



**RICHMOND SHIRE COUNCIL  
LATE AGENDA**

**FOR**

**ORDINARY MEETING  
TUESDAY 12 SEPTEMBER 2023  
COMMENCING AT 8:00AM**

**Item 2. Reports for Consideration – Office of the Chief Executive Officer**

**Item 2.4 Enterprise Risk Management Policy**

**EXECUTIVE SUMMARY**

The purpose of this Policy is to state the commitment of Richmond Shire Council (“Council”) to implement a systematic risk management framework to identify and address risks which may impact the performance, objectives and legal compliance of the organisation and its workforce, and to assign responsibility for the framework’s implementation.

This Policy is due for its review.

**OFFICER’S RECOMMENDATION**

**That Council: *adopt the Enterprise Risk Management Policy with changes.***

---

**Budget & Resource Implications**

N/A

**Background**

One minor change was made to the Enterprise Risk Management Policy in section 12, Approval.

**Consultation (Internal/External)**

Nil

**Attachments**

Attachment A - Policy

---

Report prepared by **Tiana Grant (Executive Assistant)**



## **COUNCIL POLICY**

|                              |                                   |
|------------------------------|-----------------------------------|
| <b>POLICY TITLE:</b>         | <b>ENTERPRISE RISK MANAGEMENT</b> |
| <b>POLICY NUMBER:</b>        | <b>026</b>                        |
| <b>INFOXPRT REF:</b>         | <b>66521</b>                      |
| <b>DATE OF ADOPTION:</b>     | <b>25 June 2014</b>               |
| <b>TIME PERIOD OF REVIEW</b> | <b>2 Year</b>                     |
| <b>DATE OF NEXT REVIEW:</b>  | <b>17 March 2024</b>              |

---

### **1. OBJECTIVE**

The purpose of this Policy is to state the commitment of Richmond Shire Council (“Council”) to implement a systematic risk management framework to identify and address risks which may impact the performance, objectives and legal compliance of the organisation and its workforce, and to assign responsibility for the framework’s implementation.

### **2. SCOPE**

This Policy applies to all councillors, employees, trainees and apprentices of Council, and to all activities of Council. It does not form part of any employee’s contract of employment. This Policy also applies to other persons performing work at the direction of, in connection with, or on behalf of Council (e.g. contractors, subcontractors, agents, consultants).

### **3. PURPOSE OF ENTERPRISE RISK MANAGEMENT**

Risk is any action or event that has the potential to impact on the achievement of Council’s objectives. Council recognises that as a public entity it is responsible to the Richmond Shire community to ensure it achieves its objectives. Council recognises it is exposed to a broad range of risks which, if not managed, could adversely impact on the organisation’s sustainability and its achievement of strategic objectives. Council is therefore committed to creating a framework and organisational culture that handles risk proactively and systematically at all levels of staff and activities, with due regard for Council’s capacity to handle the risk.

Enterprise risk management is the management of the full spectrum of strategic, financial and operational risks to an organisation. Enterprise risk management involves a structured approach of aligning strategy, processes, people, technology and knowledge with the purpose of evaluating and managing risk, taking into account legislative requirements and political, social and economic environments. Council’s risk will be managed through the systematic application of policies, procedures, processes and practices to – in a balanced manner – identify, analyse, evaluate, treat, monitor and communicate risk, and with recognition that risk is inherent in all activities and sometimes risk is inevitable.

Council recognises enterprise risk management as a critical part of sound management and corporate governance practice. Enterprise risk management can assist Council to:

- ensure that its staff, actions and activities comply with the local government principles of the *Local Government Act 2009* and the ethics principles of the *Public Sector Ethics Act 1994*;
- have a clear structure for accountability of risk management;
- achieve its objectives by eliminating or minimising the impact of risks it can realistically control;
- have a structured and consistent decision-making process, and have more informed decision-making throughout Council;
- ensure Council is 'proactive' rather than 'reactive', and therefore is able to plan for change efficiently and effectively, capitalise on opportunities, reduce wastage and duplication, and allocate resources more effectively;
- behave as a responsible corporate public entity, protecting employees, contractors, customers, ratepayers and the general public from unnecessary loss or damage, and hence strengthen the public's confidence in Council;
- ensure that Council's activities and staff comply with legislative requirements;
- foster a change in culture towards a focus on activities directly related to ensuring the achievement of corporate goals;
- maintain and improve the reliability and quality of service provided by Council;
- safeguard Council's sustainability;
- strengthen the public's confidence in the management of Council, and protect Council's reputation and image as a professional, responsible and ethical organisation;
- pursue strategic growth opportunities with more certainty; and
- create an environment where all Council employees will take responsibility for managing risk.

Council is committed to providing resources, training and development to assist with the development and implementation of a risk management framework.

#### **4. ROLES AND RESPONSIBILITIES**

The Council will:

- adopt this Policy (or advise of amendments to be made) at a General Meeting;
- review the effectiveness of the enterprise risk management framework; and ensure that enterprise risk management is incorporated into their activities and decision-making process; and
- have ultimate responsibility for Council's enterprise risk management and for determining the appropriate level of risk that it is willing to accept in the conduct of Council business activities.

The Chief Executive Officer will:

- be responsible for the successful and effective implementation of Council's enterprise risk management framework.

