



## ORDINARY MEETING

### AGENDA

**Thursday 30 November 2023**

### NOTICE OF MEETING

Notice is hereby given that an **Ordinary Meeting of Gwydir Shire Council** will be held in the Warialda Office Council Chambers on **Thursday 30 November 2023**, commencing at **9:00 am** to discuss the items listed in the Agenda.

Your attendance is respectfully requested.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Max Eastcott', is written over a light blue horizontal line.

Max Eastcott  
General Manager

## **DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Gwydir Shire Council for any act, omission or statement or intimation occurring during Council or Committee meetings.

The Council disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Council during the course of any meeting is not intended to be and is not taken as notice of approval from the Council.

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Members of the public should note that no action should be taken on any item discussed at a Council or Committee meeting prior to written advice on the resolution of Council being received.

**Agendas and minutes are available on the Council's website:**

<https://www.gwydir.nsw.gov.au/Home>

## **ACKNOWLEDGMENT OF COUNTRY**

The Gwydir Shire Council acknowledges that this meeting is being held on Aboriginal land and recognise the strength, resilience and capacity of Gomeroi people in this land.

<b>Content</b>	<b>Page No.</b>
<b>1 Official Opening and Welcome - Mayor</b> .....	<b>4</b>
<b>2 Apologies</b> .....	<b>4</b>
<b>3 Confirmation of the Minutes</b> .....	<b>4</b>
<b>4 Presentation</b> .....	<b>4</b>
<b>5 Call for the Declarations of Interests, Gifts Received and Conflicts of Interest</b> .....	<b>4</b>
<b>6 Additional/Late Items</b> .....	<b>4</b>
6.1 September Quarterly Review.....	4
6.2 Presentation of Financial Statements .....	4
6.3 Annual Report 2022-2023.....	4
<b>7 Mayoral Minute</b> .....	<b>4</b>
7.1 Mayoral Minute .....	4
<b>8 Officers' Reports</b> .....	<b>31</b>
8.1 October 2023 Committee Recommendations.....	31
8.2 October Investment & Rates Collection Report.....	33
8.3 October Councillors Activity Report.....	36
8.4 Child Safe Policy.....	39
8.5 Public Interest Disclosure Policy.....	57
8.6 Road Naming Burgaria Lane Warialda Rail.....	83
<b>9 Councillors' Reports</b> .....	<b>88</b>
<b>10 Committee of the Whole - Confidential Items</b> .....	<b>88</b>
<b>11 Closure</b> .....	<b>88</b>

**1 OFFICIAL OPENING AND WELCOME - MAYOR****2 APOLOGIES****3 CONFIRMATION OF THE MINUTES****RECOMMENDATION**

**THAT the Minutes of the Ordinary Meeting held on 26 October 2023 as circulated be taken as read and CONFIRMED.**

**4 PRESENTATION****5 CALL FOR THE DECLARATIONS OF INTERESTS, GIFTS RECEIVED AND CONFLICTS OF INTEREST****6 ADDITIONAL/LATE ITEMS****6.1 September Quarterly Review****6.2 Presentation of Financial Statements****6.3 Annual Report 2022-2023****7 MAYORAL MINUTE****7.1 Country Mayors Association - Crime In Regional NSW**

Councillors present will recall at the last public meeting in North Star earlier this year this issue of rural crime was raised as an area of increasing concern. This meeting expressed a significant feeling that the current level of rural crime was not being addressed in an urgent and appropriate manner. There was concern that if the issues were not addressed that real harm could be the outcome to either the victims of the crime or the perpetrators. In response to this community concern Council wrote to neighbouring Councils enquiring if they would be prepared to join Gwydir Shire Council in a delegation to the Federal Minister during the National General Assembly in June 2023. Unfortunately, this delegation was unable to be organised due to the unavailability of the Minister at that time.

In my absence next week Cr Egan will be representing Council at the Crime Prevention & Community Safety Conference to be held in Gunnedah on 23-24 November 2023. This Conference will include delegates from community, government, and justice sectors including law enforcement, policy makers and many other social support services. The focus will be on crime and community safety issues at a national level and provide opportunities for speakers and delegates to share insights, latest developments and approaches in resolving and enhancing safety in communities.



On 19 October 2023 Country Mayors Association of NSW (CMA) supported by the Police Association of NSW launched the CMA report into Crime, Law and Order in regional communities. The recommendations within the report call for the establishment of a Parliamentary inquiry, an increase in funding to enhance front line policing in regional communities in need, establishment of first response agreements in all police stations and that the formula used to determine the first response agreements in those stations with agreements are reviewed. The report also calls for bipartisan support from all State MP's.

## **COMMENTS**

The Country Mayors Association of New South Wales joined forces with the Police Association of New South Wales to call for a Parliamentary Inquiry into crime, law and order in regional New South Wales.

CMA Chairman, Mayor Jamie Chaffey said statistics showed residents of rural, regional and remote New South Wales were more likely to be sexually assaulted, more likely to have their cars stolen, more likely to have their homes broken into and more likely to be impacted by domestic violence. When these crimes did occur, the Police response was delayed due to the resources available.

"It is estimated one-third of New South Wales' population live outside metropolitan areas," Mayor Chaffey said. "But we are still second-class citizens when it comes to the safety of our communities.

"For the first time, our CMA annual survey has revealed that crime, law and order is now in the top five emerging issues for New South Wales local governments.

"We knew crime was increasing, but we looked to the NSW Bureau of Crime Statistics and Research (BOCSAR) data to clarify the situation. We were shocked to learn that as well as the alarming incident counts in regional New South Wales, the rate of incidents per 100,000 people was, in some cases, horrifying when compared to metropolitan figures. Up to 90% of crimes including vehicle theft, breaking and entering, sexual assault and domestic assault are happening here, in our regional communities", Mayor Chaffey added.

"We also have significantly fewer Police than our city cousins, and as a whole, New South Wales has less Police per head of population than Queensland, Victoria and South Australia. Our Police officers are already facing an incredible workload, with only one Police officer per 467 NSW residents.

"We have not been heard by our state leaders, and our people - particularly the elderly and the vulnerable - are scared. They need to feel safe. They deserve to feel safe."

"In this Country Mayors Association of New South Wales report, endorsed by the Police Association of New South Wales, are calling for change. The report paints a very clear picture of a law and order crisis in regional communities. Our already-stretched Police officers cannot continue to try to address this impossible challenge alone.", Mayor Chaffey concluded.

## CONCLUSION

Following the success of the Parliamentary Inquiry into health outcomes and access to health services in regional New South Wales that was established in 2020, we know the only way forward is to seek the bipartisan support of our state Members of Parliament to commit to this inquiry.

The health inquiry saw 15 public hearings across New South Wales, and heard one heart-breaking story after another about the level of inequity and the lack of care for our regional communities. It came up with 22 findings and 44 recommendations to bring about the changes needed.

This is what we need to make a difference in crime, law and order in our regional, rural and remote communities. We need a bold, hard look at everything from Police numbers, to the experiences of people who have suffered at the hands of this inequity. We need a clear way forward. Please help us to end this. Thank you for taking time to read this crucial request.

## MAYORAL RECOMMENDATION

That Council endorse the following recommendations listed in the Country Mayors Association of NSW report into Crime, Law and Order and call on the Hon. Adam Marshall MP to support the establishment of a Parliamentary Inquiry with the suggested terms of reference in the document.

1. That, Gwydir Shire Council call on all members of the NSW Parliament to commit to bipartisan support to establish a Parliamentary Inquiry into and report on the rate of crime in all categories reported on by the Bureau of Crime Statistical and Research (BOCSAR) in Regional, Rural and Remote New South Wales, specifically focussing on the inequity between Metro and Regional Local Government areas.
2. That, Gwydir Shire Council calls on all members of the NSW Parliament to commit to bipartisan support to increase spending on the NSW police force to increase front line policing numbers in Regional, Rural and Remote regions most at need.
3. That, Gwydir Shire Council call on the NSW Government to commit to the minimum staffing agreements (known in the NSW Police Force as First Response Agreements) for non-24 hour police stations, all of which are located in Regional, Rural and Remote Local Government areas.
4. That, Gwydir Shire Council calls on the NSW Government to review the current formula used to assess staffing levels including the universally agreed outdated current model for those Local Government areas that do have a First Response Agreement in place.

## ATTACHMENTS

1. The Country Mayors Association of NSW INC - Media Release  
Joint call for Parliamentary Inquiry to address crime in Regional NSW  
[7.1.1 - 3 pages]
2. The Country Mayors Association of NSW INC - Endorsed Report  
Crime, Law & Order [7.1.2 - 21 pages]



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## MEDIA RELEASE

19 October 2023

### ***Joint call for Parliamentary Inquiry to address crime in regional NSW***

The Country Mayors Association of New South Wales has joined forces with the Police Association of New South Wales and NSW Farmers to call for a Parliamentary Inquiry into crime, law and order in rural and regional New South Wales.

CMA Chairman, Mayor Jamie Chaffey said statistics showed residents of rural, regional and remote New South Wales were more likely to be sexually assaulted, more likely to have their cars stolen, more likely to have their homes broken into and more likely to be impacted by domestic violence. And when these crimes did occur, the police response was delayed due to the resources available.

"It is estimated one-third of New South Wales' population live outside metropolitan areas," Mayor Chaffey said. "But we are still second-class citizens when it comes to the safety of our communities.

"For the first time, our CMA annual survey has revealed that crime, law and order is now in the top five emerging issues for New South Wales local governments.

"We knew crime was increasing, but we looked to the NSW Bureau of Crime Statistics and Research (BOCSAR) data to clarify the situation. We were shocked to learn that as well as the alarming incident counts in regional New South Wales, the rate of incidents per 100,000 people was, in some cases, horrifying when compared to metropolitan figures. Up to 90% of crimes including vehicle theft, breaking and entering, sexual assault and domestic assault are happening here, in our regional communities.

"We also have significantly fewer police than our city cousins, and as a whole, New South Wales has less police per head of population than Queensland, Victoria and South Australia. Our police officers are already facing an incredible workload, with only one police officer per 467 NSW residents.

"We have not been heard by our state leaders, and our people - particularly the elderly and the vulnerable - are scared. They need to feel safe. They deserve to feel safe.

"In this Country Mayors Association of New South Wales report endorsed by the Police Association of New South Wales and NSW Farmers, we are calling for change. The report paints a very clear picture of a law and order crisis in regional communities. Our already-stretched police officers cannot continue to try to address this impossible challenge.

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"Following the success of the Parliamentary Inquiry into health outcomes and access to health services in regional New South Wales that was established in 2020, we know the only way forward is to seek the bipartisan support of our state members of parliament to commit to this inquiry.

"The health inquiry saw 15 public hearings across New South Wales, and heard one heart-breaking story after another about the level of inequity and the lack of care for our regional communities. It came up with 22 findings and 44 recommendations to bring about the changes needed.

"This is what we need to make a difference in crime, law and order. We need a bold, hard look at everything from police numbers to the experiences of people who have suffered at the hands of this inequity. We need a clear way forward."

PANSW President Kevin Morton said the report showed that additional police resources were needed to manage crime rates and ensure that communities could be effectively serviced.

"Our regional police officers are expected to be the 24/7 problem solvers. Police in these regional and remote locations are required to attend emergency situations that cover huge geographical areas with limited staff and resources with little to no back up. When they do call for assistance, it can be an hour away or more."

Mr. Morton said that staffing levels and resources needed to be re-evaluated to reflect contemporary requirements for policing in regional and remote areas.

"Minimum staffing levels must be improved in regional and remote areas where police stations do not operate 24 hours a day, seven days a week.

"In locations with police stations operating 24/7, the outdated model of rostering police officers based on one car per job per hour needs to be updated. This model doesn't reflect the distance travelling to and from emergency call outs in regional areas, including the time it takes to deal with the matter when you arrive on the scene."

Mr. Morton said that police officers were required to pick up the workload of other government departments, which also needed to be scrutinized.

"Police officers are spending hours transporting prisoners hundreds of kilometres across remote areas to correctional facilities, while other government departments close their doors once business hours are over and shift the workload onto our already stretched frontline workers. This is not our job and is taking police officers away from serving their communities."

NSW Farmers CEO Annabel Johnson said while their primary concern was crimes against farming businesses, this report revealed an opportunity to do more to protect everyone in the rural landscape.

"This report is concerning and we would absolutely support a proper review of where police resources are allocated to protect every community and business regardless of where they are in the state," Ms Johnson said.

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"A 2020 survey of farmers found that 81 per cent reported being a victim of farm crime – theft of livestock and equipment, trespass, break and enter, and illegal hunting, and this is a significant risk to safety.

"More concerning is that 64 per cent were worried about crime in general due to repeated victimisation – and while the establishment of the Rural Crime Prevention Team by NSW Police is positive, there needs to be more resources available."

For further information, contact

Cr Jamie Chaffey - 0467 402 412 – Country Mayors Association of NSW

Elyssa King – 0484 777 780 – NSW Police Association

Stephen Mudd – 0429 011 690 – NSW Farmers

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# Endorsed Report

## Country Mayors Association of NSW

### Crime, Law & Order

*ENDORSED OCTOBER 2023*



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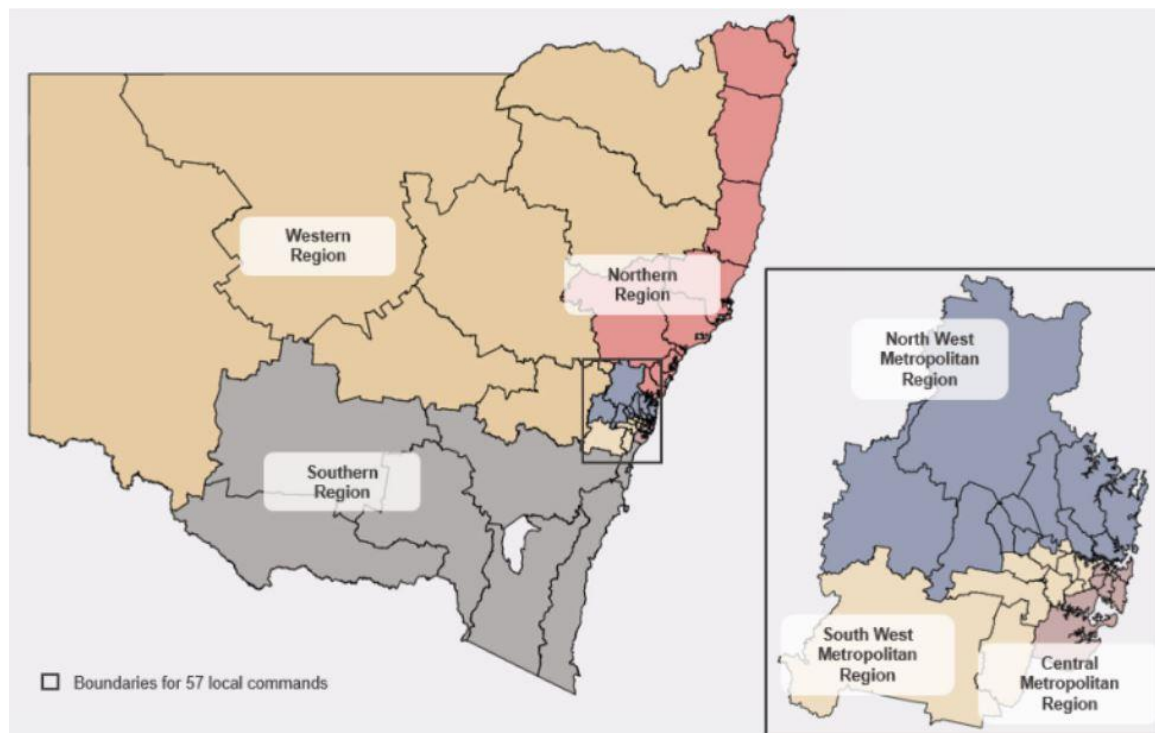
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## Policing Regions

There are 17,659 sworn police officers operating across 57 police area commands and police districts (local commands) and six police regions in New South Wales.

As the image below shows there are three Metropolitan regions with the rest of NSW broken into three Regional, Rural and Remote regions.

The Metropolitan regions service 10,434 square kilometres or 1% of NSW land mass of NSW and the Regional and Rural regions service 789,940 Square kilometres or 99% of the land mass of NSW.



Source of information

NSW POLICE ANNUAL REPORTS

Page 2 of 21

Disclaimer - The content of this report is provided as an information source only. Whilst the material contained within this document has been formulated with all due care, taken from the BOCsAR website <https://www.bocsar.nsw.gov.au/>, the Country Mayors Association of NSW created this report to the best of their knowledge and that all the information contained within the report is a true and accurate representation, and therefore accepts no responsibility for the quality and accuracy of the Material.



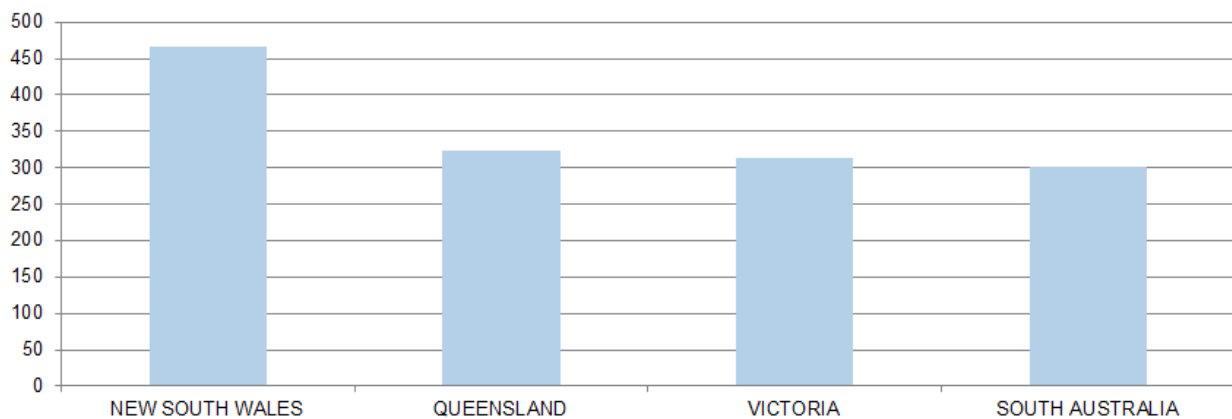
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### COMPARISON POLICING RESOURCES DISTRIBUTION BETWEEN METROPOLITAN - REGIONAL & RURAL REGIONS 2021-22 YEAR

STATE	POLICE COUNT	POPULATION	RATIO-POLICE OFFICER PER PERSON	OPERATIONAL EXPENSES	\$ SPENT PER PERSON
NEW SOUTH WALES	17,659	8,238,800	1- 467	\$4,615,000	\$560
QUEENSLAND	16,615	5,378,300	1- 324	\$2,858,646	\$532
VICTORIA	21,398	6,704,300	1- 313	\$4,099,679	\$611
SOUTH AUSTRALIA	6103	1,834,300	1- 301	\$1,036,241	\$565

### RATIO - POLICE OFFICER PER PERSON



New South Wales Police Officer Counts			
YEAR	POLICE COUNT	POPULATION	RATIO-POLICE OFFICER PER PERSON
2015	16693	7.62	1-456
2016	16627	7.7	1-463
2017	16649	7.81	1-469
2018	16788	7.89	1-469
2019	17111	7.992	1-467
2020	17348	8.072	1-465
2021	17727	8.163	1-460
2022	17659	8.24	1-466
2023	TBA	TBA	TBA



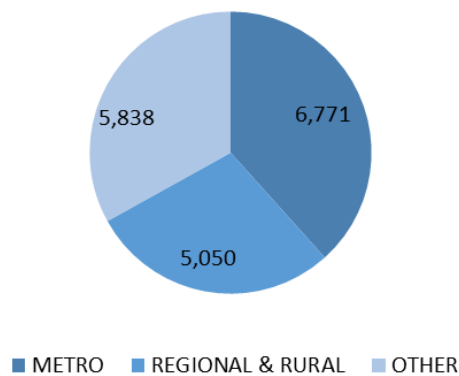


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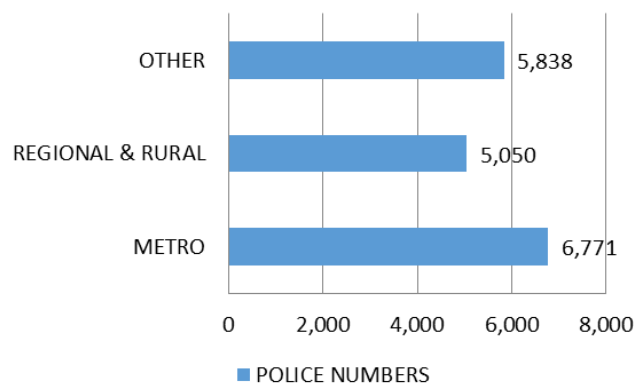
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### COMPARISON POLICING RESOURCES DISTRIBUTION BETWEEN METROPOLITAN - REGIONAL & RURAL REGIONS 2021-22 YEAR

#### POLICE NUMBERS



#### POLICE NUMBERS



	DISTRIBUTION%
NEW SOUTH WALES	100%
METRO	38%
REGIONAL & RURAL	29%
OTHER	33%

#### Explanation of Other (Taken from NSW Police Annual Report)

\* Region population estimates have been derived by taking each region's share of the NSW population. The figures above do not include staff (police and administrative) who are centrally managed but deployed throughout the regions in specialist and corporate roles to provide investigative support, radio communications, call centres, forensic services, complaints and employee management, air and sea policing, specialist surveillance, canine and mounted support, media and public relations, counter terrorism and major crime investigation, police prosecutions, technology support, occupational health and safety, injury management, education and training, human resource support and asset management. The figures above represent actual police strength as at 30 June 2022. These figures will vary from month to month and year to year. Actual strength across the NSW Police Force has decreased from 17,727 in 2020-21 to 17,659 in 2021-22.



