared. 28 Jan 2025 Action reassigned to McFarlane, Jessica by Donald, Jan - Jack Bond has ceased employment with MRC. 28 Aug 2025 Please update all of your action items by COB 8th September 2025.

% Complete	
	Not Started
	1% to 49%
	50% to 74%
	75% to 99%
	Complete
	Not Applicable

Risk Rating		
	High	Immediate – 6 months
	Medium	6 – 12 months
	Low	ASAP
	Opportunity	ASAP

Positions			
ELT	Executive Leadership Team	MA	Manager Assets
CEO	CEO	MP	Manager Procurement Contracts and Leases
DCS	Director Corporate Services	MF	Manager Finance
DOMP	Director Operations & Major Projects	MR	Manager Risk
DPWRS	Director Planning, Waste & Compliance Services	MP	Manager People
DC&ED	Director Community & Economic Development	MOD	Manager Organisational Development

MURRAY RIVER COUNCIL
COUNCIL POLICY

**PUBLIC
INTEREST
DISCLOSURES
(PID)
POLICY**

POL-113.V#4

Based on Developing your Public Interest Disclosure Policy
Published by the NSW Ombudsman's Office – July 2023





PUBLIC INTEREST DISCLOSURES (PID) POLICY

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PUBLIC INTEREST DISCLOSURES (PID) POLICY

1. INTRODUCTION

Under Section 42 of the Public Interest Disclosures Act 2022 (PID Act), all agencies (of which Council is one) must have a Public Interest Disclosure (PID) Policy (hereafter the PID Policy).

The previous Policy was known as the Internal Reporting (PID) Policy.

This Policy is based on Developing your Public Interest Disclosure Policy published by the NSW Ombudsman's Office – July 2023.

2. PURPOSE

The purpose of this Policy is to establish an internal reporting system to report wrongdoing without fear of reprisal.

At Murray River Council (hereafter Council and/or MRC) we take reports of serious wrongdoing seriously. We are committed to building a 'speak up' culture where our people are encouraged to report any conduct that they reasonably believe involves wrongdoing.

The integrity of Council relies upon Council Officers and Council Officials speaking up when they become aware of wrongdoing.

This Policy sets out:

- ▶ How Murray River Council will support and protect you if you come forward with a report of serious wrongdoing;
- ▶ How we will deal with the report and our other responsibilities under the PID Act;
- ▶ Who to contact if you want to make a report;
- ▶ How to make a report; and
- ▶ The protections which are available to you under the PID Act.

This Policy also documents our commitment to building a speak up culture. Part of that speak up culture is having in place a framework (the PID Act) that facilitates public interest reporting of wrongdoing by:

- ▶ Protecting those who speak up from detrimental action; and
- ▶ Imposing duties on those who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

This Policy should be read in conjunction with Council's Values and Mission Statement, the Code of Conduct Policies and Procedure, the Fraud and Corruption Policy, the Workplace Discrimination and Harassment Policy and any other relevant documents that refer to potential misconduct.

3. SCOPE

This Policy applies to:

- ▶ Council Officers and Council Officials (hereafter known as Public Officials); and
- ▶ Public Officials of other Councils or public authorities who report wrongdoing relating to Murray River Council.

This Policy does not apply to:

- ▶ People who have received services from MRC and want to make a complaint about those services; and/or
- ▶ People, such as contractors, who provide services to MRC.

This means that if you are not considered a Public Official this Policy does not apply to your complaint. However, you can still make a complaint to MRC and this can be done by referring to Council's Customer Feedback and Complaints Management Policy on Council's website – www.murrayriver.nsw.gov.au



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The Chief Executive Officer (CEO), other nominated Disclosure Officers and Managers within MRC have specific responsibilities under the PID Act. This Policy also provides information on how people in these roles will fulfil their responsibilities.

4. LEGISLATION

- › Local Government Act 1993 (NSW)
- › Local Government (General) Regulation 2021 (NSW)
- › Government Information (Public Access) Act 2009 (NSW)
- › Ombudsman Act 1974 (NSW)
- › Protected Disclosures Amendment (Public Interest Disclosures) Act 2010 (NSW)
- › Public Interest Disclosures Act 2022 (NSW)
- › Public Interest Disclosures Regulation 2011 (NSW)
- › State Records Act 1998 (NSW)

5. POLICY STATEMENT

This Policy enables Council to fulfil its obligations as outlined in the PID Act and any related Acts and Regulations.

It is designed to complement normal communication channels between all levels of Council. However, it is not intended that all issues must be raised as PIDs, rather that an option to do so is clearly available.

Whilst opportunities for reporting outside Council are legal and valid, Council is committed to providing a system for reporting within Council, wherever possible, so that management is given an opportunity to remediate a problem in the first instance.

