

## MINUTES ORDINARY COUNCIL - 10 MAY 2016

Councillor Peter Kafer returned to the meeting at 07:37pm.

ITEM NO. 10

FILE NO: 16/321265  
RM8 REF NO: PSC2010-00009

### POLICY REVIEW: INTERNAL REPORTING POLICY

REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER  
GROUP: GENERAL MANAGER'S OFFICE

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#### RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Internal Reporting policy shown at **(ATTACHMENT 1)**.
  - 2) Place the Internal Reporting policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
  - 3) Revoke the Internal Reporting policy dated 11 February 2014, Minute No. 017 **(ATTACHMENT 2)**, should no submissions be received.
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### ORDINARY COUNCIL MEETING - 10 MAY 2016 MOTION

118	<p><b>Councillor John Morello</b> <b>Councillor Paul Le Mottee</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the revised Internal Reporting policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the Internal Reporting policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.</li><li>3) Revoke the Internal Reporting policy dated 11 February 2014, Minute No. 017 <b>(ATTACHMENT 2)</b>, should no submissions be received.</li></ol>
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### BACKGROUND

The purpose of this report is to provide Council with the reviewed Internal Reporting policy (policy). The policy has been reviewed as part of Council's ongoing policy review program.

The policy is based on the model complaint handling policy developed by the NSW Ombudsman and Council's policy has been updated to reflect the new model policy.

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It provides a framework for public interest disclosures to be made to Council by public officials.

The policy details roles and responsibilities of all parties to a public interest disclosure.

The policy is presented for Council's consideration.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens has strong governance and civic leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

### FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

### LEGAL, POLICY AND RISK IMPLICATIONS

As part of good governance this policy will assist Council in managing public interest disclosures. It is a requirement of the *Public Interest Disclosure Act 1994* that Council has a policy in place.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that in the absence of policy framework, Council would not meet the requirements of the <i>Public Interest Disclosure Act 1994</i> .	Low	Adopt the recommendation	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

## **MERGER PROPOSAL IMPLICATIONS**

There are no implications associated with the recommendation.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the General Manager's Office Section.

The *Local Government Act 1993* requires Council to conduct public consultation on policies prior to final adoption.

### Internal

- The Executive Team has been consulted to seek management endorsement.
- The General Manager has been consulted to seek endorsement prior to Council consideration.

### External

- NSW Ombudsman.
- Following Council adoption, the policy will be place on public exhibition in the Port Stephens Examiner and on Council's website.

In accordance with local government legislation the draft Complaint Handling policy will go on public exhibition from 26 May 2016 to 23 June 2016 for 28 days.

## **OPTIONS**

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

## **ATTACHMENTS**

- 1) Revised Internal Reporting policy
- 2) Current Financial Assistance policy

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

## Policy



**FILE NO:** PSC2010-00009  
**TITLE:** INTERNAL REPORTING POLICY  
**POLICY OWNER:** GOVERNANCE MANAGER

### **PURPOSE:**

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

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

This policy is just one in the suite of Port Stephens Council's complaint handling policies.

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

### **CONTEXT/BACKGROUND:**

The PID Act requires Council to establish an internal reporting system. This system allows for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money. The Act commenced operation on 1 March 1995.

A review of the *Protected Disclosures Act 1994*, in 2010 amended the title of the Act to the *Public Interest Disclosures Act 1994*.

### **SCOPE:**

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

This policy will apply to:

- mayor and Councillors;
- permanent employees, whether full-time or part-time, temporary or casual employees;
- consultants;

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- individual contractors and their employees working for Port Stephens Council;
- other people who perform council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.

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

### **2. Roles and responsibilities**

#### **A. The role of council staff and Councillors**

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

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

Staff and Councillors must not:

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

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

#### **B. The role of Port Stephens Council**

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

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

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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 staff and Councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

### **C. Roles of key positions**

#### General Manager

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

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

#### Disclosures Coordinator

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

- assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager);
- deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures;
- coordinate the Council's response to a report;
- acknowledge reports and provide updates and feedback to the reporter;

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- assess whether it is possible and appropriate to keep the reporter's identity confidential;
- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified;
- where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report;
- ensure the Council complies with the PID Act;
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

### Disclosures officers

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

Disclosures officers have a responsibility to:

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

### Mayor

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

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

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### Supervisors and managers

Supervisors and managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and managers are responsible for:

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

### **3. What should be reported?**

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

Reports about five categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the *Government Information (Public Access) Act 2009* (GIPA Act), and local government pecuniary interest contravention – which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act and according to this policy. See below for details about these types of conduct. More information about what can be reported under the PID Act can be found in the NSW Ombudsman's 'Guideline B2: What should be reported?'.

All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the Code of Conduct.

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

#### **A. Corrupt conduct**

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

For example, this could include:

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

### **B. Maladministration**

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

For example, this could include:

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

### **C. Serious and substantial waste of public money**

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

For example, this could include:

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

### **D. Breach of the GIPA Act**

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

For example, this could include:

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

### **E. Local government pecuniary interest contravention**

A local government pecuniary interest contravention is a failure to comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests.

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These include obligations to lodge disclosure of interests returns, disclose pecuniary interests at Council and Council committee meetings and leave the meeting while the matter is being discussed. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

- a senior Council staff member recommending a family member for a Council contract and not declaring the relationship;
- a Councillor participating in consideration of a development application for a property they or their family have an interest in.

### **4. Assessment of reports**

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

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

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

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

- the report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention;
- the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing;
- the report has to be made to either the General Manager or, for reports about the General Manager the Mayor, a position nominated in this policy (see section 6), an investigating authority or in limited circumstances to a Member of Parliament (MP) or journalist (see section 7).

Reports by staff are not public interest disclosures if they:

- mostly question the merits of government policy (see section 15);
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action (see section 16).

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### **6. Who can receive a report within Port Stephens Council?**

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

The following positions are the only people within Council who are authorised to receive a public interest disclosure. Any supervisor who receives a report that they believe may be a public interest disclosure is obliged to assist the staff member to make the report to one of the positions listed below. The broader responsibilities of these positions are outlined under Roles and Responsibilities (section 2).

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

General Manager – phone contact: 4980 0246

Mayor (for reports about the General Manager only) – phone contact: 4980 0245

Disclosures Coordinator – Governance Manager, phone contact: 4980 0187

#### Disclosures Officers

- Organisation Development Manager, phone contact: 4980 0126
- Human Resources Manager, phone contact: 4980 0381
- Legal Services Manager, phone contact: 4980 0377

### **7. Who can receive a report outside of the Council?**

Staff and Councillors are encouraged to report wrongdoing within Council, but internal reporting is not your only option. You can also make a public interest disclosure to:

- An investigating authority;
- A Member of Parliament or a journalist, but only in the limited circumstances outlined below.

#### **A. Investigating authorities**

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

The relevant investigating authorities for the Council are:

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

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

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

### **B. Members of Parliament or journalists**

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager;
- a person nominated in this policy, including the Mayor for reports about the General Manager;
- an investigating authority.

Also, the Council or the investigating authority that received your initial report must have either:

- decided not to investigate the matter;
- decided to investigate the matter, but not completed the investigation within six months of the original report;
- investigated the matter but not recommended any action as a result;
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true (see section 15).

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### **C. Other external reporting**

If you report wrongdoing to a person or authority that is not listed above, or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or the Code of Conduct – by, for example, disclosing confidential information.

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

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

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

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.

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

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

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

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

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

### **A. Acknowledgement**

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

- the timeframe within which you will receive further updates;

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- the name and contact details of the people who can tell you what is happening or handle any concerns you may have.

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

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

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

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

### **B. Progress updates**

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

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

### **C. Feedback**

Once the matter has been finalised you will be given:

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

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### **11. Maintaining confidentiality**

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

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

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

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

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

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

When a staff member or Councillor reports wrongdoing, the Council will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, Council may:

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

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

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### **13. Protection against reprisals**

Council will not tolerate any reprisal against staff or Councillors who report wrongdoing or are believed to have reported wrongdoing.