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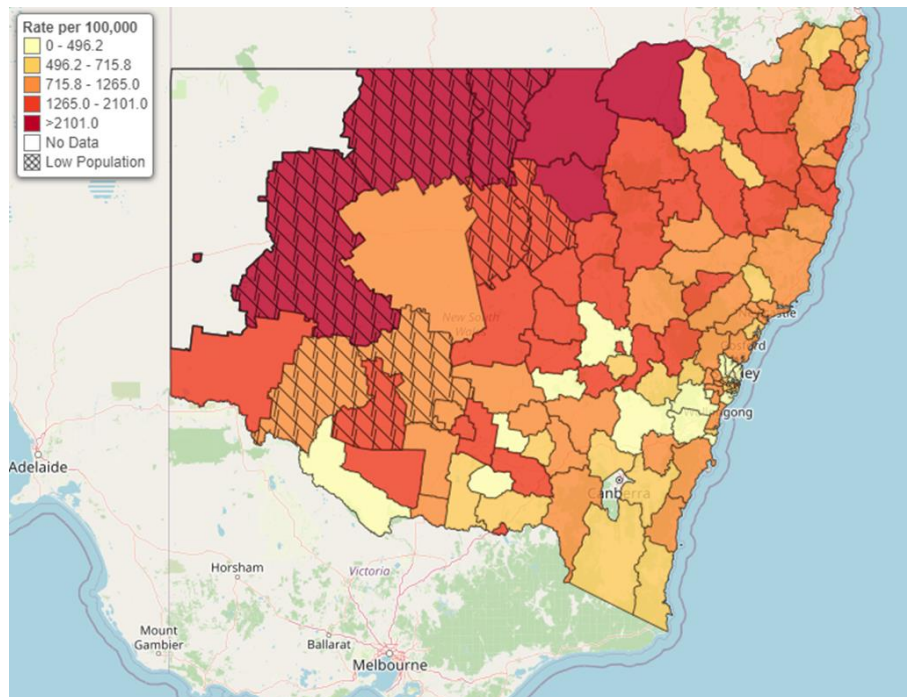
## **WHERE ARE THE CRIME RATES AND CRIME COUNTS THE HIGHEST**





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### About:

The Bureau is a statistical and research agency within the Department of Communities and Justice. It was established in 1969.

### Their aims are to:

- identify factors that affect the distribution and frequency of crime;
- identify factors that affect the effectiveness, efficiency or equity of the NSW criminal justice system;
- Ensure that information on these factors and on crime and justice trends is available and accessible to our clients.

### Their four main areas of activity are:

- developing and maintaining statistical databases on crime and criminal justice in NSW;
- conducting research on crime and criminal justice issues and problems;
- monitoring trends in crime and criminal justice;
- providing information and advice on crime and criminal justice in NSW.

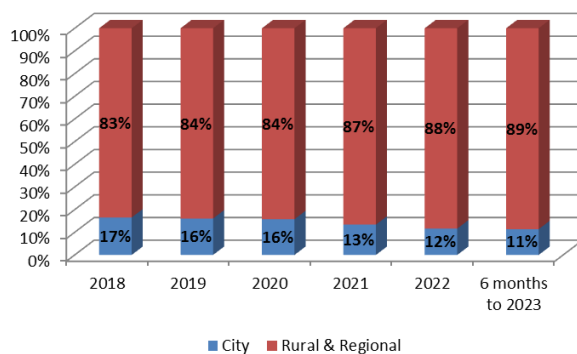


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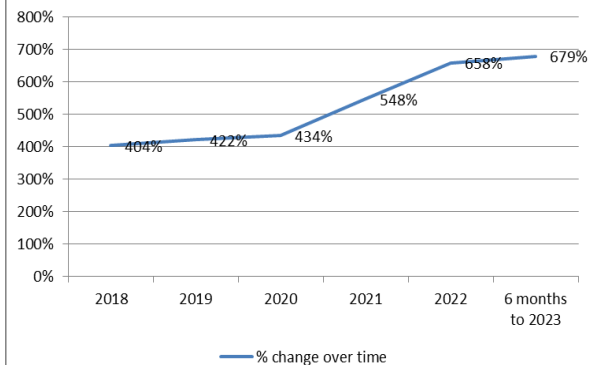
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### MOTOR VEHICLE THEFT

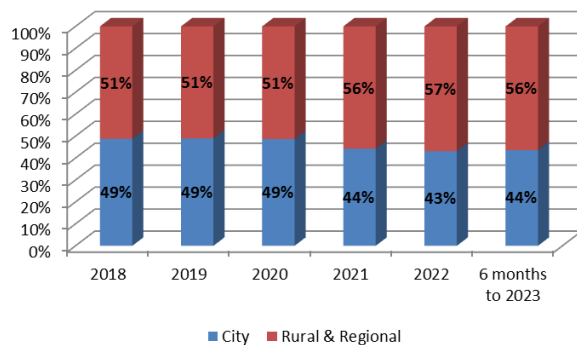
**Motor Vehicle Theft - % of Rate of Incidents per 100,000**



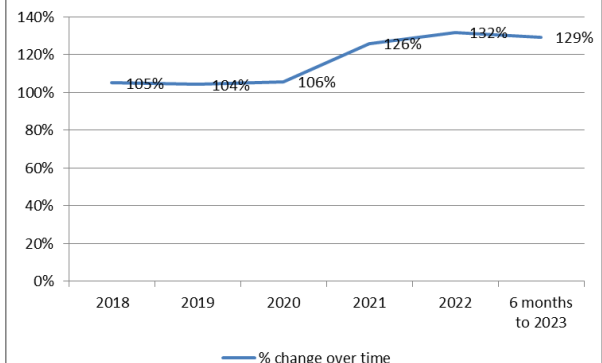
**Motor Vehicle Theft - % difference between Rural & Regional and City**



**Motor Vehicle Theft - Incident Counts as a %**



**Motor Vehicle Theft - Incident Count - Rural & Regional as a % of City**



**Motor Vehicle Theft - Incident Count**

Location	2018	2019	2020	2021	2022	6 months to 2023
City	6383	6575	5703	4640	5302	3022
Rural and Regional	6707	6853	6026	5845	6990	3905
Total	13090	13428	11729	10485	12292	6927

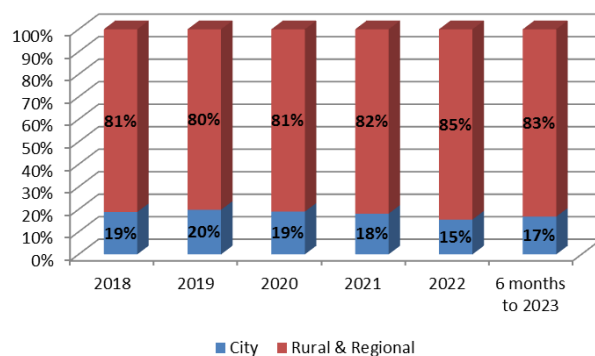


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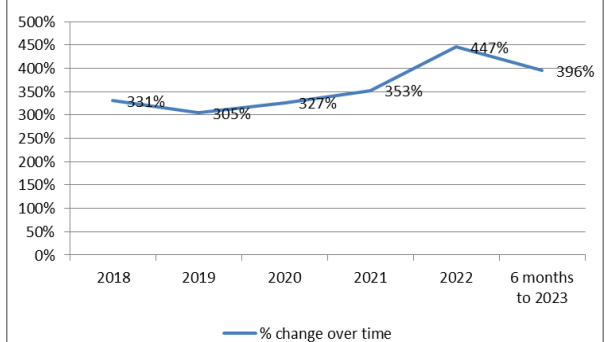
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### STEAL FROM MOTOR VEHICLE

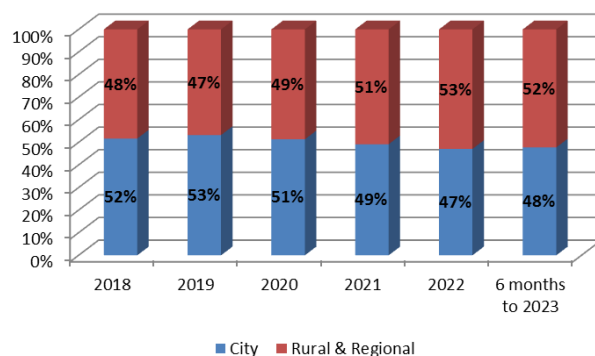
**Steal from Motor Vehicle - % of Rate of Incidents per 100,000**



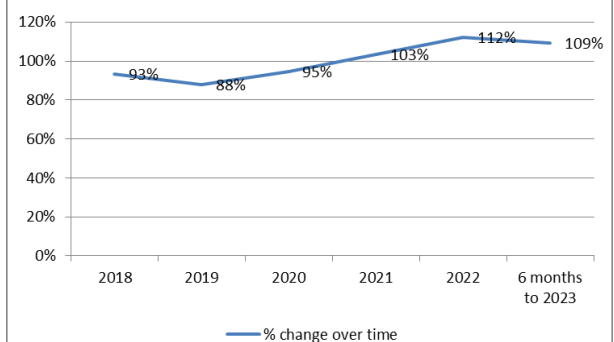
**Steal from Motor Vehicle - % difference between Rural & Regional and City**



**Steal from Motor Vehicle - Incident Counts as a %**



**Steal from Motor Vehicle - Incident Count - Rural & Regional as a % of City**



Steal from Motor Vehicle - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	19702	20330	14553	13634	12790	7040
Rural and Regional	18407	17856	13781	14090	14370	7699
Total	38109	38186	28334	27724	27160	14739

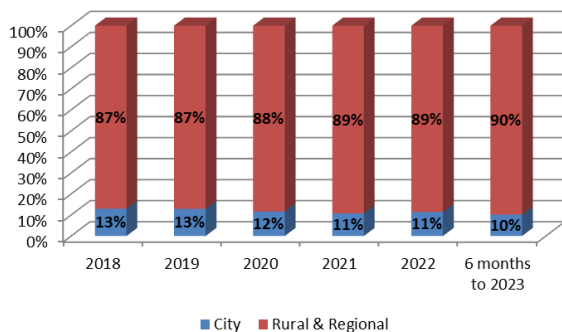




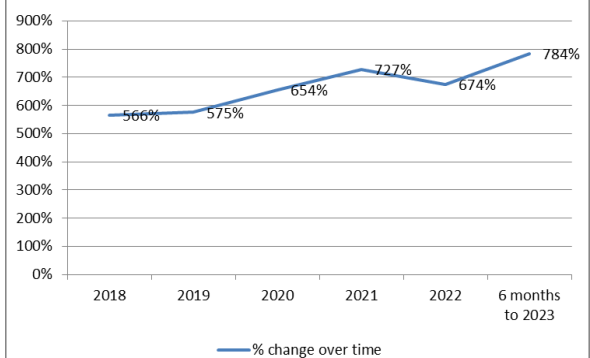
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## BREAK & ENTER DWELLING

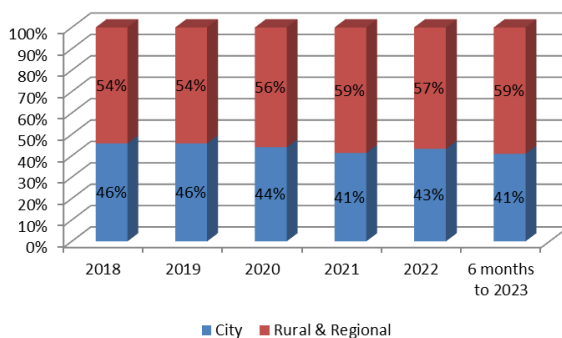
**Break & Enter Dwelling - % of Rate of Incidents per 100,000**



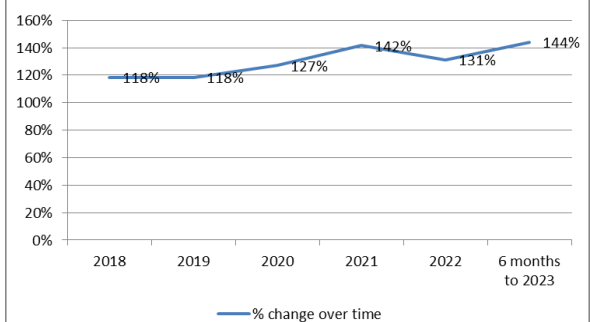
**Break & Enter Dwelling - % difference between Rural & Regional and City**



**Break & Enter Dwelling - Incident Counts as a %**



**Break & Enter Dwelling - Incident Count - Rural & Regional as a % of City**



**Break & Enter Dwelling - Incident Count**

Location	2018	2019	2020	2021	2022	6 months to 2023
City	12151	11676	8669	7394	8112	3948
Rural and Regional	14398	13834	11027	10480	10645	5693
Total	26549	25510	19696	17874	18757	9641

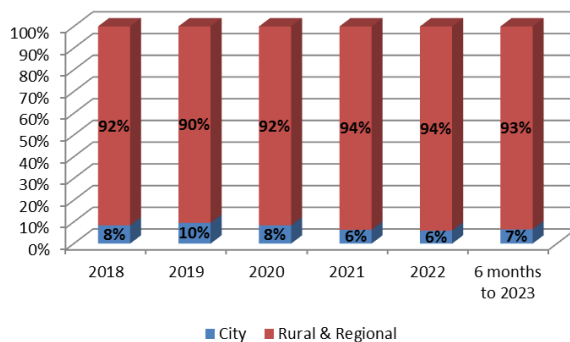


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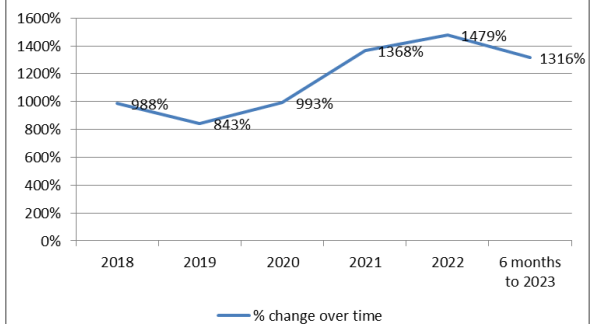
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### BREAK & ENTER NON-DWELLING

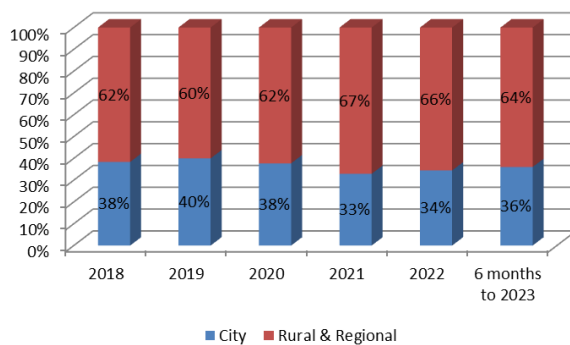
**Break & Enter Non-Dwelling - % of Rate of Incidents per 100,000**



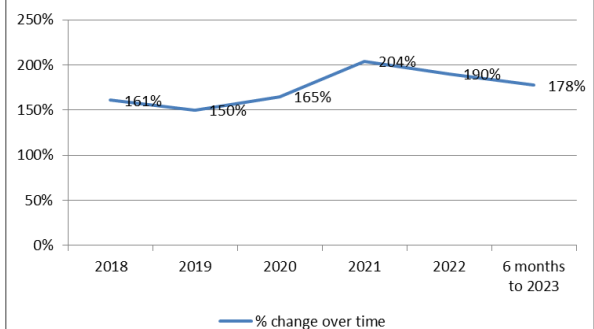
**Break & Enter Non-Dwelling - % difference between Rural & Regional and City**



**Break & Enter Non-Dwelling - Incident Counts as a %**



**Break & Enter Non-Dwelling - Incident Count - Rural & Regional as a % of City**



Break & Enter Non-Dwelling - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	3919	3966	2783	2353	2553	1522
Rural and Regional	6303	5950	4593	4801	4857	2702
Total	10222	9916	7376	7154	7410	4224

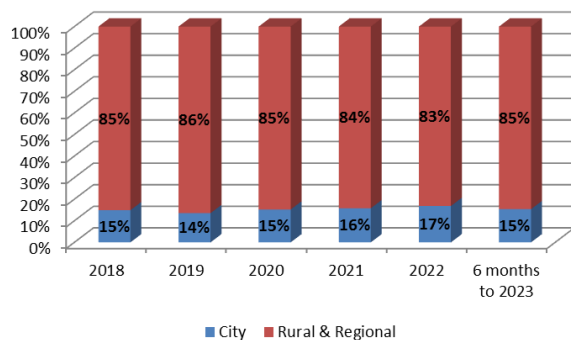


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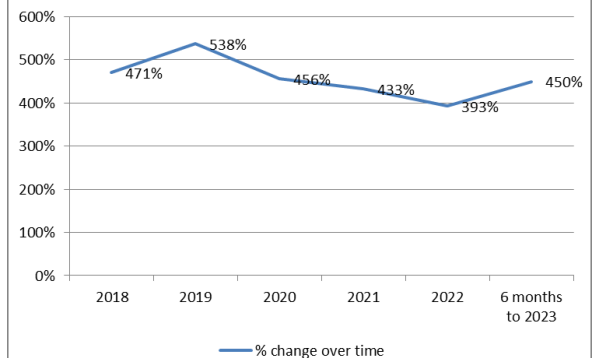
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### STEAL FROM DWELLING

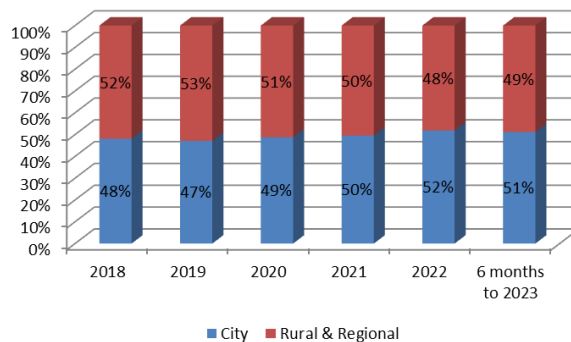
**Steal from Dwelling - % of Rate of Incidents per 100,000**