This Policy is based on the Developing your Public Interest Disclosure Policy, published by the NSW Ombudsman's Office – July 2023. Council will utilise the resources found on the NSW Ombudsman's website as procedural documents.

This Policy will provide you with information on the following:

- › Ways you can make a voluntary PID to Council under the PID Act;
- › How to contact the nominated Disclosure Officers at Council;
- › The roles and responsibilities of Council Officers who hold particular roles under the PID Act;
- › 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;
- › Council's Procedures for dealing with disclosures;
- › Council's Procedures for managing the risk of detrimental action and reporting detrimental action;
- › Council's record-keeping and reporting requirements; and
- › How Council will ensure it complies with the PID Act and this Policy.

Section 43 of the PID Act.

6. ORGANISATIONAL COMMITMENT

MRC, to deal effectively with reports of wrongdoing, is committed to:

- › Creating a climate of trust, where people are comfortable and confident about reporting wrongdoing.
- › Encouraging individuals to come forward if they are aware of wrongdoing within Council.



PUBLIC INTEREST DISCLOSURES (PID) POLICY

- ▶ Keeping the identity of the person disclosing wrongdoing confidential, where this is possible and appropriate.
- ▶ Protecting the person from any adverse action resulting from them making a report.
- ▶ Dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it.
- ▶ Keeping the individual who makes a report informed of the progress and the outcome.
- ▶ Encouraging the reporting of wrongdoing within Council, but respect any decision to disclose wrongdoing outside Council that is made in accordance with the provisions of the PID Act.
- ▶ Ensuring Managers/Supervisors understand the benefits of reporting wrongdoing, are familiar with this Policy and aware of the needs of those who report wrongdoing.
- ▶ Providing adequate resources, to:
 - Encourage reports of wrongdoing;
 - Protect and support those who make them;
 - Provide training about how to make reports and the benefits of internal reports to the Council and the public interest generally;
 - Properly assess and investigate or otherwise deal with allegations;
 - Properly manage any workplace issues that the allegations identify or that result from a report; and
 - Appropriately address any identified problems.

7. HOW TO MAKE A REPORT OF SERIOUS WRONGDOING

7.1 REPORTS, COMPLAINTS AND GRIEVANCES

When a Public Official reports suspected or possible wrongdoing at Council, 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 our Grievance Management Procedure (P516-017).

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.

Public Officials should report all wrongdoing and misconduct, not only reports of serious wrongdoing as defined under the PID Act and Council will deal with these appropriately even if they are not a PID.

7.2 WHEN WILL A REPORT BE A PID?

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

Voluntary PID	This is a PID where a report has been made by a Council Officer or Official because they decided, of their own accord, to come forward and disclose what they know.
Mandatory PID	This is a PID where the Council Officer or 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.
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.



PUBLIC INTEREST DISCLOSURES (PID) POLICY

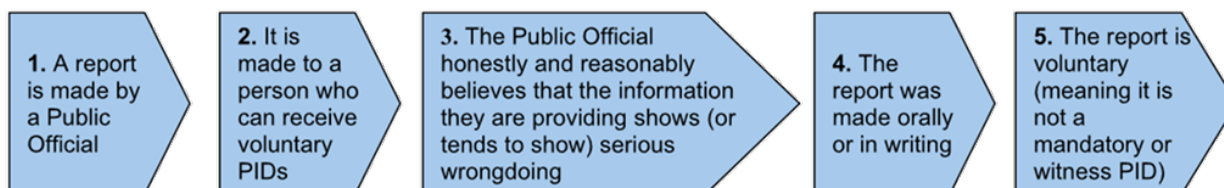
This Policy mostly relates to making a voluntary PID and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection.

More information about protections is covered in Section 12 & the PID Voluntary Reporting Procedure.

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:



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 10 of this Policy.

7.3 WHO CAN MAKE A VOLUNTARY PID?

Any Public Official can make a voluntary PID. (also outlined in Section 3 – Scope)

You are a Public Official if:

- ▶ you are employed by Murray River Council;
- ▶ you are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of Murray River Council; or
- ▶ you work for an entity (such as a non-government organisation) who is contracted by Murray River Council to provide services or exercise functions on behalf of Murray River 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.

Consultants engaged by MRC to assist Council with their work, it should be noted that these consultants are not considered Public Officials under the PID Act.