The Executive Team will:

- develop and formally approve Council's Enterprise Risk Management Framework and Guidelines, which includes Council's chosen risk management methodology;
- identify and address strategic risks through analysis, development and review of the Corporate Plan, and updating of the Corporate Risk Register and Action Plans;
- identify and address operational risks through analysis, development and review of the Operational Plan, Annual Budget and other planning instruments (e.g. audit plans/reports, asset management plans), and updating of the Operational Risk Register and Action Plans;
- conduct formal risk assessments at least annually as part of the business planning and budgeting process;
- conduct an annual review (minimum) of the Enterprise Risk Management Framework and Guidelines, Enterprise Risk Management Policy and Risk Registers to review their effectiveness and to ensure their continued application and relevance;
- ensure that resources and operational capabilities are identified and responsibility for managing risk is allocated, and that staff are encouraged and empowered in their responsibilities;
- develop and distribute risk management action plans (with appropriate prioritisation of risks and their treatments) and ensure that the items of the risk management action plan are communicated to and implemented by staff (distribution may be done with the use of Service Requests);
- liaise with the Audit Committee to align the Internal Audit Plan with Council's risk profile;
- select templates to assist with the risk management methodology (e.g. risk identification and evaluation criteria), and communicate these to staff;
- update and maintain Council's Enterprise Risk Register as appropriate. Reviews and updates will typically occur in conjunction with the development/review of the Corporate Plan and Operational Plan, and may involve the Executive Team liaising with management, staff and external parties as appropriate;
- ensure that the internal audit outcomes are incorporated into Council's enterprise risk management framework as appropriate (e.g. update Risk Registers);
- ensure that enterprise risk management objectives, accountabilities and monitoring is incorporated into systems/documents as appropriate (e.g. position descriptions, performance reviews);
- ensure that all staff are aware of enterprise risk management and how it applies to them (e.g. through the induction process, team meetings, training, staff newsletters); and
- on a bi-annual basis, report to the councillors on the progress made in implementing a sound system of risk management and internal compliance and control across Council's operations.

Management and employees will:

- be the 'Risk Owner' in their area of responsibility, and therefore will make decisions and take action with appropriate identification, evaluation, treatment and monitoring of risks in accordance with this Policy;

- complete their items of risk management action plans in a timely manner; and
- discuss any enterprise risk management concerns with their supervisor.

## **5. KEY ACTIVITIES OF ENTERPRISE RISK MANAGEMENT**

Council's enterprise risk management processes are based around the following key risk activities:

- Risk Identification – identify all reasonably foreseeable risks associated with its activities, using the agreed risk methodology detailed in Council's Enterprise Risk Management Framework and Guidelines;
- Risk Evaluation – evaluate the identified risks using the agreed criteria;
- Risk Treatment/Mitigation – develop mitigation plans (generally, Action Plans) for risk areas where the residual risk is greater than tolerable risk levels;
- Risk Monitoring and Reporting – report risk management activities and risk specific information in accordance with the risk protocols.

These activities will be applied with recognition that risks and their treatments will need to be prioritised based on the level of risk assessed, the effectiveness of the current treatments, and Council's capacity to improve the risk treatment.

## **6. ENTERPRISE RISK MANAGEMENT FRAMEWORK**

Council will implement a risk management framework that:

- is consistent with the Australian and New Zealand Standard *Risk Management - Procedures and Guidelines (Standards Australia AS/NZS ISO 31000:2009)*;
- incorporates a consistent, systematic process to identify, analyse, mitigate and monitor the key strategic, operational, financial, environmental and compliance risks impacting on Council;
- aligns risk management with business objectives identified in Council's Corporate Plan and Operational Plan;
- integrates and aligns existing risk systems to ensure no duplication or overlap;
- ensures integration of information systems used for reporting on risk to enable aggregation and reporting at a corporate level;
- allows the necessary controls and policies to be implemented to deliver an appropriate approach to governance and best practice;
- establishes accountability of staff for risk management; and
- embeds a culture of enterprise risk management throughout the organisation.

Council's enterprise risk management framework will be established through the application of this Policy and Council's Enterprise Risk Management Framework and Guidelines.

The development and maintenance of Enterprise Risk Registers will be an important system of the enterprise risk management framework (e.g. Corporate Risk Register, Operational Risk Register).

Another important system will be the annual internal and external audits. Council's enterprise risk management framework will be amended as appropriate to incorporate action items from the annual internal and external audits (refer to Council's Internal Audits Policy). The audits are a formal mechanism for identifying risks.

Information regarding enterprise risk management will be provided to staff in staff newsletters, by supervisors to their staff when allocating risk treatment activities, at team meetings, and through awareness sessions.

## **7. DOCUMENTATION**

All documentation relating to the internal audit process will be registered in Council's electronic records management system, InfoXpert.

## **8. DEFINITIONS**

**Councillor** – an elected official under the *Local Government Act 2009*.

**Employee** – for the purposes of this Policy, “employee” will refer to those persons covered by the Scope of this Policy.

**Enterprise Risk Management** – enterprise risk management encompasses all the major risk categories for the organisation (e.g. financial, regulatory, business continuity, political/reputation), and includes the coordination, integration, consolidation and consistency of reporting by the various Council functions with identified risks.

**Ethics Principles** – the ethics principles of the *Public Sector Ethics Act 1994* are:

- integrity and impartiality;
- promoting the public good;
- commitment to the system of government; and
- accountability and transparency.

**Local Government Principles** – the local government principles of the *Local Government Act 2009* are:

- transparent and effective processes, and decision-making in the public interest; and
- sustainable development and management of assets and infrastructure, and delivery of effective services; and
- democratic representation, social inclusion and meaningful community engagement; and
- good governance of, and by, local government; and
- ethical and legal behaviour of councillors and local government employees.

**Management** – for the purpose of this Policy, “management” refers to all supervisory staff.

**Operational Risks** – risks encountered by management and employees during the daily course of their work.

**Risk** – for the purpose of this Policy, “risk” is any action or event that has the potential to impact on the achievement of Council's objectives. Risk is measured in terms of consequence and likelihood. Risk arises as much from the possibility that opportunities will

not be realised as it does from the possibility that threats will materialise or that errors will be made.