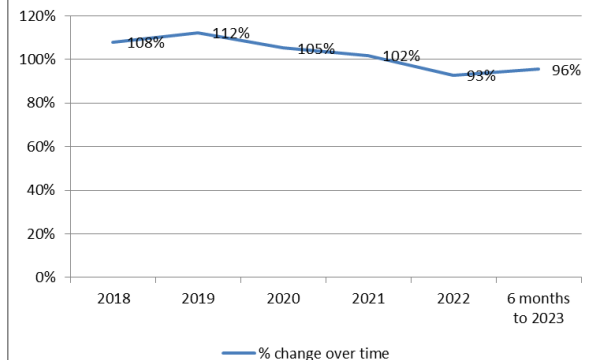
**Steal from Dwelling - % difference between Rural & Regional and City**



**Steal from Dwelling - Incident Counts as a %**



**Steal from Dwelling - Incident Count - Rural & Regional as a % of City**



Steal from Dwelling - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	9249	8848	8184	8143	7869	3924
Rural and Regional	9984	9939	8612	8290	7294	3749
Total	19233	18787	16796	16433	15163	7673



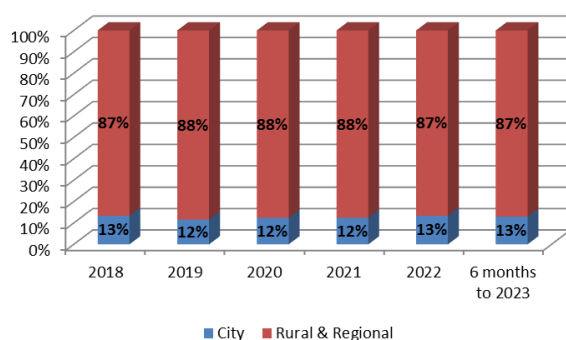


## THE COUNTRY MAYORS ASSOCIATION OF NSW INC

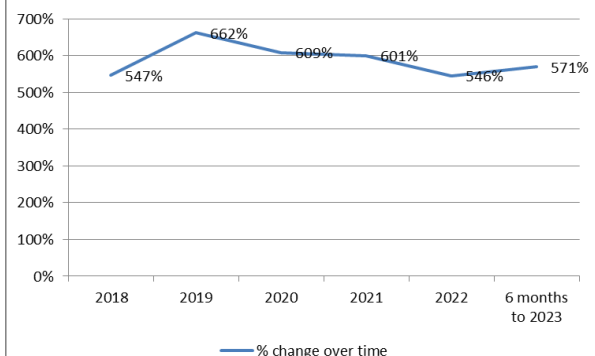
*"What we want is nothing more than equity"*

### SEXUAL ASSAULT

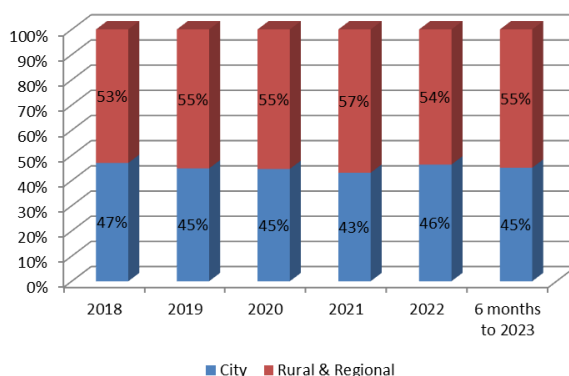
**Sexual Assault - % of Rate of Incidents per 100,000**



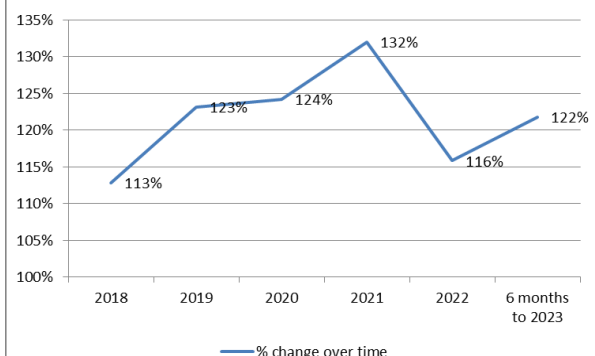
**Sexual Assault - % difference between Rural & Regional and City**



**Sexual Assault - Incident Counts as a %**



**Sexual Assault - Incident Count - Rural & Regional as a % of City**



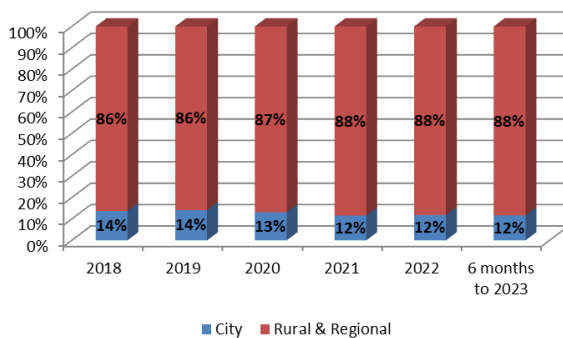
Sexual Assault - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	2754	2843	3127	3149	3396	1564
Rural and Regional	3108	3501	3884	4157	3935	1905
Total	5862	6344	7011	7306	7331	3469



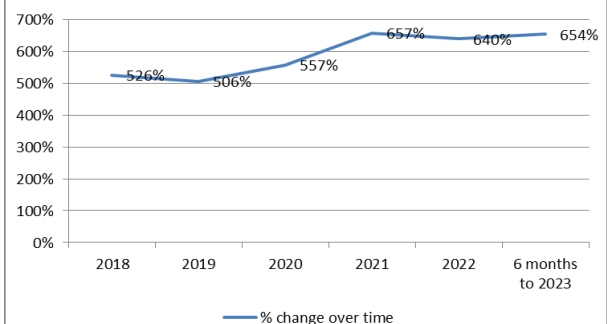
**THE COUNTRY MAYORS  
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## MALICIOUS DAMAGE PROPERTY

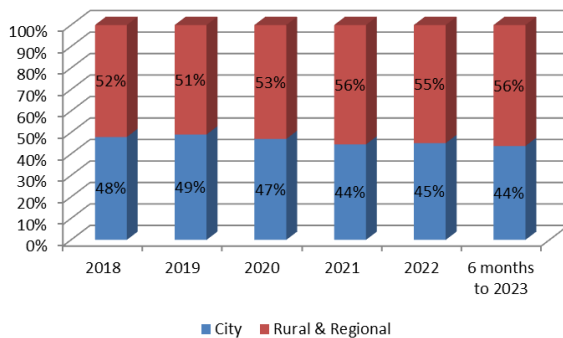
**Malicious Damage Property - % of  
Rate of Incidents per 100,000**



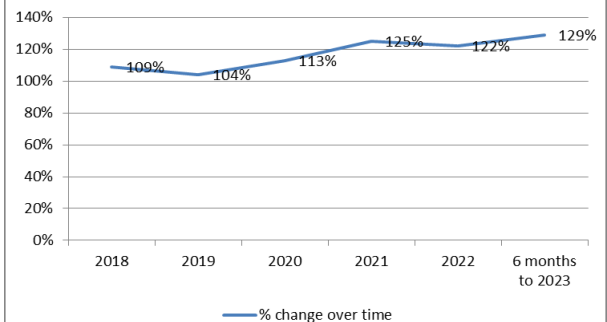
**Malicious Damage Property - %  
difference between Rural & Regional  
and City**



**Malicious Damage Property - Incident  
Counts as a %**



**Malicious Damage Property - Incident  
Count - Rural & Regional as a % of  
City**



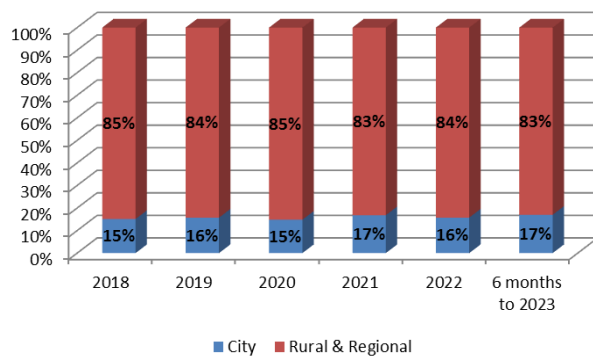
Malicious Damage Property - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	28004	28000	25028	21870	21809	10532
Rural and Regional	30487	29077	28235	27342	26610	13570
<b>Total</b>	<b>58491</b>	<b>57077</b>	<b>53263</b>	<b>49212</b>	<b>48419</b>	<b>24102</b>



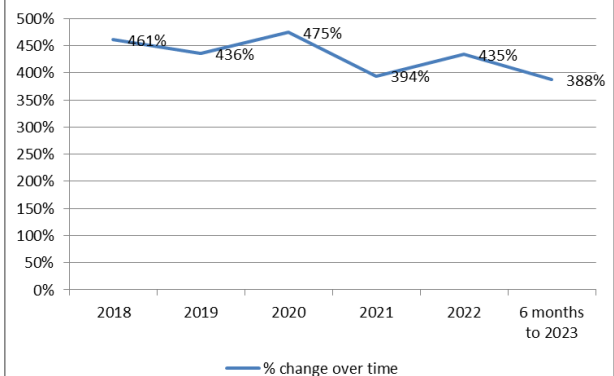
**THE COUNTRY MAYORS  
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## USE-POSSESS CANNABIS

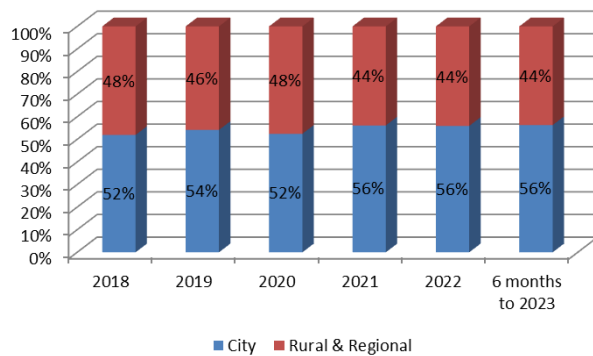
**Use-Possess Cannabis - % of Rate of Incidents per 100,000**



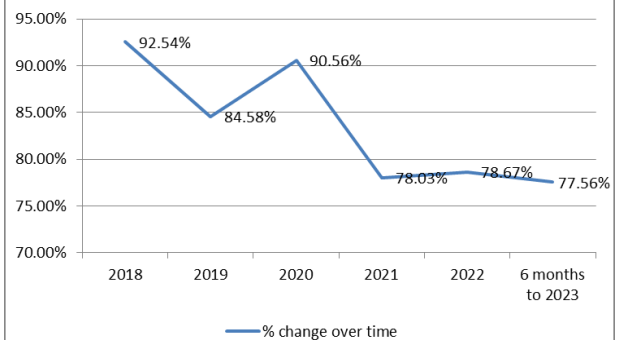
**Use-Possess Cannabis - % difference between Rural & Regional and City**



**Use-Possess Cannabis - Incident Counts as %**



**Use-Possess Cannabis - Incident Count - Rural & Regional as a % of City**



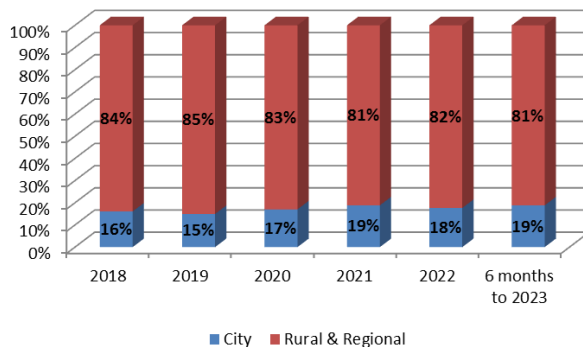
Use-Possess Cannabis - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	8901	9536	9509	9065	8717	4144
Rural and Regional	8237	8066	8611	7073	6858	3214
Total	17138	17602	18120	16138	15575	7358



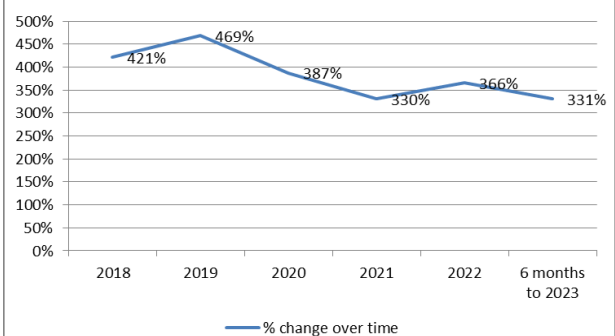
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## USE-POSSESS AMPHETAMINES

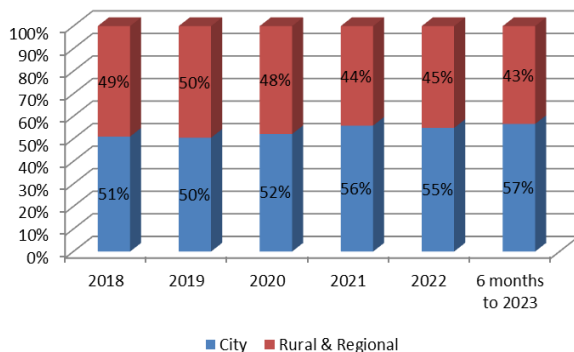
**Use-Possess Amphetamines - % of Rate of Incidents per 100,000**



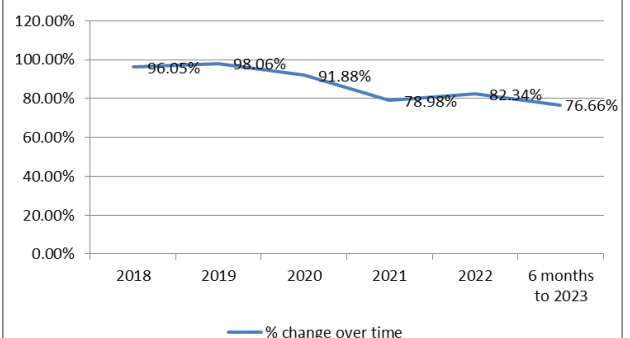
**Use Possess Amphetamines - % difference between Rural & Regional and City**



**Use-Possess Amphetamines - Incident Counts as %**



**Use-Possess Amphetamines - Incident Count - Rural & Regional as a % of City**



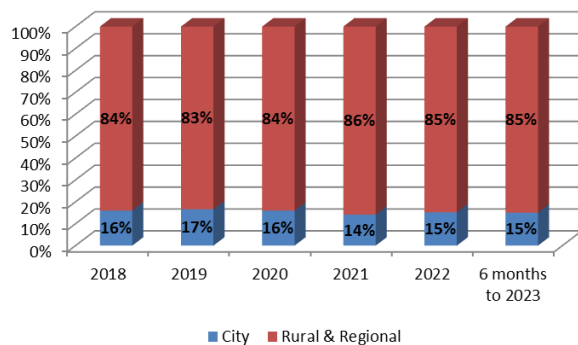
Use-Possess Amphetamines - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	3597	4015	4160	4100	3432	1774
Rural and Regional	3455	3937	3822	3238	2826	1360
Total	7052	7952	7982	7338	6258	3134



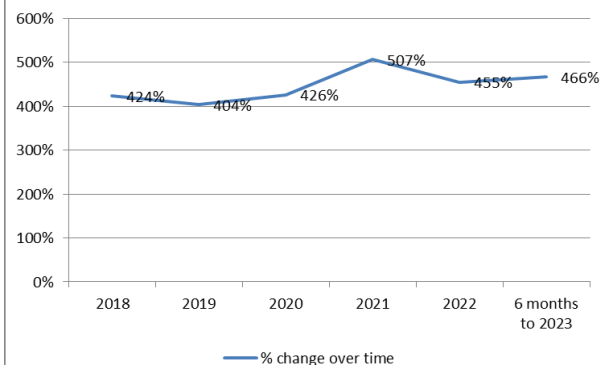
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## NON-DOMESTIC ASSAULT

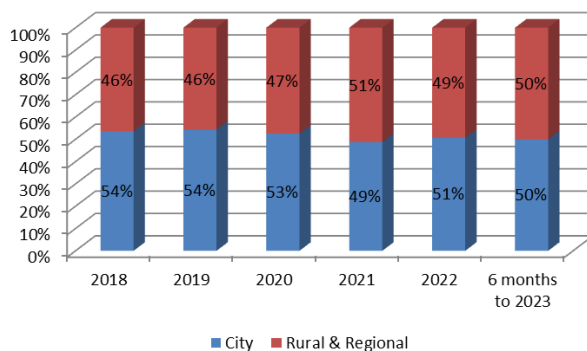
**Non-Domestic Assault - % of Rate of Incidents per 100,000**



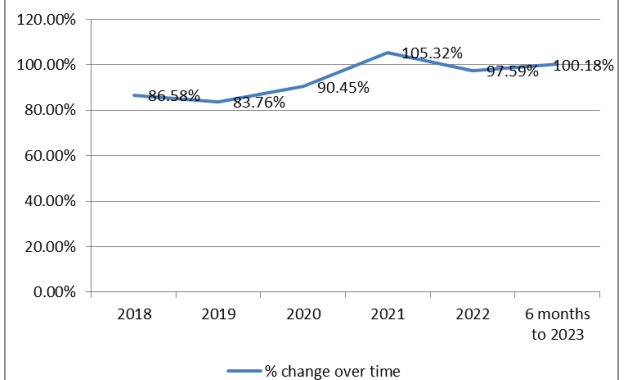
**Non-Domestic Assault - % difference between Rural & Regional and City**



**Non-Domestic Assault - Incident Counts as %**



**Non-Domestic Assault - Incident Count - Rural & Regional as a % of City**



Non-Domestic Assault - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	16345	16879	14944	13389	15122	7868
Rural and Regional	14152	14138	13517	14101	14757	7882
Total	30497	31017	28461	27490	29879	15750

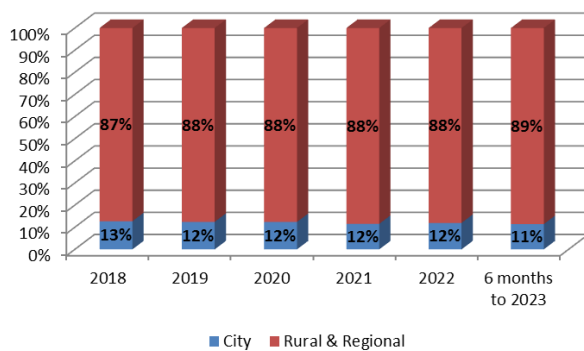


## THE COUNTRY MAYORS ASSOCIATION OF NSW INC

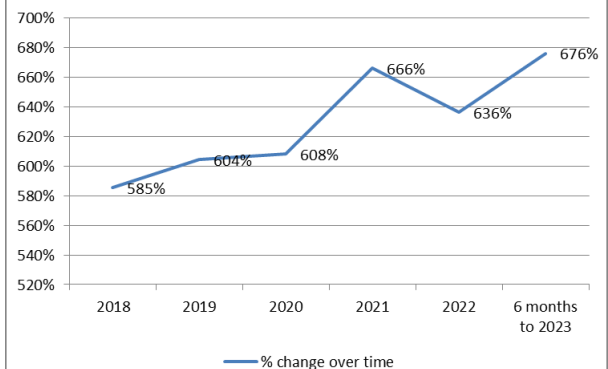
*"What we want is nothing more than equity"*

### DOMESTIC ASSAULT

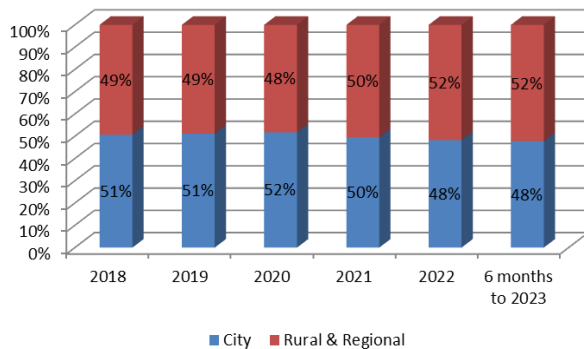
**Domestic Assault - % of Rate of Incidents per 100,000**