Appendix 1: List of Integrity Agencies



PUBLIC INTEREST DISCLOSURES (PID) POLICY

7.4 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	Corrupt conduct is the dishonest or partial exercise of official functions by a Public Official. For example, this could include, but not limited to: ▶ the improper use of knowledge, power or position for personal gain or the advantage of others (eg: accepting a bribe) ▶ acting dishonestly or unfairly or breaching public trust. ▶ Public Officials being influenced by a member of the public to use their position in a way that is dishonest, biased or breaches public trust.
SERIOUS MALADMINISTRATION	Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives. For example, this could include, but not limited to: ▶ making a decision and/or taking action that is unlawful. (eg: systemically failing to comply with proper recruitment processes when hiring employees) ▶ Refusing to grant an approval for reasons that are not related to the merits of their application.
A GOVERNMENT INFORMATION CONTRAVENTION	A breach of the <u>Government Information (Public Access) Act 2009</u> (GIPA Act) is a failure to properly fulfil functions under that Act. For example, this could include, but not limited to: ▶ destroying, concealing or altering records to prevent them from being released. (eg: destroying, concealing or altering records to prevent them from being released) ▶ knowingly making decisions that are contrary to the legislation. ▶ directing another person to make a decision that is contrary to the legislation.
A LOCAL GOVERNMENT PECUNIARY INTEREST CONTRAVENTION	A local government pecuniary interest contravention is a failure to comply with requirements under the <u>Local Government Act 1993</u> relating to the management of pecuniary interests. These include obligations to lodge disclosure of interest returns, disclose pecuniary interests at Council and Council committee meetings and leave the meeting while the matter is being discussed. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. For example, this could include, but not limited to: ▶ a senior Council Officer recommending a family member for a Council contract and not declaring the relationship.



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	▶ a Councillor participating in consideration of a Development Application (DA) for a property they or their family have an interest in.
A PRIVACY CONTRAVENTION	Unlawfully accessing a person's personal information on an agency's database
A SERIOUS AND SUBSTANTIAL WASTE OF PUBLIC MONEY	Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money. For example, this could include, but not limited to: ▶ not following a competitive tendering process for a large scale contract. ▶ having bad or no processes in place for a system involving large amounts of public funds.

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

Additional Resource: [NSW Ombudsman | What is serious wrongdoing?](#)

TYPES OF PUBLIC INTEREST DISCLOSURES

8. VOLUNTARY PUBLIC INTEREST DISCLOSURES

8.1 WHO CAN I MAKE A VOLUNTARY PID TO?

For a report to be a voluntary PID, it must be made to certain Public Officials.

A voluntary PID can be made:

- ▶ To a Public Official inside of MRC;
- ▶ To a Public Official outside of MRC; or
- ▶ To a Member of Parliament or a Journalist.

8.1.1. MAKING A REPORT TO A PUBLIC OFFICIAL WHO WORKS FOR MRC

You can make a report inside MRC to:

- ▶ **The CEO**
- ▶ **The Mayor** (only if the report is about the CEO)
- ▶ **Disclosure Coordinators**
 - Director Corporate Services
 - Manager Governance & Risk
- ▶ **Disclosure Officers**
 - Director Infrastructure
 - Director Planning and Environment
 - Director Community and Economic Development



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► Your Manager/Supervisor

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/Supervisor 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.

For Contractor, sub-contractors and volunteers they should report a potential PID to the person in MRC that oversees the services or functions provide by them, or who manages the relevant contract or volunteering arrangement.

Appendix 1: Direct Contact Information

8.1.2. MAKING A REPORT TO A RECIPIENT OUTSIDE OF MRC

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:

AGENCY:	DETAILS:
The head of another agency	This means the head of any public service agency
An integrity agency	A list of integrity agencies is located at Appendix 2 of this Policy
A disclosure officer for another agency	Ways to contact disclosure officers for other agencies is located in an agency's PID policy which can be found on their public website
A Minister or a member of a Minister's staff	The report must be made in writing.

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

8.1.3. MAKING A REPORT TO A MEMBER OF PARLIAMENT (MP) OR JOURNALIST

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

- You must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures.
- The previous disclosure must be substantially true.
- You did not make the previous disclosure anonymously.
- You did not give a written waiver of your right to receive information relating to your previous disclosure.
- You did not receive the following from MRC:
 - Notification that MRC 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:



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- Notice of MRC 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.

PLEASE NOTE:

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.

8.2 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. Council's Internal Reporting Form is also available for Council Officers and Officials to use to make a report.
ORALLY / VERBALLY	Have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually. If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The reporter should keep a copy of this record.
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 MRC to investigate the matter(s) you have disclosed if we cannot contact you for further information. It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the report or your colleagues. If Council does not know who made the report, it is very difficult for Council to prevent any reprisal should others identify you.

8.3 WHAT SHOULD I INCLUDE IN MY REPORT?

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

- Date, time and location of key events;
- Names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved;
- Your relationship with the person(s) involved, such as whether you work closely with them;
- Your explanation of the matter you are reporting;
- How you became aware of the matter you are reporting;
- Possible witnesses; and/or
- Other information you have that supports your report.



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8.4 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 Council to understand what is or may be occurring.

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

8.5 DEEMING THAT A REPORT IS A VOLUNTARY PID

The CEO and/or a Disclosure Coordinator 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 CEO and/or a Disclosure Coordinator 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 CEO and/or a Disclosure Coordinator. For more information about the deeming power.

