



Ordinary Meeting of Council

27 September 2023

**UNDER SEPARATE COVER
ATTACHMENTS**

ITEMS 9.11 TO 9.13

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QUEANBEYAN-PALERANG REGIONAL COUNCIL

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ITEM 9.11 WATER WISE AND RECYCLED WATER SUPPLY POLICY
REVIEW

ATTACHMENT 1 WATER WISE POLICY



Water Wise Policy

Date policy was adopted:	
Resolution number:	
Next Policy review date:	September 2024
Reference number:	52.5.4
Strategic Pillar	Infrastructure
Responsible Branch	Utilities

Water Wise Policy

1 OUTCOMES

- 1.1 To establish Council's commitment to its Water Wise initiative and to outline the various programs and incentives that support its goal for improved water efficiency.

2 POLICY

- 2.1 The Water Wise program is designed to increase public awareness about water conservation and to encourage, through various incentives, the more efficient use of water. The aim of the program is to assist in the reduction in use of a scarce resource as well as expenditure in terms of pumping and treatment costs.

3 SCOPE OF THE POLICY

- 3.1 The Water Wise program will offer the incentives outlined in this policy to eligible owner/occupier home owners in Queanbeyan, Bungendore, Braidwood and Captains Flat who are connected to Council's Water Supply. The policy is not available to commercial properties or other non-residential properties.
- 3.2 The Googong Township has been excluded from the provisions of this policy by virtue of its special status as a 5-star Green Star Community rating whereby its IWCM plan already targets a 60% reduction on potable water usage.

4 DEFINITIONS

- 4.1 *BASIX* – Building Sustainability Index

5 LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

- 5.1 Plumbing fixtures to be according to AS3500.1 and AS3500.2

6 CONTENT

6.1 Free Home Audit

- 6.1.1 Home owners may make application for a free Home Audit to be carried out by a trained licensed plumber through the Masters Plumbers Association. The process included the following:
- a) Contact audit of plumbing fixtures – includes inspecting all fixtures for leaks (except laundry tubs, hose taps or baths);
 - b) Test of incoming water pressure;
 - c) Inspection of water meter and conduct of a low-flow test to ensure it is operational under low flow conditions;
 - d) Conduct of a 10-minute reading test to check for undetected leaks;
 - e) Check of any irrigation system for potential issues with cross contamination;
 - f) Provision of professional advice to homeowner, and
 - g) Provision of written report to Council and the property owner as to the outcomes of the audit and specific water saving measures that the owner could undertake.

Water Wise Policy

- 6.1.2 The cost to Council for this service will be as agreed between Council and its service provider and will be adjusted annually in line with CPI movements (Sydney – All Groups).
- 6.1.3 The completion of a Home Audit is a pre-requisite for the toilet suite replacement initiative and each property shall only be eligible for the Audit once in any five-year period.
- 6.1.4 The Home Audit is limited to one laundry, one kitchen and up to two bathrooms.

6.2 Retrofit Toilet Subsidy

- 6.2.1 Owners who have the Home Audit carried out are entitled to have their single flush toilet replaced with a 4.5 litre suite. A similar arrangement is available for homes that have an existing dual flush toilet greater than six litres in capacity. This will be subsidised at a maximum of \$321.00 per toilet (or 50% of the cost for supply and installation – whichever is lower) with a maximum of two per household. The subsidy shall be adjusted annually in consideration of both actual historical installation costs for the previous financial year and CPI movements (Sydney – All Groups), whichever is the lesser.
- 6.2.2 It is expected that eligibility would be determined at the time of the Free Home Audit at which time the owner would apply through Council's agent, the Master Plumbers Association.
- 6.2.3 The works to be undertaken would require approval by Council with arrangements for the works on site to be undertaken by the Master Plumbers Association using a standard suite as agreed by Council. No other alternative suits are available for use under this scheme and no subsidy is available for customer-provided suites. The gap between Council's subsidy and the service fee charged by the Master Plumbers Association shall be met by the applicant. The Master Plumbers Association shall invoice the applicant directly for the gap.
- 6.2.4 The subsidy is available only once per property for the duration of this program.