**Risk Management** – for the purposes of these Guidelines, “risk management” will refer to the culture, processes and structures developed to effectively manage potential opportunities and adverse effects for any activity, function or process undertaken by Council. Managing risk is achieved through the systematic application of policies, procedures and practices to identify, analyse, evaluate, treat, monitor and communicate risk.

**Risk Register** – a list of identified and assessed risks directly related to either a particular department or to the whole of Council. Risk Registers can be held at either Corporate, Operational, Project or Event level.

## **9. ASSOCIATED POLICIES / FORMS**

Enterprise Risk Management Framework and Guidelines.

Internal Audit Policy.

## **10. REFERENCES**

*Local Government Act 2009*

*Local Government Regulation 2012*

*Risk Management - Procedures and Guidelines (Standards Australia AS/NZS ISO 31000:2009)*

## **11. IMPLEMENTATION**

This Policy will commence from the Approval Date (see Section 12). This Policy replaces all other Enterprise Risk Management Policies and Procedures of Richmond Shire Council (whether written or not), apart from the Enterprise Risk Management Framework and Guidelines approved by the Executive Team in June 2014.

This Policy will be made available to all corporate staff on Council’s intranet site/network, and to all outdoor staff at the Depot and via their supervisor/coordinator. Council reserves the right to vary, replace or terminate this Policy from time to time. This Policy will be reviewed annually by Council’s Executive Team. It will also be reviewed if an internal or external audit indicates that a review would be appropriate, or if the relevant legislation, standards or associated Policies/Guidelines change.

## **12. APPROVAL**

Policy Reviewed: General Council Meeting 15 March 2022

Resolution Number: 20220315.3

Policy Authorised: Peter Bennett  
Chief Executive Officer

**Item 2.5 Register of Interests Policy**

**EXECUTIVE SUMMARY**

The Register of Interests Policy is to state the commitment of Richmond Shire Council (“Council”) to maintain Registers of Interest for councillors, the Chief Executive Officer, senior executive employees and the relations of these persons in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

This Policy is due for its review.

**OFFICER’S RECOMMENDATION**

**That Council: *adopt the Register of Interests Policy as presented.***

---

**Budget & Resource Implications**

N/A

**Background**

Minor legislation changes were made to be in conjunction with the updated Local Government Act and Regulation. All Management was changed to Directors within the Policy as well.

Section 10 was removed as the Register of Interests are not included in the Annual Reports and it mentioned you could find them in there.

**Consultation (Internal/External)**

Nil

**Attachments**

Attachment B - Policy

---

Report prepared by **Tiana Grant (Executive Assistant)**



## **COUNCIL POLICY**

|                              |                              |
|------------------------------|------------------------------|
| <b>POLICY TITLE:</b>         | <b>REGISTER OF INTERESTS</b> |
| <b>POLICY NUMBER:</b>        | <b>031</b>                   |
| <b>INFOXPRT REF:</b>         | <b>66485</b>                 |
| <b>DATE OF ADOPTION:</b>     | <b>17 June 2014</b>          |
| <b>TIME PERIOD OF REVIEW</b> | <b>4 Year</b>                |
| <b>DATE OF NEXT REVIEW:</b>  | <b>17 June 2027</b>          |

---

### **1. OBJECTIVE**

The purpose of this Policy is to state the commitment of Richmond Shire Council ("Council") to maintain Registers of Interest for councillors, the Chief Executive Officer, senior executive employees and the relations of these persons in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

### **2. SCOPE**

This Policy applies to all Councillors, the Chief Executive Officer and all Senior Executive employees of Council. The Senior Executive employees are the Director of Works, Director of Corporate Services and Director of Community Services and Development. This Policy does not form part of any employee's contract of employment.

Should a Register of Interests query arise, the legislation should be referred to in liaison with this Policy as the legislation takes precedence.

### **3. PURPOSE OF REGISTERS OF INTERESTS**

As public servants, Councillors and Council staff have to comply with high ethical standards and principles of transparency, impartiality and accountability in order to meet legislative requirements and also the expectations of the public. The local government principles of the *Local Government Act 2009* encapsulate these (refer to Section 13). The purpose of maintaining Registers of Interests is to ensure that conflicts of interest are taken into account in Council's decision-making process and the process is transparent.

### **4. ROLES AND RESPONSIBILITIES**

The Chief Executive Officer must maintain a Register of Interests for each of the following persons:

- the councillors;
- senior executive employees; and
- any person who is related to a councillor or a senior executive employee (i.e. is their relation).

The Mayor must maintain a Register of Interests for:

- the Chief Executive Officer; and
- any person who is related to the Chief Executive Officer (i.e. is their relation).

The definition of “related” is specific under the legislation and is included in Section 12.

The requirement for a Register of Interest extends to any employee who is performing full or partial higher duties in a position that requires a Register of Interests.

The responsibility to maintain a Register of Interest cannot be delegated from the Mayor or Chief Executive Officer to another person.

It is the responsibility of each Councillor, Chief Executive Officer and Senior Executive employee to ensure that their Register of Interests, and the registers of each of their relations, is updated promptly as changes occur (refer to Section 6).

The Chief Executive Officer is responsible for notifying relevant persons if there are changes to the legislation regarding Registers of Interests, and information or input from the persons is required, or if this Policy is to be reviewed.

The Chief Executive Officer or senior executive employee, when appointing an employee to perform full or partial higher duties in a position that requires a Register of Interest, will advise the employee performing higher duties to complete the relevant form as required (refer to Section 13) and return it to the Chief Executive Officer or Mayor as appropriate (see above). Forms for the employee’s relations would also need to be submitted. The employee and their relations would have a period of thirty (30) days from the commencement of the higher duties to provide the completed forms to Council, therefore these Registers of Interests are not mandatory where the employee’s period of higher duties will be less than thirty (30) days. However if senior management anticipates that the employee’s higher duties may be a regular occurrence, senior management may stipulate that the employee and their relations submit Registers of Interests, even where each period of higher duties is expected to be less than thirty (30) calendar days.