Additional Resource: [NSW Ombudsman | Deeming that a disclosure is a voluntary PID](#)

8.6 WHO CAN I TALK TO IF I HAVE QUESTIONS OR CONCERNS?

Disclosure Officers can provide further information so that concerns can be addressed.

The CEO or a Disclosure Coordinator can also provide advice and support in a confidential manner.

8.7 HOW IS THE MAKER OF A VOLUNTARY PID PROTECTED?

Section 43(3)(a) of the PID Act

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 MRC that concerns serious wrongdoing relating to Council has been made, Council will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.
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	- 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 <u>PID Act</u> .
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.

9. OTHER TYPES OF PUBLIC INTEREST DISCLOSURES

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.



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9.1. PROTECTIONS FOR PEOPLE WHO MAKE MANDATORY AND WITNESS PIDS

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

Protection		Mandatory PID	Witness PID
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.	✓	✓

Section 43(3)(b) of the PID Act

10. INTERNAL REVIEW AND DISPUTE RESOLUTION

10.1 INTERNAL REVIEW

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

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

MRC 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 MRC's decision should not have been made. You may also submit any other relevant material with your application.



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The Internal Review Form, along with any supporting documents should be forwarded to:

- › BY MAIL: To Murray River Council, PO Box 906 MOAMA NSW 2731
- › BY EMAIL: to admin@murrayriver.nsw.gov.au

10.2 VOLUNTARY DISPUTE RESOLUTION

If a dispute arises between MRC 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 MRC and the maker of the report are willing to resolve the dispute.

11. OTHER AGENCY OBLIGATIONS

11.1 RECORD-KEEPING REQUIREMENTS

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

Such records will be kept in MRC's Record Management System and only Council Officers with the correct level of security can access them.

11.2 REPORTING OF VOLUNTARY PIDS AND ANNUAL RETURN TO THE OMBUDSMAN

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

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

Council's Disclosure Coordinator is responsible for collecting information about voluntary PIDs and the other information captured in the annual return, as well as preparing the annual return. This information is stored in a secure and confidential manner in Council's Record Management System. This information can only be accessed by authorised persons.

11.3 HOW MRC WILL ENSURE COMPLIANCE WITH THE PID ACT AND THIS POLICY

Council will ensure compliance with the PID Act by:

- › Undertaking regular internal audit reviews;
- › Undertaking periodic evaluations of the PID Policy and associated documents; and
- › Address non-compliance in accordance with Council's Code of Conduct.

12 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 a MRC Disclosure Coordinator, Disclosure Officer or your Manager/Supervisor or to an integrity agency.

A list of integrity agencies is located at Appendix 2 of this Policy.

Reports of adverse treatment can be made by email, phone or face-to-face.



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13 ACCESSIBILITY OF THIS POLICY

This policy is available on Council's publicly available website as well as on MaRCo Council's internet and Council's Records Management System.

A copy of the Policy is also sent to all Council Officers on their commencement.

A hard copy of the policy can be requested from the Governance & Risk Unit.

14 GENERAL SUPPORT

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

- › Confidentially contact one of Council's Disclosures Coordinator/s;
- › Contact and utilise the Employee Assistance Program (EAP) available to all Public Officials;
- › 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 its 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.

15 ROLES AND RESPONSIBILITIES

Position	Responsibility
Council as a whole	Council has a responsibility to establish and maintain a working environment that encourages Council Officers and Officials to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict. Council will assess all reports of wrongdoing it receives from Council Officers and Officials and deal with them appropriately. Once wrongdoing has been reported, Council takes 'ownership' of the matter. This means it is up to management to decide whether a report should be investigated, and if so, how it should be investigated and by whom. Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report. Council must report on our obligations under the PID Act and statistical information about Public Interest Disclosures in our Annual Report and to the NSW Ombudsman every six months. To ensure Council complies with the PID Act and deals with all reports of wrongdoing properly, all Council Officers and Officials with roles outlined below and elsewhere in this Policy will receive training on their responsibilities. Council must ensure that all Council Officers and Officials are aware of this Policy and the PID Act. Council must nominate at least one employee as being responsible for receiving Public Interest Disclosures. Clause 3.15 of Council's Code of Conduct Procedure requires the Complaints Coordinator to be a Disclosure Coordinator. The Disclosures Coordinator, the alternative Disclosures Coordinator and Disclosures Officers will be given a Delegation from the CEO to undertake these roles.