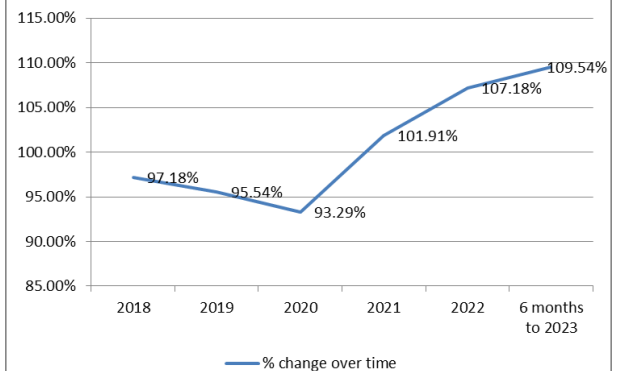
**Domestic Assault - % difference between Rural & Regional and City**



**Domestic Assault - Incident Counts as %**



**Domestic Assault - Incident Count - Rural & Regional as a % of City**



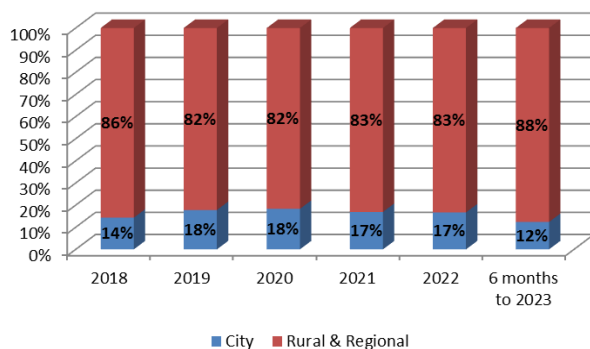
Domestic Assault - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	15069	16026	16689	15899	16265	8279
Rural and Regional	14644	15312	15570	16203	17433	9069
Total	29713	31338	32259	32102	33698	17348



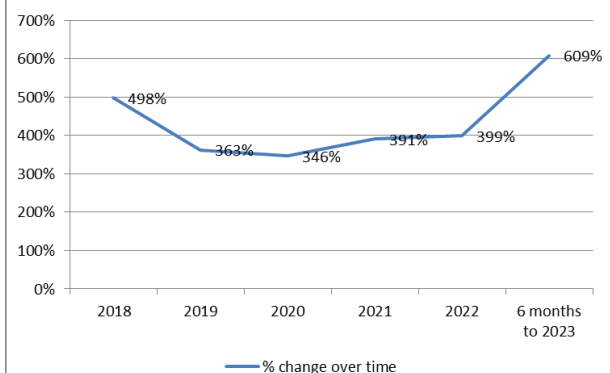
**THE COUNTRY MAYORS  
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## ASSAULT POLICE

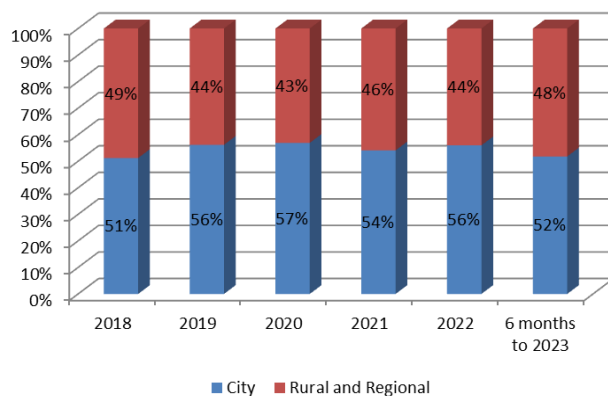
**Assault Police - % of Rate of Incidents per 100,000**



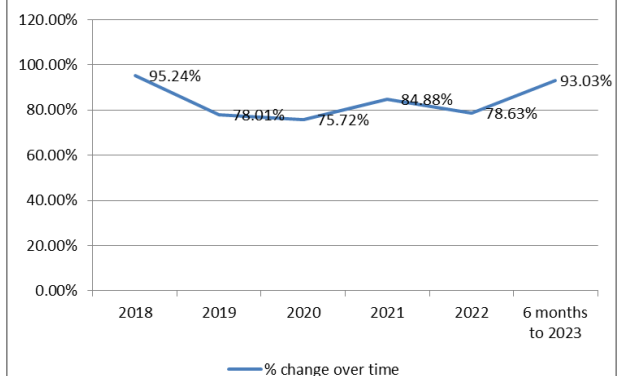
**Assault Police - % difference between Rural & Regional and City**



**Assault Police - Incidents count as %**



**Assault Police - Incident Count - Rural & Regional as a % of City**



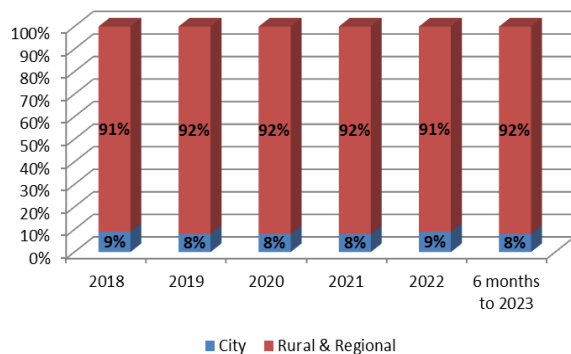
Assault Police - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	1261	1396	1433	1402	1535	660
Rural and Regional	1201	1089	1085	1190	1207	614
Total	2462	2485	2518	2592	2742	1274



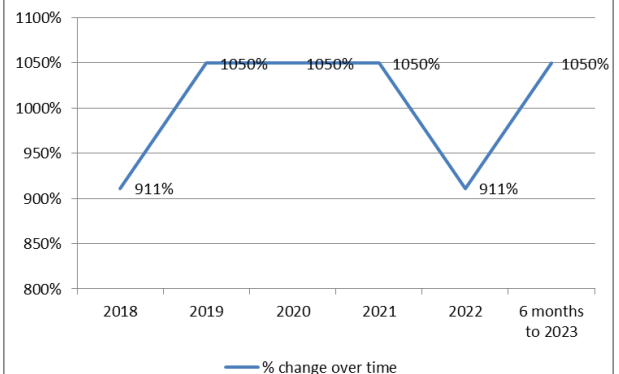
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## BREACH AVO

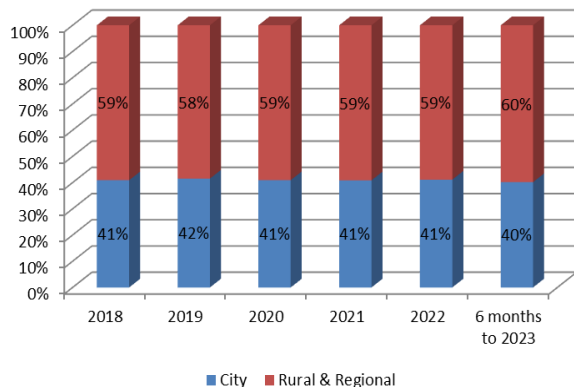
**Breach AVO - % of Rate of Incidents per 100,000**



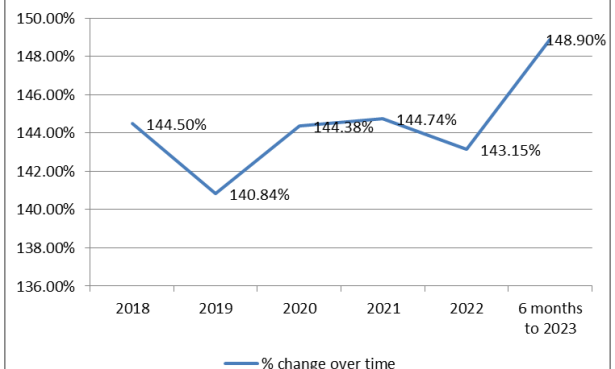
**Breach AVO - % difference between Rural & Regional and City**



**Breach AVO - Incident counts as %**



**Breach AVO - Incident Count - Rural & Regional as a % of City**



Breach AVO - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	6450	7277	8030	8489	9062	4677
Rural and Regional	9320	10249	11594	12287	12972	6964
Total	15770	17526	19624	20776	22034	11641





## THE COUNTRY MAYORS ASSOCIATION OF NSW INC

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### SUMMARY AND RECOMMENDATIONS

As Chairman of the NSW Country Mayors Association (CMA), I offer this report seeking support to effect positive change for Regional, Rural and Remote NSW communities.

CMA conducts an Annual Survey of our members to ensure that we advocate for change in areas that are most of need in our communities. The results from this year's survey can be found on the CMA website <https://nswcountrymayors.com.au/members-annual-survey/>. Crime Law and Order has for the first time now been identified in the top 10 issues impacting our communities.

This report is a comprehensive factual representation of policing numbers, funds spent, distribution of workforce and statistical data on crime categories over a six year period comparing Metropolitan to Regional, Rural and Remote Local Government areas in NSW. The source of data used for this report is a combination of, NSW Annual Police Reports and the NSW Bureau of Crime Statistics and Research (BOCSAR).

According to the NSW Annual Police Report, In 2021/22 year, there were 17,659 police officers which equates to a ratio of residents to police officer (1:467). For that same period of time Queensland had a ratio of (1:324), the South Australian ratio was (1:301), and Victoria's ratio was (1:313). These ratio's highlight the increased workload of police officers in NSW when compared to other Eastern seaboard states of Australia.

The rates of crime in the majority of reportable categories in NSW are substantially higher in Regional, Rural and Remote Local Government areas, then the Metropolitan LGA's. We believe this is a strong lead indicator that there are inadequate policing resources to ensure equality of the reportable rates of crime in the Regional, Rural and Remote regions into the future. It is not unreasonable that the residents of Regional, Rural and Remote NSW communities should expect to have rates of reportable crime no greater than Metropolitan residents, to achieve that change is required.

The graphs in each reportable category show the incident counts and incident rates; as a percentage in the highest majority of these reportable areas both the incident rates and counts are higher then in the Metropolitan LGA's. These results are extremely alarming considering only an estimated one third of the population of NSW resides in Regional, Rural and Remote areas.

#### **Recommendations:**

- 1) That, the Country Mayors Association of NSW call on the all members of the NSW parliament to commit to bipartisan support to establish a Parliamentary Inquiry into and report on the rate of crime in all categories reported on by the Bureau of crime statistical and research (BOCSAR) in Regional, Rural and Remote New South Wales, specifically focussing on the inequity between Metro and Regional Local Government areas.
- 2) That, the Country Mayors Association of NSW calls on all members of the NSW parliament to commit to bipartisan support to increase spending on the NSW police force to increase front line policing numbers in Regional, Rural and Remote regions most at need.
- 3) That, the Country Mayors Association of NSW call on the NSW Government to commit to the minimum staffing agreements (known in the NSW Police Force as First Response Agreements) for non 24 hour police stations all of which are located in Regional, Rural and Remote Local Government areas.
- 4) That, the Country Mayors Association of NSW calls on the NSW Government to review the current formula used to assess staffing levels including the universally agreed outdated current model for those Local Government areas that do have a First Response Agreement in place.



## THE COUNTRY MAYORS ASSOCIATION OF NSW INC

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### **Suggested - Terms of Reference For the Parliamentary Inquiry:**

The Country Mayors Association of NSW expects, at the very minimum, that the Inquiry should include public hearings in Rural, Regional and Remote NSW and that the Terms of Reference for the Parliamentary Inquiry should include:

1. That the body undertaking the Parliamentary Inquiry inquire into and report on law enforcement outcomes and access police and police services in Rural, Regional and Remote NSW, and in particular:

- (a) Equitable and proportionate policing numbers and service to people living in Rural, Regional and Remote NSW;
- (b) A comparison of physical policing numbers and crime statistics for people living in LGAs in Rural, Regional and Remote NSW compared to those living in Metropolitan NSW LGAs;
- (c) Access to policing services in Rural, Regional and Remote NSW including service availability, barriers to access and quality of services;
- (d) People's experience, wait-times and quality of service in Rural, Regional and Remote NSW and how it compares to Metropolitan NSW;
- (e) An analysis of the planning systems and projections that are used by NSW Police in determining the provision of law enforcement services that are to be made available to meet the needs of residents living in Rural, Regional and Remote NSW;
- (f) An analysis of the capital and recurrent law enforcement expenditure in Rural, Regional and Remote NSW in comparison to population growth and relative to Metropolitan NSW;
- (g) An examination of the staffing challenges and allocations that exist in Rural, Regional and Remote policing and the current strategies and initiatives that NSW Police is undertaking to address them;
- (h) Re-offending rates and related impacts on NSW Police, including the ability to retain police officers;
- (i) Doli incapax, its application and its effectiveness in actually managing re-offending rates;
- (j) The accessibility and availability of support services for members of the NSW Police Service;
- (k) An examination of the impact of attrition within the NSW Police Service impacting the ability of those police remaining to effectively and safely undertake their duties;
- (l) Analyse police staffing levels in Regional, Rural and Remote Local Government areas and report on the process of committing to a First Response Agreement for non 24 hour police stations;
- (m) Review of the methodology used to assess staffing levels for Regional, Rural and Remote Local Government areas that currently have First Response Agreements in place.
- (n) Investigate the functions being performed by NSW police officers on behalf of other agencies such as prisoner transport, mental health assistance and all other support functions that impact on the availability of general duties police officers and their response times in Regional, Rural and Remote Local Government areas, and;
- (o) Any other related matters.

## 8 OFFICERS' REPORTS

### 8.1 October 2023 Committee Recommendations

<b>File Reference:</b>	NA
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#### **Delivery Program**

<b>Goal:</b>	5. Organisational management
<b>Outcome:</b>	5.1 Corporate management
<b>Strategy:</b>	5.1.3 Administrative and support functions
<b>Author:</b>	Acting General Manager

#### **STAFF DISCLOSURE OF INTEREST**

Nil

#### **IN BRIEF/SUMMARY RECOMMENDATION**

This report recommends the adoption of the recommendations from both the Public Infrastructure Committee Meeting and the Community Services and Planning Committee Meeting.

#### **TABLED ITEMS**

Nil

#### **COMMITTEE RECOMMENDATIONS:**

##### **Public Infrastructure Committee Meeting**

**THAT Council engages Morris Piper Consultants to prepare an application to the Regional Precincts and Partnerships Program Stream 1 for the Warialda Circular Economy Project for the sum of \$7,200 excluding GST.**

**THAT the Monthly Technical Services Report for October 2023 be received.**

##### **Confidential Community Services and Planning Committee Meeting**

**THAT the report be received.**

##### **Community Services and Planning Committee Meeting**

**THAT the Monthly Action Progress Report October be received.**

##### **Executive Services**

**THAT the report be received.**

#### **ATTACHMENTS**

Nil

## 8.2 October Investment &amp; Rates Collection Report

<b>File Reference:</b>	NA
------------------------	----

**Delivery Program**

<b>Goal:</b>	5. Organisational management
<b>Outcome:</b>	5.1 Corporate management
<b>Strategy:</b>	5.1.1 Financial Management and accountability systems
<b>Author:</b>	Helen Thomas Chief Financial Officer

**STAFF DISCLOSURE OF INTEREST**

Nil

**IN BRIEF/SUMMARY RECOMMENDATION**

This report is for reception.

**TABLED ITEMS**

Nil

**BACKGROUND**

In accordance with Clause 19(3) of the Local Government (Financial Management) Regulation 1993, the following information provides details of Council's funds invested as at 31 October 2023.

Direct Investments							
Broker	ID	Investment Name	Rating	Type	Next Rollover	Yield	Current Value
NAB	2023.01	NAB	AA	TD	22/11/2023	4.10%	\$1,000,000.00
NAB	2023.02	NAB	AA	TD	22/11/2023	4.10%	\$1,000,000.00
NAB	2023.03	NAB	AA	TD	22/11/2023	4.10%	\$1,000,000.00
Grand Total							\$3,000,000.00

Managed Funds					
Fund	Investment	Horizon	Type	Yield	Current Value
Regional Australia Bank		At Call	Cash		\$363,475.70
Regional Australia Bank Medical Centre		At Call	Cash	3.00%	\$51,500.00
Grand Total					\$414,975.70

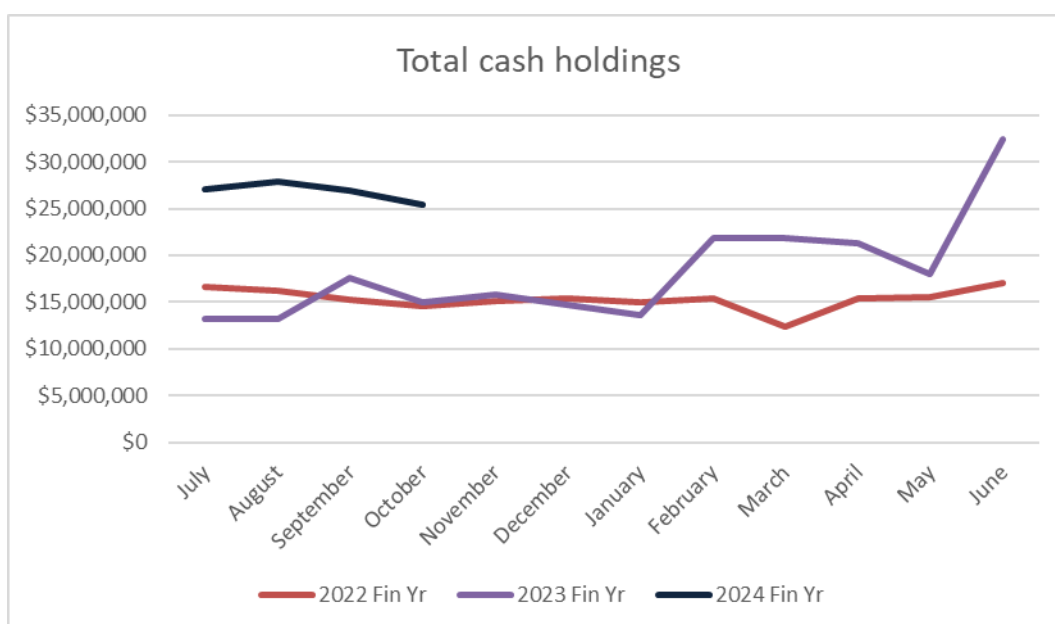
Total Investments	
Direct Investments	\$3,000,000.00
Managed Funds	\$414,975.70
Grand Total	\$3,414,975.70

### Cash and Investments

Total Investments	
Direct Investments	\$3,000,000.00
Managed Funds	\$414,975.70
<b>Grand Total Investments</b>	<b>\$3,414,975.70</b>

Total Cash and Investments	
Investments	\$3,414,975.70
Cash at bank	\$22,001,886.19
<b>Grand Total Cash and Investments</b>	<b>\$25,416,861.89</b>

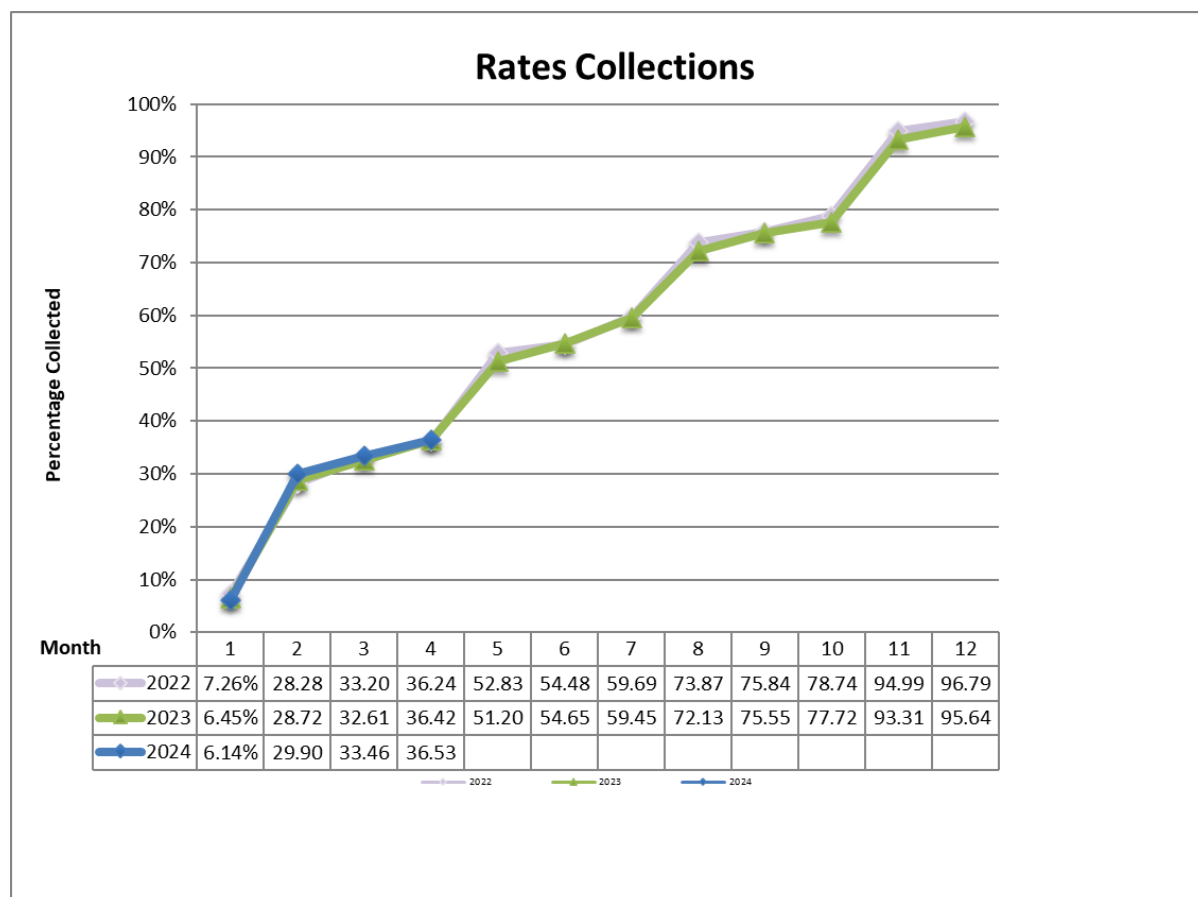
General Fund Cash	
<b>Total cash and investments</b>	<b>\$25,416,861.89</b>
<b>LESS:</b>	
Water fund*	-\$1,423,411.00
Sewer fund*	-\$4,158,724.00
Waste fund*	-\$4,614,607.00
<b>Other restrictions:</b>	
Employee leave entitlements*	-\$950,000.00
Bonds and deposits	-\$1,786,910.37
Unexpended grants*	-\$9,430,852.27
Developer contributions	-\$721,000.00
<b>Discretionary General Fund Cash</b>	<b>\$2,331,357.25</b>



I, Helen Thomas, CFO and Responsible Accounting Officer for Gwydir Shire Council, certify that the Council's investments have been made in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005 and Council's Investment Policy, as amended.