6.3 Rainwater Tank Subsidy

- 6.3.1 This initiative within the policy has two main objectives:
 - a) To encourage a greater level of community participation in retro-fitting rainwater tanks by having less onerous requirements on tank sizes to be installed.
 - b) To provide the necessary incentive to new home-builders to install larger than the minimum size tanks required to satisfy BASIX.
- 6.3.2 In keeping with these objectives, two categories of rebates are offered:
 - 1) Category 1 Rebates – for retro-fitting rainwater tanks to existing homes
 - 2) Category 2 Rebates – for rainwater tank installations that exceed the requirements of BASIX for new homes.

Water Wise Policy

6.3.3 The level of rebate is set as detailed in the following tables:

REBATES AVAILABLE FOR RAINWATER TANK(S) RETRO-FITTED TO EXISTING HOMES

(Category 1 Rebates)

Tank Size	Connection to Outside Watering	Connection To Toilet(s)	Connection to Laundry/Washing Machine	Maximum Total Rebate
4,000 – 9,999L	\$350	\$234	\$234	\$818
10,000 – 19,999L	\$467	\$234	\$234	\$935
20,000L or greater	\$701	\$234	\$234	\$1,168

Notes:

1. Tanks of 10,000 litres and greater size need formal development approval however Council will not charge any development application fees for these applications.
2. Connection arrangement shall be in accordance with AS.3500.1 and 2(2018).
3. The above amounts apply in 2023/2024 and will be adjusted for CPI (Sydney) in subsequent years.
4. Eligibility subject to applications being received within 3 months of the date of tank purchase.

6.3.4 In addition to rebates for retrofitting rainwater tanks to existing homes, the policy also provides rebates to new home-builders who install rainwater tanks that are larger than those required by BASIX (40% savings) in accordance with the following scale.

REBATES AVAILABLE FOR RAINWATER TANKS THAT EXCEED BASIX REQUIREMENTS FOR NEW HOMES

(Category 2 Rebates)

Water Saving According to BASIX	Provided Water Tank Size ≥ 10,000L and tank is connected for Toilet Flushing (≥ 3 Star), Laundry Use and calculations include > 150 sq metres of Outside Watering from the tank
45-50% saving ¹	\$374
50% saving ¹	\$748

Water Wise Policy

Notes:

1. To demonstrate this level of water saving will require the submission of a BASIX certificate with the application for rainwater tank rebate.
2. The above amounts apply in 2023/2024 and will be adjusted for CPI (Sydney) in subsequent years.
3. The rebates do not apply to rainwater tanks that are required as a conditions of a subdivision approval.
4. To be eligible under the category the rainwater tank rebate application need to be approved by Council before installation.

7 REVIEW

- 7.1 This policy will be reviewed every four years or earlier as necessary if:
- a) legislation requires it, or
 - b) Council's functions, structure or activities change.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment


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ITEM 9.11 WATER WISE AND RECYCLED WATER SUPPLY POLICY
REVIEW

ATTACHMENT 2 POTABLE AND RECYCLED WATER SUPPLY POLICY



Potable and Recycled Water Supply Policy

Date policy was adopted:	12 August 2020	CEO Signature and date 
Resolution number:	PLA116/20	
Next Policy review date:	2024	
Reference number:	52.5.4	
Strategic Pillar	Community Connection	13 August 2020
Responsible Branch	Utilities	

Potable and Recycled Water Supply Policy

1. OUTCOMES

- 1.1 Queanbeyan-Palerang Regional Council (QPRC) supplies potable as well as recycled water to customers within the Queanbeyan-Palerang Local Government Area. QPRC will implement and maintain water management systems consistent with the Australian Drinking Water Guidelines and National Guidelines on Water Recycling to effectively manage the risks to public and environmental health.
- 1.2 This Water Supply Policy formalises Council's commitment to responsible, safe and sustainable use of both potable and recycled water. This policy provides a basis for developing more detailed guiding principles and implementation strategies. As such, it addresses broad issues and requirements such as:
 - (a) Commitment to responsible use of water, and the application of a risk based management approach
 - (b) Recognition and compliance with relevant regulations and other requirements
 - (c) Communication, engagement and partnership arrangements with agencies with relevant expertise, employees, contractors, stakeholders and with water users
 - (d) Council's intention to adopt best-practice management and multiple-barrier approach
 - (e) Continuous improvement in managing the treatment and use of potable and recycled water, and
 - (f) Considering the opinions and requirements of all partnership agencies, employees, users of recycled water, other stakeholders and the wider community.
- 1.3 Council will ensure that all staff involved in water supply will understand, implement, maintain and continuously improve the water management system.
- 1.4 Staff membership and participation in professional associations dealing with management and use of potable or recycled water is encouraged.