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CEO (Head of Agency)	The CEO has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring Council complies with the PID Act. The CEO can receive reports from Council Officers and Officials and has a responsibility to: • assess reports received by or referred to them, to determine whether or not the report should be treated as a PID, and to decide how the report will be dealt with. • deal with reports made under Council's Code of Conduct in accordance with Council's adopted Code of Conduct procedures. • ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report. • make decisions following any investigation or appoint an appropriate decision-maker. • take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified. • refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC). • refer any evidence of a reprisal offence under Section 20 of the <u>PID Act</u> to the Commissioner of Police or the ICAC.
Mayor	The Mayor can receive reports from Council Officers and Officials about the CEO. Where the Mayor receives such reports, the Mayor has a responsibility to: • assess the reports to determine whether or not they should be treated as a PID, and to decide how they will be dealt with. • deal with reports made under Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures. • refer reports to an investigating authority, where appropriate. • liaise with the Disclosures Coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report. • refer actual or suspected corrupt conduct to the ICAC. • refer any evidence of a reprisal offence under Section 20 of the <u>PID Act</u> to the Commissioner of Police or the ICAC.
Disclosure Coordinator/s	The Disclosure Coordinator/s has a central role in Council's internal reporting system. The Disclosures Coordinator can receive and assess reports, and is the primary point of contact within Council for the reporter. The Disclosures Coordinator has a responsibility to: • assess reports to determine whether or not a report should be treated as a PID, and to decide how each report will be dealt with (either under delegation or in consultation with the CEO). • deal with reports made under the Council's <u>Code of Conduct</u> in accordance with the Council's adopted Code of Conduct procedures. • coordinate Council's response to a report. • acknowledge reports and provide updates and feedback to the reporter. • assess whether it is possible and appropriate to keep the reporter's identity confidential.



PUBLIC INTEREST DISCLOSURES (PID) POLICY

	- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified. - where required, provide or coordinate support to Council Officials involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report. - ensure Council complies with the PID Act. - provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.
Disclosure Officers	Disclosures Officers are additional points of contact within the internal reporting system. They can provide advice about the system and this <u>Internal Reporting Policy (POL-209)</u>, receive reports of wrongdoing and assist Council Officers and Officials to make reports. Disclosures Officers have a responsibility to: - document, in writing, any reports received verbally and have the document signed and dated by the reporter. - make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace. - discuss with the reporter any concerns they may have about reprisal or workplace conflict. - carry out preliminary assessment and forward reports to the Disclosures Coordinator or CEO for full assessment.
Managers/Supervisors	The Managers/Supervisors play an important role in managing the immediate workplace of those involved in, or affected by, the internal reporting process. Managers/Supervisors should be aware of this Internal Reporting Policy and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing. Managers/Supervisors have a responsibility to - encourage staff to report known or suspected wrongdoing within Council and support staff when they do. - identify reports made to them in the course of their work which could be PIDs, and assist the staff member to make the report to an officer authorised to receive PIDs under this Policy. - implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report. - notify the Disclosures Coordinator or CEO immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the CEO, notify the Mayor.



PUBLIC INTEREST DISCLOSURES (PID) POLICY

Council Officials /
Council Officers

Council Officers and Officials play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately.

All Council Officers and Officials are obliged to:

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

Council Officers and Officials **must not**:

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

Additionally, the behaviour of all Council Officers and Officials involved in the internal reporting process must adhere to Council's Code of Conduct. A breach of the Code could result in disciplinary action.

16 NON-COMPLIANCE

Non-compliance could result in a breach of the Code of Conduct Policy and/or disciplinary action.

17 EVALUATION AND REVIEW

It is the responsibility of the Manager Governance & Risk, to monitor the adequacy of this Policy and recommend appropriate changes.

This Policy will be formally reviewed every four (4) years or as needed, whichever comes first.

18 ASSOCIATED DOCUMENTS, DEFINITIONS & ACRONYMS

External:

- NSW Ombudsman – Developing Your PID Policy – July 2023
- NSW Ombudsman – What is a Public Interest Disclosure?
- NSW Ombudsman – Guidelines, templates and other supporting material
- Privacy Code of Practice (General) 2003
- Privacy Code of Practice for Local Government – 1 July 2000
- Office of Local Government – Circular 00/44
- Information Protection Principles (IPP) – Number 1 to 12
- General Records Disposal Schedule for Local Government



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Internal:

- › MRC Policy - Code of Conduct (Employees, Councillors and Committtes)
- › MRC Policy - Customer Feedback and Complaints Management Policy
- › MRC Policy - Fraud and Corruption Control Policy
- › MRC Policy – Positive Working Relationships Policy
- › MRC Procedure – Code of Conduct Procedure
- › MRC Procedure – Grievance Management Procedure
- › MRC Form - Internal Reporting Disclosure Form
- › MRC Form - Internal Reporting Checklist for Recipient Form
- › MRC Form - Internal Reporting Initial Assessment Form
- › MRC Form - Internal Reporting Complete Assessment Form
- › MRC Form - Internal Reporting Confirmation Letter
- › MRC Document – Council's Vision and Mission Statement