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

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

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

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

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

#### **A. Responding to allegations of reprisal**

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

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

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

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

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

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

### **B. Protection against legal action**

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

### **14. Support for those reporting wrongdoing**

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

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

## Policy

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## Policy



### **15. Sanctions for making false or misleading statements**

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

### **16. The rights of persons the subject of a report**

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

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

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

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

### **17. Review**

This policy will be reviewed by Council every two years. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

### **18. More information**

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

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### 19. Resources

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

#### For disclosures about corrupt conduct:

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

#### For disclosures about maladministration:

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

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

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

#### For disclosures about local councils:

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

### DEFINITIONS:

An outline of the key definitions of terms included in the policy.

Contractor	A person or organisation engaged by Port Stephens Council.
Contractor employee	A person employed by a contractor of Port Stephens Council.
Corruption	Corrupt conduct is the dishonest or partial exercise of official functions by a public official.
Council	Port Stephens Council.
Council employee	A person employed by Port Stephens Council.
Disclosure Coordinator	The Governance Manager.
Disclosure officers	The Organisation Development Manager, Human Resources Manager and Legal Services Manager.

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GIPA Act	<i>Government Information (Public Access) Act 2009.</i>
ICAC	Independent Commission Against Corruption.
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.
PID Act	<i>Public Interest Disclosure Act 1994.</i>
Public interest disclosure	Is a disclosure of corruption, maladministration or serious and substantial waste.
Serious and substantial waste	Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.

### **POLICY STATEMENT:**

Port Stephens Council is committed to ensuring that disclosures of corruption, maladministration or serious and substantial waste are dealt with in an appropriate way; maintaining confidentiality and providing support for all parties. Council encourages individuals to come forward with any matter that they become aware where wrongdoing may have occurred.

### **POLICY RESPONSIBILITIES:**

- 1) The Mayor and General Manager are responsible for implementing, complying with, monitoring, providing advice on the policy.
- 2) The Governance Manager is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.
- 3) Disclosure officers are responsible for complying with and providing advice on the policy.
- 4) Supervisors and managers are responsible for implementing, complying with, and providing advice on the policy.

### **RELATED DOCUMENTS:**

- 1) Port Stephens Council Code of Conduct
- 2) *Local Government Act 1993*
- 3) *Public Interest Disclosures Act 1994*
- 4) *Government Information (Public Access) Act 2009*
- 5) *Independent Commission Against Corruption Act 1988*

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**CONTROLLED DOCUMENT INFORMATION:**

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<b>RM8 container No</b>	PSC2010-00009	<b>RM8 record No</b>	
<b>Audience</b>	Mayor, Councillors, staff, contractors, volunteers		
<b>Process owner</b>	Governance Manager		
<b>Author</b>	Governance Manager		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	30 April 2018
<b>Adoption date</b>			

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	14/12/2010	Executive Officer	Adopted by Council	409
2.0	11/2/2014	Executive Officer	Adopted by Council	017
3.0		Governance Manager	Updated with the new model policy of the NSW Ombudsman and transferred to the new policy template.	

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# *Port Stephens*

## C.O.U.N.C.I.L

### **POLICY**

Adopted: 14/12/2010  
Minute No: 409  
Amended: 11/02/2014  
Minute No: 017

**FILE NO:     PSC2010-00009**

**TITLE:             INTERNAL REPORTING POLICY**

**REPORT OF   EXECUTIVE OFFICER**

#### **BACKGROUND**

The *Protected Disclosure Act 1994* requires Council to establish an internal reporting system. This system allows for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money. The Act commenced operation on 1 March 1995.

A review of the *Protected Disclosures Act 1994*, in 2010 has changed the name of the Act to the *Public Interest Disclosures Act 1994 (the Act)*.

#### **OBJECTIVE**

The purpose of the Act is to ensure that public officials who wish to make disclosures under the legislation receive protection from reprisals, and that the matters raised in the disclosures are properly investigated.

The Act aims to encourage and facilitate the disclosure - in the public interest - of corrupt conduct, maladministration and serious and substantial waste in the public sector. This is achieved by:

- enhancing and augmenting established procedures for making disclosures concerning such matters;
- protecting persons from reprisals that might otherwise be inflicted on them because of these disclosures; and
- providing for those disclosures to be properly investigated and dealt with.

#### **PRINCIPLES**

- 1) To provide an internal reporting system for public officials to disclose corrupt conduct, maladministration, or serious and substantial waste of public money.
- 2) To encourage public officials to make disclosures when they become aware of them.

#### **POLICY STATEMENT**

**ITEM 10 - ATTACHMENT 2 CURRENT FINANCIAL ASSISTANCE POLICY****1. What should be reported?**

You should report any suspected wrongdoing you see within Port Stephens Council. Reports about the five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention, and local government pecuniary interest contravention – will be dealt with under the PID Act as public interest disclosures and according to this policy.

**a. Corrupt conduct**

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

For example, this could include:

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

For more information about corrupt conduct, see the NSW Ombudsman's guideline on what can be reported.

**b. Maladministration**

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

For example, this could include:

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

For more information about maladministration, see the NSW Ombudsman's guideline on what can be reported.

**c. Serious and substantial waste in local government**

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of the council.

For example, this could include:

- poor project management practices leading to projects running over time
- having poor or no processes in place for a system involving large amounts of public funds.

For more information about serious and substantial waste, see the NSW Ombudsman's guideline on what can be reported.

**d. Government information contravention**

A government information contravention is a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009* (GIPA Act).

For example, this could include:

**ITEM 10 - ATTACHMENT 2 CURRENT FINANCIAL ASSISTANCE POLICY**

- 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.

For more information about government information contravention, see the NSW Ombudsman's guideline on what can be reported.

**e. Local government pecuniary interest contravention**

A local government pecuniary interest contravention is a failure to fulfil certain functions under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, lodge written declarations and disclose pecuniary interests at council and council committee meetings. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

- a senior council staff member recommending a family member for a council contract and not declaring the relationship
- a general manager holding an undisclosed shareholding in a company competing for a council contract

For more information about local government pecuniary interest contravention, see the NSW Ombudsman's guideline on what can be reported.

**f. Other wrongdoing**

Although reports about the previous four categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong.

For example, these could include:

- harassment or unlawful discrimination
- reprisal action against a person who has reported wrongdoing
- practices that endanger the health or safety of staff or the public.

These types of issues should be reported to a supervisor, in line with Council's policies, such as the grievance procedures, Code of Conduct and associated Procedures.

Even if these reports are not dealt with as public interest disclosures, Council will consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

**2. When will a report be protected?**

Port Stephens Council will support any person that reports wrongdoing. For a report to be considered a public interest disclosure, it has to meet all of the requirements under the PID Act. These requirements are:

- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.
- The report has to be made to a position nominated in this policy (see section 9) or an investigating authority (see section 10).



**ITEM 10 - ATTACHMENT 2 CURRENT FINANCIAL ASSISTANCE POLICY**

Reports by staff and Councillors will not be considered to be public interest disclosures if they:

- mostly question the merits of the policy of the governing body of the council.
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

**3. How to make a report**

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

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

The reports/advice can be made to or sought from:

- The Disclosure Coordinator – Executive Officer/Public Officer, ph: 4980 0187
- The Disclosure Officer – Human Resources Manager, ph: 4980 0126

**4. Can a report be anonymous?**

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified. If we do not know who made the report, it is very difficult for us to prevent any reprisal action.

**5. Maintaining confidentiality**

Council realises many staff will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing.

We are committed to keeping your identity, and the fact you have reported wrongdoing, confidential. However there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under the Council's Code of Conduct, as this may mean certain information will have to be tabled at a Council meeting.

If you report wrongdoing, it is important that you only discuss your report with the staff of Council responsible to deal with it. This will include the Disclosures Coordinator and the General Manager. In the case of a report about the General Manager, you should only discuss your report with the Disclosures Coordinator and the Mayor.