## RATES COLLECTIONS

The graph below represents a comparative of the percentage collections for the current year against the two previous rating years. The current years collections are up to 31 October 2023.



## OFFICER RECOMMENDATION

**THAT the October Monthly Investment and Rates Collection report be received.**

## ATTACHMENTS

Nil

### 8.3 October Councillors Activity Report

<b>File Reference:</b>	NA
------------------------	----

#### Delivery Program

<b>Goal:</b>	5. Organisational management
<b>Outcome:</b>	5.1 Corporate management
<b>Strategy:</b>	5.1.3 Administrative and support functions
<b>Author:</b>	Cherisse Amer, Elected Members Representative

#### STAFF DISCLOSURE OF INTEREST

Nil

#### IN BRIEF/SUMMARY RECOMMENDATION

This report is for reception.

#### TABLED ITEMS

Nil

#### BACKGROUND

#### The Councillors' activity schedule for October

October 2023		
Councillor	Event	Date
Cr John Coulton ( Mayor)	Naomi RJP (Regional Job Precinct) - Recommended Actions Briefing & Feedback - Tamworth	4 <sup>th</sup> Oct.
	Office of the General Manager & Mayor - Namoi Regional Workforce Attractions and Retention Strategy Tamworth	5 <sup>th</sup> Oct.
	TfNSW Executive Safety Leadership Summit Doltone House Darling Island Wharf Pyrmont, Sydney	11 <sup>th</sup> Oct.
	Gwydir Health Alliance Meeting - Tuesday 17 October 2023 – Warialda Training Room	17 <sup>th</sup> Oct.
	Warialda Honey Festival	21 <sup>st</sup> Oct.
	Ordinary Council Meeting – The Roxy Conference Room Bingara	26 <sup>th</sup> Oct.
	Citizenship Ceremony – The Roxy Theatre	26 <sup>th</sup> Oct.
	Gwydir and Morris Piper discussion re RPPP	26 <sup>th</sup> Oct.
	Gwydir Circular Economy Ltd Meeting - Warialda	31 <sup>st</sup> Oct.
Cr Catherine Egan	Housing Meeting - Leeah	6 <sup>th</sup> Oct.



(Deputy Mayor)	Touriandi Lodge 30th Birthday Touriandi Lodge (4 OLD BORA ROAD, Bingara New South Wales 2404)	7 <sup>th</sup> Oct.
	Special Events Work Shop – Orange Festival - Bingara	7 <sup>th</sup> Oct.
	Gwydir News - Community College - The Roxy Conference Room	16 <sup>th</sup> Oct.
	Gwydir Health Alliance Meeting -Tuesday 17 October 2023 – Warialda Training Room	17 <sup>th</sup> Oct.
	Vision 20/20 – The Imperial Hotel Bingara	18 <sup>th</sup> Oct.
	Bingara Special Events Committee Meeting _ The Roxy Conference Room	23 <sup>rd</sup> Oct.
	Ordinary Council Meeting – The Roxy Conference Room	26 <sup>th</sup> Oct.
	Citizenship Ceremony – The Roxy Theatre	26 <sup>th</sup> Oct.
Cr David Coulton	Meeting with Ian George - Telstra	13 <sup>th</sup> Oct.
	Historical Society Meeting - Warialda	17 <sup>th</sup> Oct.
	Ordinary Council Meeting – The Roxy Conference Room	26 <sup>th</sup> Oct.
	Citizenship Ceremony – The Roxy Theatre	26 <sup>th</sup> Oct.
Cr Geoff Smith	Inaugural Warialda Anzac Day Committee meeting – Warialda Council Chambers	4 <sup>th</sup> Oct.
	Ordinary Council Meeting – The Roxy Conference Room	26 <sup>th</sup> Oct.
	Citizenship Ceremony – The Roxy Theatre	26 <sup>th</sup> Oct.
Cr Lyndon Mulligan	AGM & Rachel's Farm movie – Northern Slopes Landcare -The Roxy Theatre	19 <sup>th</sup> Oct.
	Ordinary Council Meeting – The Roxy Conference Room	26 <sup>th</sup> Oct.
	Citizenship Ceremony – The Roxy Theatre	26 <sup>th</sup> Oct.
Cr Marilyn Dixon	Touriandi Lodge 30th Birthday Touriandi Lodge (4 OLD BORA ROAD, Bingara New South Wales 2404)	7 <sup>th</sup> Oct.
	Special Events Work Shop – Orange Festival - Bingara	7 <sup>th</sup> Oct.
	Gwydir Health Alliance Meeting -Tuesday 17 October 2023 – Warialda Training Room	17 <sup>th</sup> Oct.
	Disability Inclusion Advisory Committee – Warialda Council Chambers	19 <sup>th</sup> Oct.
	Warialda Honey Festival	21 <sup>st</sup> Oct.
	Bingara Special events Committee Meeting – The Roxy Conference Room	23 <sup>rd</sup> Oct.
	Ordinary Council Meeting – The Roxy Conference Room	26 <sup>th</sup> Oct.
	Citizenship Ceremony – The Roxy Theatre	26 <sup>th</sup> Oct.

Cr Tiffany Galvin	Touriandi Lodge 30th Birthday Touriandi Lodge (4 OLD BORA ROAD, Bingara New South Wales 2404)	7 <sup>th</sup> Oct.
	Special Events Work Shop – Orange Festival - Bingara	7 <sup>th</sup> Oct.
	Gwydir Health Alliance Meeting -Tuesday 17 October 2023 – Warialda Training Room	17 <sup>th</sup> Oct.
	Disability Inclusion Advisory Committee – Warialda Council Chambers	19 <sup>th</sup> Oct.
	Warialda Honey Festival	21 <sup>st</sup> Oct.
	Bingara Special events Committee Meeting – The Roxy Conference Room	23 <sup>rd</sup> Oct.
	Ordinary Council Meeting – The Roxy Conference Room	26 <sup>th</sup> Oct.
	Citizenship Ceremony – The Roxy Theatre	26 <sup>th</sup> Oct.
	Motivation Speaker – Justin Herald and BBQ Dinner	30 <sup>th</sup> Oct.
Cr Jim Moore	Northern Slopes Landcare NSLA Zoom Committee meeting - Auditor meeting to discuss Financial Report - 12/10/23 12.00pm via Zoom	12 <sup>th</sup> Oct.
	AGM & Rachel's Farm movie – Northern Slopes Landcare -The Roxy Theatre	19 <sup>th</sup> Oct.
	Warialda Honey Festival	21 <sup>st</sup> Oct.
	Ordinary Council Meeting – The Roxy Conference Room	26 <sup>th</sup> Oct.
	Citizenship Ceremony – The Roxy Theatre	26 <sup>th</sup> Oct.
Cr (Dr Chris Matthews	Overseas	

**OFFICER RECOMMENDATION**

**THAT the report be received.**

**ATTACHMENTS**

Nil

## **8.4 Child Safe Policy**

**File Reference:** Nil

### **Delivery Program**

**Goal:** 5. Organisational management

**Outcome:** 5.1 Corporate management

**Strategy:** 1.2.2 A shared responsibility for community safety

**Author:** IP&R & Governance Officer

### **STAFF DISCLOSURE OF INTEREST**

Nil

### **IN BRIEF/SUMMARY RECOMMENDATION**

Amendment to Child Safe Policy originally adopted in August 2023 Council meeting.

### **TABLED ITEMS**

Nil

### **BACKGROUND**

Gwydir Shire Council is required under legislation to implement the Child Safe Standards adopted by the Office of the Children's Guardian (OCG) following the Royal Commission into Institutional Responses to Child Sexual Abuse and Related Matters. This legislation came into effect on 1 February 2023.

### **COMMENT**

Amendments to this policy are listed below:

Roles and Responsibilities – Pages 15-16  
Formatting changes

### **OFFICER RECOMMENDATION**

**THAT this policy be received.**

### **ATTACHMENTS**

1. Child Safe Policy – Reformatted [8.4.1 - 17 Pages]



## Gwydir Shire Council Child Safe Policy

Department: Social Services and Executive Services

Responsible Manager: Social Services Manager and Governance Officer

Date Adopted: August 2023

File Ref: TBC

Version No: 1.0

Next Review: August 2024

Pages: 17

## Table Of Contents

<b>Gwydir Shire Council .....</b>	<b>1</b>
<b>Child Safe Policy .....</b>	<b>1</b>
<b>Overview.....</b>	<b>3</b>
Definitions, Roles and Responsibilities .....	3
<b>Policy Statement.....</b>	<b>6</b>
<b>Scope.....</b>	<b>6</b>
<b>Principles .....</b>	<b>7</b>
What is Child Abuse?.....	7
Indicators of Abuse .....	8
Neglect.....	8
Physical Abuse .....	9
Emotional or Psychological Abuse .....	9
Sexual Abuse.....	10
Domestic/Family Violence.....	10
<b>Legislative Changes.....</b>	<b>11</b>
<b>Requirements.....</b>	<b>12</b>
Mandatory reporting risk of significant harm (ROSH) .....	12
Selection and recruitment .....	13
Allegations against staff .....	13
Child-Safe Organisation.....	13
Disciplinary action .....	13
Support during investigations .....	14
Record keeping.....	14
<b>Roles and Responsibilities.....</b>	<b>15</b>
<b>Related Documents .....</b>	<b>16</b>
<b>Related Legislation.....</b>	<b>16</b>
<b>4. Revision Record .....</b>	<b>17</b>

## Overview

To ensure Council is compliant with NSW child protection legislation, including mandatory reporting, recruitment and selection and responding to allegations against staff involving children and young people.

To articulate the professional and legal obligations of Council staff in relation to child protection. All staff and volunteers are committed to identifying possible risk and significant risk of harm to children and young people in our care. We comprehend our duty of care responsibilities to protect children from all types of abuse and neglect and will always adhere to our moral and legislative obligations.

To ensure Council implements procedures for the prompt and confidential response to all allegations against Council staff, volunteers, students and persons undertaking work experience and contractors/suppliers where a child or young person is involved.

To promote the health, safety, welfare and wellbeing of children and young people, and to ensure that Council provides a safe environment for children and young people whilst on Council premises and utilising Council services.

To ensure that Council is implementing best practice approaches to child protection, and in this regard is responding to recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse (2017) that affect Local Government.

## Definitions, Roles and Responsibilities

**Child Safe Organisation** – An organisation in which child safety is embedded in planning, policy and practices and where the voices of children and young people are valued and actioned.

**Department of Communities and Justice (DCJ)** – the New South Wales (NSW) Government agency responsible for the care and protection of children and young people.

**Mandatory Reporting** – the legislative requirement for the selected classes of people to report suspected child abuse and neglect to government authorities. In NSW, mandatory reporting is regulated by the Children and Young Persons (Care and Protection) Act 1998 (The Care Act).

**Child-Related Work** – Work which involves direct contact by the worker with a child or children where that contact is a usual part of and more than incidental to the work. It also includes work that is likely to involve contact with a child in connection with at least one of the 20 legislated categories of child-related work, which include:

- education and care and child-minding services
- clubs or other bodies providing programs and services for children
- entertainment for children, including sporting, cultural or other entertainment venues used primarily by children and entertainment services for children
- transport services for children, including school bus services, services for children with a disability and supervision of school road crossings.

Child related work may also include a worker who has access to confidential records or information about children.

**Contract Service Provider** – An organisation or entity contracted to provide goods, services or programs involving child-related work on behalf of or in conjunction with

Council, where that entity has been engaged as a result of informal and formal procurement processes such as Requests for Quotation (RFQs), Tender Applications, Expressions of Interest (EOIs). And one-off or standing purchase orders.

**Ill-treatment of a Child** – Means conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel.

Ill-treatment includes:

- making excessive or degrading demands of a child
- a pattern of hostile or degrading comments or behaviour towards a child
- using inappropriate forms of behaviour management towards a child

**Mandatory Reporters** – Mandatory Reporters are people who deliver the following services, wholly or partly, to children as part of their paid or professional work:

- Health care (e.g. registered medical practitioners, specialists, general practice, nurses, midwives, occupational therapists, speech therapists, psychologists, dentists and other allied health professionals working in sole practice or in public or private health practices)
- Welfare (e.g. social workers, caseworkers and youth workers)
- Education (e.g. teachers, counsellors and principals)
- Children's services (e.g. Early childhood education workers, family day carers and home based carers)
- Residential services (e.g. refuge workers)
- Law enforcement (e.g. police)
- Registered psychologists providing a professional service as a psychologist
- A person in religious ministry or a person providing religious-based activities to children.

All staff have a responsibility to recognise and respond to concerns for safety, welfare and the wellbeing of children and young people, and to report these concerns to management.

According to the *Children and Young Persons (Care and Protection) Act 1998*, mandated reporters must make reports if they suspect on reasonable grounds a child is at risk of significant harm because:

- the child's basic physical or psychological needs are not being met or are at risk of not being met
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child to receive necessary medical care
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for a school aged child to receive an education
- the child has been, or is at risk of being physically or sexually abused or ill-treated
- the child is living in a household where there have been incidents of domestic violence and they are at risk of serious physical or psychological harm
- the parents or other caregivers behaviour means the child has suffered or is at risk of suffering serious psychological harm.

Source: *Children and Young Persons (Care and Protection Act) NO 157 Chapter 3 – Part 2 – Section 23.*

**Maltreatment** – refers to non-accidental behaviour towards another person, which is outside the norms of conduct and entails a substantial risk of causing physical or emotional harm. Behaviours may be intentional or unintentional and include acts of omission and commission. Specifically, abuse refers to acts of commission and neglects acts of omission. Note, that in practice, the terms child abuse and child neglect are used more frequently than the term child maltreatment.

**Risk of Significant Harm (ROSH)** – refers to circumstances causing concern for the safety, welfare and wellbeing a child or young person present to a significant extent. This means it is sufficiently serious to warrant a response by a statutory authority irrespective of the family's consent.

What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or wellbeing. In the case of an unborn child, what is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child.

**Reportable Conduct** – Reportable conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded:

- a) a sexual offence
- b) sexual misconduct
- c) ill-treatment of a child
- d) neglect of a child
- e) an assault against a child
- f) failure to reduce or remove the risk of a child becoming the victim of abuse or concealing child abuse
- g) behaviour that causes significant emotional or psychological harm to a child.

Examples of indicators of significant emotional or psychological harm in respect of paragraph (g) include:

- 1. displaying behaviour patterns that are out of character
- 2. regressive behaviour
- 3. anxiety or self-harm.

**Reportable Allegation** – A reportable allegation in relation to an employee of Gwydir Shire Council means:

- a) if the employee holds, or is required to hold, a Working with Children Check (WWCC) clearance for the purpose of employment with the public authority – an allegation that the employee has engaged in conduct that may be Reportable Conduct, whether or not the conduct is alleged to have occurred in the course of the employee's employment, or
- b) if the employee is not required to hold a Working with Children Check (WWCC) clearance for the purpose of employment with the public authority – an allegation that the employee has engaged in conduct that may be Reportable Conduct, unless the conduct is alleged to have occurred outside the course of the employee's employment with the public authority.



**Investigation (of Reportable Allegations of Conduct)** – The process in which Council:

- gathers all relevant facts
- manages risks to children, employees and the organisation during an investigation
- makes an assessment as to whether an allegation is reportable under the Reportable Conduct Scheme
- notifies the Children's Guardian of the Reportable Allegation or Conduct
- makes findings of Reportable Conduct including whether an allegation is sustained or not, and
- provides information to assist any relevant employment proceedings.

**Reasonable Grounds** – refer to the need to have an objective basis for suspecting that a child may be at risk of abuse and neglect based on:

- firsthand observation of the child or family
- what the child, parent or other person has disclosed
- what can reasonably be indirect based on observation, professional training and/or experience.

## Policy Statement

Gwydir Shire Council is committed to providing a child safe environment where children's safety and wellbeing is supported, and children feel respected and valued. Gwydir Shire Council adheres to the National Principles for Child Safe Organisations and promotes a culture of safety and wellbeing to minimise the risk of child abuse or harm to children whilst promoting children's sense of security and belonging. Council believes that the safety and wellbeing of children and young people is everybody's business. In NSW, the safety of children and young people are the shared responsibility of parents and families, supported by the community, government, and nongovernment organisations. Council staff, volunteers, and contractors share a commitment to the awareness, prevention, and response to the suspected risk of significant harm of a child or young person. This is in adherence to the Children and Young Persons (Care and Protection) Act 1998.

Council maintains a rigorous and consistent recruitment, screening and selection process. Council takes allegations against staff involving children and young people seriously and supports the fair and thorough investigation led by the General Manager and Gwydir Shire Council triage team. Council adopts the Office of the Children's Guardian's Principles for Child-Safe Organisations (2017) and the Royal Commission Final Report Recommendations (2017) relevant to Local Government including the Child Safe Standards and The Children's Guardian amendment (Child Safe Scheme) Bill 2021

## Scope

This Policy applies to all full-time, part-time, casual, temporary and fixed term Council Employees (and includes staff, students on placement, volunteers, Section 355 Committee members and Councillors).

The Policy also applies to the management of contracted service providers and grant and sponsorship recipients delivering services involving child-related work, either on behalf of or in conjunction with the Council.