## **5. AVAILABILITY OF REGISTERS OF INTERESTS**

The Councillors’ Registers of Interest must be made available for inspection by the public at the Council administration office and on Council’s website.

However, the Registers of Interests of the Chief Executive Officer, Senior Executive employees and persons related to a Councillor, Chief Executive Officer or Senior Executive employee, are only open to inspection by a Councillor, the Chief Executive Officer, or another person permitted by law to have access to information in the register.

A person seeking access to the Register of Interests of a senior executive employee, or to the register of a relation of a councillor or a senior executive employee, must apply in writing to the Chief Executive Officer stating their case. If a person wishes to access the Register of Interests of the Chief Executive Officer or one of his/her relations, the written application must be given to the Mayor. If the Chief Executive Officer or Mayor grants access to a Register of Interests they must keep a record of the name and home or business address of each person given access to a Register of Interests, and the day the access is given. They must also as soon as practicable inform the person to whom the register relates of the day the access was given.

## **6. CONTENTS OF REGISTERS OF INTERESTS**

The Registers of Interests contain both financial and non-financial particulars for the relevant persons. The relevant form from the Department of Local Government must be completed by

a relevant person to create a Register of Interest ([Registers of interests | State Development, Infrastructure, Local Government and Planning](#)) (refer to Section 13).

The full list of contents of a Register of Interests and particulars required is outlined in Part 5 of the *Local Government Regulation 2012*.

## **7. UPDATING AND CORRECTING REGISTERS OF INTEREST**

All amendments to a Register of Interest are to be made using the relevant form from the Department of Local Government ([http://www.dlg.qld.gov.au/Registers of interests | State Development, Infrastructure, Local Government and Planning](http://www.dlg.qld.gov.au/Registers_of_interests_|_State_Development,_Infrastructure,_Local_Government_and_Planning)) (refer to Section 13). There is one (1) template form for councillors and their relations, and another template form for the Chief Executive Officer or senior executive employee and their relations. The person who intends to update a Register of Interest must first check the Department's website to make sure they will be using the current version of the form.

Councillors, Chief Executive Officers and senior executive employees are obligated to amend their Register of Interests, or the Register of Interests of any of their relations, in a timely manner if changes occur to their interests or the particulars of their interests. Financial penalties apply if the relevant form is not used to record the new interest, the particulars of the interest or the change to the interest within thirty (30) days after the interest arises or the change happens. A failure of a councillor to correct their Register of Interests, and/or a register of their relations, depending on the circumstances may also be an integrity offence as per Section 153 (5) of the *Local Government Act 2009*.

The councillors and senior executive employees shall submit their completed form to the Chief Executive Officer, while the Chief Executive Officer would submit their completed form to the Mayor.

If a change is made to a councillor's Register of Interests, the copy available for public inspection (including on Council's website, <http://www.richmond.qld.gov.au>) must be updated as soon as practicable and no later than five (5) business days after the change is made.

## **8. QUERIES REGARDING REGISTERS OF INTERESTS**

Any person who suspects on reasonable grounds that a Register of Interests does not contain particulars that it should, may inform the Chief Executive Officer. However if the concern is regarding the Register of Interest of the Chief Executive Officer or any of their relations, the person shall inform the Mayor.

The person may be requested to complete and submit their suspicion in writing (e.g. using the Complaint Form available on Council's website and from Customer Service).

Upon receiving the advice, the Chief Executive Officer (or Mayor) must immediately inform the relevant councillor, Chief Executive Officer, or senior executive employee (i.e. if the Register of Interest being queried is the register of a relation of one of these persons, the person rather than their relation shall be informed). The person who was informed by the Chief Executive Officer or Mayor must, within thirty (30) days of being informed, establish whether the Register of Interests needs to be amended. If they determine that the register does not need to be amended they must complete a statutory declaration stating that the particulars in the Register of Interests are a true record of fact and give the statutory declaration to the Chief Executive Officer (or to the Mayor, if the query was about the register of the Chief Executive Officer or one of his/her relations).

## **9. IMPROPER DISCLOSURE**

A person must not knowingly disclose information obtained from a Register of Interests of the Chief Executive Officer, a senior executive employee, or a person related to a councillor, Chief Executive Officer or senior executive employee, unless the disclosure is made in accordance

with Section 5 (these registers being available to inspection by a councillor, the Chief Executive Officer, or another person permitted by law to have access to information in the register).

Meanwhile, a person must not knowingly disclose information obtained from a Register of Interests if it is not a true copy, or a fair summary, of the contents of the Register of Interests.

Financial penalties apply in both these situations.

## 10. DOCUMENTATION

Documentation relating to the Registers of Interest will be registered in Council's electronic records management system, InfoXpert. While the councillors' Registers of Interests will be freely accessible to all staff, Council will ensure that only the Chief Executive Officer can access the Registers of Interests of persons other than the councillors.

## 11. POLICY/LEGISLATION BREACHES

If any person is found to have breached the Register of Interests requirements of the *Local Government Act 2009* or *Local Government Regulation 2012*, financial penalties may apply as stipulated by the legislation. A failure of a councillor to correct their Register of Interests, and/or a register of their relations, depending on the circumstances may also be an integrity offence as per Section 153 (5) of the *Local Government Act 2009*.

Otherwise, a breach of this Policy or legislation by an employee may result in disciplinary action being taken against the employee in accordance with Council's Discipline Procedure.

## 12. DEFINITIONS

**Councillor** – an elected official under the *Local Government Act 2009*.

**Local Government Principles** – the local government principles of the *Local Government Act 2009* are:

- transparent and effective processes, and decision-making in the public interest; and
- sustainable development and management of assets and infrastructure, and delivery of effective services; and
- democratic representation, social inclusion and meaningful community engagement; and
- good governance of, and by, local government; and
- ethical and legal behaviour of councillors and local government employees.