Where your complaint is made under the Council's Code of Conduct and relates to the General Manager or a Councillor, you may be required to discuss it with a conduct reviewer.

**ITEM 10 - ATTACHMENT 2 CURRENT FINANCIAL ASSISTANCE POLICY****6. Who can receive a report within Port Stephens Council**

You are encouraged to report general wrongdoing to your supervisor. However the PID Act requires that for a report to be a public interest disclosure, it must be made to a public official in accordance with the Council's disclosure procedures - this means this policy and any supporting procedures.

Any supervisor who receives a report that they believe may be a public interest disclosure must refer the individual making the report to one of the positions listed below.

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

The following positions are the only staff within Council who can receive a public interest disclosure.

- The Disclosure Coordinator – Executive Officer/Public Officer, ph: 4980 0187
- The Disclosure Officer – Human Resources Manager, ph: 4980 0126
- The General Manager – ph: 4980 0246
- The Mayor – ph: 4980 245

**a. General manager**

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified
- ensuring there are systems in place in to support and protect people who report wrongdoing
- dealing with disclosures made under the council's code of conduct in accordance with the council's adopted code of conduct procedures
- referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The General Manager's contact details – ph: 4980 0246.

**b. Mayor**

If you are making a report about the General Manager, you should make your report to the Mayor. They are responsible for:

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.
- dealing with disclosures made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures.

The Mayor must make sure there are systems in place in Council to support and protect people who report wrongdoing.

**ITEM 10 - ATTACHMENT 2 CURRENT FINANCIAL ASSISTANCE POLICY**

If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The Mayor's contact details – ph: 4980 0245.

**c. Disclosures coordinator**

The Disclosures Coordinator has a central role in dealing with reports made by staff and Councillors. They receive them, assess them, and refer them to the people within or contracted by the council to be dealt with appropriately.

The Disclosure Coordinator's contact details – Executive Officer/Public Officer, ph: 4980 0187

**d. Disclosures officers**

Disclosures officers are responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy.

The Disclosure Officer's contact details Human Resources Manager, ph: 4980 0126

**7. Who can receive a report outside of Council**

Staff and Councillors are encouraged to report wrongdoing within Port Stephens Council, but internal reporting is not your only option. If you follow the guidance below, you can make a public interest disclosure to:

- an investigating authority. If your report is about both the General Manager and the Mayor, you may wish to consider making the report to an investigating authority.
- a Member of Parliament or a journalist, but only in limited circumstances outlined below.

**a. Investigating authorities**

The PID Act lists a number of investigating authorities in NSW that staff and Councillors can report wrongdoing to and the categories of wrongdoing each authority can deal with.

In relation to council, these authorities are:

- the Independent Commission Against Corruption (ICAC) — for corrupt conduct
- the Ombudsman — for maladministration
- the Chief Executive of the Office of Local Government, Department of Premier and Cabinet — for disclosures about local government agencies
- the Information Commissioner — for disclosures about a government information contravention.

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

You should be aware that it is very likely the investigating authority will discuss the case with Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to individuals who report wrongdoing to an investigating authority.

**ITEM 10 - ATTACHMENT 2 CURRENT FINANCIAL ASSISTANCE POLICY****b. Members of Parliament or journalists**

To have the protections of the PID Act, a person reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager
- a person nominated in this policy
- an investigating authority in accordance with the PID Act.

Also, Council or the investigating authority that received the report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or our code of conduct – by, for example, disclosing confidential information.

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

**8. Feedback to the individual who reported wrongdoing**

The individual who reported wrongdoing will be told what is happening in response to their report.

When you make a report, you will be given:

- an acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening.

The PID Act requires that you are provided with an acknowledgement letter and a copy of this policy within 45 days after you have made your report. We will attempt to get this information to you within two working days from the date you make your report.

After a decision is made about how your report will be dealt with, you will be given:

- information about the action that will be taken in response to your report
- likely timeframes for any investigation
- information about the resources available within Council to handle any concerns you may have
- information about external agencies and services you can access for support.

This information will be given to you within 10 working days from the date you make your report.

**ITEM 10 - ATTACHMENT 2 CURRENT FINANCIAL ASSISTANCE POLICY**

During any investigation, you will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, you will be given:

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

Behaviour of all people involved in the PID process needs to adhere to Council's Code of Conduct. A breach of the Code of Conduct could result in disciplinary action.

## **9. Protection against reprisals**

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the public interest disclosure. It may also be a breach of the Council's Code of Conduct.

Council will not tolerate any reprisal action against a person who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.

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

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

### **a. Responding to reprisals**

Council will act to protect those who report wrongdoing from reprisals.

When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff or Councillor who reported the wrongdoing, as well as strategies to deal with those risks.

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately, or in the case of an allegation of reprisal action by the General Manager, the Mayor.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the Disclosures Coordinator or the General Manager, or in the case of an allegation of reprisal by the General Manager, to the Mayor.

**ITEM 10 - ATTACHMENT 2 CURRENT FINANCIAL ASSISTANCE POLICY**

If the Disclosures Coordinator becomes aware of or reasonably suspects that reprisal action is or has been taken against a person who has made a disclosure, they will ensure that the matter is reported under the Council's Code of Conduct and dealt with in accordance with the Council's Code of Conduct procedures.

If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.

The General Manager may issue specific directions to help protect against reprisals, including:

- issuing warnings to those alleged to have taken reprisal action against the individual who made the disclosure
- relocating the member of staff who made the disclosure or an officer the subject of the allegations within the current workplace
- transferring the member of staff who made the disclosure or the staff member who is the subject of the allegations to another position for which they are qualified
- granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

In relation to staff who make reports, such directions will only be made if the member of staff agrees to it. The Disclosures Coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman, the ICAC, or the Chief Executive of the Office of Local Government – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

**b. Protection against legal action**

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

**10. Support for those reporting wrongdoing**

Council will make sure that staff who have reported wrongdoing, regardless of whether they have made a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management, counselling services, legal or career advice.

We also have staff that will provide support for those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal.

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<b>Name</b>	<b>Location</b>	<b>Telephone</b>	<b>Email</b>
Lise Campbell	Organisation Development	4980 0387	lise.campbell@portstephens.nsw.gov.au
Debbie Turner	Administration	4980 0266	Debbie.turner@portstephens.nsw.gov.au
Steven Bemasconi	Technical Professional	4980 0162	Steve.bemasconi@portstephens.nsw.gov.au
Jennifer Hope	Library Services	4987 2221	Jenny.hope@portstephens.nsw.gov.au
Sharon Stemp	Children's Services	4980 0337	Sharon.stemp@@portstephens.nsw.gov.au
Paul Lyons	Trades		Paul.lyons@portstephens.nsw.gov.au
John Lowson	Operations		John.lowson@portstephens.nsw.gov.au
Michelle Page	Ageing and Disability	4980 0260	Michelle.page@portstephens.nsw.gov.au
Michelle Gilliver – Smith	Human Resources	4980 0126	michelle.gilliversmith@portstephens.nsw.gov.au

All supervisors must notify the Disclosures Coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

### **11. Sanctions for making false or misleading disclosures**

It is important that all staff and councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. It may also be a breach of the Council's Code of Conduct and may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the Local Government Act 1993 and may include suspension or disqualification from civic office.

**12. Support for the subject of a report**

Port Stephens Council is committed to ensuring people who are the subject of a report of wrongdoing are treated fairly and reasonably. If you are the subject of a report, you will be:

- treated fairly and impartially
- told your rights and obligations under our policies and procedures
- kept informed during any investigation
- given the opportunity to respond to any allegation made against you
- told the result of any investigation.