2. POLICY

- 2.1 QPRC supports and promotes the responsible and sustainable use of water and the application of a management approach that consistently meets the Australian Drinking Water Quality Guidelines and National Guidelines on Water Recycling, as well as recycled water user and regulatory requirements.
- 2.2 To achieve this, Council will:
 - (a) Ensure that protection of public and environmental health is recognised as being of paramount importance.
 - (b) Maintain communication and partnerships with all relevant agencies involved in the management of water resources, including waters that can be recycled.
 - (c) Engage appropriate scientific expertise in developing and operating the water or recycled water schemes.
 - (d) Meet the costs of providing water by applying appropriate cost recover practices.
 - (e) Recognise the importance of community participation in decision-making processes and the need to ensure that community expectations are met within a sustainable framework.

Potable and Recycled Water Supply Policy

- (f) Manage water quality at all points along the delivery chain from source to water user.
- (g) Use a risk-based approach in which potential threats to water quality are identified and controlled.
- (h) Integrate the needs and expectations of water users, communities and other stakeholders, regulators and employees into planning processes.
- (i) Establish regular monitoring of control measures and recycled water quality and establish effective reporting mechanisms to provide relevant and timely information to Council, Regulators and key stakeholders and promote confidence in the water supply and its management.
- (j) Develop appropriate contingency planning and incident response capability.
- (k) Participate in and support appropriate research and development activities to ensure continuous improvement and continued understanding of water issues and performance.
- (l) Contribute to the development of industry regulations and guidelines and other standards relevant to public health and the water cycle.
- (m) Continually improve our practices by assessing performance against corporate commitments and stakeholder expectations.

3. DEFINITIONS

Potable Water — water provided by Council, intended primarily for human consumption.

Recycled Water — water generated from sewage, greywater or stormwater systems and treated by Council to a standard that is appropriate for its intended use.

4. LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

- *Water Management Act, 2000*
- *Local Government Act, 1993*
- Australian Drinking Water Guidelines
- Australian Guidelines on Water Recycling, 2006
- National Water Quality Management Strategy, 1994

5. CONTENT

5.1 The effectiveness of this policy will be measured by:

- (a) Compliance with the Drinking Water Quality Management Plan.
- (b) Compliance with the Recycled Water Quality Management Plan.
- (c) Customer feedback.
- (d) Potable water usage.
- (e) Recycled water usage.

6. REVIEW

6.1 This policy will be reviewed every four years or as required by changes to:

- (a) Legislation; or
- (b) Council's functions, structure or activities.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

27 SEPTEMBER 2023

ITEM 9.12 PUBLIC INTEREST DISCLOSURES POLICY

ATTACHMENT 1 PUBLIC INTEREST DISCLOSURE POLICY



Public Interest Disclosure Policy

Date policy was adopted:	
Resolution number:	
Next Policy review date:	
Reference number:	
Strategic Pillar	
Responsible Branch	

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Public Interest Disclosure Policy

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Public Interest Disclosure Policy

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 Queanbeyan-Palerang Regional 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 Queanbeyan-Palerang Regional 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, documents articulating the agency's values and principles, internal policies on grievance handling, misconduct matters, and dealing with internal fraud and corruption.

Accessibility of this policy

This policy is available on Queanbeyan-Palerang Regional Council's publicly available website as well as on the Intranet.

A copy of the policy is also sent to all staff of Queanbeyan-Palerang Regional Council on their commencement and forms part of the Induction program. A hard copy of the policy can be requested from the Governance and Legal team.

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
- a person having public official functions or acting in a public official capacity whose conduct or activities an integrity agency is authorised by another Act or law to investigate

Public Interest Disclosure Policy

- an individual in the service of the Crown
- a statutory officer
- a person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer
- 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
- a judicial officer
- 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 Queanbeyan-Palerang Regional 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 Queanbeyan-Palerang Regional Council may use this policy if they want information on who they can report wrongdoing to within Queanbeyan-Palerang Regional 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).

What is contained in this policy?