**Related** – for the purpose of this Policy, “related” has the meaning as follows:

A person is related to a councillor, Chief Executive Officer or senior executive employee (the primary party) if the person:

- is the primary party's spouse; or
- is totally or substantially dependent on the primary party; and
  - is the child of the primary party; or
  - their affairs are so closely connected with the affairs of the primary party that a benefit derived by the person, or a substantial part of it, could pass to the primary party.

**Relevant Person** – for the purpose of this Policy, “relevant person” refers to a person required to maintain a Register of Interests (i.e. councillor, Chief Executive Officer, senior executive employee, and each of their relations).

### **13. ASSOCIATED POLICIES / FORMS**

Department of Local Government’s Statutory Form 1 – Register of interests of a chief executive officer or senior executive employee and their related persons

Department of Local Government’s Statutory Form 2 – Register of interests of a councillor and their related persons

### **14. REFERENCES**

*Local Government Act 2009*  
*Local Government Regulation 2012*

### **15. IMPLEMENTATION**

This Policy will commence from the Approval Date (see Section 16). This Policy replaces all other Register of Interests Policies and Procedures of Richmond Shire Council (whether written or not).

This Policy will be made available to all corporate staff on Council’s intranet site/network, and to all outdoor staff at the Depot and via their supervisor/coordinator. Council reserves the right to vary, replace or terminate this Policy from time to time. This Policy will typically be reviewed if Policy changes have been identified as appropriate (e.g. following an audit), or when legislative requirements change.

### **16. APPROVAL**

Policy Reviewed: General Council Meeting 26 June 2018  
Resolution Number: 20180626.15

Policy Authorised: Peter Bennett  
Chief Executive Officer

**Item 2.6 Public Interests Disclosure Policy**

**EXECUTIVE SUMMARY**

This policy will assist the Richmond Shire Council, Management and staff by clearly outlining Council's approach to addressing a Public Interest Disclosure (PID) and to provide direction to persons contemplating making a disclosure.

This Policy is due for its annual review.

**OFFICER'S RECOMMENDATION**

**That Council: *adopt the Public Interests Disclosure Policy as presented.***

---

**Budget & Resource Implications**

N/A

**Background**

One minor change was made to the Public Interests Disclosure Policy in section 19, Approval.

**Consultation (Internal/External)**

Nil

**Attachments**

Attachment C - Policy

---

Report prepared by **Tiana Grant (Executive Assistant)**



## COUNCIL POLICY

|                              |  |
|------------------------------|--|
| <b>POLICY TITLE:</b>         | <b>PUBLIC INTEREST DISCLOSURE POLICY</b> |
| <b>POLICY NUMBER:</b>        | <b>047</b>                               |
| <b>INFOXPRT REF:</b>         | <b>72087</b>                             |
| <b>DATE OF ADOPTION:</b>     | <b>19 May 2015</b>                       |
| <b>TIME PERIOD OF REVIEW</b> | <b>1 Year</b>                            |
| <b>DATE OF NEXT REVIEW:</b>  | <b>September 2024</b>                    |

---

### 1. OBJECTIVE

This policy will assist the Richmond Shire Council, Management and staff by clearly outlining Council's approach to addressing a Public Interest Disclosure (PID) and to provide direction to persons contemplating making a disclosure. This policy is also intended to support other Council reporting mechanisms in relation to any alleged occurrences of wrongdoing or fraud.

The policy provides Councillors and Officers protection in accordance with the Public Interest Disclosure Act 2010, by protecting persons who disclosure unlawful, negligent or improper Council conduct, or conduct which endangers public health or safety or the environment.

### 2. SCOPE

As a public sector entity the Richmond Shire Council is subject to the requirements of the *Public Interest Disclosure Act 2010* and all Council Employees and Elected Members are public officers for the purposes of the legislation.

Council has obligations under this Act in relation to the receiving of public interest disclosures and ensuring that persons making such disclosures are protected from reprisals.

This policy complies with the *Public Interest Disclosure Act 2010* by providing a consistent and professional response to any PID made to Council in accordance with the Act. At Section 7 of the Act a "public officer" is defined "as an employee, member or officer of the entity". So there can be no confusion, in this policy the term public officer applies to Councillors and Officers of Council.

In addition, the policy is intended to ensure all elected members and Council employees are aware of their responsibilities by reporting serious misconduct and other important matters adversely affecting the public interest or Council operations.

### **3. ROLES AND RESPONSIBILITIES**

Council as an organisation is responsible for ensuring that appropriate measures are in place to support persons who disclose unlawful, negligent or improper public sector conduct or danger to public health or safety or the environment.

The CEO and Directors are responsible for the implementation and support for this policy and associated procedures.

Employees are responsible for the detection and reporting of fraud or wrongdoing both within their areas of responsibility or where they witness or observe activity they reasonably consider would constitute reportable behaviour under this policy.

### **4. TYPES OF REPORTABLE CONDUCT**

The disclosure of reportable conduct includes:

- corrupt conduct
- maladministration
- negligent or improper management of public funds
- an act which endangers public health or safety or the environment.

The disclosure may concern the conduct of any Councillor, staff member or anyone contracting to supply goods or services to council.

### **5. DISCLOSURE PROCESS**

If you wish to make a PID, the Councils preferred approach is that you contact the CEO immediately. Alternately, you can make your disclosure to a Director or your supervisor, the Crime and Corruption Commission if it concerns misconduct, the Ombudsman if it concerns maladministration or a waste of public funds. If somebody makes a PID to you (as a public officer of Council), the preferred approach is to contact your Director immediately. If it is in regards to a Councillor, contact the Mayor or CEO.