**13. More information**

Staff and councillors can access advice and guidance from the Disclosures Coordinator and the NSW Ombudsman's website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

**14. Resources**

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

**For disclosures about corrupt conduct:**

Independent Commission Against

Corruption (ICAC)

Phone: 02 8281 5999

Toll free: 1800 463 909

Tel. typewriter (TTY): 02 8281 5773

Facsimile: 02 9264 5364

Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)

Web: [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)

Address: Level 21, 133 Castlereagh Street,  
Sydney NSW 2000

**For disclosures about maladministration:**

NSW Ombudsman

Phone: 02 9286 1000

Toll free (outside Sydney metro): 1800 451  
524

Tel. typewriter (TTY): 02 9264 8050

Facsimile: 02 9283 2911

Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)

Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

Address: Level 24, 580 George Street, Sydney  
NSW 2000

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

Information Commissioner

Toll free: 1800 463 626

Facsimile: 02 8114 3756

Email: [oiinfo@oic.nsw.gov.au](mailto:oiinfo@oic.nsw.gov.au)

Web: [www.oic.nsw.gov.au](http://www.oic.nsw.gov.au)

Address: Level 11, 1 Castlereagh Street,  
Sydney NSW 2000

**For disclosures about council:**

Chief Executive, Office of Local Government  
in the Department of Premier and Cabinet

Phone: 02 4428 4100

Tel. typewriter (TTY): 02 4428 4209

Facsimile: 02 4428 4199

Email: [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au)

Web: [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au)

Address: 5 O'Keefe Avenue, Nowra, NSW  
2541

**RELATED POLICIES**

Code of Conduct



**ITEM 10 - ATTACHMENT 2     CURRENT FINANCIAL ASSISTANCE POLICY**

**SUSTAINABILITY IMPLICATIONS**

The policy provides a mechanism for reporting of corrupt conduct, maladministration and serious or substantial waste of Council resources or money. Through the reporting of such matters should they occur Council would be provided with a potential economic benefit in the reduction of waste.

**RELEVANT LEGISLATIVE PROVISIONS**

*Public Interest Disclosures Act 1994*  
*Local Government Act 1993*

**IMPLEMENTATION RESPONSIBILITY**

Executive Officer

**PROCESS OWNER**

Executive Officer

**REVIEW DATE**

11/02/2016

**ITEM NO. 11****FILE NO: 16/321276  
RM8 REF NO: A2004-0195****POLICY REVIEW: PECUNIARY INTEREST RETURNS - LODGEMENT POLICY****REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER  
GROUP: GENERAL MANAGER'S OFFICE**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Pecuniary Interest Returns – Lodgement policy shown at **(ATTACHMENT 1)**.
  - 2) Place the Pecuniary Interest Returns – Lodgement policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
  - 3) Revoke the Pecuniary Interest Returns – Lodgement policy dated 11 February 2014, Minute No. 018 **(ATTACHMENT 2)**, should no submissions be received.
- 

**ORDINARY COUNCIL MEETING - 10 MAY 2016  
MOTION**

<b>119</b>	<b>Councillor Paul Le Mottee Councillor Ken Jordan</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Endorse the revised Pecuniary Interest Returns – Lodgement policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the Pecuniary Interest Returns – Lodgement policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.</li><li>3) Revoke the Pecuniary Interest Returns – Lodgement policy dated 11 February 2014, Minute No. 018 <b>(ATTACHMENT 2)</b>, should no submissions be received.</li></ol>
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**BACKGROUND**

The purpose of this report is to provide Council with the reviewed Pecuniary Interest Returns – Lodgement policy (policy). The policy has been reviewed as part of Council's ongoing policy review program.

The policy provides a framework for management and compliance of the Local Government Act 1993 with regard to councillors and designated persons.

## MINUTES ORDINARY COUNCIL - 10 MAY 2016

The policy is presented for Council's consideration.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens has strong governance and civic leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

### FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

### LEGAL, POLICY AND RISK IMPLICATIONS

As part of good governance this policy will assist Council in managing returns lodged under the Local Government Act 1993, for councillors and designated persons.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that in the absence of a policy framework, pecuniary interest returns may not be lodged on time and in accordance with the <i>Local Government Act 1993</i> .	Low	Adopt the recommendation	Yes

### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

## **MERGER PROPOSAL IMPLICATIONS**

There are no implications associated with the recommendation.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the General Manager's Office Section.

The *Local Government Act 1993* requires Council to conduct public consultation on policies prior to final adoption.

### Internal

- The Executive Team has been consulted to seek management endorsement.
- The General Manager has been consulted to seek endorsement prior to Council consideration.

### External

- Following Council adoption, the policy will be place on public exhibition in the Port Stephens Examiner and on Council's website.

In accordance with local government legislation the draft Pecuniary Interest Returns – Lodgement policy will go on public exhibition from 26 May 2016 to 23 June 2016 for 28 days.

## **OPTIONS**

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

## **ATTACHMENTS**

- 1) Pecuniary Interest Returns - Lodgement policy
- 2) Current Pecuniary Interest Returns - Lodgement policy

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

ITEM 11 - ATTACHMENT 1      PECUNIARY INTEREST RETURNS - LODGEMENT  
POLICY

Policy



**FILE NO:** A2004-0195

**TITLE:** PECUNIARY INTEREST RETURNS - LODGEMENT

**POLICY OWNER:** GOVERNANCE MANAGER

**PURPOSE:**

The purpose of this policy is to ensure compliance with Chapter 14 of the *Local Government Act 1993*.

Chapter 14 relates to pecuniary interest responsibilities of the mayor, councillors and those staff identified as designated persons under the Act.

**CONTEXT/BACKGROUND:**

The *Local Government Act 1993* requires the Mayor, Councillors and designated persons to make a disclosure within three months of being elected to Council or commencing with Council. Following this period an annual disclosure is also required to be made after June 30 each year and before September 30 of the same year.

**SCOPE:**

- 1) In May each year a report will be submitted to Council to confirm the list of designated persons.
- 2) Councillors and designated persons will be provided with an information brochure, copy of previous return and an original pecuniary interest form by the 15 July of each year.
- 3) The information brochure should include:
  - Responsibilities of Councillors and designated persons under the Act;
  - Information required on the pecuniary interest form;
  - Acceptable method of completing the pecuniary interest form;
  - Responsibilities of staff processing the forms;
  - Due date;
  - Consequences of late returns.
- 4) Monthly reminders to be sent to designated persons if they have not forwarded their returns – including a final reminder on or around 23 September.
- 5) All returns should be lodged with the General Manager or Executive Administration Coordinator no later than 5pm on the 30 September of each year.
- 6) Upon receipt of returns the Executive Administration Coordinator will:

Policy

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ITEM 11 - ATTACHMENT 1      PECUNIARY INTEREST RETURNS - LODGEMENT  
POLICY

## Policy



- provide written receipt to the Councillor or designated person and a copy filing in the records management system (RM8);
  - check the return to ensure that it has been completed (to best of your knowledge) particularly that it has been dated and signed;
  - complete the date the return was received;
  - file the return in the Pecuniary Interest Register;
  - store the Pecuniary Interest Register in the strong room for safe keeping.
- 7) Under no circumstances is a third party (for example a staff member) to complete pecuniary interest returns on behalf of a Councillor or a designated person.
- 8) Should Councillors or designated persons require a computer print out of their property or properties they should formally request the Executive Administration Coordinator to provide a computer printout of property/s owned in the local government area. Once the computer property print out is obtained, the computer print out should be transcribed by the Councillor or designated person onto the form or onto an attachment (other than Council's original computer print out).
- 9) Forms are to be made available from the General Manager's Office from 30 June each year.
- 10) All lodged returns are to be tabled at the first Council meeting after 30 September together with a report identifying any failures to lodge.
- 11) Report to the Division of Local Government any person who fails to lodge a Return required by Section 449.

### DEFINITIONS:

An outline of the key definitions of terms included in the policy.

Act	<i>Local Government Act 1993.</i>
Designated person	an employee, volunteer, contractor of Port Stephens Council.
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.

### POLICY STATEMENT:

The objectives of this policy are to:

- 1) Inform the Mayor, Councillors and all designated persons of their responsibilities under the Act.
- 2) Provide transparency for the community.
- 3) Assist Mayor, Councillors and all designated persons to identify potential areas of conflict of interest.