This policy will provide you with information on the following:

- ways you can make a voluntary PID to Queanbeyan-Palerang Regional Council under the PID Act .
- the names and contact details for the nominated disclosure officers in Queanbeyan-Palerang Regional Council.
- the roles and responsibilities of people who hold particular roles under the PID Act and who are employees of Queanbeyan-Palerang Regional 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
- Queanbeyan-Palerang Regional Council procedures for dealing with disclosures
- Queanbeyan-Palerang Regional Council procedures for managing the risk of detrimental action and reporting detrimental action
- Queanbeyan-Palerang Regional Council record-keeping and reporting requirements

Public Interest Disclosure Policy

- how Queanbeyan-Palerang Regional 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 Queanbeyan-Palerang Regional Council.
- contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: pidadvice@ombo.nsw.gov.au, or
- access the NSW Ombudsman's PID guidelines which are available on its website.

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

a. 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 Complaints Handling Policy.

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.

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

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

2. *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.
3. *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.
4. *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.

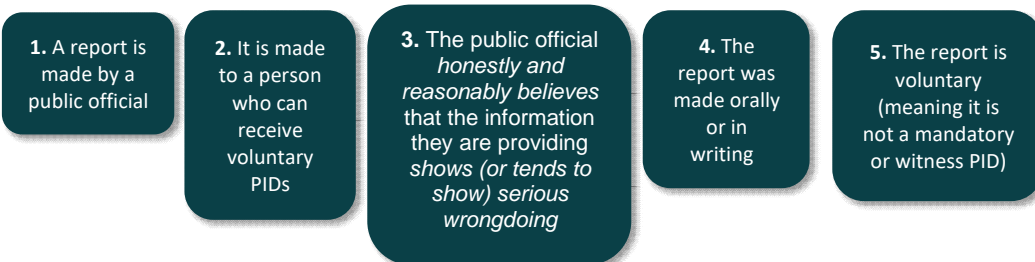
You can find more information about mandatory and witness PIDs in the Ombudsman's guidelines 'Dealing with mandatory PIDs' and 'Dealing with witness PIDs'.

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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.

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

A public official can make a PID about serious wrongdoing relating to *any* agency, not just the agency they are working for. This means that we may receive PIDs from public officials outside our agency. It also means that you can make a PID to any agency, including an integrity agency like the

Public Interest Disclosure Policy

Independent Commission Against Corruption (ICAC) and the NSW Ombudsman. Annexure B of this policy has a list of integrity agencies.

1.1.3 (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
- *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 Queanbeyan-Palerang Regional Council 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.

1.1.3.1 Making a report to a public official who works for Queanbeyan-Palerang Regional Council

You can make a report inside Queanbeyan-Palerang Regional Council to:

- The Head of Agency – General Manager
- a Disclosure Officer for Queanbeyan-Palerang Regional Council — a list of disclosure officers for Queanbeyan-Palerang Regional 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. It can also be the person who you directly, or indirectly, report to. 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.

1.1.3.2 Making a report to a recipient outside of Queanbeyan-Palerang Regional 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 Queanbeyan-Palerang Regional Council, it is possible that your disclosure will be referred back to Queanbeyan-Palerang Regional Council so that appropriate action can be taken.

1.1.3.3 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 Queanbeyan-Palerang Regional Council:
 - notification that Queanbeyan-Palerang Regional 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:
 - notice of Queanbeyan-Palerang Regional Council's decision to investigate the serious wrongdoing
 - a description of the results of an investigation into the serious wrongdoing
 - details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

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.

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- *orally* — have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually.
- *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 Queanbeyan-Palerang Regional Council 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 Queanbeyan-Palerang Regional 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 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 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. 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?

It is recommended that staff reach out to the Head of Agency or the PID Coordinator in the first instance.

2. Protections

(a) 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 Queanbeyan-Palerang Regional Council that concerns serious wrongdoing, Queanbeyan-Palerang Regional Council will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.
 - It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both.
 - A person may seek compensation where unlawful detrimental action has been taken against them.
 - A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

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

- *Immunity from civil and criminal liability*

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

- *Confidentiality*

Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.

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- *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.

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

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

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action directly to Queanbeyan-Palerang Regional Council or to an integrity agency. A list of integrity agencies is located at Annexure B of this policy.

4. Roles and responsibilities of Queanbeyan-Palerang Regional Council employees

Certain people within Queanbeyan-Palerang Regional Council have responsibilities under the PID Act.

1.1.4 Head of agency

(a) The head of agency is responsible for:

- fostering a workplace culture where reporting is encouraged
- receiving disclosures from public officials
- ensuring there is a system in place for assessing disclosures
- ensuring the Queanbeyan-Palerang Regional Council complies with this policy and the PID Act
- ensuring that the Queanbeyan-Palerang Regional Council has appropriate systems for:
 - overseeing internal compliance with the PID Act
 - supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action
 - implementing corrective action if serious wrongdoing is found to have occurred
 - complying with reporting obligations regarding allegations or findings of detrimental action
 - complying with yearly reporting obligations to the NSW Ombudsman.