You should disclose anything you think may be a PID. You do not need proof, as long as you have reasonable grounds to believe that it has occurred.

Where possible, be prepared to give information on:

- a) the name, job title and workplace address of the person the subject of your disclosure
- b) details of relevant events, dates and places
- c) the names of people who may be able to back up what you say
- d) any other evidence that supports your view.

Your disclosure can be made in writing or orally and anonymously if you desire. Where an employee receives an oral PID they should request the discloser to put the details in writing. If they are unable or unwilling to do so the employee receiving the PID should document it and ask the discloser to confirm the contents before signing it.

If circumstances (eg telephone caller who remains anonymous) prevent this occurring, the officer receiving the PID should record the date, time and circumstances of the PID. It should then be forwarded to the CEO.

If you wish to make a disclosure to Council please use the following details:

**By email:** [ceo@richmond.qld.gov.au](mailto:ceo@richmond.qld.gov.au)

**By letter:** The Chief Executive Officer  
Richmond Shire Council  
PO Box 18  
RICHMOND QLD 4670

**By phone:** (07) 4719 3377

If you wish to make a complaint in person, please phone first for an appointment. If the PID concerns the CEO it should be made to the Mayor.

## **6. WHAT SUPPORT AND PROTECTION IS AVAILABLE TO ME IF I MAKE A PUBLIC INTEREST DISCLOSURE?**

Council will treat all PID's appropriately, take your concerns seriously and ensure your privacy and confidentially (as far as possible) throughout the appropriate process. You can also be confident of protection against reprisal and bullying and that you will be provided with assistance in contacting the OnBundock Service if you wish to do so.

For more information on how to make a public interest disclosure read "Thinking About Blowing the Whistle: a guide for individuals working in the public sector", which is available from the CCC, QLD Ombudsman and Public Service Commission websites.

For those making a PID, Section 36 of the *Public Interest Disclosure Act 2010* states that a person is not liable civilly, criminally or under an administrative process for making a PID or because of a belief that an employee has made or may make a PID in accordance with the *Public Interest Disclosure Act 2010*.

If you make a disclosure, you are reminded that the matters surrounding the investigation will be confidential and you are requested to maintain the integrity of the process by not discussing it with your work colleagues or others unconnected with this matter. All statements and correspondence in regard to the matter should be regarded as strictly confidential. Please note that the confidentiality provision will not preclude you from sharing this information with your Union representative/support person.

Where required, interpreters or other assistance will be provided to employees or other persons wanting to report misconduct, official misconduct or make a PID.

## **7. WHAT SUPPORT AND PROTECTION IS AVAILABLE TO ME IF SOMEONE MAKES A PUBLIC INTEREST DISCLOSURE AGAINST ME?**

The department is determined to treat disclosures appropriately. The rights of any person who is the subject of or is in some way associated with a disclosure are important, and as a person against whom a PID is made, you are entitled to confidentiality and the presumption of innocence.

Employees who are the subject of an allegation may seek assistance from their legal representative or union. Employees may also utilise the services of the OnBundock for advice and counselling. This service is a confidential counselling and support to staff through stressful times.

Protection exists for those against whom an intentionally false PID is made. It is an offence under Section 66 of the Public Interest Disclosure Act 2010, punishable by up to two years imprisonment, to intentionally make a false or misleading statement intending it to be acted upon as a PID.

## **6. INVESTIGATION PROCESS**

To ensure the integrity of the investigation process for public interest disclosures, the council will at all times during the investigation of public interest disclosures:

- preserve confidentiality;
- follow approved processes to manage public interest disclosures and to protect staff from reprisals;
- deal decisively with reprisal and possible reprisal;
- record disclosures;
- verify disclosures;
- provide training to staff in the management of public interest disclosures; and
- provide reasonable information to the discloser on the results of the investigation.

All disclosures made under the Act will be investigated by the Public Interest Disclosures Investigation Officer.

## **7. REPORT TO THE DISCLOSER**

The council is committed to making the practice of corporate compliance and ethical conduct an integral part of its culture. To further encourage this, the council will provide the Discloser with feedback on the outcome of the investigation and action taken.

## **8. PROTECTION OF THE DISCLOSER**

A Discloser is not protected under the Act if the disclosure involves any wrongdoing on the part of the Discloser.

The council recognises that the Discloser may not wish to be identified during the course of an investigation. In such circumstances, the council will do everything possible to protect their identity and will not disclose it without their consent except as required by law. If it proves impossible to resolve the matter without revealing the identity of the Discloser, the Public Interest Disclosures Investigations Officer will discuss with them whether and how council will

proceed with the matter, which may include relocating them to another position within council or a leave of absence during the investigation.

The Chief Executive Officer may intervene directly to protect the Discloser and take immediate action to deal with suspected reprisal.

## 9. CONFIDENTIALITY

Strict confidentiality is to be maintained at all times in relation to reporting and investigation of PIDs. All Council records of PID's will be held and securely filed in a discrete area of Council's Corporate Record Section.

## 10. REPRISAL

If a person making a PID has concerns about reprisal being taken against them because of the disclosure, under the Public Interest Disclosure Act 2010, the person can be given special protection to prevent this occurring.

If you feel as though you have been disadvantaged or subjected to a reprisal for making a disclosure, you should raise the issue with the CEO. Section 40 of the Public Interest Disclosure Act 2010 makes it an offence for an employee to take reprisal because of a belief that another person has made or intends to make a Public Interest Disclosure.

## 11. DEFINITIONS

**Discloser** is a person who makes a public interest disclosure in accordance with the Act. A discloser may or may not wish to remain anonymous.

**Public interest disclosure** is disclosure of public interest information covering unlawful, negligent or improper conduct, or substantial misuse of public resources, or information about a substantial or specific danger to public health or safety or the environment.