## Policy

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ITEM 11 - ATTACHMENT 1 PECUNIARY INTEREST RETURNS - LODGEMENT POLICY

Policy



**POLICY RESPONSIBILITIES:**

- 1) The Governance Manager is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.
- 2) Mayor, Councillors and designated persons are responsible for complying with the policy.
- 3) Executive Administration Coordinator is responsible for assisting with the implementation of the policy.

**RELATED DOCUMENTS:**

- 1) *Local Government Act 1993*
- 2) Code of Conduct
- 3) Pecuniary Interest Register

**CONTROLLED DOCUMENT INFORMATION:**

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<b>RM8 container No</b>	A2004-0195	<b>RM8 record No</b>	
<b>Audience</b>	Mayor, Councillors and designated persons		
<b>Process owner</b>	Governance Manager		
<b>Author</b>	Governance Manager		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	April 2018
<b>Adoption date</b>	11 February 2014		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	09/05/1995	Assistant General Manager	Adopted by Council	185
2.0	19/10/2004	Governance Officer	Adopted by Council	375
3.0	11/02/2014	Executive Officer	Adopted by Council	018
4.0		Governance Manager	Transfer policy into the new policy template.	

Policy

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ITEM 11 - ATTACHMENT 1    PECUNIARY INTEREST RETURNS - LODGEMENT  
POLICY

Policy

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Policy

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ITEM 11 - ATTACHMENT 2      CURRENT PECUNIARY INTEREST RETURNS -  
LODGEMENT POLICY

*Port Stephens*  
C.O.U.N.C.I.L

POLICY

Adopted: 14/12/2010  
Minute No: 409  
Amended: 11/02/2014  
Minute No: 017

FILE NO:      PSC2010-00009

TITLE:          INTERNAL REPORTING POLICY

REPORT OF    EXECUTIVE OFFICER

**BACKGROUND**

The *Protected Disclosure Act 1994* requires Council to establish an internal reporting system. This system allows for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money. The Act commenced operation on 1 March 1995.

A review of the *Protected Disclosures Act 1994*, in 2010 has changed the name of the Act to the *Public Interest Disclosures Act 1994 (the Act)*.

**OBJECTIVE**

The purpose of the Act is to ensure that public officials who wish to make disclosures under the legislation receive protection from reprisals, and that the matters raised in the disclosures are properly investigated.

The Act aims to encourage and facilitate the disclosure - in the public interest - of corrupt conduct, maladministration and serious and substantial waste in the public sector. This is achieved by:

- enhancing and augmenting established procedures for making disclosures concerning such matters;
- protecting persons from reprisals that might otherwise be inflicted on them because of these disclosures; and
- providing for those disclosures to be properly investigated and dealt with.

**PRINCIPLES**

- 1) To provide an internal reporting system for public officials to disclose corrupt conduct, maladministration, or serious and substantial waste of public money.
- 2) To encourage public officials to make disclosures when they become aware of them.

**POLICY STATEMENT**

**ITEM 11 - ATTACHMENT 2 CURRENT PECUNIARY INTEREST RETURNS - LODGEMENT POLICY****1. What should be reported?**

You should report any suspected wrongdoing you see within Port Stephens Council. Reports about the five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention, and local government pecuniary interest contravention – will be dealt with under the PID Act as public interest disclosures and according to this policy.

**a. Corrupt conduct**

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

For example, this could include:

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

For more information about corrupt conduct, see the NSW Ombudsman's guideline on what can be reported.

**b. Maladministration**

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

For example, this could include:

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

For more information about maladministration, see the NSW Ombudsman's guideline on what can be reported.

**c. Serious and substantial waste in local government**

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of the council.

For example, this could include:

- poor project management practices leading to projects running over time
- having poor or no processes in place for a system involving large amounts of public funds.

For more information about serious and substantial waste, see the NSW Ombudsman's guideline on what can be reported.

**d. Government information contravention**

A government information contravention is a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009* (GIPA Act).

For example, this could include:

**ITEM 11 - ATTACHMENT 2 CURRENT PECUNIARY INTEREST RETURNS - LODGEMENT POLICY**

- 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.

For more information about government information contravention, see the NSW Ombudsman's guideline on what can be reported.

**e. Local government pecuniary interest contravention**

A local government pecuniary interest contravention is a failure to fulfil certain functions under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, lodge written declarations and disclose pecuniary interests at council and council committee meetings. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

- a senior council staff member recommending a family member for a council contract and not declaring the relationship
- a general manager holding an undisclosed shareholding in a company competing for a council contract

For more information about local government pecuniary interest contravention, see the NSW Ombudsman's guideline on what can be reported.

**f. Other wrongdoing**

Although reports about the previous four categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong.

For example, these could include:

- harassment or unlawful discrimination
- reprisal action against a person who has reported wrongdoing
- practices that endanger the health or safety of staff or the public.

These types of issues should be reported to a supervisor, in line with Council's policies, such as the grievance procedures, Code of Conduct and associated Procedures.

Even if these reports are not dealt with as public interest disclosures, Council will consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

**2. When will a report be protected?**

Port Stephens Council will support any person that reports wrongdoing. For a report to be considered a public interest disclosure, it has to meet all of the requirements under the PID Act. These requirements are:

- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.
- The report has to be made to a position nominated in this policy (see section 9) or an investigating authority (see section 10).

**ITEM 11 - ATTACHMENT 2 CURRENT PECUNIARY INTEREST RETURNS - LODGEMENT POLICY**

Reports by staff and Councillors will not be considered to be public interest disclosures if they:

- mostly question the merits of the policy of the governing body of the council.
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

**3. How to make a report**

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

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

The reports/advice can be made to or sought from:

- The Disclosure Coordinator – Executive Officer/Public Officer, ph: 4980 0187
- The Disclosure Officer – Human Resources Manager, ph: 4980 0126

**4. Can a report be anonymous?**

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified. If we do not know who made the report, it is very difficult for us to prevent any reprisal action.

**5. Maintaining confidentiality**

Council realises many staff will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing.

We are committed to keeping your identity, and the fact you have reported wrongdoing, confidential. However there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under the Council's Code of Conduct, as this may mean certain information will have to be tabled at a Council meeting.

If you report wrongdoing, it is important that you only discuss your report with the staff of Council responsible to deal with it. This will include the Disclosures Coordinator and the General Manager. In the case of a report about the General Manager, you should only discuss your report with the Disclosures Coordinator and the Mayor.

Where your complaint is made under the Council's Code of Conduct and relates to the General Manager or a Councillor, you may be required to discuss it with a conduct reviewer.

**ITEM 11 - ATTACHMENT 2      CURRENT PECUNIARY INTEREST RETURNS -  
LODGEMENT POLICY****6.      Who can receive a report within Port Stephens Council**

You are encouraged to report general wrongdoing to your supervisor. However the PID Act requires that for a report to be a public interest disclosure, it must be made to a public official in accordance with the Council's disclosure procedures - this means this policy and any supporting procedures.

Any supervisor who receives a report that they believe may be a public interest disclosure must refer the individual making the report to one of the positions listed below.

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

The following positions are the only staff within Council who can receive a public interest disclosure.

- The Disclosure Coordinator – Executive Officer/Public Officer, ph: 4980 0187
- The Disclosure Officer – Human Resources Manager, ph: 4980 0126
- The General Manager – ph: 4980 0246
- The Mayor – ph: 4980 245

**a. General manager**

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified
- ensuring there are systems in place in to support and protect people who report wrongdoing
- dealing with disclosures made under the council's code of conduct in accordance with the council's adopted code of conduct procedures
- referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The General Manager's contact details – ph: 4980 0246.

**b. Mayor**

If you are making a report about the General Manager, you should make your report to the Mayor. They are responsible for:

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.
- dealing with disclosures made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures.

The Mayor must make sure there are systems in place in Council to support and protect people who report wrongdoing.

**ITEM 11 - ATTACHMENT 2      CURRENT PECUNIARY INTEREST RETURNS -  
LODGEMENT POLICY**

If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The Mayor's contact details – ph: 4980 0245.