Definitions and Acronyms:

Term	Definition
Agency	Is defined in Section 16 of the PID Act to mean any of the following: › a public service agency › a group of staff comprising each of the following services, or a separate group of those staff: – the NSW Police Force – the Teaching Service of New South Wales – the NSW Health Service – the Transport Service of New South Wales › a statutory body representing the Crown › an integrity agency › a public authority whose conduct or activities are authorised to be investigated by an integrity agency under another Act or law › a state-owned corporation or its subsidiaries › a Local Government Authority › a Local Aboriginal Land Council › the Department of Parliamentary Services, the Department of the Legislative Assembly and the Department of the Legislative Council. There is power by Regulation to declare other bodies to be agencies. At the date of these guidelines, no regulations have been made to prescribe any additional agency. A Minister's office is not an agency for the purposes of the PID Act
Council Official	Includes › Councillors, › members of staff of Council, › administrators, › Council committee members, › Conduct reviewers and › Delegates of Council.
Council Officer	A Council Officer is defined as being one of the following: › An employee, or



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	• A contractor or subcontractor, or • An employee of a contractor or subcontractor, or • An employee of a labour hire company who has been assigned to work in the person's business or undertaking, or • An outworker, or • An apprentice or trainee, or • A student gaining work experience, or • A volunteer
Public Official	Is defined in section 14 of the PID Act as follows: • A person employed in or by an agency or otherwise in the service of an agency, • A person having public official functions or acting in a public official capacity whose conduct or activities an integrity agency is authorised by another Act or law to investigate, • An individual in the service of the Crown, • A statutory officer, • A person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer, • If an entity, under a contract, subcontract or other arrangement, is to provide services on behalf of an agency or exercise functions of an agency in whole or in part—an employee, 5 partner or officer of the entity who is to be involved in providing the services in whole or in part, or who is to exercise the functions, • A judicial officer, • A member of Parliament, including a Minister, • A person employed under the <u>Members of Parliament Staff Act 2013</u>

19 DOCUMENT CONTROL

Version No.	Details	Dates	CM9 Reference	Resolution No.
1	Initial Issue	8 Aug 2017 to 24 Nov 2020	VF/19/522	080817
2	Revision in line with latest version of the Model Internal Reporting Policy July 2020 and to reflect the organisation restructure changes	24 Nov 2020 to 19 Feb 2024	VF/19/522	081120
3	Policy developed in line with the changes to the PID Act 2022 – known as the Internal Reporting (PID) Policy.	19 Feb 2024 to 23 Sept 2025	VF/19/522	TBA
4	Reviewed and updated in line with new resources and changes to the organisational structures – Changed back to the Public Interest Disclosures (PID) Policy	23 Sept 2025 to today	VF/19/522	TBA



PUBLIC INTEREST DISCLOSURES (PID) POLICY

Council reserves the right to review, vary or revoke this policy at any time
This Policy is scheduled for review in before 2029.

NOTE:

This is a controlled document. If you are reading a printed copy please check that you have the latest version by checking it on Council's Electronic Document system. Printed or downloaded versions of this document are uncontrolled.

DISCLAIMER:

This document was formulated to be consistent with Murray River Council's legislative obligations and with the scope of Council's powers. This document should be read in conjunction with relevant legislation, guidelines and codes of practice. In the case of any discrepancies, the most recent legislation should prevail. This document does not constitute legal advice. Legal advice should be sought in relation to particular circumstances and liability will not be accepted for losses incurred as a result of reliance on this document.

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a Business Unit, position title or a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. When such changes are made the version number will be amended and an extension added (eg V#1.1)



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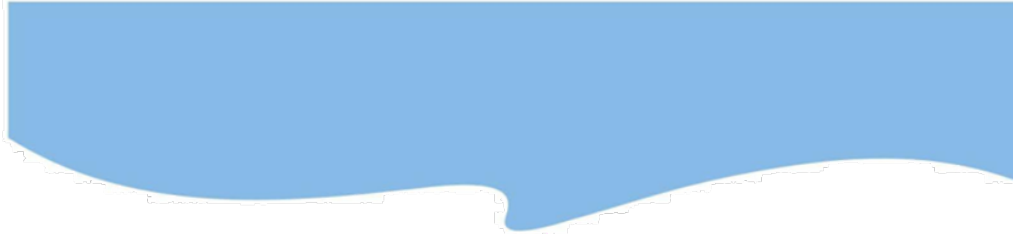
APPENDIX 1: LIST OF INTEGRITY AGENCIES

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: oilc_executive@oilc.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