**Public Interest Disclosures Investigation Officer** is the council officer designated by the Chief Executive Officer who is responsible for the management and conduct of investigations into public interest disclosures.

**Reportable conduct** is conduct by a person or persons connected with council which is:

- dishonest
- fraudulent
- corrupt
- illegal (including theft, drug sale/use, violence or threatened violence and criminal damage against property)
- a breach of legislation or local laws
- unethical (either a breach of council's Code of Conduct for Staff or generally)
- serious improper conduct
- unsafe work practices
- conduct which may cause financial or non-financial loss to the council or be otherwise detrimental to the interests of the council
- gross mismanagement
- serious or substantial waste or
- repeated instance of breach of administrative procedures.

**Reprisal** occurs when a person attempts to cause or causes detriment to anybody because of a belief that a person intends to or has made a public interest disclosure.

**Staff** includes Councillors, employees, volunteers and all others who perform work on behalf of council.

**Subject officer** is the person about whom the public interest disclosure is made.

## **12. REFERENCES**

Local Government Act 2009  
Public Sector Ethics Act 1994  
Disability Services Standards  
Public Interest Disclosure Act 2010  
Crime and Corruption Act 2001  
Integrity Act 2009

## **18. IMPLEMENTATION**

This Policy will commence from the Approval Date (see Section 19). This Policy replaces all other Public Interest Disclosure Policies of Richmond Shire Council (whether written or not).

This Policy will be made available to all corporate staff on Council's intranet site/network, and to all outdoor staff at the Depot and via their supervisor/coordinator. Council reserves the right to vary, replace or terminate this Policy from time to time. This Policy will typically be reviewed if related Policies/Procedures or references change, or when legislative requirements change.

## **19. APPROVAL**

Policy Reviewed: General Council Meeting 13 September 2022  
Resolution Number: 20220913.15

Policy Authorised: Peter Bennett  
Chief Executive Officer

**Item 2.7 Related Parties Policy**

**EXECUTIVE SUMMARY**

Related parties are the Mayor, Councillors, Chief Executive Officers (CEO), Senior Executives and their close family members and any entities that they control or jointly control. Any transactions between these parties, whether monetary or not, may need to be identified and disclosed. Disclosure will only be made if a transaction occurs and is material and the disclosure may be in aggregate.

This Policy is due for its review.

**OFFICER'S RECOMMENDATION**

**That Council: *adopt the Related Parties Policy as presented.***

---

**Budget & Resource Implications**

N/A

**Background**

One minor change was made to the Related Parties Policy in section 7, Approval.

**Consultation (Internal/External)**

Nil

**Attachments**

Attachment D - Policy

---

Report prepared by **Tiana Grant (Executive Assistant)**



## **COUNCIL POLICY**

|                              |                               |
|------------------------------|-------------------------------|
| <b>POLICY TITLE:</b>         | <b>RELATED PARTIES POLICY</b> |
| <b>POLICY NUMBER:</b>        | <b>068</b>                    |
| <b>INFOXPRT REF:</b>         | <b>78990</b>                  |
| <b>DATE OF ADOPTION:</b>     | <b>27/06/2016</b>             |
| <b>TIME PERIOD OF REVIEW</b> | <b>1 year</b>                 |
| <b>DATE OF NEXT REVIEW:</b>  | <b>September 2024</b>         |

---

### **1. OBJECTIVES:**

From 2016/17, local governments (councils) must disclose related party relationships, transactions and outstanding balances, including commitments, in the annual financial statements.

Related parties are the Mayor, Councillors, Chief Executive Officers (CEO), Senior Executives and their close family members and any entities that they control or jointly control. Any transactions between these parties, whether monetary or not, may need to be identified and disclosed. Disclosure will only be made if a transaction occurs and is material and the disclosure may be in aggregate.

### **2. BACKGROUND AND PRINCIPLES:**

Councils must disclose related party relationships, transactions and outstanding balances, including commitments. This disclosure must be material in nature or size, when considered individually or collectively and are generally disclosed when a transaction has occurred between council and a related party of council.

Transactions between council and a subsidiary must be disclosed if they are individually significant. When assessing whether such transactions are significant councils could consider the following factors:

- significance in terms of size
- carried out on non-market terms
- outside normal day-to-day council operations
- subject to council approval
- provide a financial benefit not available to the general public
- transactions likely to influence decisions of users of financial statements.

The total remuneration paid to Key Management Personnel (KMP) must be disclosed.

This policy requires that all KMP provides a twelve-monthly declaration identifying:

- their close family members

- entities that they control or are associated with; and
- entities that their close family members control or jointly control

Should there be a change in circumstances such as a change in Councillor's, CEO or Senior Executives or a corporate restructure this will trigger a change to council's related parties.

This information will be audited as part of the annual external audit by Queensland Audit Office.

### **3. IDENTIFYING RELATED PARTIES:**

The most common related parties of council are:

- Entities related to council
- Key Management Personnel (KMP) of council
- Close family members of KMP; and
- Entities that are controlled or jointly controlled by KMP or their close family members.

#### **Entities related to council:**

These are entities controlled by council, either jointly controlled or entities in which council has significant influences are related parties of council. Kronosaurus Korner is a controlled entity related to council.

Council will need to consider AASB10 and AASB 11 as to whether council has control or joint control over an entity. AASB 128 details the criteria for determining whether council has significant influence over an entity.

#### **Key Management Personnel:**

Council has identified Key Management Personnel as persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly. They are Mayor, Councillors, Chief Executive Officer, Director of Works, Director of Corporate Services, Director Community Services and Development.

#### **Close family members:**

Close family members are defined as family members who may be expected to influence, or be influenced by, that person in their dealings with the entity and include:

- That person's children and spouse or domestic partner;
- Children of that person's spouse or domestic partner; and
- Dependants of that person or that person's spouse or domestic partner.