**c. Disclosures coordinator**

The Disclosures Coordinator has a central role in dealing with reports made by staff and Councillors. They receive them, assess them, and refer them to the people within or contracted by the council to be dealt with appropriately.

The Disclosure Coordinator's contact details – Executive Officer/Public Officer, ph: 4980 0187

**d. Disclosures officers**

Disclosures officers are responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy.

The Disclosure Officer's contact details – Human Resources Manager, ph: 4980 0126

**7. Who can receive a report outside of Council**

Staff and Councillors are encouraged to report wrongdoing within Port Stephens Council, but internal reporting is not your only option. If you follow the guidance below, you can make a public interest disclosure to:

- an investigating authority. If your report is about both the General Manager and the Mayor, you may wish to consider making the report to an investigating authority.
- a Member of Parliament or a journalist, but only in limited circumstances outlined below.

**a. Investigating authorities**

The PID Act lists a number of investigating authorities in NSW that staff and Councillors can report wrongdoing to and the categories of wrongdoing each authority can deal with.

In relation to council, these authorities are:

- the Independent Commission Against Corruption (ICAC) — for corrupt conduct
- the Ombudsman — for maladministration
- the Chief Executive of the Office of Local Government, Department of Premier and Cabinet — for disclosures about local government agencies
- the Information Commissioner — for disclosures about a government information contravention.

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

You should be aware that it is very likely the investigating authority will discuss the case with Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to individuals who report wrongdoing to an investigating authority.

**ITEM 11 - ATTACHMENT 2 CURRENT PECUNIARY INTEREST RETURNS - LODGEMENT POLICY****b. Members of Parliament or journalists**

To have the protections of the PID Act, a person reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager
- a person nominated in this policy
- an investigating authority in accordance with the PID Act.

Also, Council or the investigating authority that received the report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or our code of conduct – by, for example, disclosing confidential information.

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

**8. Feedback to the individual who reported wrongdoing**

The individual who reported wrongdoing will be told what is happening in response to their report.

When you make a report, you will be given:

- an acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening.

The PID Act requires that you are provided with an acknowledgement letter and a copy of this policy within 45 days after you have made your report. We will attempt to get this information to you within two working days from the date you make your report.

After a decision is made about how your report will be dealt with, you will be given:

- information about the action that will be taken in response to your report
- likely timeframes for any investigation
- information about the resources available within Council to handle any concerns you may have
- information about external agencies and services you can access for support.

This information will be given to you within 10 working days from the date you make your report.

**ITEM 11 - ATTACHMENT 2 CURRENT PECUNIARY INTEREST RETURNS - LODGEMENT POLICY**

During any investigation, you will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, you will be given:

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

Behaviour of all people involved in the PID process needs to adhere to Council's Code of Conduct. A breach of the Code of Conduct could result in disciplinary action.

## **9. Protection against reprisals**

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the public interest disclosure. It may also be a breach of the Council's Code of Conduct.

Council will not tolerate any reprisal action against a person who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.

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

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

### **a. Responding to reprisals**

Council will act to protect those who report wrongdoing from reprisals.

When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff or Councillor who reported the wrongdoing, as well as strategies to deal with those risks.

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately, or in the case of an allegation of reprisal action by the General Manager, the Mayor.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the Disclosures Coordinator or the General Manager, or in the case of an allegation of reprisal by the General Manager, to the Mayor.



**ITEM 11 - ATTACHMENT 2      CURRENT PECUNIARY INTEREST RETURNS -  
LODGEMENT POLICY**

If the Disclosures Coordinator becomes aware of or reasonably suspects that reprisal action is or has been taken against a person who has made a disclosure, they will ensure that the matter is reported under the Council's Code of Conduct and dealt with in accordance with the Council's Code of Conduct procedures.

If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.

The General Manager may issue specific directions to help protect against reprisals, including:

- issuing warnings to those alleged to have taken reprisal action against the individual who made the disclosure
- relocating the member of staff who made the disclosure or an officer the subject of the allegations within the current workplace
- transferring the member of staff who made the disclosure or the staff member who is the subject of the allegations to another position for which they are qualified
- granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

In relation to staff who make reports, such directions will only be made if the member of staff agrees to it. The Disclosures Coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman, the ICAC, or the Chief Executive of the Office of Local Government – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

**b. Protection against legal action**

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

**10. Support for those reporting wrongdoing**

Council will make sure that staff who have reported wrongdoing, regardless of whether they have made a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management, counselling services, legal or career advice.

We also have staff that will provide support for those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal.

**ITEM 11 - ATTACHMENT 2 CURRENT PECUNIARY INTEREST RETURNS - LODGEMENT POLICY**

<b>Name</b>	<b>Location</b>	<b>Telephone</b>	<b>Email</b>
Lise Campbell	Organisation Development	4980 0387	lise.campbell@portstephens.nsw.gov.au
Debbie Turner	Administration	4980 0266	Debbie.turner@portstephens.nsw.gov.au
Steven Bemasconi	Technical Professional	4980 0162	Steve.bemasconi@portstephens.nsw.gov.au
Jennifer Hope	Library Services	4987 2221	Jenny.hope@portstephens.nsw.gov.au
Sharon Stemp	Children's Services	4980 0337	Sharon.stemp@@portstephens.nsw.gov.au
Paul Lyons	Trades		Paul.lyons@portstephens.nsw.gov.au
John Lowson	Operations		John.lowson@portstephens.nsw.gov.au
Michelle Page	Ageing and Disability	4980 0260	Michelle.page@portstephens.nsw.gov.au
Michelle Gilliver – Smith	Human Resources	4980 0126	michelle.gilliversmith@portstephens.nsw.gov.au

All supervisors must notify the Disclosures Coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

### **11. Sanctions for making false or misleading disclosures**

It is important that all staff and councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. It may also be a breach of the Council's Code of Conduct and may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the Local Government Act 1993 and may include suspension or disqualification from civic office.

**ITEM 11 - ATTACHMENT 2 CURRENT PECUNIARY INTEREST RETURNS - LODGEMENT POLICY****12. Support for the subject of a report**

Port Stephens Council is committed to ensuring people who are the subject of a report of wrongdoing are treated fairly and reasonably. If you are the subject of a report, you will be:

- treated fairly and impartially
- told your rights and obligations under our policies and procedures
- kept informed during any investigation
- given the opportunity to respond to any allegation made against you
- told the result of any investigation.

**13. More information**

Staff and councillors can access advice and guidance from the Disclosures Coordinator and the NSW Ombudsman's website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

**14. Resources**

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

**For disclosures about corrupt conduct:**

Independent Commission Against  
Corruption (ICAC)

Phone: 02 8281 5999

Toll free: 1800 463 909

Tel. typewriter (TTY): 02 8281 5773

Facsimile: 02 9264 5364

Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)

Web: [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)

Address: Level 21, 133 Castlereagh Street,  
Sydney NSW 2000

**For disclosures about maladministration:**

NSW Ombudsman

Phone: 02 9286 1000

Toll free (outside Sydney metro): 1800 451  
524

Tel. typewriter (TTY): 02 9264 8050

Facsimile: 02 9283 2911

Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)

Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

Address: Level 24, 580 George Street, Sydney  
NSW 2000

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

Information Commissioner

Toll free: 1800 463 626

Facsimile: 02 8114 3756

Email: [oiinfo@oic.nsw.gov.au](mailto:oiinfo@oic.nsw.gov.au)

Web: [www.oic.nsw.gov.au](http://www.oic.nsw.gov.au)

Address: Level 11, 1 Castlereagh Street,  
Sydney NSW 2000

**For disclosures about council:**

Chief Executive, Office of Local Government  
in the Department of Premier and Cabinet

Phone: 02 4428 4100

Tel. typewriter (TTY): 02 4428 4209

Facsimile: 02 4428 4199

Email: [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au)

Web: [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au)

Address: 5 O'Keefe Avenue, Nowra, NSW  
2541

**RELATED POLICIES**

Code of Conduct

**ITEM 11 - ATTACHMENT 2     CURRENT PECUNIARY INTEREST RETURNS -  
LODGEMENT POLICY**

**SUSTAINABILITY IMPLICATIONS**

The policy provides a mechanism for reporting of corrupt conduct, maladministration and serious or substantial waste of Council resources or money. Through the reporting of such matters should they occur Council would be provided with a potential economic benefit in the reduction of waste.