## Principles

This Policy reflects Gwydir Shire Council's commitment to:

- The Office of the Children's Guardian's Principles for Child-Safe Organisations (2017)
  - **Principle 1** – The organisation focuses on what is best for children.
  - **Principle 2** – All children are respected and treated fairly.
  - **Principle 3** – Children's families and communities are welcome and encouraged to participate in the organisation.
  - **Principle 4** – Children receive services from skilled and caring adults.
- The Child Safe Standards identified by the 2017 Royal Commission into Institutional Responses to Child Sexual Abuse:
  - **Standard 1** – Child safety is embedded in organisational leadership, governance and culture.
  - **Standard 2** – Children participate in decisions affecting them and are taken seriously.
  - **Standard 3** – Families and communities are informed and involved.
  - **Standard 4** – Equity is upheld and diversity is taken into account.
  - **Standard 5** – People working with children are suitable and supported.
  - **Standard 6** – Processes to respond to complaints of child abuse are child focused.
  - **Standard 7** – Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
  - **Standard 8** – Physical and online environments minimise the opportunity for abuse to occur.
  - **Standard 9** – Implementation of the Child Safe Standards is continuously reviewed and improved.
  - **Standard 10** – Policies and procedures document how the organisation is child safe.
- The United Nations Convention on the Rights of the Child (1990).

### What is Child Abuse?

Child abuse is any action towards a child or young person that harms or puts at risk their physical, psychological, or emotional health or development. Child abuse can be a single incident or can be a number of different incidents that take place over time.

NSW Department of Communities and Justice (DCJ), identify different forms of child abuse which include – neglect, sexual, physical and emotional abuse or psychological harm.

[https://www.facs.nsw.gov.au/families/Protecting-kids/reporting-child-at-risk/harm-and-neglect?merge\\_chapters=true](https://www.facs.nsw.gov.au/families/Protecting-kids/reporting-child-at-risk/harm-and-neglect?merge_chapters=true)

### Indicators of Abuse

There are common physical and behavioural signs that may indicate abuse or neglect. The presence of one of these signs does not necessarily mean abuse or neglect. Behavioural or physical signs which assist in recognising harm to children are known as indicators.

***The following is a guide only.***

One indicator on its own may not imply abuse or neglect. However, a single indicator can be as important as the presence of several indicators. Each indicator needs to be deliberated in the perspective of other indicators and the child's circumstances. A child's behaviour is likely to be affected if they are under stress. There can be many causes of stress and it is important to find out specifically what is causing the stress. Abuse and neglect can be single incidents or ongoing and may be intentional or unintentional.

General indicators of abuse and neglect may include:

- marked delay between injury and seeking medical assistance
- history of injury
- the child gives some indication that the injury did not occur as stated
- the child tells you someone has hurt them
- the child tells you about someone they know who has been hurt
- someone (relative, friend, acquaintance, sibling) tells you that the child may have been abused.

### **Neglect**

Child neglect is the continuous failure by a parent or caregiver to provide a child with the basic requirements needed for their growth and development, such as food, clothing, shelter, medical and dental care, and adequate supervision.

Some examples of neglect are:

- inability to respond emotionally to the child
- child abandonment
- unable or unwilling to provide adequate food, shelter, clothing, medical attention, safe home conditions
- depriving or withholding physical contact
- failure to provide psychological nurturing
- treating one child differently to the others.

### **Indicators of neglect in children**

- low weight for age and failure to thrive or develop
- child not adequately supervised for their age
- poor standard of hygiene leading to social isolation
- scavenging or stealing food
- extreme longing for adult affection
- lacking a sense of genuine interaction with others
- acute separation anxiety
- self-comforting behaviours e.g. rocking, sucking
- delay in developmental milestones
- untreated physical problems such as sores, serious nappy rash and urine scalds, dental decay.

**Physical Abuse**

Physical abuse is when a child has suffered, or is at risk of suffering, non-accidental trauma or injury, caused by a parent, caregiver or other person. Educators will be particularly aware of looking for possible physical abuse if parents or caregivers:

- make direct admissions about fear of hurting their children
- have a family history of violence
- have a history of their own maltreatment as a child
- make repeated visits for medical assistance
- use excessive discipline.

**Indicators of physical abuse**

- facial, head and neck bruising
- lacerations and welts
- drowsiness, vomiting, fits or pooling of blood in the eyes that may suggest head injury
- explanations are not consistent with injury
- bruising or marks that may show the shape of an object
- adult bite marks or scratches
- multiple injuries or bruises
- ingestion of poisonous substances, alcohol or drugs
- sprains, twists, dislocations
- bone fractures
- burns and scalds
- general indicators of female genital mutilations, such as having a 'special operation'.

**Emotional or Psychological Abuse**

Psychological harm occurs where the behaviour of a person damages the confidence and self-esteem of the child, resulting in serious emotional deficiency or trauma. In general, it is the frequency and duration of this behaviour that causes harm. Some examples are:

- constant or excessive criticism, condescending, teasing of a child or ignoring or withholding admiration and affection
- excessive or unreasonable demands
- persistent hostility, severe abuse, and rejection
- belief that a specific child is bad or 'evil'
- using inappropriate physical or social isolation as punishment
- exposure to domestic violence
- intimidating or threatening behaviour.

**Indicators of psychological abuse**

- feeling of worthlessness about themselves and life
- inability to value others
- lack of trust in people and expectations
- lack of 'people skills' necessary for daily functioning

- extreme attention seeking behaviours
- extremely eager to please or obey adults
- may take extreme risks, is markedly disruptive, bullying or aggressive
- other behavioural disorders (disruptiveness aggressiveness, bullying)
- suicide threats (in young people)
- running away from home.

As some delay in the manifestation of psychological harm may be likely, Council should maintain detailed notes in respect of any allegation of psychological harm when indicators of harm are not present at the time the allegation was made.

### **Sexual Abuse**

Sexual abuse is when someone involves a child in a sexual activity by using their authority over them or takes advantage of their trust. Children are often bribed or threatened physically and psychologically to make them participate in the activity. Sexual abuse includes:

- exposing the child to the sexual behaviours of others
- coercing the child to engage in sexual behaviour with other children or adults
- verbal threats of sexual abuse
- exposing the child to pornography or prostitution or using a child for pornographic purposes
- previous conviction or suspicion of child sexual abuse.

### **Indicators of sexual abuse**

- bruising or bleeding in the genital area
- bruising to buttocks, lower abdomen or thighs
- injuries such as tears to the genitalia
- the child describes sexual acts
- direct or indirect disclosures
- age-inappropriate behaviour and/or persistent sexual behaviour
- self-destructive behaviour e.g. self-mutilation
- regression in developmental achievements
- child being in contact with a suspected or known perpetrator of sexual assault.

### **Domestic/Family Violence**

Domestic/Family violence, or intimate partner violence, is a violation of human rights. It involves violent, abusive or intimidating behaviour carried out by an adult against a partner or former partner to control and dominate that person.

Domestic/Family violence causes fear, physical, and/or psychological harm. It is most often violent, abusive, or intimidating behaviour by a man against a woman, but can also be these behaviours by a woman against a man. Living with domestic/family violence has a profound effect upon children and young people and therefore constitutes a form of child abuse. (*The NSW Domestic and Family Violence Action Plan*, June 2010).

### **Indicators of domestic/family violence**

**The child may:**

- demonstrate aggressive behaviour
- develop phobias & insomnia
- experience anxiety
- show signs of depression
- have diminished self esteem
- demonstrate poor academic performance and problem-solving skills
- have reduced social skills including low levels of empathy
- show emotional distress
- have physical complaints.

**Legislative Changes**

In October 2016, the NSW Government introduced reforms to strengthen the regulatory powers of the Office of the Children's Guardian. New amendments also tightened provisions for appealing against decisions to bar unsuitable Working with Children Check applicants from working with children. Also, under the Working with Children Check, it is now an offence to make a false or misleading statement, punishable by a maximum penalty of \$550.

These changes are included in the *Child Protection (Working with Children) and Other Child Protection Legislation Amendment Act 2016*, making amendments to the following Acts:

- *Child Protection (Working with Children) Act 2012*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Teaching Service Act 1980*
- *Education (School Administrative and Support Staff) Act 1987*

Amendments to the Teaching and Education Staff Acts provide for suspension from duty (instead of dismissal) for a person who's 'Working with Children Check' is cancelled because of a pending charge for a serious offence under the Working with Children legislation.

The Childrens Guardian amendment (Child Safe Scheme) Bill 2021

In children's employment, the amendments give the Office of the Children's Guardian new powers to enter and inspect premises where they reasonably suspect a person is illegally employing a child, as well as the ability to serve on-the-spot penalty notices for breaches of children's employment legislation.

New legislation introduced in response to the Royal Commission into Institutional Responses to Child Sexual Abuse has also clarified the legal responsibility of organisations to protect children, report abuse and in some cases increased penalties for not doing so.

- Child Protection (Working with Children) Amendment Statutory Review Bill 2018 NSW (April 2018)
- The Childrens Guardian amendment (Child Safe Scheme) Bill 2021.

### Implications for Councils

New sections to make it an offence for an employer to fail to obtain and verify the details of a worker employed to work with children or to keep a record of the details that were obtained. The bill provides for penalty infringement notices to be served on employers who fail to ensure that staff working with children have obtained clearance. Employers can verify whether a worker has the appropriate clearance through an online process.

[Criminal Legislation Amendment \(Child Sexual Abuse\) Bill 2018](#) (June 2018).

This includes the 'failing to protect' offence where a person will commit an offence if they know that another adult in the organisation who works with children poses a serious risk of physically or sexually abusing a child.

This also includes the 'failing to report' offence where a person will commit an offence for failing to report child abuse. The new offence, Section 316A, will apply where a person knows, believes or reasonably ought to know that a child abuse offence has been committed against a child.

- Civil Liability Amendment (Organisation Child Abuse Liability) Bill 2018 (October 2018).

Councils can be held vicariously liable for the abuse of children perpetrated by people who are employed by council and by people who are "akin to employees" of council. This may include family day care workers, as well as volunteers and contractors.

In addition, councils, as providers of children's services, which do not take reasonable steps to prevent child abuse of children in their care, may be liable in a negligence action.

- Children's Guardian Act 2019 (November 2019)
- The Childrens Guardian amendment (Child Safe Scheme) Bill 2021.

All councils, county councils and Joint Organisations are relevant entities for the purposes of the Act. This means that councils will have obligations to investigate reportable allegations which are allegations that an employee who is engaged to provide services to children or who is required to hold a Working with Children Check (WWCC) has engaged in sexual offences, neglect or assault or ill-treatment of a child, and to make determinations about reportable convictions, which are convictions for an offence.

The Act requires an employee of an approved education and care service to report to the general manager of the council a reportable allegation or reportable conviction that relates to an employee of the service. The Act also requires a relevant entity to have a code of conduct and policies in place to prevent and detect reportable conduct by employees of the entity. LGNSW has provided a [summary](#) of the Act.

### Requirements

#### Mandatory reporting risk of significant harm (ROSH)

Where there are concerns that a child or young person is suspected to be at risk of significant harm, staff who are 'mandatory reporters' are required to report these concerns to the Department of Communities and Justice (DCJ) Child Protection Helpline. The Mandatory Reporter Guide (MRG) is used to help determine when and what should be reported. Staff who are not mandatory reporters, as well as members of the community, can also report the suspected risk of significant harm to the Child Protection Helpline. The Child



Protection Helpline receives reports via either telephone on PH: 132 111 or via eReporting. Mandatory reporting is outlined in the Children and Young Persons (Care and Protection) Act 1998.

### **Selection and recruitment**

Council will meet legal requirements to ensure that only people with valid Working with Children Checks (WWCC) are engaged in child-related work. The WWCC is an essential part of Council's recruitment process to prevent people who pose a risk to the safety of a child or young person from being employed or engaged in child-related work. Human Resources (HR) manage all selection and recruitment related WWCC. This is in line with the Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013.

In addition, all full-time, part-time, casual, temporary and fixed term Council Employees (including staff, students on placement, volunteers, 355 Committee members and Councillors) and contracted service providers and grant and sponsorship recipients delivering services involving child-related work, either on behalf of or in conjunction with the Council will be subject to a National Police Check prior to employment.

### **Allegations against staff**

Complaints and allegations against staff, elected members, contractors and sub-contractors, work experience participants, volunteers, students on placement, Early Childhood Educators, facility hirers and lessees involving a child or young person will be handled in accordance with the relevant legislation, specifically Children's Guardian Act 2019. This mandates a specific approach to the handling and reporting of complaints about staff involving a child or young person. All allegations in relation to staff involving an individual under the age of 18 years will be immediately reported to the triage team, who will in turn investigate and report the matter to the relevant oversight agency in accordance with Council's reporting obligations.

### **Child-Safe Organisation**

Council upholds and promotes the safety and wellbeing of children and young people in our community. This involves implementing best practice approaches to child protection. Council adopts the Royal Commission Final Report Recommendations (2017) relevant to Local Government including the Child Safe Standards. Council also supports the Office of the Children's Guardian's Principles of Child-Safe Organisations. Council's Child Protection Team collaborates on the identification, implementation and creation of policies, procedures and actions that enables Council to meet its objectives as a Child-Safe Organisation.

### **Disciplinary action**

Following a Council investigation and subsequent agency risk assessment, the Triage Team need to decide whether any disciplinary action should be taken with respect to the employee and refer to the General Manager for a final decision.

### **Support during investigations**

An allegation of child abuse is an extremely serious matter. An investigation into a child protection allegation or conviction can be daunting for all parties. A number of simple actions can help children, families, employees and the person bringing the allegation to feel supported. These include:



- allocating a contact person to whom all inquiries are directed,
- encouraging and maintaining confidentiality,
- keeping parties informed of progress (as appropriate, ensuring the investigation is not compromised),
- reassuring the person making the allegation that they have done the right thing by reporting it,
- ensuring, as far as possible, that the person making the allegation is not subjected to any harassment, victimisation, threats, etc., in retribution,
- offer the employee the opportunity to have a support person present during investigative and disciplinary interviews
- giving information about counselling or other services.

### **Record keeping**

Accurate records of investigations should be kept by a delegated person within Gwydir Shire Council detailing allegations and the subsequent risk assessments, investigations, and actions. These records need to be treated as highly confidential, kept securely and must be kept permanently.

It is in the interests of both employer and employee who is the subject of the allegation to make and retain adequate records of all events pertaining to the allegation, including instances when an allegation is found to be unsubstantiated, false or malicious.

Records demonstrate whether an agency has responded appropriately to an allegation or conviction and the Ombudsman will refer to records when carrying out audits.

The following documentation should accompany a final report where the Ombudsman has notified Gwydir Shire Council of its intention to monitor the investigation:

- details of the planning process for the investigation (e.g. investigation plan, notes regarding the allegations, who is responsible for investigating them, time frame, list of people needing to be interviewed, list of actions required, objectives),
- records concerning the assessment of the risk the employee subject of the allegation might pose to children (both the alleged victim and any other children they may have contact with), together with details of any action taken to manage this risk during and after the investigation,
- details of any information provided to the employee, child, or family regarding support available while the investigation was underway,
- records or notes of any interview conducted (these should include details of questions and responses, as close as possible to the actual words used, signed by the interviewee, interviewer and any witnesses and dated, as well as notes of any other conversations you had with the person subject of the allegation),
- any statements received, including any written submissions made by the employee subject of the allegation,
- notes of any decisions made, or discussions had during the investigation, such as telephone calls or meetings (these notes could be in the form of a diary and should be signed and dated),

- your findings regarding the allegations (whether the allegation is sustained or not) and the factors considered in making these findings,
- any action to be taken, or has been taken, as a result of the decision,
- a copy of final correspondence to the employee who is the subject of the allegation,
- any other documents relied upon when making the final decision regarding the allegation,
- Some of the information above might be contained in handwritten notes (e.g. diary notes of telephone calls). If so, please photocopy these notes and forward them to the Ombudsman, ensuring they are legible, signed and dated,
- In assessing the investigation, the Ombudsman will assume that all relevant documentation has been provided. However, if new information comes to light, it may be necessary for the Ombudsman to obtain further information from Gwydir Shire Council in addition to that already provided and/or that listed above.

### Roles and Responsibilities

Roles and responsibilities are outlined below. The Triage Team may comprise of staff from some of these positions.

Position	Responsibilities
General Manager	To facilitate and encourage the implementation of the Child Safe Scheme throughout the organisation. Provide relevant instruction and guidance where appropriate. Participate in investigations where required.
Council Staff	Report suspected incidents of child related harm as specified in relevant policies and procedures. Participate in investigations as required. Maintain awareness, prevent breaches, and complete all required child safe scheme training as required. Understanding the role that they play in the Child Safe Scheme.
Directors/Managers	To report the any allegations of misconduct or child related harm as per the relevant policies and procedures. To facilitate and encourage adherence to the Child Safe Scheme to their staff. Understand the role that they play in the implementation and understanding of the Child Safe Scheme. Maintain awareness, prevent breaches, and complete all required child safe scheme training as required.
Legal Counsel	Legal advice.

Risk Officer	Provide risk-based advice and liaise with the insurer as required.
Communications Team	Communications advice.
Triage Team	Provide information and support to the organisation in the implementation and adherence of the Child Safe Scheme. Provide required, relevant training and/or information to staff, volunteers, Section 355 Committees of Council, contractors, and other relevant people who may be engaged to conduct work for, or in conjunction with Council. Adhere to the relevant policies and procedures around the handling of allegations of child safety.

### Related Documents

Child Safe Organisation Commitment Statement  
 Child Safe Organisation Code of Conduct  
 Child Safe Risk Management Policies and Procedures  
 HR Relevant policies  
 Privacy Management Plan

### Related Legislation

- Advocate for Children and Young People Act 2014
- Child Protection (Offenders Prohibition Orders) Act 2004
- Child Protection (Offenders Registration) Act 2000
- Child Protection (Working with Children) Act 2012
- Child Protection (Working with Children) Regulation 2013
- Children and Young Persons (Care and Protection) Act 1998
- Children and Young Persons (Care and Protection) Regulation 2012
- Children's Guardian Act 2019
- Commission for Children and Young People Act 1998
- Community Welfare Act 1987
- Crimes Act 1900
- Crimes (Domestic and Personal Violence) Act 2007
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2012
- Government Information (Public Access) Act 2009
- Young Offenders Act 1997
- The Children's Guardian amendment (Child Safe Scheme) Bill 2021

#### 4. Revision Record

Date	Version	Revision details	Officer	Next Review
Aug 2023	1.0	Initial Document	Triage Team	August 2024

## 8.5 Public Interest Disclosure Policy

<b>File Reference:</b>	NA
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### Delivery Program

<b>Goal:</b>	5. Organisational management
<b>Outcome:</b>	5.1 Corporate management
<b>Strategy:</b>	5.1.5 Provision of responsible internal governance
<b>Author:</b>	IP&R & Governance Officer

### STAFF DISCLOSURE OF INTEREST

Nil

### IN BRIEF/SUMMARY RECOMMENDATION

This Policy is for reception.

### TABLED ITEMS

Nil

### BACKGROUND

The Public Interest Disclosures Act 2022 (NSW) (PID Act 2022) commenced on 1 October 2023, replacing the Public Interest Disclosures Act 1994 (NSW) (PID Act 1994). The PID Act 2022 introduces significant reforms to how public interest disclosures are made, received and handled. It also provides greater protection for people who make public interest disclosures compared to the provisions in the PID Act 1994.

The Public Interest Disclosures Act 2022 (PID Act) applies to all NSW public sector agencies.

The PID Act provides a framework for public officials to report serious wrongdoing in the public sector, and to be protected when they do so. Reports can be made to a disclosure officer within their agency, the head of an agency, a person's manager and to disclosure officers within other agencies, such as integrity agencies.

Under the PID Act, 'agency' is defined to include public service agencies, local government authorities, public universities, integrity agencies, statutory bodies and local aboriginal land councils.

