




**murray river council  
and murray river energy  
recommendations**

**centium** 

**strictly confidential**

[from final report 12 May2021]



**SUMMARY OF RECOMMENDATIONS**

FINDING TITLE	RECOMMENDATIONS
Council's involvement with MRE	<ol style="list-style-type: none"> <li>1. Undertake an investigation of the introduction of the MRE project into MRC, in particular matters involving ERC and all persons involved in its introduction, to establish roles and representations made to MRC.</li> <li>2. Develop and implement policies and procedures to ensure that any proposed involvement with commercial activities or joint private partnership projects is appropriately evaluated and documented, prior to committing Council funds or entering into any binding agreement.</li> <li>3. The recommended evaluation process should also involve community consultation and a comprehensive risk assessment, utilising MRC's risk management framework.</li> <li>4. Ensure that developed policies and procedures for the management of significant Council projects include appropriate expertise and probity process to protect MRC from project risks.</li> </ol>
Provision of Loan funds to MRE by Council	<ol style="list-style-type: none"> <li>5. The identified anomalies relating to the Loan Agreement should be subject to formal investigation, including (but not limited to) formal interviews of witnesses and examination of all relevant MRC records.</li> <li>6. Further investigation is also required to verify: <ul style="list-style-type: none"> <li>• If MRC has complied with the Local Government Act 1993, No 30 in relation to the provision of loan funds to MRE</li> <li>• whether funds [REDACTED] were actually used as intended</li> <li>• the specific circumstances of all caveats in place and in particular how funds relating to these were dispersed [REDACTED]</li> <li>• MRC should obtain independent legal advice as to the enforceability of the Loan Agreement against the guarantors and the related advice provided to MRC [REDACTED]</li> </ul> </li> <li>7. MRC should further consider the documentation provided [REDACTED] determine whether these matters are of relevance and should be subject to investigation.</li> </ol>
Acquisition by Council of Lot 3 Main Line Rd	<ol style="list-style-type: none"> <li>8. The acquisition of the land by MRC be subject to investigation to establish if there have been any breaches of the law.</li> <li>9. Council provide updated advice to the ICAC, under the <i>Independent Commission Against Corruption Act 1988 No 35</i>.</li> <li>10. MRC should seek advice from appropriate experts as to whether the use of the land for "special use" requires any change of zoning for the project to be implemented.</li> </ol>

## executive summary

#	FINDING TITLE	RECOMMENDATIONS
6	Council Governance & Risk Management	<ol style="list-style-type: none"><li>11. MRC develop and implement policies and procedures to ensure that all Council projects involving the commitment of Council resources (including economic development projects) are subject to:<ul style="list-style-type: none"><li>• Formal business plans</li><li>• Ongoing financial and non-financial risk assessment within the Council risk management framework</li><li>• Proactive and regular reassessment of delivery of project benefits</li><li>• Detailed file notes of all engagements with the proponents by Council officers.</li></ul></li><li>12. The existing Economic Development and Assistance Policy be reviewed for completeness.</li><li>13. MRC undertake regular reviews of the adequacy of security for funds advanced to the proponents.</li><li>14. MRC provide regular advice to Councillors on costs already incurred and those likely to arise in any ongoing engagement with the proponents.</li><li>15. MRC review existing policies to ensure that engagement by Council staff outside the MRC is subject to appropriate review and supervision.</li><li>16. Council should investigate further if engagements between Council officers, the proponents and community members have complied with the obligations of Council officers to maintain records to support business decisions (including but not limited to the State Records Act 1998).</li><li>17. Further investigation of meetings with the proponents and opponents to the project be undertaken to establish what was disclosed on key matters relevant to the project.</li></ol>



# centium

centium.com.au | exceeding your expectations

© Copyright Centium 2021



Use the below link to follow us on LinkedIn!

<https://www.linkedin.com/company/the-centium-group/>