**RELEVANT LEGISLATIVE PROVISIONS**

*Public Interest Disclosures Act 1994*  
*Local Government Act 1993*

**IMPLEMENTATION RESPONSIBILITY**

Executive Officer

**PROCESS OWNER**

Executive Officer

**REVIEW DATE**

11/02/2016

**ITEM NO. 12****FILE NO: 16/313606  
RM8 REF NO: PSC2016-00178****REQUEST FOR FINANCIAL ASSISTANCE****REPORT OF: WAYNE WALLIS - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the *Local Government Act 1993* from the respective Mayor and Ward Funds to the following:-
  - a. Mayoral Funds – Anna Bay Public School P and C – Donation towards development of year 3-6 playground equipment - \$500.
  - b. Mayoral Funds – Medowie Assembly of God Fellowship – Donation towards costs associated with waste - \$500.
  - c. West Ward Funds – Cr Ken Jordan - Seaham Park and Wetlands Committee – Donation towards costs associated with memorial seat for Rodney Adams - \$500.
  - d. West Ward Funds – Cr Ken Jordan – Homestead Village Social Committee – Donation towards costs associated with a sound system for the village hall - \$500.
  - e. West Ward Funds – Cr Ken Jordan – Seaham Storm Baseball Club – Donation towards costs associated with minor repairs, painting and cleaning of Brandon Park - \$500.
  - f. Central Ward Funds – Cr Chris Doohan – Port Stephens Council, Facilities and Services – Donation towards renovation of toilet block at Lemon Tree passage foreshore - \$4,000.
  - g. East Ward Funds – Cr John Nell – Salamander Men's Shed – Donation towards costs associated with replacing seating in Corlette Point headland - \$200.

**ORDINARY COUNCIL MEETING - 10 MAY 2016  
MOTION**

<b>120</b>	<b>Councillor Ken Jordan Councillor Chris Doohan</b>  It was resolved that Council approve provision of financial assistance under Section 356 of the <i>Local Government Act 1993</i> from the respective Mayor and Ward Funds to the following:- <ol style="list-style-type: none"><li>a. Mayoral Funds – Anna Bay Public School P and C – Donation towards development of year 3-6 playground equipment - \$500.</li><li>b. Mayoral Funds – Medowie Assembly of God Fellowship – Donation towards costs associated with waste - \$500.</li><li>c. West Ward Funds – Cr Ken Jordan - Seaham Park and Wetlands</li></ol>
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**MINUTES ORDINARY COUNCIL - 10 MAY 2016**

	Committee – Donation towards costs associated with memorial seat for Rodney Adams - \$500.
d.	West Ward Funds – Cr Ken Jordan – Homestead Village Social Committee – Donation towards costs associated with a sound system for the village hall - \$500.
e.	West Ward Funds – Cr Ken Jordan – Seaham Storm Baseball Club – Donation towards costs associated with minor repairs, painting and cleaning of Brandon Park - \$500.
f.	Central Ward Funds – Cr Chris Doohan – Port Stephens Council, Facilities and Services – Donation towards renovation of toilet block at Lemon Tree passage foreshore - \$4,000.
g.	East Ward Funds – Cr John Nell – Salamander Men's Shed – Donation towards costs associated with replacing seating in Corlette Point headland - \$200.

**BACKGROUND**

The purpose of this report is to determine and, where required, authorise payment of financial assistance to recipients judged by Councillors as deserving of public funding. The Financial Assistance Policy gives Councillors a wide discretion either to grant or to refuse any requests.

Council's Financial Assistance Policy provides the community and Councillors with a number of options when seeking financial assistance from Council. Those options being:

1. Mayoral Funds
2. Rapid Response
3. Community Financial Assistance Grants – (bi-annually)
4. Community Capacity Building

Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the *Local Government Act 1993*. This would mean that the financial assistance would need to be included in the Operational Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

The requests for financial assistance are shown below:-

**WEST WARD – Councillors Jordan, Kafer & Le Mottee**

Seaham Park and Wetlands Committee.	Donation towards costs associated with memorial seat for Rodney Adams.	\$500
Homestead Village Social Committee.	Donation towards costs associated with a sound system for the village hall.	\$500
Seaham Storm Baseball	Donation towards costs associated with	\$500

**MINUTES ORDINARY COUNCIL - 10 MAY 2016**

Club.	minor repairs, painting and cleaning of Brandon Park.	
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**CENTRAL WARD – Councillors Dingle, Doohan & Tucker**

Port Stephens Council, Facilities and Services.	Donation towards renovation of toilet block at Lemon Tree passage foreshore.	\$4,000
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**EAST WARD – Councillors Dover, Morello & Nell**

Salamander Men's Shed.	Donation towards costs associated with replacing seating in Corlette Point headland.	\$200
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**MAYORAL FUNDS – Mayor MacKenzie**

Anna Bay Public School P & C.	Donation towards development of year 3-6 playground equipment.	\$500
Medowie Assembly of God Fellowship.	Donation towards costs associated with waste	\$500

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
Port Stephens has strong governance and civic leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

**FINANCIAL/RESOURCE IMPLICATIONS**

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	6,700	Within existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL AND POLICY IMPLICATIONS**

To qualify for assistance under Section 356(1) of the *Local Government Act 1993*, the purpose must assist the Council in the exercise of its functions. Functions under the

## MINUTES ORDINARY COUNCIL - 10 MAY 2016

Act include the provision of community, culture, health, sport and recreation services and facilities.

The policy interpretation required is whether the Council believes that:

- a) applicants are carrying out a function, which it, the Council, would otherwise undertake;
- b) the funding will directly benefit the community of Port Stephens;
- c) applicants do not act for private gain.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council may set a precedent when allocating funds to the community and an expectation those funds will always be available.	Low	Adopt the recommendations.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

### **MERGER PROPOSAL IMPLICATIONS**

There are no merger implications.

### **CONSULTATION**

Consultation with key stakeholders has been undertaken by the General Managers Unit.

Consultation has been taken with the key stakeholders to ensure budget requirements are met and approval.

#### Internal

- 1) Mayor
- 2) Councillors



External

- 1) Port Stephens Community

**OPTIONS**

- 1) Accept the recommendation.
- 2) Vary the dollar amount before granting each or any request.
- 3) Decline to fund all the requests.

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 13****FILE NO: 16/322113  
RM8 REF NO: PSC2015-00381****INFORMATION PAPERS****REPORT OF: WAYNE WALLIS - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE**

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**RECOMMENDATION IS THAT THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 10 May 2016.

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<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	Education And Employment Interagency - Mid Term Report	207
2	Leave Of Absence - Cr John Nell	211

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**ORDINARY COUNCIL MEETING - 10 MAY 2016  
MOTION**

<b>121</b>	<b>Councillor Ken Jordan Councillor Paul Le Mottee</b>  It was resolved that Council receive and notes the Information Papers listed below being presented to Council on 10 May 2016. <hr/> <b>No: Report Title</b>  1 Education And Employment Interagency - Mid Term Report 2 Leave Of Absence - Cr John Nell
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# INFORMATION PAPERS

**ITEM NO. 1**

**FILE NO: 16/313361  
RM8 REF NO: PSC2014-01123**

**EDUCATION AND EMPLOYMENT INTERAGENCY - MID TERM REPORT**

REPORT OF: ROSS SMART - COMMUNICATIONS SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

**BACKGROUND**

The purpose of this report is to provide a mid-term report on the work of the Employment and Education Interagency (EEI). At its meeting of 26 August 2014 (Min No 224), Council noted a report on the feasibility of establishing a community education space in Raymond Terrace and endorsed the establishment of an education and employment interagency. This interagency was designed to develop a learning community framework to support a consistent sustainable approach to lifelong learning in Port Stephens. Council is to consider any recommendations in February 2017.