### OFFICER RECOMMENDATION

**THAT the report be received and approved by Council. This policy will be made publicly available as required by s47. of the Public Interest Disclosures Act 2022.**

**ATTACHMENTS**

1. Draft Public Interest Disclosure Policy **[8.5.1 - 24 Pages]**



Gwydir Shire Council  
**Draft Public Interest  
Disclosure Policy**

Department: Governance

Responsible Manager: IP&R and Governance Officer

Date Adopted:

File Ref: TBC

Version No: 1.0

Next Review: November 2025

Pages: 21

## Table Of Contents

<b>Gwydir Shire Council .....</b>	<b>1</b>
<b>Draft Public Interest Disclosure Policy .....</b>	<b>1</b>
<b>Overview.....</b>	<b>4</b>
Purpose.....	4
<b>Definitions .....</b>	<b>4</b>
<b>Accessibility of this policy.....</b>	<b>5</b>
<b>Who does this policy apply to? .....</b>	<b>5</b>
<b>Who does this policy not apply to? .....</b>	<b>5</b>
<b>What is contained in this policy? .....</b>	<b>6</b>
<b>1. How to make a report of serious wrongdoing.....</b>	<b>6</b>
(a) Reports, complaints and grievances.....	6
(b) When will a report be a PID? .....	7
(c) Who can make a voluntary PID? .....	8
(d) What is serious wrongdoing? .....	8
(e) Who can I make a voluntary PID to? .....	9
Making a report to a recipient outside of Gwydir Shire Council .....	9
Making a report to a Member of Parliament or journalist.....	9
(f) What form should a voluntary PID take? .....	10
(g) What should I include in my report? .....	10
(h) What if I am not sure if my report is a PID? .....	11
(i) Deeming that a report is a voluntary PID .....	11
(j) Who can I talk to if I have questions or concerns? .....	11
<b>2. Protections.....</b>	<b>11</b>
How is the maker of a voluntary PID protected? .....	11
Protections for people who make mandatory and witness PIDs .....	12
<b>3. Reporting detrimental action.....</b>	<b>13</b>
<b>4. General support.....</b>	<b>14</b>
<b>5. Roles and Responsibilities.....</b>	<b>14</b>
<b>6. How we will deal with voluntary PIDs .....</b>	<b>15</b>
(a) How Council will acknowledge that we have received a report and keep the person who made it informed.....	15
(b) How Gwydir Shire Council will deal with voluntary PIDs.....	16



Report not a voluntary PID .....	16
Cease dealing with report as voluntary PID .....	16
Where the report is a voluntary PID .....	16
(c) How We will protect the confidentiality of the maker of a voluntary PID .....	17
(d) How Gwydir Shire Council will assess and minimise the risk of detrimental action 18	
(e) How Council will deal with allegations of a detrimental action offence .....	19
(f) What Gwydir Shire Council will do if an investigation finds that serious wrongdoing has occurred .....	19
<b>7. Review and dispute resolution.....</b>	<b>20</b>
(a) Internal review .....	20
(b) Voluntary dispute resolution .....	20
<b>8. Other agency obligations .....</b>	<b>20</b>
(a) Record-keeping requirements .....	20
(b) Reporting of voluntary PIDs and Gwydir Shire Council annual return to the Ombudsman .....	20
(c) How Gwydir Shire Council will ensure compliance with the PID Act and this policy 21	
<b>1. Related Documents .....</b>	<b>24</b>
<b>2. Related Legislation.....</b>	<b>24</b>
<b>3. Revision Record .....</b>	<b>24</b>

## Overview

### Purpose

All agencies in NSW are required to have a Public Interest Disclosure (**PID**) Policy under section 42 of the Public Interest Disclosures Act 2022 (**PID Act**).

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

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

This policy sets out:

- how Gwydir Shire Council will support and protect you if you come forward with a report of serious wrongdoing
- how we will deal with the report and our other responsibilities under the PID Act
- who to contact if you want to make a report
- how to make a report
- the protections which are available to you under the PID Act.

This policy also documents our commitment to building a speak up culture. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- protecting those who speak up from detrimental action
- imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

In NSW, that framework is the PID Act.

This policy should be read in conjunction with Council's Code of Conduct and Child Safe Code of Conduct, Privacy Management Plan, Integrated Planning and Reporting documents, Complaints Handling Procedures, Harassment and Workplace Bullying Prevention Policy, and any other relevant policies and procedures. These documents can be found on Council's internal Policy register.

### Definitions

'We', 'Us'	Refers to Gwydir Shire Council
PID	Public Interest Disclosures
'You'	The individual reading this policy
MP	Member of Parliament
Council	Gwydir Shire Council
'Us', 'Our'	Gwydir Shire Council

### Accessibility of this policy

This policy is publicly available on Council's website [www.gwydir.nsw.gov.au](http://www.gwydir.nsw.gov.au) or at any Council office.

A copy of the policy is also sent to all staff of Gwydir Shire Council on their commencement. A hard copy of the policy can be accessed via Council's internal Policy Register and Intranet.

### Who does this policy apply to?

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

- a person employed in or by an agency or otherwise in the service of an agency e.g. All Staff and Elected Members
- a person having public official functions or acting in a public official capacity whose conduct or activities is authorised by another Act or law to investigate
- a statutory officer
- a person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer, this includes S355 Committees of Council
- an employee, partner or officer of an entity that provides services, under contract, subcontract or other arrangement, on behalf of an agency or exercises functions of an agency, and are involved in providing those services or exercising those functions, this includes S355 Committees of Council and any other associates Council may call upon to exercise functions on behalf of Council
- a Member of Parliament (**MP**), including a Minister
- a person employed under the *Members of Parliament Staff Act 2013*.

The General Manager, other nominated disclosure officers and managers within Gwydir Shire Council have specific responsibilities under the PID Act. This policy also provides information on how people in these roles will fulfil their responsibilities. Other public officials who work in and for the public sector, but do not work for Gwydir Shire Council may use this policy if they want information on who they can report wrongdoing to within Council.

### Who does this policy not apply to?

This policy does not apply to:

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

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

However, you can still make a complaint to Gwydir Shire Council. This can be done via:

Phone: 02 6724 2000

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

In writing: Locked Bag 5, BINGARA, NSW 2404

Through Council's Customer Request Management System either in person at a Council officer or via our website [www.gwydir.nsw.gov.au](http://www.gwydir.nsw.gov.au).

### What is contained in this policy?

This policy will provide you with information on the following:

- ways you can make a voluntary PID to Gwydir Shire Council under the PID Act
- the names and contact details for the nominated disclosure officers in Gwydir Shire Council
- the roles and responsibilities of people who hold particular roles under the PID Act and who are employees of Gwydir Shire Council
- what information you will receive once you have made a voluntary PID
- protections available to people who make a report of serious wrongdoing under the PID Act and what we will do to protect you
- Gwydir Shire Council procedures for dealing with disclosures
- Gwydir Shire Council procedures for managing the risk of detrimental action and reporting detrimental action
- Gwydir Shire Council's record-keeping and reporting requirements
- how Gwydir Shire Council will ensure it complies with the PID Act and this policy.

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

- confidentially contact a nominated disclosure officer within Gwydir Shire Council
- contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: [pidadvice@ombo.nsw.gov.au](mailto:pidadvice@ombo.nsw.gov.au), or
- access the NSW Ombudsman's PID guidelines which are available on its website.

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

## 1. How to make a report of serious wrongdoing

### (a) Reports, complaints and grievances

When a public official reports suspected or possible wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the PID Act.

Some internal complaints or internal grievances may also be PIDs, as long as they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, we will consider whether it is a PID. If it is a PID, we will deal with it as set out in this policy, but we will also make sure we follow our Privacy Management Plan, Complaints Handling Procedures, relevant Codes of Conduct, and other associated policies and procedures.

It is important that we quickly recognise that we have received a PID. This is because once a PID is received, the person who has made the report is entitled to certain protections and

we have certain decisions that we have to make on how we will deal with the PID and how we will protect and support the person who has made the report.

**(b) When will a report be a PID?**

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

- i. **Voluntary PID:** This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.
- ii. **Mandatory PID:** This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
- iii. **Witness PID:** This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

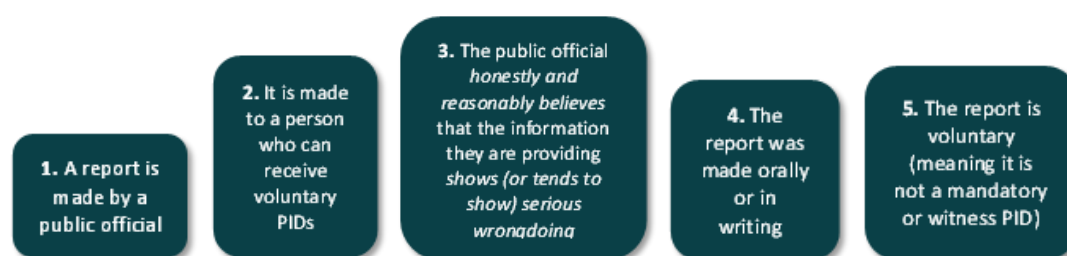
This policy mostly relates to making a voluntary PID and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in section 2 of this policy.

You can find more information about mandatory and witness PIDs in the Ombudsman's guidelines 'Dealing with mandatory PIDs' and 'Dealing with witness PIDs'.

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and 'whistleblowing'.

They involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has the following five features, which are set out in sections 24 to 27 of the PID Act:



If the report has all five features, it is a voluntary PID.

You will not be expected to prove that what you reported actually happened or is serious wrongdoing. You do have to honestly believe, on reasonable grounds, that the information you are reporting shows or tends to show serious wrongdoing.

Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

If we make an error and do not identify that you have made a voluntary PID, you will still be entitled to the protections under the PID Act.

If you make a report and believe we have made an error by not identifying that you have made a voluntary PID, you should raise this with a nominated disclosure officer or your contact officer for the report. If you are still not satisfied with this outcome, you can seek an internal review, or we make seek to conciliate the matter. You may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found in section 7 of this policy.

#### (c) Who can make a voluntary PID?

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

- you are employed by Gwydir Shire Council
- you are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of Gwydir Shire Council or
- you work for an entity (such as a non-government organisation) who is contracted by Gwydir Shire Council to provide services or exercise functions on behalf of Gwydir Shire Council — if you are involved in undertaking that contracted work
- you are an elected member of Gwydir Shire Council.

A public official can make a PID about serious wrongdoing relating to *any* agency, not just the agency they are working for. This means that we may receive PIDs from public officials outside our agency. It also means that you can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman. Annexure B of this policy has a list of integrity agencies.

#### (d) What is serious wrongdoing?

Reports must be of one or more of the following categories of ***serious wrongdoing*** to be a voluntary PID (in addition to having the other features set out here). Serious wrongdoing is defined in the PID Act as:

- *corrupt conduct* — such as a public official accepting a bribe
- *serious maladministration* — such as an agency systemically failing to comply with proper recruitment processes when hiring staff
- *a government information contravention* — such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access application (GIPA)
- *a local government pecuniary interest contravention* — such as a senior council staff member recommending a family member for a council contract and not declaring the relationship
- *a privacy contravention* — such as unlawfully accessing a person’s personal information on an agency’s database

- a *serious and substantial waste of public money* — such as an agency not following a competitive tendering process when contracting with entities to undertake government work.

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

#### **(e) Who can I make a voluntary PID to?**

For a report to be a voluntary PID, it must be made to certain public officials.

Making a report to a public official who works for Gwydir Shire Council

You can make a report inside Gwydir Shire Council to:

- General Manager or authorised delegate
- a disclosure officer for Gwydir Shire Council — a list of disclosure officers for Gwydir Shire Council and their contact details can be found at Annexure A of this policy
- your manager — this is the person who directly, or indirectly, supervises you e.g., Team Leader or Supervisor. It can also be the person who you directly, or indirectly, report to e.g., Department Manager. You may have more than one manager. Your manager will make sure that the report is communicated to a disclosure officer on your behalf or may accompany you while you make the report to a disclosure officer.

#### **Making a report to a recipient outside of Gwydir Shire Council**

You can also make your report to a public official in another agency (meaning an agency you do not work for) or an integrity agency. These include:

- the *head of another agency* — this means the head of any public service agency
- an *integrity agency* — a list of integrity agencies is located at Annexure B of this policy
- a *disclosure officer for another agency* — ways to contact disclosure officers for other agencies is located in an agency's PID policy which can be found on their public website
- a *Minister or a member of a Minister's staff* but the report *must be made in writing*.

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

#### **Making a report to a Member of Parliament or journalist**

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

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

- notification that Gwydir Shire Council will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or
- the following information at the end of the investigation period:
  - o notice of Gwydir Shire Council's decision to investigate the serious wrongdoing
  - o a description of the results of an investigation into the serious wrongdoing
  - o details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

Investigation period means:

- after six months from the previous disclosure being made, or
- after 12 months if you applied for an internal review of the agency's decision within six months of making the disclosure.

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

**(f) What form should a voluntary PID take?**

You can make a voluntary PID:

- *in writing* — this could be an email or letter to a person who can receive voluntary PIDs. A written PID can be submitted via email [mail@gwydir.nsw.gov.au](mailto:mail@gwydir.nsw.gov.au), through the post Locked Bag 5 BINGARA, NSW 2404 or using the Report a Problem section on our website [www.gwydir.nsw.gov.au](http://www.gwydir.nsw.gov.au)
- *orally* — have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face at one of our Council offices, via telephone or virtually. Contact Council's offices to arrange 02 6724 2000.
- *anonymously* — write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the PID Act. It may be difficult, however, for Us to investigate the matter(s) you have disclosed if we cannot contact you for further information.

**(g) What should I include in my report?**

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

- date, time and location of key events
- names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved
- your relationship with the person(s) involved, such as whether you work closely with them
- your explanation of the matter you are reporting
- how you became aware of the matter you are reporting



- possible witnesses
- other information you have that supports your report.

**(h) What if I am not sure if my report is a PID?**

You should report all wrongdoing you become aware of regardless of whether you think it is serious wrongdoing. It is important for Council to understand what is or may be occurring.

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

**(i) Deeming that a report is a voluntary PID**

The head of agency or their approved delegate can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the 'deeming power'.

By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.

If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to the head of agency or their approved delegate to request that they consider deeming your report to be a voluntary PID.

A decision to deem a report to be a voluntary PID is at the discretion of the head of agency or their approved delegate. For more information about the deeming power, see the Ombudsman's guideline 'Deeming that a disclosure is a voluntary PID'.

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

General Manager

Deputy General Manager

Public Officer

Social Services Manager

Equal Employment Opportunity Officers – Amy Taylor, Casey McClymont, Leeah Daley

Manager or Supervisor (direct or indirect report)

## **2. Protections**

**How is the maker of a voluntary PID protected?**

When you make a voluntary PID you receive special protections under the PID Act.

We are committed to taking all reasonable steps to protect you from detriment as a result of having made a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.

We will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report or are believed to have made a report.

The maker of a voluntary PID is protected in the following ways:

- *Protection from detrimental action*

- A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation or dismissal.
- Once we become aware that a voluntary PID by a person employed or otherwise associated with Gwydir Shire Council that concerns serious wrongdoing relating to Council has been made, we will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.
- It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both.
- A person may seek compensation where unlawful detrimental action has been taken against them.
- A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.

- *Immunity from civil and criminal liability*

Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. This could include things such as mandatory reports that staff are required to make as part of their role. Sometimes, in order to make a PID, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued or criminally charged for breaching confidentiality.

- *Confidentiality*

Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act. All efforts must be made to ensure that the person making the disclosure is protected under this Act and other relevant policies and procedures.

- *Protection from liability for own past conduct*

The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

### **Protections for people who make mandatory and witness PIDs**

Apart from PIDs that are made voluntarily by public officials, there are other types of reports that are recognised as PIDs under the PID Act:

- **A mandatory PID:** This is a PID where the public official has made the report about serious wrongdoing because they have a legal obligation to make that report, or

because making that report is an ordinary aspect of their role or function in an agency.

- **A witness PID:** This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

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

Protection	Mandatory PID	Witness PID
<b>Detrimental action</b> — It is an offence to take detrimental action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a PID.	✓	✓
<b>Right to compensation</b> — A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.	✓	✓
<b>Ability to seek injunction</b> — An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.	✓	✓
<b>Immunity from civil and criminal liability</b> — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for: <ul style="list-style-type: none"> <li>• breaching a duty of secrecy or confidentiality, or</li> <li>• breaching another restriction on disclosure.</li> </ul>	✓	✓

Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act. All efforts must be made to ensure that the person making the disclosure is protected under this Act and other relevant policies and procedures.

### 3. Reporting detrimental action

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately. You can report any experience of adverse treatment or detrimental action directly to us, or to an integrity agency. A list of integrity agencies is located at Annexure B of this policy.

If you experience detrimental action you can alert Council through one of the following:

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

Phone: 02 6724 2000

In Person: Arrange a meeting with the Head of the Agency, an approved delegate, your Manager/Supervisor or Council's Public Officer.

#### 4. General support

For people who have made a report We will provide the following support to this person(s):

Access to the Employee Assistance Program (EAP)

A key contact person for the duration of the process, who is identified and will take steps to protect individuals and their interests, for example if they are at risk of detrimental action.

#### 5. Roles and Responsibilities

Certain people within Gwydir Shire Council have responsibilities under the PID Act.

Position	Responsibilities
Head of Agency – General Manager	Fostering a workplace culture where reporting is encouraged Receiving disclosures from public officials Ensuring there is a system in place for assessing disclosure Ensuring the Council complies with this policy and the PID Act Ensuring that Council has appropriate systems for: <ul style="list-style-type: none"> <li>- Overseeing internal compliance with the PID Act</li> <li>- Supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action</li> <li>- Implementing corrective action if serious wrongdoing is found to have occurred</li> <li>- Complying with reporting obligations regarding allegations or findings of detrimental action</li> <li>- Complying with yearly reporting obligations to the NSW Ombudsman.</li> </ul>
Disclosure Officers	Receiving reports from public officials Receiving reports when they are passed on to them by managers Ensuring reports are dealt with appropriately, including by referring the matter to the appropriate complaint unit (if relevant) Ensuring that any oral reports that have been received are recorded in writing.
Directors/Managers	Receiving reports from persons that report to the or that they supervise Passing on reports they receive to a disclosure officer.
All Employees	Report suspected serious wrongdoing or other misconduct Use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of Gwydir Shire Council Treat any person dealing with or investigating reports of serious wrongdoing with respect. All employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made a PID.

## 6. How we will deal with voluntary PIDs

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

When a disclosure officer in Gwydir Shire Council receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information:

- You will receive an acknowledgment that the report has been received. This acknowledgement will:
  - state that the report will be assessed to identify whether it is a PID
  - state that the PID Act applies to how we deal with the report
  - provide clear information on how you can access this PID policy
  - provide you with details of a contact person and available supports.
- If the report is a voluntary PID, we will inform you as soon as possible how we intend to deal with the report. This may include:
  - that we are investigating the serious wrongdoing
  - that we will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If we do this, we will provide you with details of this referral
  - If we decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell you the reasons for this decision. We will also notify the NSW Ombudsman of this decision.
- If we decide to investigate the serious wrongdoing, we will provide you with updates on the investigation at least every three months. During this time, if you would like more frequent updates, you should contact the contact person who was nominated when you made the report.
  - If we investigate the serious wrongdoing, we will provide you with the following information once the investigation is complete:
    - a description of the results of the investigation — that is, we will tell you whether we found that serious wrongdoing took place.
    - information about any corrective action as a result of the investigation/s — this means we will tell you what action we took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by our agency, what we have put in place to address that serious wrongdoing.
  - Corrective action could include taking disciplinary action against someone or changing the practices, policies and procedures that we have in place which led to the serious wrongdoing.
- There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed to you. We will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations we have.
- If you have made an anonymous report, in many cases we may not be able to provide this information to you.

- Communication methods that may be used include, by phone, by mail, by virtual or face to face meetings. Council will liaise with the report maker as to the most appropriate method of communication.

**(b) How Gwydir Shire Council will deal with voluntary PIDs**

Once a report that may be a voluntary PID is received we will look at the information contained in the report to see if it has the features of a voluntary PID. This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure that the right steps are followed. If it is a voluntary PID, we will ensure that we comply with the requirements in the PID Act.