(b) Disclosure officers

Disclosure officers are responsible for:

- 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.

(c) Managers

The responsibilities of managers include:

- receiving reports from persons that report to them or that they supervise
- passing on reports they receive to a disclosure officer.

(d) All employees

All employees must:

- report suspected serious wrongdoing or other misconduct

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- 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 [agency name]
- 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.

5. How we will deal with voluntary PIDs

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

When a disclosure officer in Queanbeyan-Palerang Regional 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/agency name] deals 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

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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.

1.1.5 (b) How Queanbeyan-Palerang Regional Council will deal with voluntary PIDs

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

1.1.5.1 Report not a voluntary PID

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with our the Complaints Handling Policy 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. Queanbeyan-Palerang Regional Council can, but does not have to, request the NSW Ombudsman to conciliate the matter.

1.1.5.2 Cease dealing with report as voluntary PID

Queanbeyan-Palerang Regional 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).

1.1.5.3 Where the report is a voluntary PID

If the report is a voluntary PID:

- In most cases we will conduct an investigation to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or the agency engaged, in serious wrongdoing. There may be circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been investigated.
- There may also be circumstances where we decide that the report should be referred to another agency, such as an integrity agency. For example, reports concerning possible corrupt conduct may be required to be reported to the ICAC in accordance with section 11 of the *Independent Commission Against Corruption Act 1988*.
- 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.

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(c) How Queanbeyan-Palerang Regional Council 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 Queanbeyan-Palerang Regional 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.

(d) How Queanbeyan-Palerang Regional Council will assess and minimise the risk of detrimental action

Queanbeyan-Palerang Regional 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.

Queanbeyan-Palerang Regional Council 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.

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

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- 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 Queanbeyan-Palerang Regional Council will deal with allegations of a detrimental action offence

If Queanbeyan-Palerang Regional Council become(s) aware of an allegation that a detrimental action offence has occurred or may occur, Queanbeyan-Palerang Regional Council 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.

(f) What Queanbeyan-Palerang Regional 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, Queanbeyan-Palerang Regional Council will take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.

Corrective action can include:

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

7. Review and dispute resolution

(a) Internal review

People who make voluntary PIDs can seek internal review of the following decisions made by Queanbeyan-Palerang Regional Council

- that Queanbeyan-Palerang Regional Council is not required to deal with the report as a voluntary PID
- to stop dealing with the report because Queanbeyan-Palerang Regional Council 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.

Queanbeyan-Palerang Regional 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 Queanbeyan-Palerang Regional Council's decision. The application should state the reasons why you consider Queanbeyan-Palerang Regional Council's decision should not have been made. You may also submit any other relevant material with your application.

(b) Voluntary dispute resolution

If a dispute arises between Queanbeyan-Palerang Regional Council 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 Queanbeyan-Palerang Regional Council and the maker of the report are willing to resolve the dispute.

8. Other agency obligations

(a) Record-keeping requirements

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

(b) Reporting of voluntary PIDs and Queanbeyan-Palerang Regional Council annual return to the Ombudsman

Each year Queanbeyan-Palerang Regional Council provides an annual return to the NSW Ombudsman which includes:

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

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Annexure A — Location and Title of disclosure officers for Queanbeyan-Palerang Regional Council

Permanent Location	Position Title
257 Crawford Street, Queanbeyan	General Manager – Head of Agency
257 Crawford Street, Queanbeyan	Director Infrastructure
257 Crawford Street, Queanbeyan	Director Development and Environment
257 Crawford Street, Queanbeyan	Director Community, Arts and Recreation
257 Crawford Street, Queanbeyan	Director Corporate Services
257 Crawford Street, Queanbeyan	Coordinator Governance and Legal – PID Coordinator
257 Crawford Street, Queanbeyan	Manager Workplace and Performance
Googong Sewer Treatment Plant Googong Road, Googong	Team Leader Googong STP
Queanbeyan Sewer Treatment Plant Mountain Road, Jerrabomberra	Coordinator Waste Operations
Captains Flat Sewer Treatment Plant Miners Road, Captains Flat	Coordinator Operations East
Braidwood Sewer Treatment Plant Sandholes Road, Braidwood	Coordinator Operations East
Bungendore Sewer Treatment Plant	Coordinator Operations East