Representatives were invited from key agencies undertaking relevant activities in the region. Unlike other interagencies, this was designed as an invitation only group to ensure strong, consistent and targeted representation. Core membership has remained constant, with Hunter TAFE, WEA, The University of Newcastle, State Training Services and local non-government organisations including The Smith Family, Raymond Terrace all participating.

The inaugural meeting of the EEI was held on Tuesday 17 February 2015 and the members have met quarterly since this time. The group established key principles to underpin a future learning framework that included:

- equity and access to learning opportunities;
- wellbeing of the individual at forefront of decision making; and
- pathways to employment were needed, particularly for young people.

Five core actions were also developed as part of the group's Terms of Reference **(ATTACHMENT 1)**.

The key outcome achieved to date has been the increased collaboration and partnership amongst the membership.

The capacity and identification of resources required to implement a sustainable Community Learning Framework in Port Stephens has also been reviewed and clear objectives and recommendations have been developed, which are:

- Articulate the specific need that a learning framework would address, one that could be measured and is attainable;
- Consider undertaking a skills audit and commissioning employment projection report. This work would build on population projection work already undertaken

by Council's Strategy and Environment Section. It should be noted that this work would require allocation of specific funding from Council and external stakeholders in order for it to be undertaken. The opportunity for EEI members to contribute to funding has been discussed however at present this work is not part of any work program.

- Promote local programs and learning facilities available in Port Stephens, based on the 2015 audit conducted by Gleeson Consultancy; and
- Identify a backbone organisation to coordinate the development and delivery of a Port Stephens Community Learning Framework.

The EEI will continue to meet to work through these issues. A valuable by-product of the EEI is that it has contributed to information sharing, collaboration and identification of new learning opportunities particularly in light of the ever changing terms and conditions of funding in the training sector.

The development of new learning opportunities in Port Stephens based on social principles of access and equity would mean young people and disadvantaged members of our community have the opportunity to re-engage in community life and contribute to the local economy longer term through employment.

For other people in our community, including retirees and seniors, the opportunity to engage in later life learning brings considerable benefit in terms of health, wellbeing and assists them to remain active members of the community significantly contributing to society.

## **MERGER PROPOSAL IMPLICATIONS**

The proposed merger has no impact on the work of the EEI. It is proposed that all of Council's interagencies be reviewed once a decision has been made on this issue.

## **ATTACHMENTS**

- 1) Education and Employment Interagency Terms of Reference.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM 1 - ATTACHMENT 1  
TERMS OF REFERENCE.****EDUCATION AND EMPLOYMENT INTERAGENCY****Education and Employment Interagency (EEI)****Terms of Reference****Mission**

The Education and Employment Interagency is a collaborative learning group with a charter to grow existing learning opportunities in Port Stephens.

**Reference**

The Education and Employment Interagency is constituted under the Council's Community Development and Engagement Framework to enhance Council's community engagement and development work, maintain accurate and comprehensive records of business activities and to report through the Executive Manager Corporate Management, to the Council on a quarterly basis.

**Scope**

1. The Education and Employment Interagency framework was endorsed by Council in September 2014.
2. The Education and Employment Interagency is a local collaboration mechanism available to facilitate and improve provision and access to local learning opportunities.
3. The Education and Employment Interagency is established to build local capacity and regional coordination with Local, State and Commonwealth Governments and broader community stakeholders.
4. Efforts are directed towards reviewing the Gleeson Report and follow-up audit to:
  - a. Improve delivery and promotion of learning opportunities in the Port Stephens area, in particular Raymond Terrace;
  - b. Optimise allocation and use of resources;
  - c. Reduce duplication and overlap; and
  - d. identify local gaps, priorities and opportunities
5. The Education and Employment Interagency will encourage collaboration between agencies/stakeholders in the education and employment sector while recognising the service provision of individual agencies.
6. It is anticipated the Education and Employment Interagency will identify local learning opportunities that require, or would be better served by, a more regional partnered approach to delivery (e.g. joint and shared submissions and training delivery).
7. The EEI will report to Council at the end of 2015.

**Composition of the EEI**

The Community Development and Engagement Coordinator will convene the EEI or nominate designated Council officer. Membership to the Interagency is voluntary and by invitation from Port Stephens Council to ensure that the required experience and expertise in the learning environment is represented through the membership. Members may remain on the Interagency so long as their interest and workloads allow.

**ITEM 1 - ATTACHMENT 1      EDUCATION AND EMPLOYMENT INTERAGENCY  
TERMS OF REFERENCE.**

The EEI membership should be not less than 5 and not more than 12 members. Other members with specific skills or experience may be asked to provide input to a project or projects as the need may arise.

The Interagency convenor is responsible for ensuring that there are available members to ensure the mission is carried out. Casual vacancies may be filled at any time in line with the person specification determined by members.

**Review**

The Community Development and Engagement Coordinator will review the Terms of Reference annually.

**Resources**

Community Development and Engagement Unit will provide secretariat support to arrange meetings and venues, keep minutes, , provide regular updates on developments in the training and education space and otherwise ensure the effective running of the Interagency and that members' time is well utilized.

**ITEM NO. 2**

**FILE NO: 16/319527  
RM8 REF NO: PSC2009-02447**

**LEAVE OF ABSENCE - CR JOHN NELL**

REPORT OF: WAYNE WALLIS - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE

**BACKGROUND**

The purpose of this report is for Council to receive and consider Cr John Nell's request for leave of absence for the period of 2 June 2016 – 4 July 2016.

**MERGER PROPOSAL IMPLICATIONS**

There are no implications.

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



# **CONFIDENTIAL ITEMS**

In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.

## **ORDINARY COUNCIL MEETING – 10 MAY 2016 MOTION**

<b>122</b>	<b>Councillor Chris Doohan Councillor Steve Tucker</b>  It was resolved that Council Move into confidential session.
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The following Council officers were present for the Confidential Session:

Communications Section Manager.

**CONFIDENTIAL**

**ITEM NO. 1**

**FILE NO: 16/306299  
RM8 REF NO: PSC2006-2134**

**SALE OF 76A PORT STEPHENS STREET RAYMOND TERRACE**

REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Sells 76A Port Stephens Street Raymond Terrace by way of Private Treaty.
  - 2) Authorises the General Manager to negotiate any outstanding terms and conditions of sale.
  - 3) Authorises the Mayor and General Manager to sign and affix the Seal of Council to all relevant documents relating to the Contract of Sale.
- 

**ORDINARY COUNCIL MEETING - 10 MAY 2016  
MOTION**

<b>123</b>	<p><b>Councillor John Nell</b> <b>Councillor Sally Dover</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Sells 76A Port Stephens Street Raymond Terrace by way of Private Treaty.</li><li>2) Authorises the General Manager to negotiate any outstanding terms and conditions of sale.</li><li>3) Authorises the Mayor and General Manager to sign and affix the Seal of Council to all relevant documents relating to the Contract of Sale.</li></ol>
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**MINUTES ORDINARY COUNCIL - 10 MAY 2016****CONFIDENTIAL****ITEM NO. 2****FILE NO: 16/315665  
RM8 REF NO: PSC2015-03385****PURCHASE OF 15 HORACE STREET, SHOAL BAY****REPORT OF: CARMEL FOSTER - GROUP MANAGER CORPORATE SERVICES  
GROUP: CORPORATE SERVICES****ORDINARY COUNCIL MEETING - 10 MAY 2016  
MOTION**

<b>124</b>	<b>Councillor John Nell Councillor Sally Dover</b>  It was resolved that Council receive and note the Information Paper.
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**ORDINARY COUNCIL MEETING – 10 MAY 2016  
MOTION**

<b>125</b>	<b>Councillor Chris Doohan Councillor Steve Tucker</b>  It was resolved that Council move out of confidential session.
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There being no further business the meeting closed at 7.48pm.