**Report not a voluntary PID**

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with our relevant internal complaints and grievance handling procedures or through an alternate process.

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

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

**Cease dealing with report as voluntary PID**

Gwydir Shire Council may stop dealing with a voluntary PID because it is not actually a voluntary PID (meaning it does not have all the features of a PID). If a report is not deemed to be a voluntary PID, Council will advise the maker of the report in writing.

**Where the report is a voluntary PID**

If the report is a voluntary PID:

- In most cases we will conduct an investigation to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or the agency engaged, in serious wrongdoing. There may be circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been investigated.
- There may also be circumstances where we decide that the report should be referred to another agency, such as an integrity agency. For example, reports concerning possible corrupt conduct may be required to be reported to the ICAC in accordance with section 11 of the *Independent Commission Against Corruption Act 1988*.
- Before referring a matter, we will discuss the referral with the other agency, and we will provide you with details of the referral and a contact person within the other agency.
- If we decide not to investigate a report and to not refer the matter to another agency, we must let you know the reasons for this and notify the NSW Ombudsman.

**(c) How We will protect the confidentiality of the maker of a voluntary PID**

We understand that people who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential.

Under the PID Act, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or an agency.

There are certain circumstances under the PID Act that allow for the disclosure of identifying information. These include:

- where the person consents in writing to the disclosure
- where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker
- when the public official or Council reasonably considers it necessary to disclose the information to protect a person from detriment
- where it is necessary the information be disclosed to a person whose interests are affected by the disclosure
- where the information has previously been lawfully published
- when the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information
- when the information is disclosed for the purposes of proceedings before a court or tribunal
- when the disclosure of the information is necessary to deal with the disclosure effectively
- if it is otherwise in the public interest to disclose the identifying information.
- We will not disclose identifying information unless it is necessary and authorised under the PID Act.
- We will put in place steps to keep the identifying information of the maker and the fact that a report has been made confidential. It may not be possible for us to maintain complete confidentiality while we progress the investigation, but we will do all that we practically can to not unnecessarily disclose information from which the maker of the report can be identified. We will do this by:
  - Limiting the number of people who are aware of the maker's identity or information that could identify them
  - If we must disclose information that may identify the maker of the PID, we will still not disclose the actual identity of the maker of the PID, unless we have their consent to do so
  - We will ensure that any person who does know the identity of the maker of a PID is reminded that they have a legal obligation to keep their identity confidential
  - We will ensure that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker



- We will undertake an assessment to determine if anyone is aware of the maker's identity and if those persons have a motive to cause detrimental action to be taken against the maker or impede the progress of the investigation
- We will provide information to the maker of the PID about the importance of maintaining confidentiality and advising them how best to protect their identity, for example, by telling them not to discuss their report with other staff.

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

- advising the person whose identity may become known
- updating the agency's risk assessment and risk management plan
- implementing strategies to minimise the risk of detrimental action
- providing additional supports to the person who has made the PID
- reminding persons who become aware of the identifying information of the consequences for failing to maintain confidentiality and that engaging in detrimental action is a criminal offence and may also be a disciplinary matter.

**(d) How Gwydir Shire Council will assess and minimise the risk of detrimental action**

Gwydir Shire Council will not tolerate any detrimental action being taken by any person against a person who has made a PID, investigators, witnesses or the person the report is about.

We will assess and take steps to mitigate detrimental action from being taken against the maker of a voluntary PID, the person whose conduct is the subject of a PID, investigators and witnesses.

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

Detrimental action against a person is an act or omission that causes, comprises, involves or encourages detriment to a person or a threat of detriment to a person (whether express or implied). Detriment to a person includes:

- injury, damage or loss
- property damage
- reputational damage
- intimidation, bullying or harassment
- unfavourable treatment in relation to another person's job
- discrimination, prejudice or adverse treatment
- disciplinary proceedings or disciplinary action, or
- any other type of disadvantage.

Detrimental action does not include:

- lawful action taken by a person or body to investigate serious wrongdoing or other misconduct



- the lawful reporting or publication of a finding of serious wrongdoing or other misconduct
- the lawful making of adverse comment, resulting from investigative action
- the prosecution of a person for a criminal offence
- reasonable management action taken by someone in relation to a person who made or may make a PID. For example, a reasonable appraisal of a PID maker's work performance.

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

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

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

The Head of the Agency or approved delegate is responsible for referring alleged detrimental action offences where appropriate to do so under the legislation.

Any victim of detrimental action should speak with the persons identified under 'Who can I talk to if I have questions or concerns?' within this policy.

We will communicate through the channel of communication deemed the most appropriate to prove the person who the alleged detrimental action has been taken against whether that be by phone, email or virtual or face to face meetings.

These individuals will be offered ongoing support by way of access to the Employee Assistance Program (EAP).

**(f) What Gwydir Shire Council will do if an investigation finds that serious wrongdoing has occurred**

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, Council will take the most appropriate action to address that wrongdoing or misconduct. Findings will be received by the Head of the Agency or approved delegate. This is also known as corrective action.

Corrective action can include:

- a formal apology
- improving internal policies to adequately prevent and respond to similar instances of wrongdoing
- providing additional education and training to staff where required

- taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution or reprimand)
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

Responsibility for ensuring corrective actions will fall with the Executive Management Team and the relevant department(s) where corrective actions are required.

## **7. Review and dispute resolution**

### **(a) Internal review**

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

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

Gwydir Shire Council will ensure internal reviews are conducted in compliance with the PID Act.

If you would like to make an application for an internal review, you must apply in writing within 28 days of being informed of our decision. The application should state the reasons why you consider Council's decision should not have been made. You may also submit any other relevant material with your application.

Internal review applications can be submitted via email to [mail@gwydir.nsw.gov.au](mailto:mail@gwydir.nsw.gov.au), or in writing to Locked Bag 5 BINGARA, NSW 2404 or handed over the counter at one of our offices.

### **(b) Voluntary dispute resolution**

If a dispute arises between [us/agency name] and a person who has made a report which is, or may be, a voluntary PID, we may request the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where [we/agency name] and the maker of the report are willing to resolve the dispute.

## **8. Other agency obligations**

### **(a) Record-keeping requirements**

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

### **(b) Reporting of voluntary PIDs and Gwydir Shire Council annual return to the Ombudsman**

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

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

**(c) How Gwydir Shire Council will ensure compliance with the PID Act and this policy**

It is important for Council to have mechanisms in place for monitoring the effectiveness of its PID policy and for ensuring compliance with the PID Act. Council will utilise its Corporate Planning and Reporting framework to adhere to reporting requirements and monitoring adherence to reporting.

Council's Governance Officer will monitor compliance and conduct regular reviews to ensure compliance measures are being implemented.

The Head of the Agency will be responsible for the management of compliance oversights and issues, and non-compliance may result in performance management.

## Annexure A — Names and contact details of disclosure officers for Gwydir Shire Council

General Manager – Maxwell Eastcott

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

Ph: 02 6724 2000

Deputy General Manager – Leeah Daley

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

Ph: 02 6724 2000

Social Services Manager – Suzanne Webber

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

Ph: 02 6724 2071

Governance/Public Officer – Casey McClymont

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

Ph: 0460 013 113

Human Resources Officer – Amy Taylor

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

Ph: 0457 247 664

Equal Employment Opportunity Officers – Amy Taylor, Casey McClymont, Leeah Daley

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

Ph: 02 6724 2000

## Annexure B — List of integrity agencies

Integrity agency	What they investigate	Contact information
<b>The NSW Ombudsman</b>	Most kinds of <b>serious maladministration</b> by most agencies and public officials (but not NSW Police, judicial officers or MPs)	<b>Telephone:</b> 1800 451 524 between 9am to 3pm Monday to Friday <b>Writing:</b> Level 24, 580 George Street, Sydney NSW 2000 <b>Email:</b> <a href="mailto:info@ombo.nsw.gov.au">info@ombo.nsw.gov.au</a>
<b>The Auditor-General</b>	<b>Serious and substantial waste of public money</b> by auditable agencies	<b>Telephone:</b> 02 9275 7100 <b>Writing:</b> GPO Box 12, Sydney NSW 2001 <b>Email:</b> <a href="mailto:governance@audit.nsw.gov.au">governance@audit.nsw.gov.au</a>
<b>Independent Commission Against Corruption</b>	<b>Corrupt conduct</b>	<b>Telephone:</b> 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday <b>Writing:</b> GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 <b>Email:</b> <a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a>
<b>The Inspector of the Independent Commission Against Corruption</b>	<b>Serious maladministration</b> by the ICAC or the ICAC officers	<b>Telephone:</b> 02 9228 3023 <b>Writing:</b> PO Box 5341, Sydney NSW 2001 <b>Email:</b> <a href="mailto:oiicac_executive@oiicac.nsw.gov.au">oiicac_executive@oiicac.nsw.gov.au</a>
<b>The Law Enforcement Conduct Commission</b>	<b>Serious maladministration</b> by the NSW Police Force or the NSW Crime Commission	<b>Telephone:</b> 02 9321 6700 or 1800 657 079 <b>Writing:</b> GPO Box 3880, Sydney NSW 2001 <b>Email:</b> <a href="mailto:contactus@lecc.nsw.gov.au">contactus@lecc.nsw.gov.au</a>
<b>The Inspector of the Law Enforcement Conduct Commission</b>	<b>Serious maladministration</b> by the LECC and LECC officers	<b>Telephone:</b> 02 9228 3023 <b>Writing:</b> GPO Box 5341, Sydney NSW 2001 <b>Email:</b> <a href="mailto:olecc_executive@olecc.nsw.gov.au">olecc_executive@olecc.nsw.gov.au</a>
<b>Office of the Local Government</b>	<b>Local government pecuniary interest contraventions</b>	<b>Email:</b> <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>The Privacy Commissioner</b>	<b>Privacy contraventions</b>	<b>Telephone:</b> 1800 472 679 <b>Writing:</b> GPO Box 7011, Sydney NSW 2001 <b>Email:</b> <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>
<b>The Information Commissioner</b>	<b>Government information contraventions</b>	<b>Telephone:</b> 1800 472 679 <b>Writing:</b> GPO Box 7011, Sydney NSW 2001 <b>Email:</b> <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>

### 1. Related Documents

Code of Conduct

Privacy Management Plan

Complaint Handling Procedures (internal and external)

Access to Information Held by Council

Harassment and Workplace Bullying Prevention Policy

Employee Assistance Program (EAP)

Work, Health and Safety Policy

Other Relevant Human Resources Policies and Procedures

### 2. Related Legislation

Privacy Act 1988

Privacy and Personal Information Protection Act 1998 (PPIP Act)

Health Records and Information Privacy Act 2002 (HRIP Act)

Public Interest Disclosure Act 2022 (PID Act)

Local Government Act 1993

Local Government (General) Regulation 2021

Government Information (Public Access) Act 2009 (GIPA Act)

### 3. Revision Record

Date	Version	Revision details	Officer	Next Review
Nov 2023	1.0	Initial Document	Casey McClymont	Nov 2025

## 8.6 Road Naming Burgaria Lane Warialda Rail

**File Reference:** NA

### **Delivery Program**

**Goal:** 4. Proactive regional and local leadership

**Outcome:** 4.1 We are an engaged and connected community

**Strategy:** 4.2.2 Work in partnership to plan for the future

**Author:** Geographical Services Officer

### **STAFF DISCLOSURE OF INTEREST**

Nil

### **IN BRIEF/ SUMMARY RECOMMENDATION**

A local resident who owns the property Burgaria in Warialda Rail has requested that a Council Road Reserve and Crown Road Reserve be named.

### **BACKGROUND**

Prior to the gazettal in 1975, the town of Warialda Rail was named Burgaria.

An unformed part council road reserve and part crown road reserve, has no name and is an unsealed driveway to a single property off Bingara Street in Warialda Rail

In the NSW Addressing Policy it states:

*“The Geographical Names Board (GNB) advises that Local Government (with jurisdiction over the area in which the road is located) are responsible for endorsing the authoritative road name and ensuring it is approved by the GNB and gazetted, all roads must be named.*

*For the purposes of this policy a road is considered to be an area that is open to and/or used by the public and is navigable by vehicle or foot and can be used for assigning addresses or allowing access between points or to a feature.”*

### **ISSUES AND COMMENT**

A letter from Noel Tomlinson was received on the 29th of March 2023 (AT-1). The owner of the property outlines his request to have the unsealed council reserve road and crown road reserve named Burgaria Lane.

The owner would like to recognize the historic name of the town of Warialda Rail by naming the laneway “Burgaria Lane”, this is also the name of the property. The township of Warialda Rail was originally called Burgaria prior to the 1975 gazettal. (AT-2).

As there are no other residents on this road, no other property owners would be affected. The length of the laneway is 750mtrs. 235mtrs of the laneway is council public road reserve and the remainder 515mtrs is crown road reserve. This would also help with location of the property Burgaria. At present the property is addressed as 57A Bingara Street. Having its own laneway, the property could be Rural Addressed as 75 Burgaria Lane. Giving better identification of the property. (AT-3).

## **CONCLUSION**

Naming this unformed Council and Crown Road Reserve would identify the property Burgaria and remove the confusion of the location of the property. It would give historical recognition to the original town name of Warialda Rail.

## **CONSULTATION**

Consultation has been conducted with the landowner, Engineering Manager and Geographical Information Services Officer of Gwydir Shire Council.

## **STRATEGIC IMPLICATIONS**

The naming of all roads will provide consistency with other government authorities and in particular Emergency Services and Australia Post.

## **OFFICER RECOMMENDATION**

**THAT this report be received**

**FURTHER that Council approves naming the laneway Burgaria Lane and that this is sent to the Geographical Names Board for approval.**

## **ATTACHMENTS**

1. AT-1 Letter – Request for a name for Council Roadway/Laneway [8.6.1 - 1 page]
2. AT-2 Town Map – Village of Burgaria 1922 [8.6.2 - 1 page]
3. AT-3 Map Proposed Road Name - Burgaria Lane – 06 September 2023 [8.6.3 - 1 page]



*Noel Tomlinson*

5 Oswald St Inverell NSW 2360

RECEIVED  
29 MAR 2023

Gwydir Shire Council

Gwydir Shire Council  
Locked Bag 5  
Bingara NSW 2404

24 March 2023

Dear Sir / Madam,

RE: Request for a Name for Council Roadway / Laneway for  
Burgaria Homestead and Property

Following discussion with Daniaelle last week I would like to request the laneway to

**57A Bingara St** be named "**Burgaria Lane.**"

I'm aware of the historic relevance of Burgaria and believe it would be suitable to have this name of the previously thriving town (now Warialda Rail) perpetuated by Gwydir Shire Council in the name of this laneway to Burgaria Homestead.

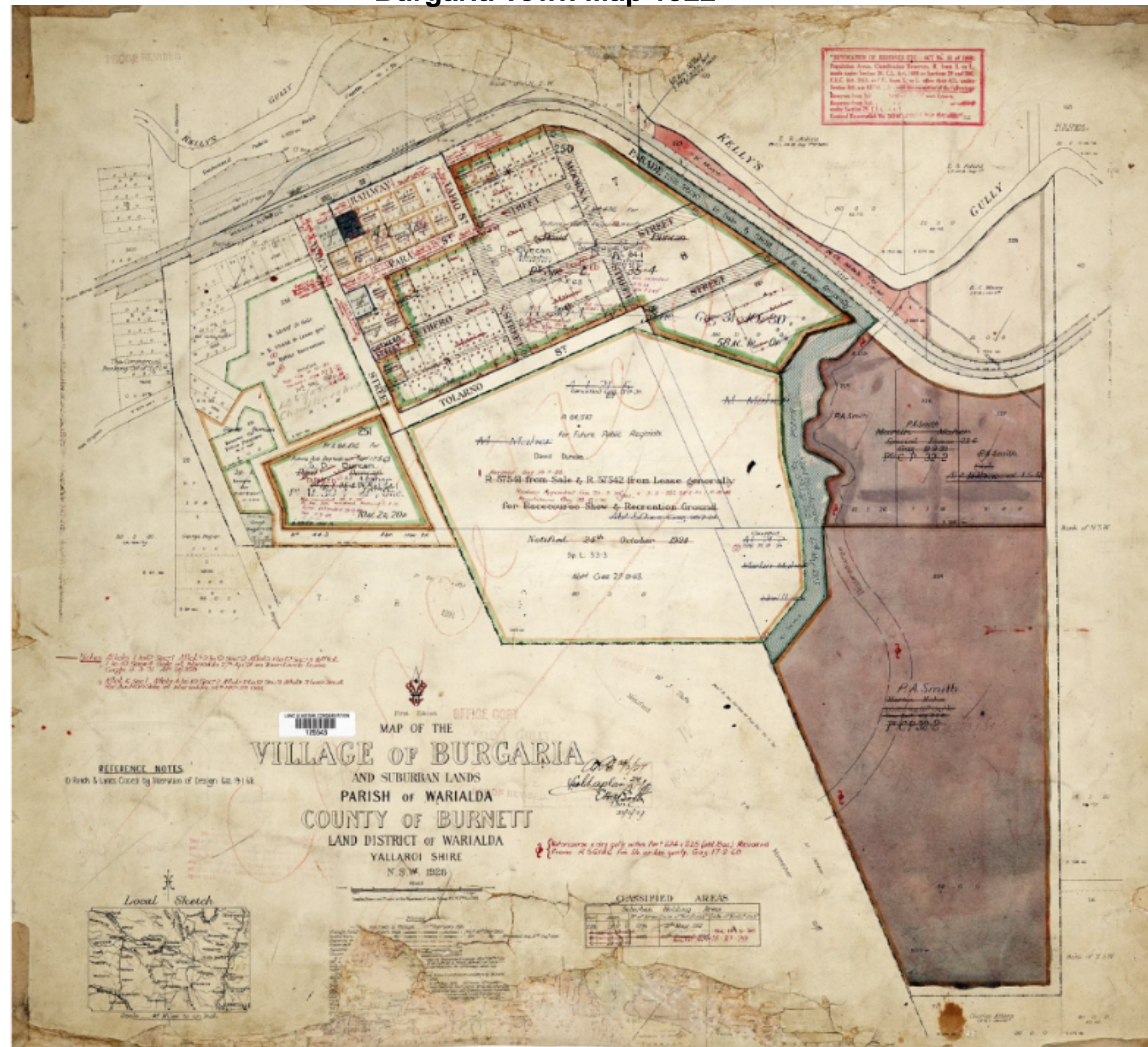
Thank you,

*Noel Tomlinson*

Noel Tomlinson

For Noel and John Tomlinson

## Burgaria Town Map 1922







Title: Proposed Road Name - Burgaria Lane



Date: 5/09/2023

Author: D Perrett

Scale: 1 cm = 25 m

Projection: MGA Zone 56 (GDA 94)

Map - Proposed Road Name - Burgaria Lane - 06 September 2023



**Legend**

**Road Reserve**  
*Controlling Authority*

- Local Government Authority
- Crown
- Shared Crown / Council
- Other

Proposed Name Burgaria Lane

**Property - Burgaria**

- Property
- Burgaria Property
- Waterways
- GwydirLGA

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General Manager  
Locked Bag 5  
BINGARA NSW 2404.

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and Property Information NSW. Lines shown are indicative only  
and should not be used for the purposes of boundary definition  
or location. For accurate boundary information, the services of a  
registered cadastral surveyor should be engaged.



**9 COUNCILLORS' REPORTS****10 COMMITTEE OF THE WHOLE - CONFIDENTIAL ITEMS****Naming of Nicholson Oval Amenities or Fields**

It is recommended that the Council resolve into Committee of the Whole with the press and public excluded to allow consideration of this Item, as provided for under Section 10A (2) (a) of the Local Government Act, 1993, on the grounds the report contains personnel matters concerning particular individuals (other than councillors).

**Quotation Demolition of Buildings 33-35 Maitland Street Bingara**

It is recommended that the Council resolve into Committee of the Whole with the press and public excluded to allow consideration of this Item, as provided for under Section 10A (2) (c) of the Local Government Act, 1993, on the grounds the report if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

**11 CLOSURE**