PUBLIC INTEREST DISCLOSURES (PID) POLICY

Appendix 2: PID Voluntary Reporting Procedure



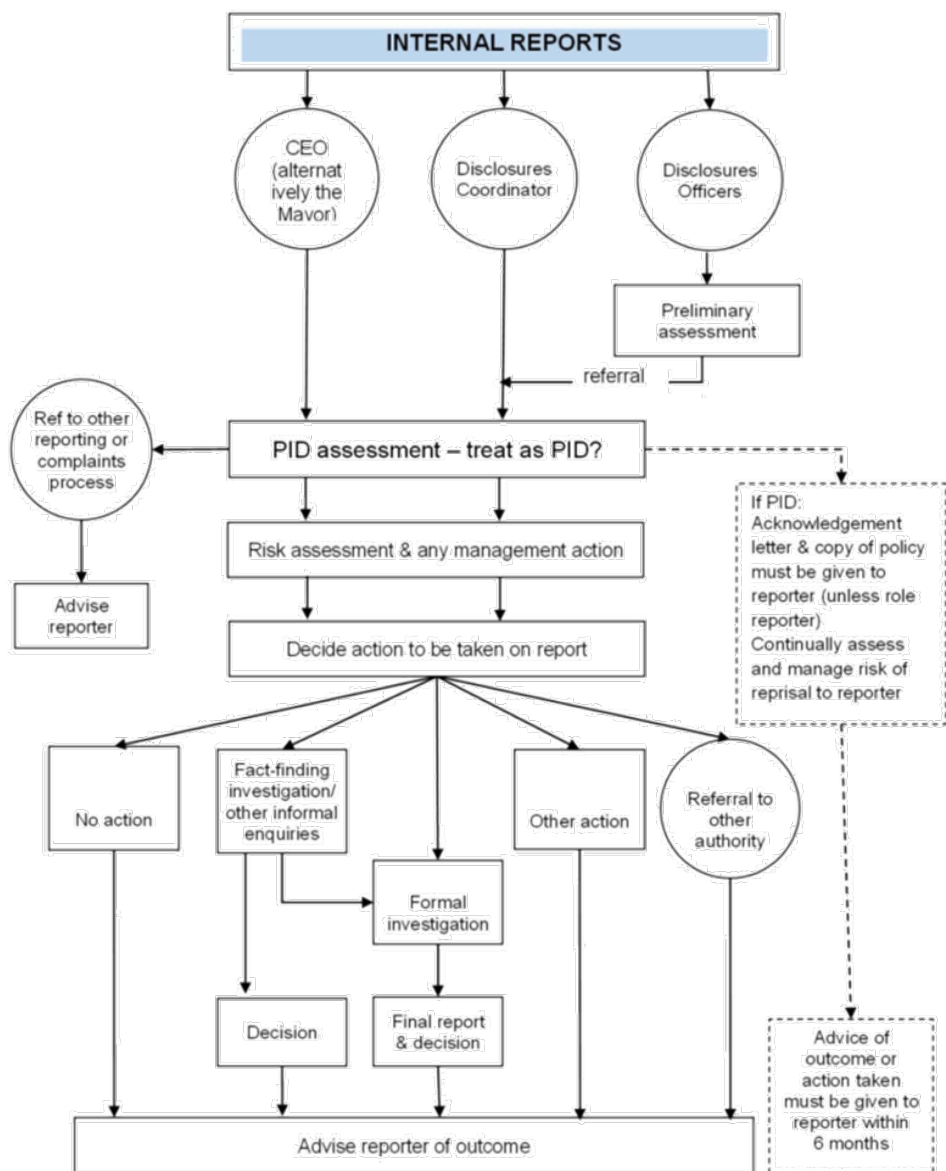
Public
Interest
Disclosures
(PID)
Voluntary
Reporting
Procedure

Version #1



PUBLIC INTEREST DISCLOSURES (PID) POLICY

PID Voluntary Reporting Procedure (P113-001) Associated with Public Interest Disclosures (PID) Policy (POL-113)





PUBLIC INTEREST DISCLOSURES (PID) POLICY



PID Voluntary Reporting Procedure (P113-001) Associated with Public Interest Disclosures (PID) Policy (POL-113)

STEPS:	ACTIONS:
1	Acknowledge that we have received a report and keep the maker of the report informed
2	How MRC will deal with voluntary PIDs?
3	How MRC will protect the confidentiality of the maker of a voluntary PID?
4	How MRC will assess and minimise the risk of detrimental action?
5	How MRC will deal with allegations of a detrimental action offence
6	What MRC will do if an investigation finds that serious wrongdoing has occurred

STEP 1: ACKNOWLEDGEMENT THAT WE HAVE RECEIVED A REPORT AND KEEP THE PERSON WHO MADE IT INFORMED

Section 43(1)(b) of the PID Act

When a MRC Disclosure Officer 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:

ACKNOWLEDGEMENT

You will receive an acknowledgment that the report has been received. This acknowledgment will:

- State that the report will be assessed to identify whether it is a PID;
- State that the PID Act applies to how MRC deals with the report ;
- Provide clear information on how you can access this PID Policy; and
- Provide you with details of a contact person and available supports.