#### **Entities that are controlled or jointly controlled by KMP or their close family members:**

Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs. Council will need to refer to AASB 10 and AASB 11 for clarification.

### **4. Ordinary citizen transactions (OCTs)**

The transactions that would not be reportable for OCTs are transactions that are not

material because of their nature, however if the transaction were to occur on terms and conditions that are different to those offered to the general public then the transaction may become material.

Examples of transactions that would not be a reportable OCT:

- Using the council's public swimming pool after paying the normal fee
- Attending council functions that are open to the public
- Paying rates and utility charges

## **5. RELEVANT LEGISLATION:**

*AASB 124 Related Party Disclosures*

*AASB 2015-6 Amendments to Australian Accounting Standards – Extending Related Party Disclosures to Not-for-Profit Public Sector.*

*AASB 10 Consolidated Financial Statements, AASB 11 Joint Arrangements & AASB 128 Investments in Associates and Joint Ventures*

## **6. IMPLEMENTATION**

This Policy will commence from the Approval Date (see Section 7). This Policy replaces all other acceptable requests Policies and Procedures of Richmond Shire Council (whether written or not).

This Policy will be made available to all corporate staff on Council's intranet site/network, and to all outdoor staff at the Depot and via their supervisor/coordinator. Council reserves the right to vary, replace or terminate this Policy from time to time. This Policy will typically be reviewed when a review has been deemed appropriate by organisational processes (e.g., audit recommendations), or when legislative requirements change.

## **7. APPROVAL**

Policy Reviewed: General Council Meeting 13 September 2022

Resolution Number: 20220913.12

Policy Authorised: Peter Bennett  
Chief Executive Officer

APPENDIX 1

**Private and Confidential  
Related Party Declaration by Key Management Personnel**

Name of key management Person: (insert name)

Position of Key Management Person: (insert position)

(List details of know close family members, entities that are controlled/jointly controlled by KMP and entities that are controlled/jointly controlled by the close family members of KMP)

| Name person or entity | Relationship |
|-----------------------|--------------|
|                       |              |
|                       |              |
|                       |              |
|                       |              |
|                       |              |
|                       |              |
|                       |              |
|                       |              |

I (insert name),(insert position) declare that the above list includes all my close family members and the entities controlled, or jointly controlled, by myself or my close family members. I make this declaration after reading the fact sheet supplied by council which details the meaning of the works “close family members” and “entities controlled, or jointly controlled, by myself or my close family members”.

Declared at (insert place) on the (insert date).

Signature of KMP:

Name of KMP:

Date:

## APPENDIX 2

### Fact Sheet – Related Party Disclosures for Key management Personnel

From 1 July 2016 local governments (councils) must disclose related party relationships, transactions and outstanding balances, including commitments, in the annual financial statements.

Related parties include Key Management Personnel (KMP), their close family members and any entities that they control or jointly control. Any transactions with these parties, whether monetary or not, will need to be identified and may need to be disclosed. Disclosure will only be made if a transaction has occurred and the disclosure may be in aggregate.

In order to meet this requirement council has adopted a policy that requires all KMP to provide a six monthly declaration identifying:-

- their close family members;
- entities that they control or are associated with; and
- entities that their close family members control or jointly control.

This information will be audited as part of the annual external audit by Queensland Audit Office.

#### Who are KMP?

KMP are **persons having authority and responsibility for planning, directing and controlling the activities of the council, directly or indirectly.**

#### Who are close family members of KMP?

These are **family members who may be expected to influence, or be influenced by, that person in their dealings with council and include:**

- (a) that person's children and spouse or domestic partner;**
- (b) children of that person's spouse or domestic partner; and**
- (c) dependants of that person or that person's spouse or domestic partner.**

The following table may assist you in identifying your close family members:

| <b>Definitely a close family member</b>    | <b>May be a close family member</b>   |
|--|---|
| Your spouse/domestic partner               | Your brothers and sisters, if they could be expected to influence or be influenced by you in their dealings with council      |
| Your children                              | Your aunts, uncles and cousins, if they could be expected to influence or be influenced by you in their dealings with council |
| Children of your spouse/domestic partner   | Your nieces and nephews, if they could be expected to influence or be influenced by you in their dealings with council        |
| Dependents of your spouse/domestic partner | Any other member of your family if they could be expected to influence or be influenced by you in their dealings with council |

## What is an entity that I, or my close family member, control or jointly control?

Entities include companies, trusts, incorporated and unincorporated associations such as clubs and charities, joint ventures and partnerships.

You control an entity if you have

- a) power over the entity;
- b) exposure, or rights, to variable returns from involvement with the entity; and
- c) the ability to use your power over the entity to affect the amount of your returns.

### Example of control

Fred is the Mayor of Sunny Shire Council and owns 100% of the ordinary shares in Sunny Development Company Pty Ltd (the company). The ordinary shares are the only shares in the company that have voting rights.

Fred controls the company because he has the power to affect the company's decisions and the return that he will get from the company.

Fred will need to include the company on his related party declaration.

To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

### Example of joint control

Fred is the Mayor of Sunny Shire Council and owns 50% of the ordinary shares in Sunny Development Company Pty Ltd (the company). Fred's brother Stan owns the other 50% of ordinary shares. Fred and Stan are the only Directors of the company and have equal voting rights on the board.

Fred and Stan have joint control of the company because any decisions require the unanimous consent of them both.

Fred will need to include the company on his related party declaration.

In some cases, it will be obvious that you or a family member control or have joint control over an entity. In other cases, it will be less clear.

If you are unsure whether you, or a close family member, has control or joint control of an entity then you should contact (insert name and phone number of contact) for a confidential discussion.