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Bungendore Road, Bungendore	
All Community Centres for Hire	Team Leader Community Facilities
Queanbeyan Water Reservoirs (various)	Coordinator Operations West
Bungendore/Braidwood Water Treatment Plants	Coordinator Operations East
All Cemeteries in LGA	Team Leader Cemeteries
The Q and Bicentennial Hall 253 Crawford Street, Queanbeyan	Coordinator Performing Arts & Culture
Animal Management Facility Cnr Ellerton Drive/Old Sydney Road, Queanbeyan	Team Leader Animal Management
Visitors Information Centre 1 Farrer Place, Queanbeyan	Coordinator Economic and Tourism
Rusten House 87 Collett Street, Queanbeyan	Team Leader Culture Arts and Museum
Bungendore Library Gibraltar Street, Bungendore	Coordinator Libraries
Braidwood Office 144 Wallace Street, Braidwood	Coordinator Transport Construction
Braidwood Works Depot Gillamatong Lane, Braidwood	Team Leader Construction
Bungendore Works Depot 100 Ellendon Street, Bungendore	Team Leader Construction
Queanbeyan Depot Ellerton Drive, Queanbeyan	Coordinator Transport Maintenance
Brad Hadden Oval Depot Campbell Street, Queanbeyan	Coordinator CBD and Horticulture

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Captains Flat, Bungendore and Braidwood Pool	Coordinator Recreation
Queanbeyan Pool Cnr Crawford, Campbell and Antill Street Queanbeyan	Team Leader Aquatics
WAMI Queanbeyan 5 Lorn Road, Crestwood	Team Leader WAMI
Waste Transfer Stations – Araluen, Braidwood, Bungendore, Bywong, Majors Creek	Coordinator Waste Operations
Captains Flat Waste Transfer Station Captains Flat Road	Coordinator Waste Operations
Nerriga Tip Endrick River Road, Nerriga	Coordinator Waste Operations

NOTE: All Coordinator and Manager roles not already listed above are also considered Disclosure Officers for the purpose of this Policy.

Each of the above officers can be contacted by staff via all internal communication methods. Other persons may contact above listed officers by calling 1300 735 025 and asking to speak to the relevant officer stating that the matter is confidential.

The above list is subject to change and will be updated when changes arise.

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Annexure B — List of integrity agencies

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

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REVIEW

This policy will be reviewed every four years or earlier as necessary if:

- a) legislation requires it, or
- b) Council's functions, structure or activities change

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment


27 SEPTEMBER 2023

ITEM 9.13 RESCINDING COUNCIL'S UNSOLICITED PROPOSALS GUIDE

ATTACHMENT 1 UNSOLICITED PROPOSALS GUIDE - ADOPTED JUNE 2020



Unsolicited Proposals Policy

Date policy was adopted:	24 June 2020	CEO Signature and date 
Resolution number:	171/20	
Next Policy review date:	2024	
Reference number:	52.5.4	
Strategic Pillar	Capability	
Responsible Branch	Legal & Risk	25 June 2020

Unsolicited Proposals Policy

1. OUTCOMES

- 1.1 Council has developed this policy to provide guidance on dealing with approaches by the private sector and individuals with proposals for the Council dealing with land purchases, business development, participation in a joint venture and other proposals.
- 1.2 The aims of the policy are to:
- (a) Ensure good governance is followed by Council in dealing with these proposals.
 - (b) A clear and transparent process is followed to assist the Council and private sector working together to develop and deliver innovative outcomes for the community.
 - (c) Provide consistency and certainty for proponents as to how their unsolicited proposal will be assessed within a transparent framework.

2. POLICY

- 2.1 In daily operations, the Council, Councillors and Council staff are sometimes approached by the private sector and individuals with specific proposals for the Council to consider. The Unsolicited Proposals Policy works in concert with Council's Unsolicited Proposals Procedure to provide guidance to both Council and proponents on proposals for which it has not publicly sought expressions of interest.

3. SCOPE OF THE POLICY

- 3.1 This policy applies to all unsolicited proposals submitted by the private sector and individuals as described in Section 1.1.

4. DEFINITIONS

Assessment criteria — the assessment upon which unsolicited proposals will be assessed.