ACCEPTANCE

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; and
- If we decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell you the reasons for this decision. We will also notify the NSW Ombudsman of this decision.

UPDATES

If we decide to investigate the serious wrongdoing, we will provide you with updates on the investigation at least every three months. During this time, if you would like more frequent updates, you should contact the contact person who was nominated when you made the report.

- If we investigate the serious wrongdoing, we will provide you with the following information once the investigation is complete:
 - A description of the results of the investigation — that is, we will tell you whether we found that serious wrongdoing took place.



PUBLIC INTEREST DISCLOSURES (PID) POLICY



PID Voluntary Reporting Procedure (P113-001) Associated with Public Interest Disclosures (PID) Policy (POL-113)

- 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.

FINDINGS

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.

STEP 2: HOW MRC WILL DEAL WITH VOLUNTARY PIDS

Once a report that may be a voluntary PID is received MRC 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.

1.1.1.1 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 Grievance Management Procedure or through an alternate process.

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

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

1.1.1.2 CEASE DEALING WITH REPORT AS VOLUNTARY PID

MRC 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).

Council will provide the maker of a purported PID with reasons as to why it has ceased dealing with the report as a voluntary PID.

A purported PID is one that is made to one if the recipients of voluntary PIDs set out in the PID Act, and it is not a witness or mandatory PID and the maker has stated it is a voluntary PID.

1.1.1.3 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.



PUBLIC INTEREST DISCLOSURES (PID) POLICY



PID Voluntary Reporting Procedure (P113-001) Associated with Public Interest Disclosures (PID) Policy (POL-113)

- 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 Council decide not to investigate a report and to not refer the matter to another agency, we must let you know the reasons for this and notify the NSW Ombudsman.

STEP 3: HOW MRC WILL PROTECT THE CONFIDENTIALITY OF THE MAKER OF A VOLUNTARY PID

Section 43(1)(e) of the PID Act

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 MRC reasonably considers it necessary to disclose the information to protect a person from detriment;
- Where it is necessary the information be disclosed to a person whose interests are affected by the disclosure;
- Where the information has previously been lawfully published;
- When the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information;
- When the information is disclosed for the purposes of proceedings before a court or tribunal;
- When the disclosure of the information is necessary to deal with the disclosure effectively; and/or
- 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:

- Limiting the number of people who are aware of the maker's identity or information that could identify them.
- If we must disclose information that may identify the maker of the PID, we will still not disclose the actual identity of the maker of the PID, unless we have their consent to do so.
- 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.



PUBLIC INTEREST DISCLOSURES (PID) POLICY



PID Voluntary Reporting Procedure (P113-001) Associated with Public Interest Disclosures (PID) Policy (POL-113)

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

- Advising the person whose identity may become known;
- Updating the agency's risk assessment and risk management plan;
- implementing strategies to minimise the risk of detrimental action;
- Providing additional supports to the person who has made the PID; and/or
- Reminding 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.

STEP 4: HOW MRC WILL ASSESS AND MINIMISE THE RISK OF DETRIMENTAL ACTION

Section 43(1)(c) of the PID Act

MRC 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.

MRC 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.

MRC 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 Council Official that will be responsible for undertaking a risk assessment;
- Explaining how MRC will communicate with the maker to identify risks;
- Listing the protections that will be offered, that is, MRC will discuss protection options with the maker which may include remote working or approved leave for the duration of the investigation; and / or
- Outlining what supports will be provided.

Further information on assessing the risk of detrimental action is found in the Ombudsman's guideline 'Agencies — assessing and managing the risk of detrimental action'.

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; or



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- 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.

STEP 5: HOW MRC WILL DEAL WITH ALLEGATIONS OF A DETRIMENTAL ACTION OFFENCE

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

- Take all steps possible to stop the action and protect the person(s);
- 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); or
- Notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

At MRC:

- The CEO is responsible for making referrals about alleged detrimental action offences;
- A victim of detrimental action should speak to their Manager/Supervisor, a Disclosure Officers or Coordinator or the CEO, whichever they feel the most comfortable with; and
- The Council Officer against whom the detrimental action has occurred will be kept updated or proceeding and support offered.

STEP 6: WHAT MRC WILL DO IF AN INVESTIGATION FINDS THAT SERIOUS WRONGDOING HAS OCCURRED

Section 43(1)(f) of the PID Act

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

Corrective action can include:

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

Findings of an investigation will be received by Council's CEO.

The CEO will determine what steps will be taken to address any recommendations in the findings. An will appoint a suitable Council Officer to be responsible for ensuring corrective action takes place.

The maker will then be notified of the proposed or recommended corrective action.