Intellectual property — inventions, original designs and practical applications of good ideas protected by statute law through copyright, patents, registered designs, circuit layout rights and trademarks; also trade secrets, proprietary know-how and other confidential information protected against unlawful disclosure by common law and through additional contractual obligations such as Confidentiality Agreements.

Proponent — the person or organisation which submits an unsolicited proposal.

Unsolicited proposal — an approach to the Council from a Proponent with a proposal to deal directly with the Council over a commercial proposition, where the Council has not requested the proposal. This may include proposals to build and/or finance infrastructure, provide goods or services, or undertake a major commercial transaction.

5. LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

- Unsolicited Proposals – Guide for Submission & Assessment, NSW Government, August 2017
- NSW Public Private Partnerships Guidelines 2017, NSW Treasury, TPP17-07
- *Environmental Planning & Assessment Act 1979*
- *NSW Local Government Act 1993*
- QPRC Unsolicited Proposals Procedure

Unsolicited Proposals Policy

6. CONTENT

- 6.1 Council is sometimes approached by the private sector and individuals with specific proposals for it to consider including land purchases, business development, participation in a joint venture and other proposals. To assist with this process, Council has developed this policy and a procedure to consider these unsolicited proposals to ensure a transparent and streamlined approach to assist the Council and the private sector working together to develop and deliver innovative ideas.
- 6.2 The aim of this policy and procedure is to provide consistency and certainty to the private sector as to how any unsolicited proposal to the Council will be assessed within a transparent framework.
- 6.3 The focus of unsolicited proposals is on unique and innovative projects or services and is not designed to replace applicable environmental and planning assessment processes.
- 6.4 If Council decides to progress an unsolicited proposal, it should not be interpreted as any form of explicit or tacit support for the required planning approvals. All proposals will be required to meet the required approvals as set out in the relevant legislation.
- 6.5 Council will apply a three-stage assessment process to guide the evaluation of any unsolicited proposal consisting of:

STAGE 1

- 6.5.1 **Initial Submission and Preliminary Assessment** where Council staff will undertake a preliminary assessment of the proposal to determine if the submission constitutes an unsolicited proposal and if it contains sufficient potential grounds to justify direct dealing and a Stage 1 assessment.
- 6.5.2 **Strategic Assessment of Initial Submission** which includes a comprehensive initial assessment of the proposal to identify the potential benefit to Council of further consideration and development with the Proponent.

STAGE 2

- 6.5.3 **Detailed Proposal** which requires the Proponent and Council to work cooperatively in the development and assessment of a Detailed Proposal.

STAGE 3

- 6.5.4 **Negotiation of Final Binding Offer** which involves the finalisation of all outstanding issues with a view to entering into a binding agreement, should the Council accept the final offer.
- 6.6 The Guiding Principles for dealing with and assessing unsolicited proposals will be:
- 6.6.1 **Optimising Outcomes** - Proposals must be considered in light of the wider benefits and strategic outcomes that may be derived.

Unsolicited Proposals Policy

- 6.6.2 **Uniqueness** - the uniqueness needs to apply to both the proposal and the proponent by clearly demonstrating the unique benefits of the proposal and the unique ability of the proponent to deliver the proposal. *[Note: Proposals that are NOT considered unique are unlikely to be progressed.]*
- 6.7 The following assessment criteria will be applied to any proposal consisting of:
- (a) Uniqueness
 - (b) Value for Money
 - (c) Return on Investment
 - (d) Capability and Capacity
 - (e) Affordability
 - (f) Risk Allocation
- 6.8 Where the Council assesses a proposal as not meeting the criteria, including uniqueness, the Council reserves its usual right to go to market. The Proponent will be provided with the opportunity to participate in the procurement process should the concept be offered to the market.
- 6.9 Council will take all the necessary steps to conduct its commercial dealings with integrity through the application of established probity principles and in accordance with the Council's adopted probity framework which will ensure it:
- (a) Maintains impartiality
 - (b) Maintains accountability and transparency
 - (c) Manages conflicts of interest
 - (d) Maintains confidentiality, particularly in respect of commercial confidentiality and the protection of intellectual property, and
 - (e) Obtains value for money.
- 6.10 Council's Unsolicited Proposal's Procedure will set out the steps and processes to be followed to ensure it addresses the guiding principles, assessment criteria and probity requirements for dealing with any such proposal.
- 7. REVIEW**
- 7.1 This policy will be reviewed every four years or earlier as necessary if:
- (a) legislation requires it, or
 - (b) Council's functions, structure or activities change.